



Sentence Enhancements in California

**MIA BIRD, OMAIR GILL, JOHANNA LACOE, MOLLY PICKARD,
STEVEN RAPHAEL, and ALISSA SKOG**

MARCH 2023

Committee on Revision
of the Penal Code



TABLE OF CONTENTS

Executive Summary	3
1. Introduction	4
2. Policy History of Enhancements in California	7
3. The Application of Enhancements in California	12
A. How are enhancements distributed among types of prison sentences? . 12	
B. How do enhancements impact sentence length in practice?	15
Estimating sentence length with and without enhancements	15
Enhancements served consecutively and concurrently	18
The effect of enhancements on time served	19
C. What are the most frequently used sentence enhancements?	21
D. Who is impacted by sentence enhancements?	31
County variation	38
4. Conclusion and a rough estimate of the effect of enhancements on the state prison population	40
Acknowledgments	42
References	42
Appendix A: Methodology	43
Appendix B: Additional results	47

The California Policy Lab builds better lives through data-driven policy. We are an independent, nonpartisan research institute at the University of California with sites at the Berkeley and Los Angeles campuses.

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

This research publication reflects the views of the authors and not necessarily the views of our funders, our staff, the California Policy Lab Advisory Board, the California Committee on the Revision of the Penal Code, the California Department of Corrections and Rehabilitation, or the Regents of the University of California.

Executive Summary

Sentence enhancements are used to add time to an individual's base sentence. California uses over 100 unique enhancements. This report analyzes data from the California Department of Corrections and Rehabilitation (CDCR) to understand the role of sentence enhancements in California's corrections system. It finds that enhancements lengthen average sentences and are more likely to impact the sentences of men and Black and American Indian people who are sentenced to prison, application varies by county, and that enhancements contribute to the overall size of the state prison population.

KEY FINDINGS

- **Prevalence:** Roughly 40% of individual prison admissions since 2015 have sentences lengthened by a sentence enhancement. Among the currently incarcerated, the prevalence of enhanced sentences is much higher, impacting the sentences of approximately 70% of people incarcerated as of 2022.
- **Sentence length:** Sentence enhancements increase the average sentence by roughly 1.9 years (or 48%) for all admissions. The impact is larger for people receiving longer sentences.
- **Four enhancement types account for 80% of sentence years added since 2015.** Those four enhancements include the state's Three-Strikes law, firearm enhancements, the nickel prior (which adds five years for a prior serious offense), and gang enhancements.
- **Racial, ethnic, and sex disparities:** Sentence enhancements are more likely to be applied to men. Black people and American Indian individuals are the most likely to receive enhanced sentences, followed by Hispanic people, White people, and Asian or Pacific Islander people.
- **Potential drivers of disparities:** Most, but not all, of the inter-racial and inter-sex disparities in the use of enhancements can be explained by group-based differences in case characteristics observable in CDCR data, including the number of prior prison commitments, the number of conviction charges, the most serious conviction offense, and the county of sentencing.
- **County variation:** Enhancements are applied unevenly across California counties, with the lowest application rates in Bay Area counties and Southern California coastal counties, and the highest rates among far Northern counties, the counties in the Central Valley, and Inland Empire counties.

1. Introduction

KEY TERMS AND DEFINITIONS

Sentencing Triad	A set of three sentence lengths (for example, 2, 3, or 4 years) that set the base penalties for a determinate sentence
Concurrent sentences	Sentences for separate convictions that are served at the same time
Consecutive sentences	Sentences for separate convictions that are served one after the other
Strike	A person may receive a strike from a serious or violent conviction
Doubled-Sentence Enhancement	Individuals with a prior strike(s) receive a doubled sentence for each subsequent felony conviction (commonly referred to as a “second strike”)
Third-Strike Enhancement	Individuals with two prior strikes receive a minimum term of 25-years-to-life for a subsequent serious/violent felony conviction
Base Sentence	Unenhanced sentences within a prison term, including the controlling offense and any concurrent or consecutive sentence(s)

Unless otherwise specified, results are presented in terms of unique prison admissions. People are often admitted to prison with multiple convictions and with multiple enhancements impacting their sentence length. If the admission includes convictions from multiple counties, the county of longest sentencing will be reported for a given term. More details on sentencing in California can be found in our publication [An Overview of Sentencing in California](#).

In California, base sentence lengths for specific offenses are prescribed by statute, with most convicted people receiving sentences of fixed length (often referred to as determinate sentences) and some receiving sentences with open-ended terms, such as 25-years-to-life (referred to as indeterminate sentences). Sentence enhancements can then be used to extend the recommended base sentence for a criminal offense. For determinate sentences, enhancements extend the maximum term, while for indeterminate sentences, enhancements extend the minimum term. There are two categories of sentence enhancements. *Offense enhancements* (also referred to as conduct enhancements) pertain to certain circumstances in how the crime was committed or who the crime was committed against, such as when a gun is used in the commission of a felony (for example, see the provisions of PC §12022.5), or when there is perceived involvement or affiliation with a gang (e.g., PC §186.22). *Case enhancements* (also referred to as status enhancements) are applied based on an individual’s prior criminal history or status (e.g., PC §667).¹

Enhancements are widely used in California and can greatly increase an individual’s prison sentence, which in turn increases the size of the state’s prison population at a given time as people are incarcerated for longer periods. Sentence enhancements are typically applied at the discretion of both prosecutors and judges, and the threat of an enhancement can play an important role in the plea-bargaining process.

¹ For this report, we classify Three-Strikes enhancements as a subcategory of case enhancements, as they extend sentence length based on one’s prior criminal history. However, strike enhancements notably differ from case enhancements as they modify the triad values imposed from individual offenses within a term, while case enhancements are instead applied to an entire case.

This report is one of a series of reports documenting sentencing practices in California that result in an admission to a state prison.² We provide an overview of the use of sentence enhancements and the effect of enhancements on the length of prison sentences. We also describe the characteristics of individuals who are affected by enhancements. To conduct these analyses, we use administrative records from the California Department of Corrections and Rehabilitation (CDCR). This report does not address enhancements for jail sentences, however jail enhancements are usually very short and likely used infrequently.

Example: How Sentence Enhancements Increase a Sentence

An individual could be convicted of a second degree robbery (PC §211) where they use a gun (PC §12022.53(b)), and have a prior serious or violent felony (PC §667(a)). This could result in a sentence of 18 years: 3 years for the base sentence (the middle triad for this offense), 10 years for the possession of a gun while the offense was committed, and 5 years for a prior serious felony.

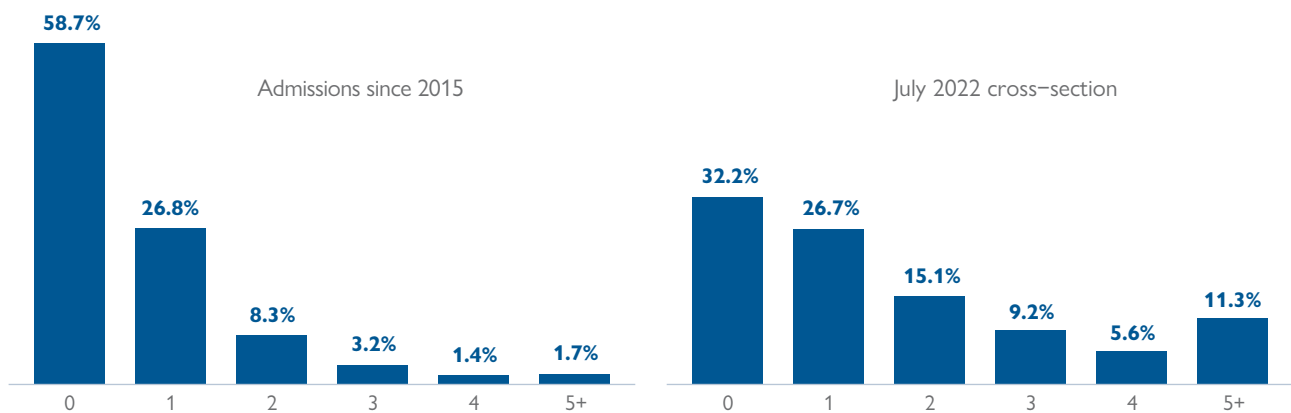
A single criminal case can result in multiple enhancements, including both offense and case enhancements. Offense enhancements are applied at the offense level and add time to the base sentence. Individuals can be sentenced for multiple offenses as part of the same case, each of which may have offense enhancements attached to those base sentences. Offense enhancements are often, but not always, served consecutive to the base sentence, meaning that the time added from an enhancement must be served *after* the completion of the base sentence. In addition, sentences can also be lengthened by case enhancements which are also typically served consecutively.

In this report, we document the frequency and use of enhancements in California among two groups: (1) people admitted to state prison since 2015, and (2) people who are incarcerated in state prison as of July 2022. We compare the characteristics of those whose sentences are lengthened by enhancements, including demographics, offense characteristics, age-at-admission to prison, total time served, mental health level of care, and assessed risk of committing a new offense. We show the offenses that most frequently have enhanced sentences and the precise manner by which these enhancements lengthen prison sentences. We analyze variation across counties in the rate at which people are admitted to prison with an enhanced sentence, benchmarking admission rates against the level of felony arrests in the county.

² For a full description of the project and other reports go to: <https://www.capolicylab.org/topics/criminal-justice/research-partner-california-committee-on-revision-of-the-penal-code/>

There are currently more than 100 unique sentence enhancements used in California. **Figure 1** shows of all admissions to prison since 2015, 41% (96,795 admissions) have received at least one enhancement. When we look at people incarcerated as of July 2022 we see that 68% (66,550 people) have at least one sentence enhancement on their current sentence. Those who receive enhancements tend to be incarcerated for longer periods and, therefore, we see a higher rate of enhancements among the current population in comparison to those admitted in recent years. Since people can receive more than one enhancement on their sentence, we see that enhancements have been applied a total of 167,340 times to new prison admissions since 2015, and have been applied 197,274 times in the cases of those incarcerated as of July 2022.

FIGURE 1: Frequency of enhancements for people incarcerated as of July 2022 and admissions since 2015



Note: This graph represents both enhancements that are to be served consecutively as well as those served concurrently. Concurrent enhancements can be used to increase the severity of a crime and can result in longer sentences in the future for people who are convicted of subsequent offenses. Due to rounding, the totals may not add up to 100%.

LANGUAGE AND TERMINOLOGY

This report avoids using terms such as “inmate,” “prisoner,” or “offender,” and instead uses person-first terminology. Some of the language used comes directly from the reporting agencies and may not accurately reflect the self-identification of the individuals that the data represents. This report combines the concepts of race and ethnicity based on how the data are reported and to our knowledge none of the race and ethnicity data is self-reported, and instead relies on the reporting of the arresting officers, courts, or prison officials. All reported sex fields refer to sex assigned at birth and may not reflect someone’s gender identity. The felony descriptions used in the report are verbatim as they appear in the data and may not be consistent with person-first language used elsewhere in this report.

2. Policy History of Enhancements in California

California's original sentencing system predates the establishment of statehood in 1850. In its first iteration, statutes specified a sentencing range for each offense. Within the statutory range, the imposed sentence for a conviction was determined through the court process. In response to concerns about inequities in sentence lengths, prison overcrowding, and prison conditions, California shifted to an indeterminate sentencing structure in 1917 (Dansky, 2008).³ Under indeterminate sentencing, an individual receives a minimum sentence that must be served before they can be considered for release, and a maximum sentence beyond which they cannot be incarcerated. For example, an individual convicted of first-degree robbery would receive a sentence of “five-years-to-life” and become eligible for release after serving five years (LAO, 2007). Under indeterminate sentencing, parole authorities are granted considerable discretion in the decision making around whether to release people at the time of their parole hearing, or to keep people in prison longer until the next time they are eligible for parole consideration.

Concerns about a lack of transparency and potential racial and class biases in the decision-making surrounding releases led to the passage of the Uniform Determinate Sentencing Act in 1976 (Dansky, 2008).⁴ This law established the current system of determinate sentencing based on statutory triads — lower, middle, and upper — that are used to set sentence length for each felony conviction. The middle term represents the presumptive sentence length for an offense, but courts have the option to allow for a lower term if there are mitigating circumstances, or to impose the upper term under aggravating circumstances. The law also created the system of good-time credits that specifies how individuals can reduce the amount of time they serve relative to their sentence. Although most individuals are now sentenced under the determinate system, the law retained indeterminate sentencing options for very serious crimes, such as murder.

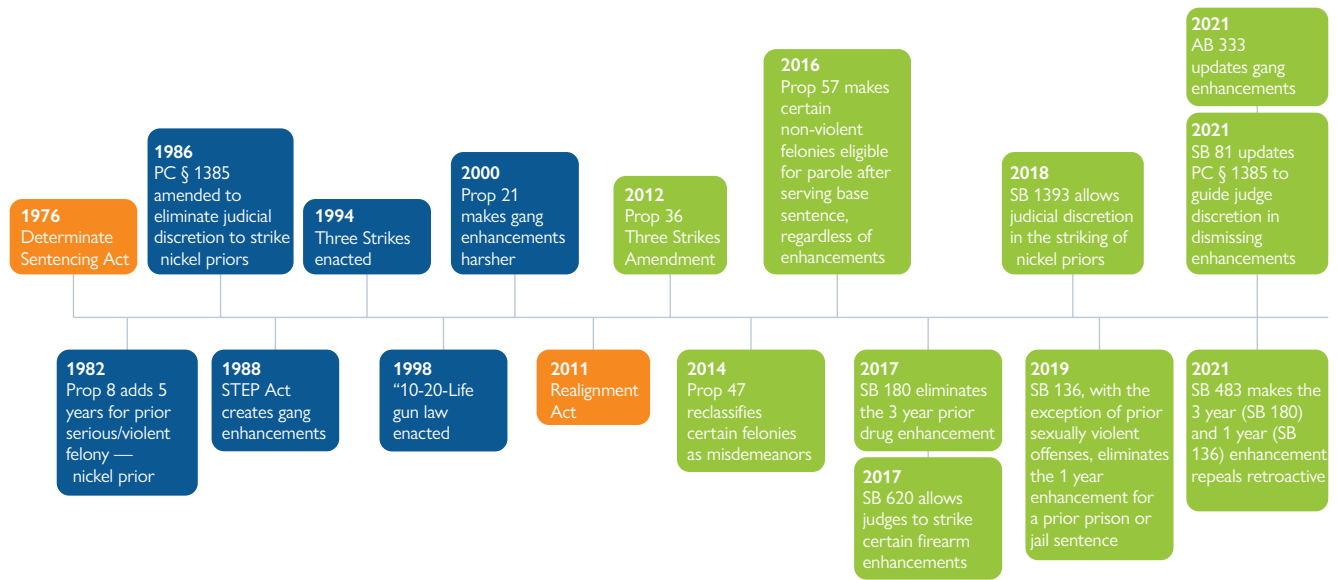
Importantly, the Uniform Determinate Sentencing Act permitted sentence enhancements that, under some circumstances, might lengthen the sentence beyond the triad range. The original Determinate Sentencing Laws contained only six sentence enhancements but the number of enhancements sharply increased in the 1980s and 1990s through legislation and ballot propositions.⁵

3 Penal Code Section 1168, Indeterminate Sentencing Act, May 1917.

4 This change in law was also motivated by a series of legal claims that indeterminate sentencing violated the constitutional protection against cruel and unusual punishment (California Criminal Sentencing Enhancements, 2022).

5 These six enhancements consisted of four “specific” enhancements that added between one to three years based on the nature of the offense, and two “general” enhancements based on prior convictions (Cassou & Traugher, 1978).

FIGURE 2: Timeline of enhancement policy changes



Note: Blue shaded bubbles indicate implementation of harsher and more punitive policies, while orange indicates laws that made major structural changes, and green shaded bubbles indicate policies that were made to lessen the severity of the blue bubbles. The years in each box are the date of passage.

Figure 2 highlights key reforms enacting, modifying, and — in more recent years — eliminating specific sentence enhancements. Proposition 8, passed by voters in 1982, provided the first major enhancement addition, and it has become a widely applied enhancement. This law created what is colloquially known as the “nickel prior,” a five-year enhancement for an individual convicted of a serious offense with a prior serious felony conviction, regardless of how old the prior conviction was.⁶

Judges initially had discretion in striking nickel priors. However, in 1986, that discretion was eliminated by legislation, effectively making the nickel prior a mandatory enhancement. Legislation in 2019 reinstated judicial discretion to dismiss nickel priors.

With the 1988 Street Terrorism and Enforcement Prevention (STEP) Act, California became one of the first states to adopt specific anti-gang legislation. The STEP Act was an attempt to address concerns about gang violence in the 1980s by increasing punishment for offenses that were committed during “gang activities” or by an individual with alleged gang affiliation. The STEP Act has been modified several times since 1988. In 2000, California voters passed Proposition 21 which increased punishment for gang related activities. In 2021, the state legislature passed AB 333 which narrowed the definition of participation in gang activities.

6 For a full list of serious and violent offenses see Cal Penal Code §1192.7, §1192.8, and §667.5.

The most well-known sentence enhancement, the Three-Strikes law, was enacted in 1994 through both the passage of a ballot proposition as well as through legislation. In its initial form, Three Strikes required double the sentence on any felony conviction for an individual with a prior serious or violent felony, and a minimum 25-years-to-life indeterminate sentence for people with two prior serious or violent felony convictions who are convicted of any third felony. In 2012 California voters approved Proposition 36, which reformed the Three-Strikes law to limit the application of the third-strike “25-years-to-life” enhancement to those individuals with a third serious or violent felony conviction, with some exceptions.⁷

California severely penalizes the use of firearms during the commission of a felony. In addition to other existing firearms-related enhancements, in 1998 the state enacted legislation creating the 10-20-life sentence enhancement. This enhancement increases a sentence of a specified felony — including robbery, several sex offenses, and murder — by 10 years when an individual commits the offense while using a gun, 20 years for firing the gun, and a 25-year-to-life sentence for seriously injuring a victim with a gun. In the original implementation the enhancement was a mandatory addition to the base offense. This was modified in 2018 to allow judges discretion to dismiss certain firearm enhancements in the “interest of justice.”

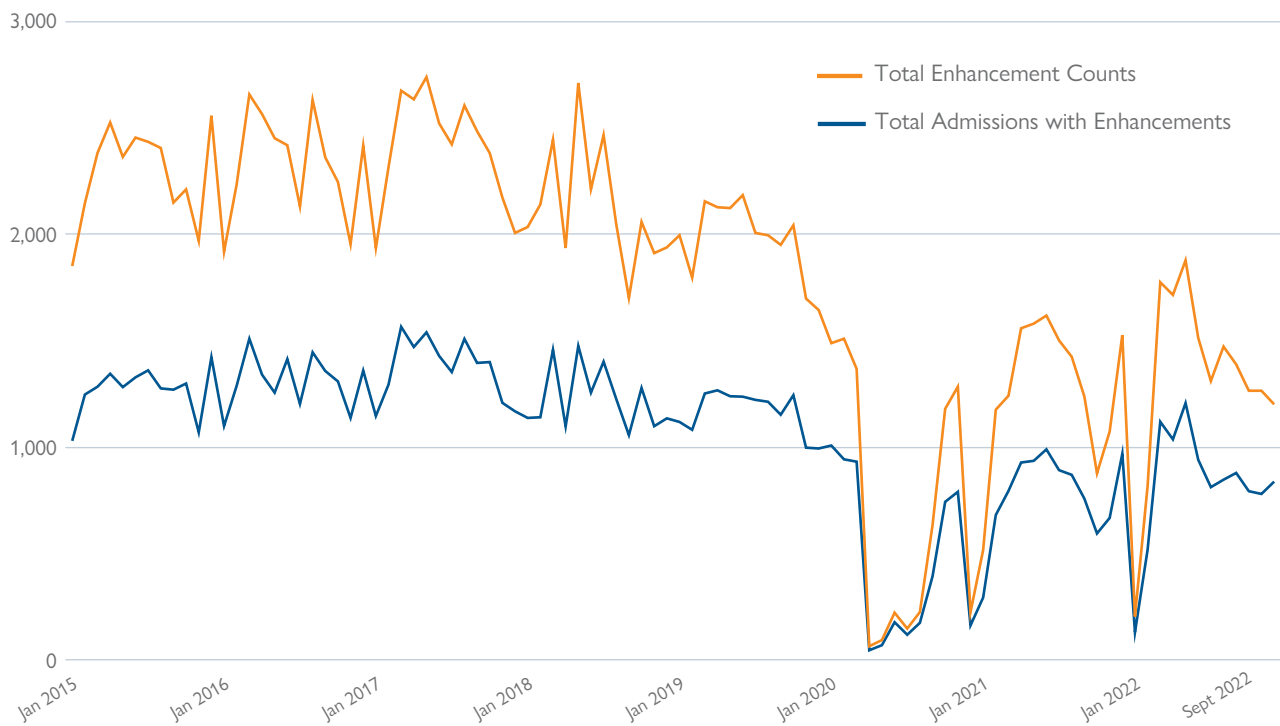
In 2011 California passed the Public Safety Realignment Act (AB 109) in an effort to reduce severe overcrowding in state prisons. The premise of the reform was that local facilities were more appropriate places for people with shorter sentences. Two policies aimed to quickly reduce the prison population. First, when an individual violated a condition of their parole, but did not commit a new offense, they would serve time in county jail or otherwise be sanctioned locally instead of returning to state prison, which was the norm before Realignment. Second, if an individual was convicted of a new, low-level felony and had no prior sexual, violent, or serious convictions, they would serve their time under county jurisdiction.

Proposition 57, passed by the voters in 2016, impacted the effect of enhancements on total time served for a narrowly defined set of individuals sentenced to state prison. Under Proposition 57, individuals convicted of nonviolent offenses who are serving prison sentences are eligible for parole consideration after serving their base sentence. This effectively means that people who are eligible for consideration for parole release under Proposition 57 may be released prior to serving the time added by a sentence enhancement if they do not present a risk to public safety.

⁷ For an in-depth analysis of California’s Three-Strikes sentencing, see [Bird et. al, \(2022\)](#).

In 2021 the California Committee on Revision of the Penal Code made three recommendations on sentence enhancements that were signed into law. AB 333 made updates to the gang enhancements which narrowed the definition of gang involvement. SB 483 built on legislation repealing one- and three-year enhancements for prior convictions and applied the repeal to people who were incarcerated and had the enhancements as part of their sentences. Finally, SB 81 provided guidance to judges that allowed them discretion in whether to dismiss sentence enhancements, unless in the judge's perspective, not enhancing a sentence could endanger public safety (PC § 1385).

FIGURE 3: Total admissions with enhanced sentences and total enhancements on these admissions by month, 2015 through 2022



The enhancement reforms enacted by the legislature since 2018 have curtailed the frequency with which enhancements have been applied to prison terms. We observe this both in overall trends, as well as in analysis of specific reforms on specific enhancement categories. Figure 3 shows the number of admissions with enhancements (the blue line) for each month from the beginning of 2015 through the end of 2022 as well as the total number of enhancements (the orange line) imposed on these terms (each admission may include more than one enhancement). There is a clear drop in admissions with enhancements coinciding with the onset of the COVID-19 pandemic and the corresponding drop in

admissions to CDCR. Given the unpredictable nature of the pandemic, and the rates at which people were released from prison to help slow the spread, it is difficult to tease apart which declines after 2020 are due to enhancement reforms or are pandemic related.

TABLE 1: Changes in the number of enhancement counts for specific types of enhancements during the year prior and the year of relevant reform legislation

ENHANCEMENT SUBJECT TO REFORM	YEAR BEFORE IMPLEMENTATION	YEAR OF IMPLEMENTATION	CHANGE	PERCENT CHANGE	COUNT IN 2022
Three-year drug enhancement (SB 180) ^a	303	41	-262	-86%	0
Nickel prior (SB 1393) ^b	2,193	1,577	-616	-28%	617
One-year prior prison term (SB 136) ^c	2,688	83	-2,605	-97%	12
Gang enhancements (AB 333) ^d	530	318	-212	-40%	318

a. Reform implemented in 2018.
b. Reform implemented in 2019.

c. Reform implemented in 2020.
d. Reform implemented in 2022.

Most reforms since 2017 reduced the frequency of the targeted sentence enhancements. [Table 1](#) shows the total number of enhancements in the year prior to and the year of the implementation of reform, the absolute change, the percent change between these two years, and the number of enhancements observed in 2022. Following the implementation of a targeted reform, we observe notable and fairly quick declines in the use of the enhancement. For example, after SB 180 was implemented in 2018, placing limits on the use of three-year enhancement for drug offenses when the individual has similar priors, there was an 86% decline in the number of cases with this type of enhancement. In 2022, there were no admissions with these enhancements. The implementation of SB 136 (targeting the one-year enhancement for prior prison terms) was followed by a 97% decline in admissions with this enhancement. While 2020 (the first year of implementation) corresponded with the onset of the COVID-19 pandemic, we see 12 cases with this enhancement in 2022, relative to 2,688 enhanced admissions in 2019.

3. The Application of Enhancements in California

In this section, we analyze administrative data from CDCR on the population of people incarcerated in July 2022 (the “current prison population”) as well as data for all people admitted to a state prison since 2015 (the “flow into prison”) to characterize the impact of enhancements on prison sentences in California.⁸

We use the data to answer the following questions:

- How are enhancements distributed among types of prison sentences?
- How do enhancements impact sentence length in practice?
- What are the most frequently used sentence enhancements?
- Who is impacted by sentence enhancements?

A. How are enhancements distributed among types of prison sentences?

We take two approaches to characterize the relative frequency with which sentence enhancements are used in California. First, we analyze the application of enhancements to all people admitted to prison. Second, we calculate the percent of the prison population at a given point in time whose current sentence was lengthened by sentence enhancements. The approaches provide different, but complementary information. Since the prison population at a given point in time will be disproportionately composed of people serving long sentences, the percent with enhancements among the currently incarcerated will be greater than the percent of people admitted to prison over a given time period whose sentences were enhanced.⁹ The analyses of the administrative data from CDCR in the following sections confirm this pattern.

We also present a separate analysis by the type of prison sentence received. Prison sentence types fall into the following four groups (listed in order of their relative frequency).

- **Determinate sentences:** sentences of a set length, determined by a combination of a base sentence using the sentencing triads and any applicable enhancements.

⁸ The current prison population may be affected by the expedited release policies CDCR enacted to increase physical distancing and reduce the transmission of COVID-19. Similarly, both the current population and the flow may be impacted by changes in law-enforcement and prosecution policies in response to the COVID-19 pandemic and subsequent statewide shelter-in-place order that took effect on March 19, 2020. Additional information about CDCR’s expedited-release policies in response to COVID-19 can be found here: <https://www.cdcr.ca.gov/covid19/frequently-asked-questions-expedited-releases/>.

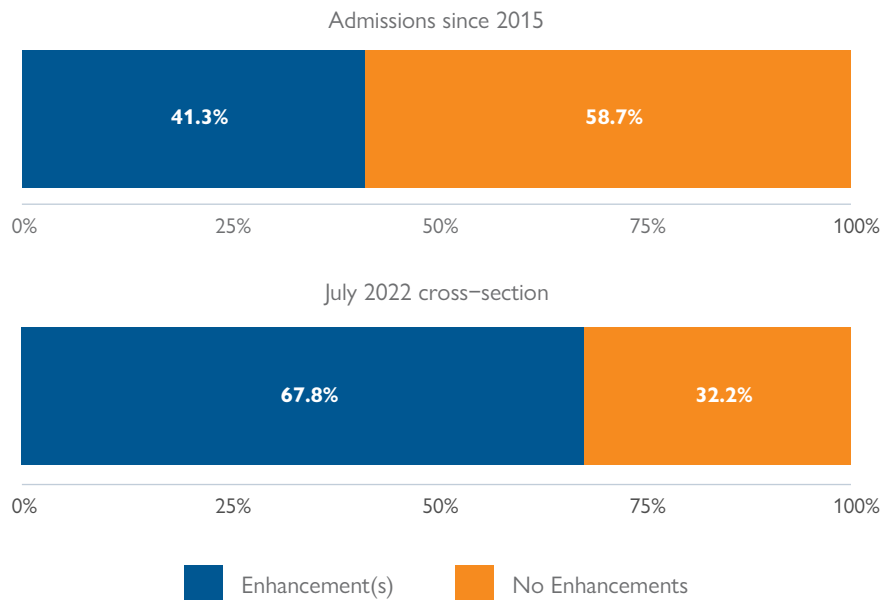
⁹ This distinction is essentially the difference between the prevalence of a given characteristic among a population (the proportion of a population with a given condition) and the incidence of a given characteristic (the rate at which persons develop the condition).

- **Indeterminate sentences:** sentences with minimum and maximum terms (e.g. 25-years-to-life), where release from prison is determined by the Board of Parole Hearings.
- **Life without the possibility of parole (LWOP):** a life sentence where someone is never eligible to be released from prison before their natural death.
- **Condemned:** sentenced to the death penalty.

While LWOP and condemned sentences sometimes receive enhancements, those enhancements do not technically add any additional time to the overall length of an individual’s sentence. For this reason, we focus our analyses in two separate ways. When looking at the overall count of enhancements we include LWOP and condemned sentences. However, analyses which look at specific years added to a prison sentence focus only on indeterminate and determinate sentences.

Figures 4 and 5 present the share of cases with and without sentence enhancements for all admissions, and then across the four types of sentences for all individuals admitted since 2015, and for everyone who was incarcerated as of July 2022.

FIGURE 4: Proportion of individuals incarcerated with and without enhancements for admissions since 2015 and incarcerated as of July 2022

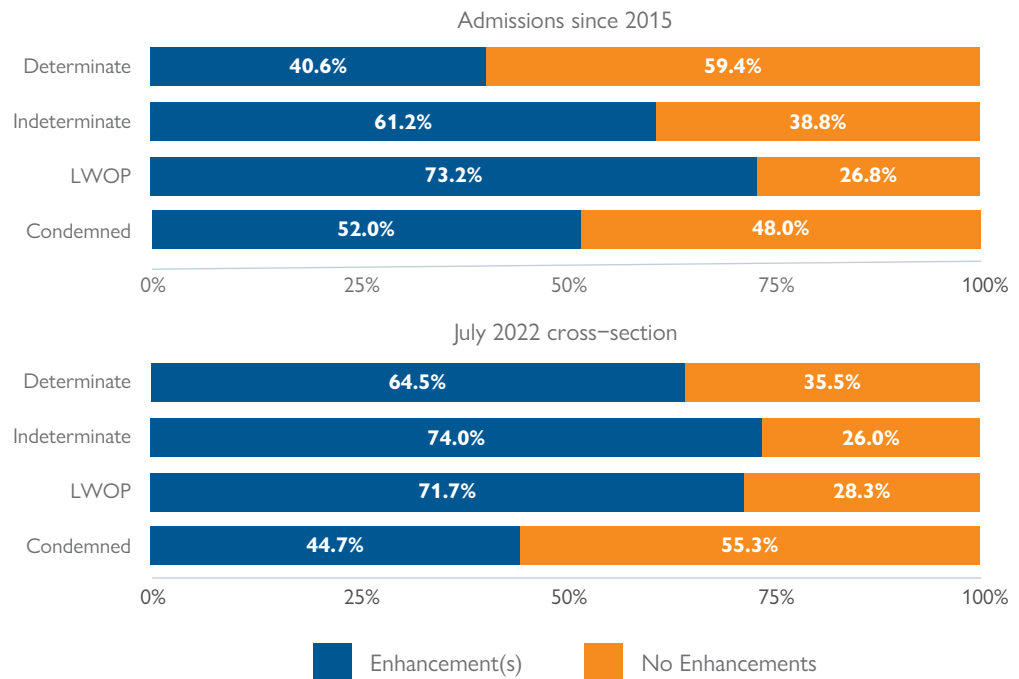


Note: The total number of observations for the admissions since 2015 sample is 234,222 admissions. The total number of observations for the July 2022 sample is 98,116 admissions.

For admissions since 2015, approximately 41% (96,795) of people had at least one sentence enhancement. For the population of people incarcerated as of July 2022, nearly 68% (66,550) of people had at least one sentence enhancement and 41% of people had sentences with two or more enhancements added on (see Figure 1). Figures 1 and 4 illustrate the role of sentence enhancements in driving increases in the state’s prison population. The current prison population is dominated by people with longer sentences, the vast majority driven by sentence enhancements.

Figure 5 shows a further breakdown of enhancement frequency by the specific sentence type a person received. For admissions since 2015, approximately 41% (91,813) of determinate sentences had at least one sentence enhancement, while 61% (4,328) of indeterminate sentences had at least one sentence enhancement. Fifty-two percent (26) of condemned sentences received an enhancement as well as 73% (628) of LWOP sentences. For people incarcerated as of July 2022, 65% (39,047) of determinate sentences had at least one sentence enhancement, and 74% (23,446) of indeterminate sentences had at least one sentence enhancement. Forty-five percent (306) of condemned sentences received at least one enhancement as well as 72% (3,751) of LWOP sentences.

FIGURE 5: Proportion of individuals incarcerated with and without enhancements by sentence type for admissions since 2015 and incarcerated as of July 2022



Note: The total number of observations for the Admissions since 2015 sample is 234,222 admissions. The total number of observations for the July 2022 sample is 98,116 admissions.

B. How do enhancements impact sentence length in practice?

Criminal cases that generate prison sentences often involve different felonies (for example, robbery and aggravated assault), multiple counts of a given felony (for example, a sentence involving more than one robbery), and may involve additional criminal conduct occurring on different dates and in different jurisdictions. Overall sentences are determined by the time imposed for each individual felony, any enhancements attached to individual felonies or enhancements attached to the whole admission (i.e. to a specific felony charge or to the full admissions), and whether time imposed on each felony or enhancement is served consecutively or concurrently. Some consecutive sentences can also be sentenced as the entire time for the offense, or as one-third of the original time. Sentences may include a mix of multiple enhancements. As noted previously, we see longer prison sentences when looking at the population of people who are currently incarcerated versus new admissions to prison since 2015.

Estimating Sentence Length With and Without Enhancements

To understand how enhancements contribute to sentence length, in [Figure 6](#) and [Figure 7](#) we display the frequency distributions of actual sentences and counterfactual sentences where we remove additional time that was added with enhancements. [Figure 6](#) presents results for admissions since 2015 while [Figure 7](#) presents results for people incarcerated as of July 2022. Each figure includes five vertical lines, four orange lines indicating the sentence value at the 25th percentile (the value below which one quarter of sentences lie), the 50th percentile or median (the value below which half of sentences lie), the 75th percentile (the value below which three quarters of sentences lie), and the 90th percentile (the value below which 90 percent of sentences lie), and one blue line indicating the average sentence length.¹⁰ All sentences of 25 years or more are grouped into one category in [Figure 6](#) (which explains the mass at 25 years), and all sentences of 60 years or more are in one category in [Figure 7](#).

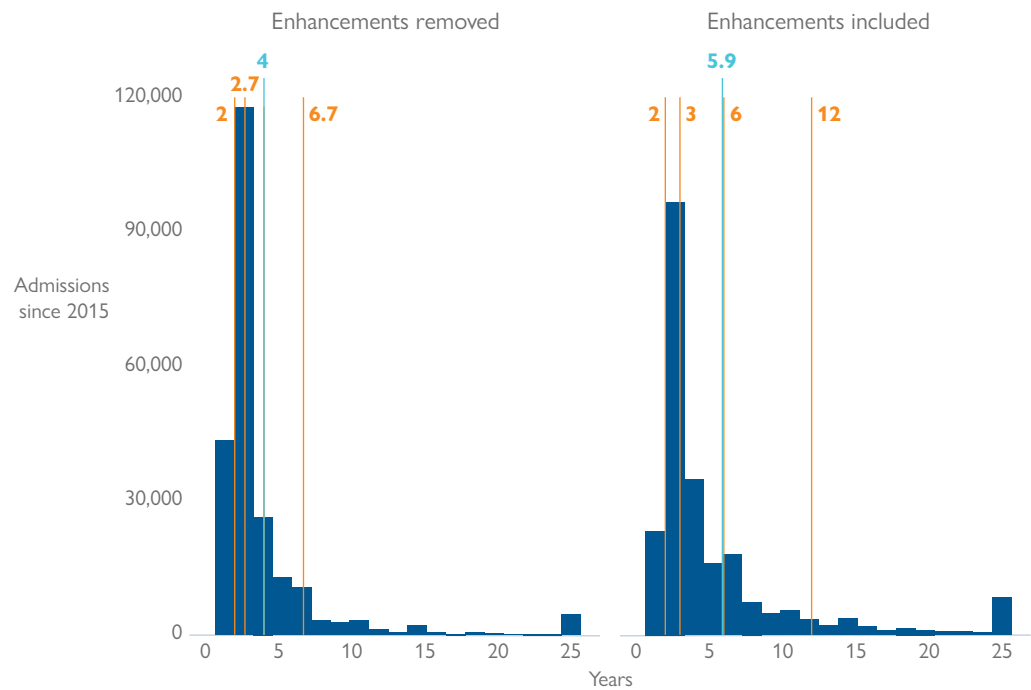
In [Figure 6](#), we see that enhancements increase median sentence length among all prison admissions from 2.7 to 3 years. Enhancements increase sentences at the 75th percentile from 4 to 6 years, and from 6.7 to 12 years at the 90th percentile. The effect of enhancements on average sentence length among all people admitted to prison since 2015 is an increase from 4 to 5.9 years.

When we examine the impact of enhancements on sentence length among a cross section of those who were incarcerated in July 2022, we find a larger effect of enhancements on sentence length. [Figure 7](#) shows that even among those

¹⁰ There are several admissions where sentence lengths are longer than any possible natural life. To calculate average sentences and to minimize the effect of such impossibly long sentences on the average, we top code sentences at 60 years. Roughly 99.4 percent of admissions since 2015 are 60 years or less. Since most people admitted to prison are admitted in their late 20s and 30s, top-coding sentences at 60 years likely encompasses effective maximum sentence length for most people.

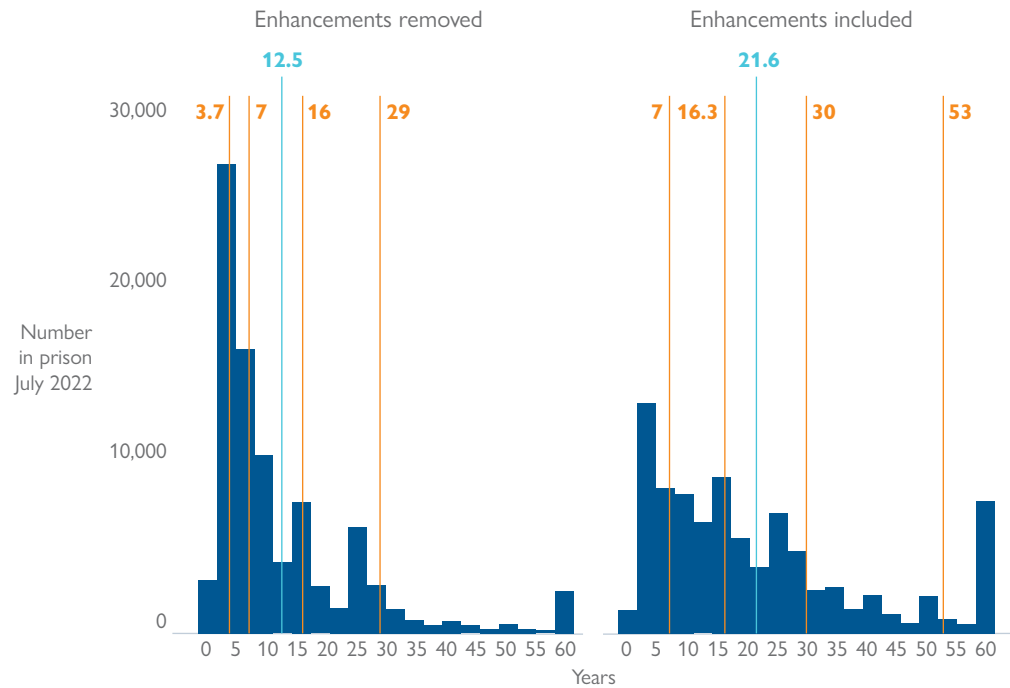
with relatively short sentences — those at the 25th percentile of the sentence length distribution — sentences nearly double (from 3.7 to 7 years) due to enhancements. For those in the middle of the distribution, enhancements increase sentences by a factor of 2.5 (from 7 to 16.3 years). At the high end of the distribution, enhancements increase sentence length from 29 years to 53 years for those at the 90th percentile. Enhancements nearly double the average sentence length from 12.5 to 21.6 years.

FIGURE 6: Distribution of sentence lengths for admissions since 2015 with and without enhancements included



Note: the value of the 75th percentile and average sentence length are the same for the “Enhancements Removed” graph above. Hence, they are overlapping and only one is visible.

FIGURE 7: Distribution of sentence lengths for the currently incarcerated population as of July 2022 with and without enhancements included



In [Figure 6](#) we see that enhancements increase average sentence length by 1.9 years among people sentenced to prison since 2015. When we compare the average sentence length of people with enhancements to people without, we find that sentences with enhancements are approximately 4.8 years longer ([see Table 2 below](#)).

The difference between these two figures reflects the fact that individuals who receive sentence enhancements also tend to receive longer sentences for other reasons, such as being convicted of more serious offenses, being sentenced to the upper-triad value, receiving consecutive sentences, or being sentenced in counties that tend to mete out more severe sanctions. [Table 2](#) illustrates this dynamic by presenting the results from two linear regressions, both where the dependent variable is the sentence handed down for an admission to prison, and the sample is all admissions since 2015. The first model simply regresses sentence length on a variable indicating that the sentence received an enhancement. The coefficient estimate of 4.758 indicates that sentences receiving enhancements are on average 4.8 years longer than sentences that are not enhanced.

The second model adds controls for county, individual demographics, month and year of admission, and series of controls for the characteristics of the case resulting in a prison admission (e.g., most serious offense, number of offenses, prior admissions etc.). Adding this set of control variables reduces the sentence-

length disparity to 3.5 years, indicating that a large portion of the disparity in sentence length between the enhanced and unenhanced sentences is explained by other aspects of the criminal cases. In other words, people receiving enhanced sentences also tend to receive longer sentences for reasons other than the sentence enhancement.

TABLE 2: Linear-model estimates of differences in sentence length without and with conditioning on statute fixed effects for new admissions since 2015

OUTCOME = SENTENCE LENGTH	SIMPLE MODEL	MULTIVARIATE MODEL
Any Enhancement(s)	4.758*** (0.033)	3.452*** (0.147)
N	231,785	231,785
R-squared	0.082	0.697

Note: Standard errors in parentheses. Data covers all admissions to CDCR between January 2015 and July 2022. The multivariate model includes demographic variable, case controls (including fixed effects for most serious offense interacted with county fixed effects, fixed effects for number of prior commitments, fixed effects for the month and year of conviction, seriousness of admission, whether one is consecutively sentenced, number of conviction offenses, and an interaction term between consecutive sentencing and number of conviction offenses). See [Appendix Table B-1](#) for full results.

* p<0.05 ** p<0.01 *** p<0.001

Enhancements Served Consecutively and Concurrently

Concurrent enhancements are occasionally added to a base sentence in order to elevate an individual’s offense to one that is considered serious or violent without directly adding more time to the initial sentence.¹¹ This could be used as a mechanism to make an offense strike-eligible, which in theory may deter future offending. Making an offense strike-eligible would require all future non-serious or nonviolent felony offenses to carry a doubled sentence, and any third additional serious or violent felony offense to carry a 25-year-to-life sentence. Elevating a nonviolent offense to a violent one also reduces the amount of good conduct credit a person who is incarcerated can earn off their sentence.

[Table 3](#) shows the relatively small number of instances (1,067) where this has occurred among people in prison as of July 2022. Many (46%) of the non-serious offenses listed in [Table 3](#) with these concurrent enhancements involve gang enhancements, while enhancements for use of a firearm account for roughly 26% of these cases. This table looks specifically at offenses that have been elevated at the felony level, so it is possible for an individual to have several felonies elevated

¹¹ While not directly increasing sentence length, it is possible for concurrent enhancements to impact the initial sentence by making an individual second- or third-strike eligible.

on one admission.

TABLE 3: Enhancements used concurrently that elevate an offense for people incarcerated in July 2022

ENHANCEMENT STATUTE	ENHANCEMENT DESCRIPTION	COUNT	PERCENT	CUMULATIVE PERCENT
PC186.22(b)(1)	Street Gang Act	486	45.5	45.5
PC12022.5(a)	Use of Firearm	282	26.4	71.9
PC12022.7(a)	Inflict GBI	132	12.4	84.3
Other	Other	85	8.0	92.3
PC12022(b)	Use of Deadly Weapon	82	7.7	100

Note: 'Other' contains enhancements with small cell sizes which were aggregated together. The enhancements included are: Inflict GBI Involving Domestic Violence, Cause Bodily Injury or Death to More than One Victim, Use of Firearm, Armed with Firearm, Inflict GBI on Person 70 Years or Older, Inflict GBI on Child Under 5 Years Old, Armed with Firearm During Commission of Specified H&S Code, GBI/Domestic Violence, Induce Minor/4+ yr Younger than Defendant, Use Firearm/Deadly Weapon During Specified Sex Offenses, Use of Assault Weapon/Machine Gun, Possess/Purchase/CSP Heroin/Cocaine Exceeding 1 Kilo, Armed with Assault Weapon, Intentional Discharge of Firearm Causing GBI/Death, Inflict GBI Victim Comatose or Suffer Paralysis.

Eighty-four enhancements were removed due to being attached to an LWOP or condemned sentence, where enhancements do not impact the current admission's sentence or subsequent prison terms.

The Effect of Enhancements on Time Served

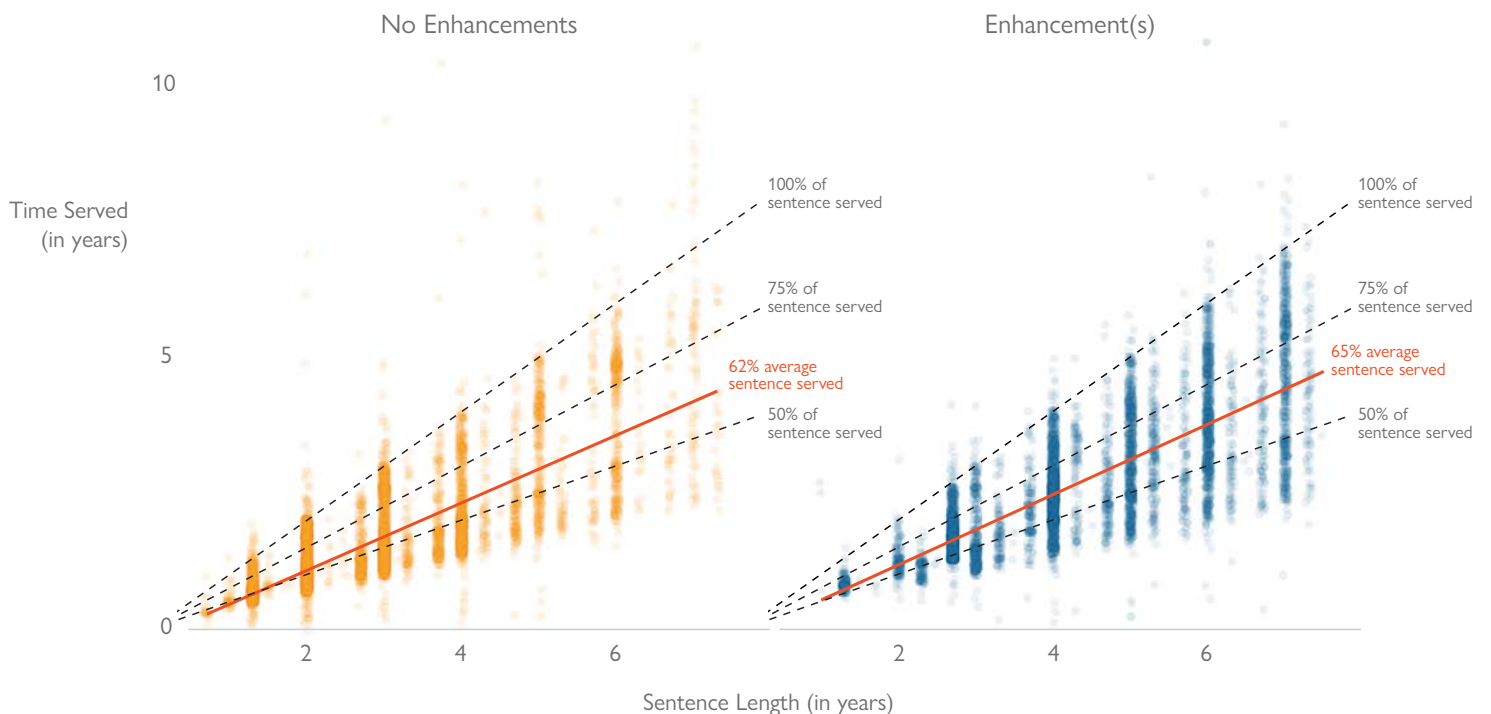
While sentence enhancements increase average sentences (with differential effects at different points in the sentencing distribution), the ultimate impact of a sentence enhancement on time served is generally less than the enhancement prescribes. This is due to the fact that people admitted to prison in California can earn credits against their sentence for good behavior, working, and engaging in rehabilitative programming. To illustrate what happens on average, and the range of outcomes, [Figure 8](#) presents scatter plots of time served against sentence length for people admitted to prison in 2015 without enhancements and with enhancements. We restrict the samples used to generate the scatter plots to people admitted with sentences of 7.6 years or less, since we can observe all releases through the end of July 2022. This restriction eliminates 7% of 2015 admissions with no enhancements, and 35% of 2015 admissions with at least one enhancement.

In addition to plotting the data points, [Figure 8](#) includes four reference lines. The upper-most black dotted line shows all points where time-served equals sentence length. All admissions where the data point lies below this line served less time than the sentence, while all data points above have time-served greater than the sentence. The next black dotted line shows the points where time-served equals 75% of sentence length, while the lowest dashed line shows all points where time-served equals 50% of time served. We observe 34% serving

less than 50% of their sentence, 48% serving between 50 and 75% of their sentence, and 17% serving between 75 and 100% of their sentence. We observe only 2% of cases with time-served exceeding their original sentence length (which can occur for multiple reasons, such as if the person is convicted of a new offense while incarcerated either due to an in-prison offense or the resolution of an older case, if an individual was re-sentenced, or if an individual has served more than the minimum years imposed on an indeterminate sentence).

For each plot, we also show the regression line from a simple bivariate regression of time served on sentence length. The slope of this line tells us the average effect of an additional sentence year on time served for 2015 admissions. For admissions without enhancements, each additional sentence year typically results in 0.62 additional years of time served (that is to say, the coefficient on the regression line is 0.62). The comparable figure for admissions with enhancements is 0.65. In other words, time served relative to sentence appears to be similar for sentences with and without enhancements.

FIGURE 8: Scatter plot of time served against sentence length admissions in 2015 by whether the sentence is enhanced



C. What are the most frequently used sentence enhancements?

We have defined two broad types of enhancements that are applied to prison sentences in California: a case enhancement attached to aspects of someone's criminal record or status and offense enhancements associated with aggravating circumstances of an offense. While enhancements under the state's Three-Strikes law function similarly to case enhancements, they differ as the strike enhancement is dependent on the offense's triad value and whether the offense was serious or violent. Additionally, the great frequency with which strike enhancements are applied, the severity of these sanctions, and the uniqueness of California's Three-Strikes provisions relative to other states render these a particularly salient enhancement in the state. In prior work, we discuss in detail the operation of Three Strikes in California (see [Bird et. al, 2022](#)).

Typically, case and offense enhancements have a specific Penal Code section that indicates the circumstances that allow adding additional time to a sentence, as well as a pre-specified level of additional time. Nickel priors, doubled-sentence enhancements, and third-strike enhancements, on the other hand, can apply regardless of the specific conduct of the offense, and instead are applied to a base sentence regardless of penal code (with variable time increments depending on the prescribed triad). To determine the relative frequency of sentence enhancements among people who were currently incarcerated as of July 2022 we looked at four distinct groups of enhancements: third-strike enhancements, doubled-sentence enhancements (which appear as "Second Strikes" on the following tables), case enhancements, and offense enhancements. We looked at individual statutes, instead of grouping statutes together by category. However, gang enhancements are an uncommon instance where there are multiple different types of enhancements with individual sentence lengths under one specified statute. In order to show how gang enhancements can be broken down, we include a subtable with the separate offense descriptions. It is noteworthy that even if we had included the breakdown of gang enhancements throughout the main table, four of the six gang enhancements would have contributed a large enough amount of total enhancement years to be included in the top twenty.

A small number of enhancements account for the majority of additional years added to base sentences. [Tables 4 and 5](#) display the list of the most frequently used sentence enhancements sorted by the total number of years added across all individuals as of July 2022 ([Table 4](#)) and for admissions since 2015 ([Table 5](#)). The total-years-added column actually represents a lower-bound estimate for the "indeterminate enhancements" due to the fact that these enhancements specify the minimum time to be served and a life maximum. For people incarcerated as of July 2022 the top three enhancements account for approximately 61% of all years added by enhancements. Third-strike enhancements, which require a 25-year-to-life sentence, account for a minimum addition of 318,991 total years

added, which makes up 28% of all additional years added through enhancements. The second and third biggest contributors to total additional enhancement years are the intentional discharge of a firearm causing great bodily injury or death during a specified offense (10–20–life gun enhancements that receive “life”), and second-strike enhancements, respectively.

For people admitted since 2015, the top three enhancements account for 55% of years added via enhancements. Doubled sentences under Three Strikes account for slightly over a third of additional years, prior serious felony convictions (the nickel prior) account for 11% of additional years, and intentional discharge of a firearm and causing grave bodily injury or death during a specified offense accounts for an additional 10% of years.

TABLE 4: Relative frequency of enhancements for people incarcerated as of July 2022 sorted by total years contributed

ENHANCEMENT TYPE	STATUTE	ENHANCEMENT DESCRIPTION	COUNT	AVERAGE ENHANCEMENT YEARS	TOTAL ENHANCEMENT YEARS IMPOSED	TOTAL ENHANCEMENT YEARS PERCENT	CUMULATIVE PERCENT (OVERALL)
Indeterminate Enhancements							
Third Strike	PC667(e)(2)	Third Strike	15,198	21.1	318,990.9	27.7	27.7
Offense Enhancement	PC12022.53(d)	Intentional Discharge of Firearm Causing GBI/Death	8,168	24.1	193,949.3	16.9	44.6
Determinate Enhancements							
Second Strike	PC667(e)(1)	Second Strike	54,320	3.4	184,707.7	16.1	60.7
Case Enhancement	PC667(a)	Prior Felony Conviction of Serious Offense	22,889	5.1	116,193.0	10.1	70.8
Offense Enhancement	PC12022.53(b)	Use of Firearm	11,745	7.6	80,325.7	7.0	77.8
Offense Enhancement	PC12022.5(a)	Use of Firearm	15,231	4.8	68,603.3	6.0	83.7
Offense Enhancement	PC12022.53(c)	Discharge Firearm	3,908	16.7	62,607.0	5.4	89.2
Offense Enhancement	PC186.22(b)(1)	Street Gang Act (total)	8,349	6.0	47,890.5	4.2	93.3
	PC186.22(b)(1)	Street Gang Act - 10 Year	4,326	9.2	39,243.3		
	PC186.22(b)(1)	Street Gang Act - 5 Year	1,117	4.1	4,501.7		
	PC186.22(b)(1)	Street Gang Act - 3 Year	876	1.9	1,580.0		
	PC186.22(b)(1)	Street Gang Act - 4 Year	371	3.5	1,289.3		
	PC186.22(b)(1)	Street Gang Act - 2 Year	372	1.8	665.3		
	PC186.22(b)(1)	Street Gang Act - Other	44	13.6	610.8		
	PC186.22(b)(1)	Street Gang Act - Concurrent	1,243	0	0		
Offense Enhancement	PC12022.7(a)	Inflict GBI	8,121	2.6	21,292.3	1.9	95.2

TABLE 4: Relative frequency of enhancements for people incarcerated as of July 2022 sorted by total years contributed (continued)

ENHANCEMENT TYPE	STATUTE	ENHANCEMENT DESCRIPTION	COUNT	AVERAGE ENHANCEMENT YEARS	TOTAL ENHANCEMENT YEARS IMPOSED	TOTAL ENHANCEMENT YEARS PERCENT	CUMULATIVE PERCENT (OVERALL)
Offense Enhancement	PC12022.3(a)	Use Farm/Deadly Weapon During Specified Sex Offenses	2,255	4.9	10,148.0	0.9	96.1
Case Enhancement	PC667.5(b)	Prior Prison Term/Non Violent new offense is any felony	9,739	1.0	9,680.7	0.8	96.9
Offense Enhancement	PC12022(b)	Use of Deadly Weapon	6,981	0.9	6,136.2	0.5	97.5
Offense Enhancement	PC12022.7(e)	Inflict GBI Involving Domestic Violence	1,522	3.8	5,803.3	0.5	98.0
Case Enhancement	PC12022.1(a)	Offense Committed While Released On Bail	1,465	1.9	2,824.7	0.2	98.2
Offense Enhancement	PC12022(a)	Armed with Firearm	3,364	0.8	2,416.0	0.2	98.4
Offense Enhancement	PC12022.8	Inflict GBI During Commission Of Specified Sex Offense	494	4.9	2,398.3	0.2	98.6
Offense Enhancement	PC12022.7(b)	Inflict GBI Victim Comatose or Suffer Paralysis	350	4.3	1,498.7	0.1	98.8
Offense Enhancement	PC12022.7(d)	Inflict GBI on Child Under 5 Years Old	398	4.1	1,485.0	0.1	98.9
Offense Enhancement	PC12022.5(b)	Use of Assault Weapon/ Machine Gun	234	6.4	1,414.3	0.1	99.0
Case Enhancement	PC667.5(a)	Prior Prison Term/Violent when new offense is violent	431	3.0	1,292.7	0.1	99.1

Note: For indeterminate enhancements we calculated the additional length of time added to a sentence based on the minimum years added, so the average represents the minimum years added to a base sentence for one enhancement count, instead of the average time an individual with a 25-year-to-life sentence ends up serving. Both numbers represent an undercount of the actual average years added as well as the total enhancement years as many individuals are not likely to have been paroled at their 25-year minimum. For more information on the methodology see the [Technical Appendix](#). Additionally, we aggregated all enhancements based on their penal code statute, however we broke out gang enhancements to show their specific sub-statutes that each contribute discrete amounts to a base sentence.

The “Street Gang Act - Other” category includes any instance of PC186.22(b) that does not fall within the other five categories, including PC186.22(b)(4) enhancements that create indeterminate life sentences for certain offenses. The Street Gang Act - 10 year is primarily applied in instances where the offense is violent, while the Street Gang Act - 5 year is primarily applied in instances where the offense is serious. The total number of people impacted with the top five enhancements are: second-strike - 27,284, prior felony conviction of a serious offense - 14,592, third-strike - 6,905, use of firearm - 6,331, and intentional discharge of firearm causing GBI/death - 6,102.

TABLE 5: Relative frequency of enhancements for admissions since 2015 sorted by total years contributed

ENHANCEMENT TYPE	STATUTE	ENHANCEMENT DESCRIPTION	COUNT	AVERAGE ENHANCEMENT YEARS	TOTAL ENHANCEMENT YEARS IMPOSED	TOTAL ENHANCEMENT YEARS PERCENT	CUMULATIVE PERCENT (OVERALL)
Indeterminate Enhancements							
Offense Enhancement	PC12022.53(d)	Intentional Discharge of Firearm Causing GBI/Death	2,046	24.3	49,541.0	9.8	9.8
Third Strike	PC667(e)(2)	Third Strike	2,016	23.4	47,197.0	9.3	19.1
Determinate Enhancements							
Second Strike	PC667(e)(1)	Second Strike	84,343	2.0	171,906.3	33.9	53.0
Case Enhancement	PC667(a)	Prior Felony Conviction of Serious Offense	11,676	5.0	58,287.0	11.5	64.5
Offense Enhancement	PC12022.5(a)	Use of Firearm	6,676	4.8	31,285.0	6.2	70.7
Offense Enhancement	PC186.22(b)(1)	Street Gang Act (total)	6,261	4.6	28,703.0	5.7	76.4
	PC186.22(b)(1)	<i>Street Gang Act - 10 Year</i>	1,741	9.3	15,983.3		
	PC186.22(b)(1)	<i>Street Gang Act - 5 Year</i>	1,340	4.6	6,148.3		
	PC186.22(b)(1)	<i>Street Gang Act - 2 Year</i>	1,156	2.0	2,273.3		
	PC186.22(b)(1)	<i>Street Gang Act - 4 Year</i>	548	3.8	2,098.7		
	PC186.22(b)(1)	<i>Street Gang Act - 3 Year</i>	895	2.3	2,061.0		
	PC186.22(b)(1)	<i>Street Gang Act - Other</i>	12	11.5	138.3		
	PC186.22(b)(1)	<i>Street Gang Act - Concurrent</i>	569	0	0		
Offense Enhancement	PC12022.53(b)	Use of Firearm	3,701	7.9	28,203.3	5.6	82.0
Case Enhancement	PC667.5(b)	Prior Prison Term/Non Violent new offense is any felony	20,579	1.0	20,290.5	4.0	86.0
Offense Enhancement	PC12022.7(a)	Inflict GBI	6,954	2.8	19,187.3	3.8	89.8
Offense Enhancement	PC12022.53(c)	Discharge Firearm	959	17.2	16,194.3	3.2	92.9
Offense Enhancement	PC12022.7(e)	Inflict GBI Involving Domestic Violence	1,623	3.7	5,945.7	1.2	94.1
Case Enhancement	PC12022.1(a)	Offense Committed While Released On Bail	3,005	2.0	5,889.0	1.2	95.3
Offense Enhancement	PC12022(b)	Use of Deadly Weapon	4,759	0.9	4,341.2	0.9	96.1
Offense Enhancement	PC12022(c)	Armed w/Firearm During Commission of Specified H&S Code	641	3.1	2,001.0	0.4	96.5
Offense Enhancement	PC12022(a)	Armed with Firearm	1,935	0.8	1,505.0	0.3	96.8
Case Enhancement	HS11370.2(c)	Possess/Sell CS w/PFC	490	3.0	1,454.0	0.3	97.1
Offense Enhancement	PC12022.7(d)	Inflict GBI on Child Under 5 Years Old	354	4.2	1,448.3	0.3	97.4
Offense Enhancement	PC12022.7(b)	Inflict GBI Victim Comatose or Suffer Paralysis	281	4.5	1,238.3	0.2	97.7

TABLE 5: Relative frequency of enhancements for admissions since 2015 sorted by total years contributed (continued)

ENHANCEMENT TYPE	STATUTE	ENHANCEMENT DESCRIPTION	COUNT	AVERAGE ENHANCEMENT YEARS	TOTAL ENHANCEMENT YEARS IMPOSED	TOTAL ENHANCEMENT YEARS PERCENT	CUMULATIVE PERCENT (OVERALL)
Case Enhancement	HS11370.2(a)	Possess/Sale w/PFC	423	2.9	1,237.0	0.2	97.9
Offense Enhancement	VC20001(c)	Fleeing Scene after committing Vehicular Manslaughter	232	4.9	1,138.3	0.2	98.1

Note: For indeterminate enhancements we calculated the additional length of time added to a sentence based on the minimum years added, so the average represents the minimum years added to a base sentence for one enhancement count, instead of the average time an individual with a 25-year-to-life sentence ends up serving. Both numbers represent an undercount of the actual average years added as well as the total enhancement years as many individuals are not likely to have been paroled at their 25-year minimum. For more information on the methodology see the [Technical Appendix](#). Additionally, we aggregated all enhancements based on their penal code statute, however we broke out gang enhancements to show their specific sub-statutes that each contribute discrete amounts to a base sentence.

The “Street Gang Act - Other” category includes any instance of PC186.22(b) that does not fall within the other five categories, including PC186.22(b)(4) enhancements that create indeterminate life sentences for certain offenses. The Street Gang Act - 10 year is primarily applied in instances where the offense is violent, while the Street Gang Act - 5 year is primarily applied in instances where the offense is serious. The total number of people impacted with the top five enhancements are: second-strike - 54,488, prior felony conviction of a serious offense - 8,763, and use of firearm - 5,827, intentional discharge of firearm causing GBI/death - 1,545, and third-strike - 935.

[Table 6](#) and [Table 7](#) show in greater detail enhancements due to Three-Strikes sentencing for the currently incarcerated population ([Table 6](#)) and all admissions since 2015 ([Table 7](#)). The tables show the top twenty felonies where the sentence is either doubled or converted to a 25-to-life sentence. In addition to listing the frequency, the table shows the additional years associated with the enhancement. The additional-years column for 25-to-life sentences are lower bound estimates since they specify an increase in the minimum time to be served on a potential life term.

For the population incarcerated as of July 2022, these top 20 offenses account for 56% of total enhancement years due to Three-Strikes sentencing. All of these offenses represent serious or violent offenses under the Penal Code.

[Table 7](#) shows that the top 20 offenses with Three-Strikes enhancements among all admissions since 2015 account for slightly over half of the enhancement years created by Three-Strikes sentencing. Again, most of the specific felonies on this top 20 list are serious or violent, though there are a few notable exceptions including second-degree burglary, vehicle theft, and possession-with-intent-to-sell drug offenses.

TABLE 6: Top 20 felonies enhanced by a doubled-sentence or third-strike sorted by total years added for people incarcerated as of July 2022

ENHANCEMENT TYPE	OFFENSE STATUTE	OFFENSE DESCRIPTION	COUNT	AVERAGE ENHANCEMENT YEARS	TOTAL ENHANCEMENT YEARS IMPOSED	TOTAL ENHANCEMENT YEARS PERCENT	CUMULATIVE PERCENT
Third Strike	PC212.5(C)	Robbery 2nd	3,212	19.7	61,835	12.3	12.3
Third Strike	PC288(A)	L&L Child Under 14 Years	716	36.6	28,530	5.7	18.0
Third Strike	PC459	Burglary 1st	1,184	19.9	23,527	4.7	22.7
Second Strike	PC187	Murder 1st	722	24.9	17,960	3.6	26.3
Second Strike	PC212.5(C)	Robbery 2nd	7,302	2.4	15,863	3.1	29.4
Third Strike	PC261(A)(2)	Rape w/Force/Violence/Fear of Bodily Injury	426	36.0	13,966	2.8	32.2
Third Strike	PC187	Murder 1st	286	46.5	13,290	2.6	34.8
Second Strike	PC288(A)	L&L Child Under 14 Years	1,497	8.5	11,825	2.3	37.1
Third Strike	PC212.5(A)	Robbery 1st	539	18.9	9,867	2.0	39.1
Third Strike	PC12021(A)(1)	POSS F/A EX-FEL	573	16.4	9,210	1.8	40.9
Third Strike	PC245(A)(1)	Assault with a Deadly Weapon	484	18.8	9,089	1.8	42.7
Second Strike	PC459	Burglary 1st	3,079	3.0	8,943	1.8	44.5
Second Strike	PC187 2ND(664)	Attempted Murder 2nd	1,233	6.7	7,983	1.6	46.1
Second Strike	PC187(664)	Attempted Murder 1st	879	8.6	7,572	1.5	47.6
Second Strike	PC187 2ND	Murder 2nd	497	15.0	7,432	1.5	49.1
Second Strike	PC261(A)(2)	Rape w/Force/Violence/Fear of Bodily Injury	684	11.1	7,334	1.5	50.6
Third Strike	PC187(664)	Attempted Murder 1st	357	19.7	6,995	1.4	52.0
Third Strike	PC215	Carjacking	340	20.2	6,825	1.4	53.4
Second Strike	PC245(A)(1)	Assault with a Deadly Weapon	2,239	2.5	5,473	1.1	54.5
Third Strike	PC187 2ND	Murder 2nd	172	29.1	5,001	1.0	55.5

Note: For indeterminate enhancements we calculated the additional length of time added to a sentence based on the minimum years added, so the average represents the minimum years added to a base sentence for one enhancement count, instead of the average time an individual with a 25-year-to-life sentence ends up serving. Both numbers represent an undercount of the actual average years added as well as the total enhancement years as most individuals are not likely to have been paroled at their 25-year minimum. For more information on the methodology see the [Technical Appendix](#).

TABLE 7: Top 20 felonies enhanced by a doubled-sentence or third-strike sorted by total years added for all admissions since 2015

ENHANCEMENT TYPE	OFFENSE STATUTE	OFFENSE DESCRIPTION	COUNT	AVERAGE ENHANCEMENT YEARS	TOTAL ENHANCEMENT YEARS IMPOSED	TOTAL ENHANCEMENT YEARS PERCENT	CUMULATIVE PERCENT
Second Strike	PC459	Burglary 1st	4,583	2.6	12,035	5.5	5.5
Second Strike	PC212.5(C)	Robbery 2nd	5,046	2.4	11,776	5.4	10.9
Second Strike	PC29800(A)(1)	Poss/Own F'Arm by Felon or Addict	7,835	1.3	9,838	4.5	15.4
Second Strike	PC245(A)(1)	Assault with a Deadly Weapon	3,068	2.4	7,382	3.4	18.8
Second Strike	PC187	Murder 1st	282	24.8	6,990	3.2	22.0
Second Strike	PC245(A)(4)	Assault with Force Likely to Produce GBI	3,057	2.1	6,528	3.0	25.0
Third Strike	PC212.5(C)	Robbery 2nd	343	19.1	6,319	2.9	27.9
Second Strike	PC273.5(A)	Corp Inj on Specif Persons Resulting in Traumatic Condition	2,416	2.2	5,255	2.4	30.3
Third Strike	PC288(A)	L&L Child Under 14 Years	104	48.7	5,226	2.4	32.7
Second Strike	VC2800.2(A)	Evade or Att to Evade Peace Officer while Driving Recklessly	3,840	1.3	5,114	2.3	35.0
Second Strike	VC10851(A)	Vehicle Theft	4,063	1.2	4,783	2.2	37.2
Second Strike	PC288(A)	L&L Child Under 14 Years	545	7.5	4,610	2.1	39.3
Second Strike	PC459 2ND	Burglary 2nd	3,818	1.2	4,563	2.1	41.4
Second Strike	PC187 2ND(664)	Attempted Murder 2nd	609	6.7	4,019	1.8	43.2
Second Strike	PC422	Criminal Threat to Cause GBI/Death	2,674	1.5	3,945	1.8	45.0
Third Strike	PC459	Burglary 1st	182	20.4	3,727	1.7	46.7
Third Strike	PC187	Murder 1st	74	49.3	3,650	1.7	48.4
Second Strike	PC666.5(A)	Vehicle Theft w/ Prior Vehicle Related Theft Convictions	1,682	2.0	3,292	1.5	49.9
Second Strike	HS11378	Possession Controlled Substance for Sale	2,513	1.3	3,246	1.5	51.4
Second Strike	PC215	Carjacking	659	4.0	2,622	1.2	52.6

Note: For indeterminate enhancements we calculated the additional length of time added to a sentence based on the minimum years added, so the average represents the minimum years added to a base sentence for one enhancement count, instead of the average time an individual with a 25-year-to-life sentence ends up serving. Both numbers represent an undercount of the actual average years added as well as the total enhancement years as most individuals are not likely to have been paroled at their 25-year minimum. For more information on the methodology see the [Technical Appendix](#).

While many cases involve multiple enhancements, a large portion of sentences only include a single enhancement. The doubled-sentence enhancement (Second Strike) is the most common single enhancement for individuals who only receive a single enhancement on their sentence. [Tables 8 and 9](#) list the top ten enhancements for individuals who only receive a single enhancement on their sentence. For both groups a doubled-sentence enhancement (referred to as Second Strike in the tables) is the most commonly used single enhancement.

TABLE 8: Ten most common enhancements for individuals with only one enhancement among the currently incarcerated as of July 2022

ENHANCEMENT	ENHANCEMENT DESCRIPTION	COUNT
Second Strike	Second Strike	6,683
PC12022.5(a)	Use of Firearm	4,184
PC12022.53(d)	Intentional Discharge of Firearm Causing GBI/Death	2,832
PC12022(b)	Use of Deadly Weapon	1,955
PC12022.53(b)	Use of Firearm	1,877
PC12022.7(a)	Inflict GBI	1,679
PC186.22(b)(1)	Street Gang Act	1,300
Third Strike	Third Strike	1,215
PC12022(a)	Armed with Firearm	933
PC12022.53(c)	Discharge Firearm	773

TABLE 9: Ten most common enhancements for individuals with only one enhancement for all admissions since 2015

ENHANCEMENT	ENHANCEMENT DESCRIPTION	COUNT
Second Strike	Second Strike	36,867
PC667.5(b)	Prior Prison Term/Non Violent new offense is any felony	5,098
PC12022.5(a)	Use of Firearm	3,319
PC12022.7(a)	Inflict GBI	3,277
PC186.22(b)(1)	Street Gang Act	2,539
PC12022(b)	Use of Deadly Weapon	2,134
PC12022.1(a)	Offense Committed While Released On Bail	1,546
PC667(a)	Prior Felony Conviction of Serious Offense	1,286
PC12022.53(b)	Use of Firearm	1,158
PC12022(a)	Armed with Firearm	846

Tables 10 and 11 show the most common combinations of enhancements for individuals who receive more than one enhancement on their sentence. For the most part, individuals who receive multiple enhancements have a doubled-sentence enhancement (Second Strike) plus another enhancement. The top three most frequently used sentence enhancement combinations are multiple doubled-sentence enhancements, one prior serious felony conviction with a doubled-sentence enhancement, and one prior serious felony conviction with multiple doubled-sentence enhancements.

TABLE 10: Ten most common enhancement combinations for the currently incarcerated in July 2022

ENHANCEMENT COMBINATIONS	COUNT
Second Strike (2+)	3,615
Prior Felony Conviction of Serious Offense (PC667(a), 1), Second Strike (1)	1,540
Prior Felony Conviction of Serious Offense (PC667(a), 1), Second Strike (2+)	1,536
Use of Firearm (PC12022.5(a), 2+)	861
Intentional Discharge of Firearm Causing GBI/Death (PC12022.53(d), 2+)	855
Prior Felony Conviction of Serious Offense (PC667(a), 2+), Third Strike (1)	700
Use of Firearm (PC12022.53(b), 2+)	617
Second Strike (1), Use of Firearm (PC12022.5(a), 1)	562
Prior Felony Conviction of Serious Offense (PC667(a), 2+), Third Strike (2+)	515
Inflict GBI (PC12022.7(a), 1), Use of Firearm (PC12022.5(a), 1)	512

TABLE 11: Ten most common enhancement combinations for admissions 2015

ENHANCEMENT COMBINATIONS	COUNT
Second Strike (2+)	8,400
Prior Prison Term/Non Violent new offense is any felony (PC667.5(b), 1), Second Strike (1)	2,508
Prior Prison Term/Non Violent new offense is any felony (PC667.5(b), 2+)	2,428
Prior Felony Conviction of Serious Offense (PC667(a), 1), Second Strike (1)	2,124
Prior Felony Conviction of Serious Offense (PC667(a), 1), Second Strike (2+)	1,146
Prior Prison Term/Non Violent new offense is any felony (PC667.5(b), 2+), Second Strike (1)	716
Prior Prison Term/Non Violent new offense is any felony (PC667.5(b), 1), Second Strike (2+)	706
Inflict GBI (PC12022.7(a), 1), Second Strike (1)	520
Second Strike (1), Street Gang Act (PC186.22(b)(1), 1)	486
Inflict GBI (PC12022.7(a), 1), Use of Firearm (PC12022.5(a), 1)	340

Tables 12 and 13 show the top twenty combinations of conviction offense and enhancements used. For people incarcerated in July of 2022 and people admitted since 2015, the most common combination was robbery second with a gun enhancement. It is notable, in both tables, the frequency with which gun offenses receive additional gun enhancements. In order for certain offenses to be charged, such as assault with a semiautomatic firearm (PC §245(b)), a gun needs to be present. The use of a gun enhancement in combination with a gun specific offense is essentially charging someone twice for the same offense.

Table 12: Twenty most common combinations of convicted offense and enhancement used for the currently incarcerated as of July 2022

OFFENSE STATUTE	OFFENSE DESCRIPTION	ENHANCEMENT STATUTE	ENHANCEMENT DESCRIPTION	ENHANCEMENT COUNT	PERCENT OF OFFENSE WITH THIS ENHANCEMENT
PC212.5(c)	Robbery 2nd	PC12022.53(b)	Use of Firearm	6,993	51.3
PC187	Murder 1st	PC12022.53(d)	Intentional Discharge of Firearm Causing GBI/Death	3,056	48.5
PC187(664)	Attempted Murder 1st	PC12022.53(d)	Intentional Discharge of Firearm Causing GBI/Death	2,960	36.8
PC245(a)(2)	Assault with a Firearm	PC12022.5(a)	Use of Firearm	2,713	66.3
PC212.5(c)	Robbery 2nd	PC12022.5(a)	Use of Firearm	2,168	15.9
PC187(664)	Attempted Murder 1st	PC12022.53(c)	Discharge Firearm	1,799	22.4
PC192(a)	Voluntary Manslaughter	PC12022.5(a)	Use of Firearm	1,740	46.0
PC187	Murder 1st (LWO)	PC12022.53(d)	Intentional Discharge of Firearm Causing GBI/Death	1,638	43.6
PC187 2nd (664)	Attempted Murder 2nd	PC12022.7(a)	Inflict GBI	1,547	17.3
PC245(b)	Assault with Semiautomatic Firearm	PC12022.5(a)	Use of Firearm	1,546	64.8
PC187 2nd (664)	Attempted Murder 2nd	PC186.22(b)(1)	Street Gang Act	1,446	16.1
PC245(a)(1)	Assault with a Deadly Weapon	PC12022.7(a)	Inflict GBI	1,435	61.1
PC212.5(c)	Robbery 2nd	PC186.22(b)(1)	Street Gang Act	1,406	10.3
PC187 2nd	Murder 2nd	PC12022.53(d)	Intentional Discharge of Firearm Causing GBI/Death	1,403	34.9
PC187	Murder 1st	PC12022.5(a)	Use of Firearm	1,310	20.8
PC187 2nd (664)	Attempted Murder 2nd	PC12022.53(c)	Discharge Firearm	1,303	14.5
PC187 2nd (664)	Attempted Murder 2nd	PC12022.53(d)	Intentional Discharge of Firearm Causing GBI/Death	1,082	12.1
PC187 2nd (664)	Attempted Murder 2nd	PC12022.5(a)	Use of Firearm	1,076	12.0
PC212.5(c)	Robbery 2nd	PC12022(b)	Use of Deadly Weapon	1,027	7.5
PC187 2nd	Murder 2nd	PC12022.5(a)	Use of Firearm	1,026	25.5

Table 13: Twenty most common combinations of convicted offense and enhancement used for admissions 2015

OFFENSE STATUTE	OFFENSE DESCRIPTION	ENHANCEMENT STATUTE	ENHANCEMENT DESCRIPTION	ENHANCEMENT COUNT	PERCENT OF OFFENSE WITH THIS ENHANCEMENT
PC212.5(c)	Robbery 2nd	PC12022.53(b)	Use of Firearm	2,128	34.4
PC245(a)(1)	Assault with a Deadly Weapon	PC12022.7(a)	Inflict GBI	1,706	68.8
PC245(a)(2)	Assault with a Firearm	PC12022.5(a)	Use of Firearm	1,566	62.0
PC212.5(c)	Robbery 2nd	PC12022.5(a)	Use of Firearm	1,144	18.5
PC212.5(c)	Robbery 2nd	PC12022(b)	Use of Deadly Weapon	1,051	17.0
PC245(b)	Assault with Semiautomatic Firearm	PC12022.5(a)	Use of Firearm	1,039	63.5
PC187	Murder 1st	PC12022.53(d)	Intentional Discharge of Firearm Causing GBI/Death	972	67.2
PC192(a)	Voluntary Manslaughter	PC12022.5(a)	Use of Firearm	964	42.5
PC245(a)(4)	Assault with Force Likely to Produce GBI	PC12022.7(a)	Inflict GBI	897	54.6
PC187 2nd (664)	Attempted Murder 2nd	PC12022.7(a)	Inflict GBI	872	22.0
PC212.5(c)	Robbery 2nd	PC12022(a)	Armed with Firearm	804	13.0
PC273.5(a)	Corp Inj on Specif Persons Resulting in Traumatic Condition	PC12022.7(e)	Inflict GBI Involving Domestic Violence	734	63.9
PC187 2nd (664)	Attempted Murder 2nd	PC12022(b)	Use of Deadly Weapon	634	16.0
VC23153(a)	DUI/Bodily Injury/Death	PC12022.7(a)	Inflict GBI	627	74.0
PC187(664)	Attempted Murder 1st	PC12022.53(d)	Intentional Discharge of Firearm Causing GBI/Death	615	40.1
PC29800(a)(1)	Poss/Own FArm by Felon or Addict	PC186.22(b)(1)	Street Gang Act	611	98.4
PC212.5(c)	Robbery 2nd	PC186.22(b)(1)	Street Gang Act	559	9.0
PC245(a)(4)	Assault with Force Likely to Produce GBI	PC186.22(b)(1)	Street Gang Act	524	31.9
PC187 2nd (664)	Attempted Murder 2nd	PC12022.5(a)	Use of Firearm	500	12.6
PC187	Murder 1st (LWO)	PC12022.53(d)	Intentional Discharge of Firearm Causing GBI/Death	496	72.2

D. Who is impacted by sentence enhancements?

There are large racial disparities in the percent of prison admissions subject to sentence enhancements. [Figure 9](#) shows the demographic breakdown of how sentence enhancements are applied by race, ethnicity and sex for people incarcerated as of July 2022 and for admissions since 2015. Of currently incarcerated Black people, 78% have at least one sentence enhancement, while 70% of American Indian/Alaskan Native people, 66% of Hispanic people, 60% of Asian or Pacific Islander people, and 58% of White people have at least one enhancement. Over half of currently incarcerated women (54%) have at least one sentence enhancement, as compared to 68% for currently incarcerated men.

Figure 10 displays generally lower percentages of cases with enhancements when we focus on all admissions since 2015. However, the highest percent of cases with enhancements are among Black people and American Indian/Alaskan Native people and there is a much higher prevalence of enhancements among men.

FIGURE 9: Breakdown of enhancements by race/ethnicity and sex for people incarcerated as of July 2022

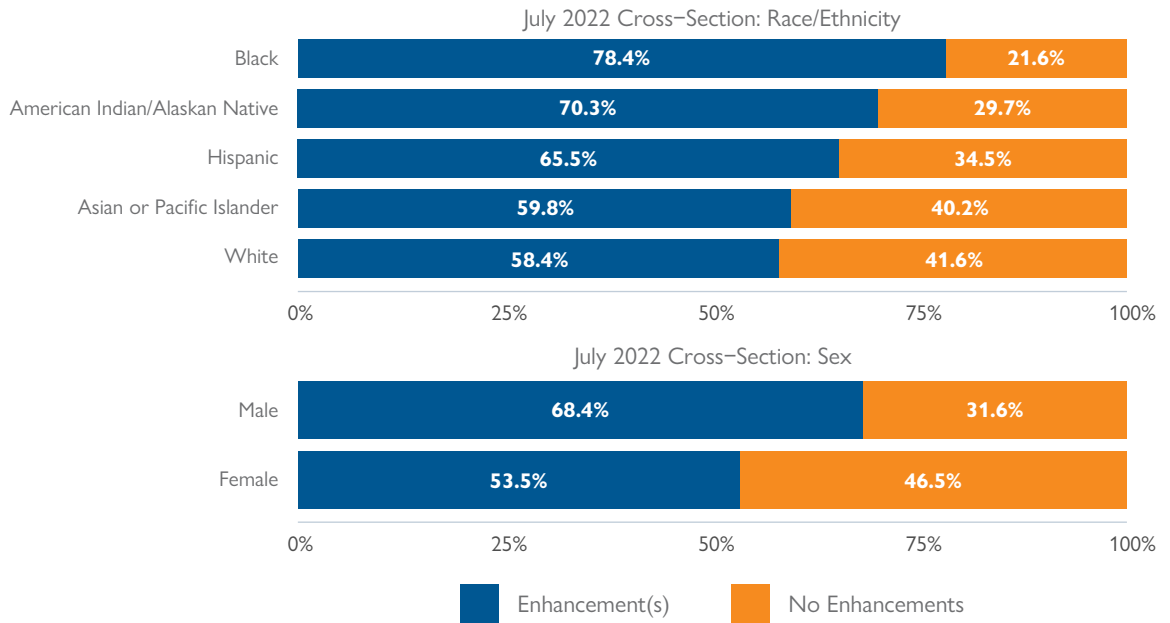
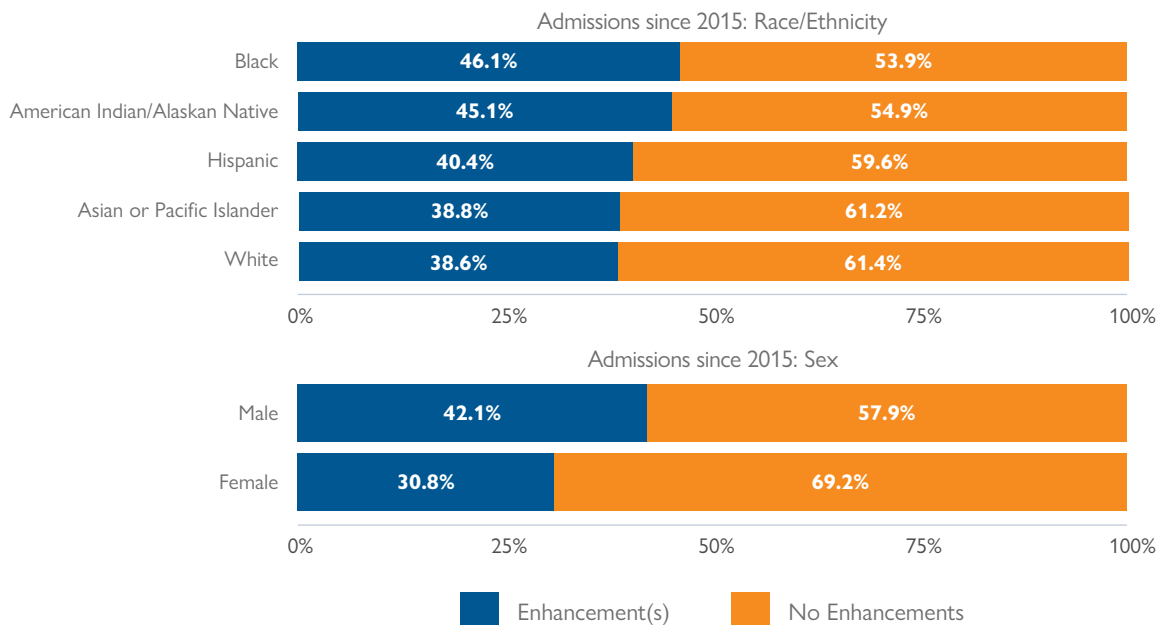


FIGURE 10: Breakdown of enhancements by race/ethnicity and sex for admissions since 2015



The inter-racial/ethnic and sex disparities in the application of enhancements reflect to some degree average between-group differences in case characteristics that trigger enhancements. For example, if one racial/ethnic group is more likely to have a prior serious or violent conviction or more likely to be charged and convicted in counties that use enhancements more frequently, members of that group will be more likely to have an enhanced sentence as a result. It is important to note, however, that differential contact with and treatment at various points of the criminal justice system (inclusive of incidents that predate the criminal case generating a prison admission) may also drive disparities in the application of enhancements.

We explore these disparities in greater detail using simple multivariate regression analysis. [Table 14](#) first presents the estimation results from a model where the dependent variable is an indicator that an admission has an enhanced sentence and the key explanatory variables are a set of race/ethnicity variables (with White being the omitted category) and a male indicator variable. The coefficient estimates for the race/ethnicity variables measure the disparity in the proportion of sentences with an enhancement relative to White people admitted to prison. The coefficient on the male variable indicates the comparable disparity.

Next, we re-estimate various specifications of this model that sequentially add additional control variables. First, we add case characteristics and age (number of conviction offenses, number of prior prison admissions for a new conviction or a parole violation with a new admission, whether the admission is serious or violent, and controls for age). Next, we add a complete set of controls for the statutes representing the most serious conviction. Finally, we add controls for the county of sentencing.¹² Note, we do not have access to the full criminal history records of these individuals so we cannot fully control for inter-group differences in criminal histories that may in part drive racial/ethnic disparities in enhancement rates.

Comparing the coefficients on sex and race/ethnicity across these models provides an indication of the degree to which these additional factors are driving average disparities. For example, if we see smaller racial/ethnic disparities in the models that control for prior prison admissions and the controlling offense, this would indicate that racial/ethnic disparities are in part driven by average differences in criminal case characteristics by race/ethnicity.

In model (1), we see that men are 11 percentage points more likely to have an enhanced sentence relative to women (i.e., a difference in the proportion of 0.11). Relative to White people admitted to prison, Black people are 7.1 percentage points more likely to have an enhancement, American Indian people are 6.6 percentage points more likely to have an enhancement and Hispanic people are

¹² Statute and county are controlled for using fixed effects.

1.3 percentage points more likely to receive an enhancement. Adding control variables generally narrows these disparities, suggesting that they are driven in part by different case characteristics. For example, in the final model inclusive of controls for county and most serious offenses, the sex disparity narrows to 5.9 percentage points (relative to the 11 percentage point raw differential), the Black-White disparity narrows to 3.1 percentage points (relative to the raw disparity of 7.1 percentage points), the American Indian-White disparity narrows to 3.1 percentage points (relative to a raw disparity of 6.6 percentage points), while the Hispanic-White disparity narrows slightly to 1.0 percentage points (relative to the raw difference of 1.3 percentage points). While there is no statistically significant disparity between admissions of Asian or Pacific Islander people and White people in the model without controls, adding controls for prior prison commitments, most serious offenses, and county yields a marginally significant differential between Asian or Pacific Islander individuals and White individuals in the use of enhancements of nearly 2 percentage points. In other words, once we account for group differences in case characteristics, Asian or Pacific Islander people are somewhat more likely to receive an enhanced offense.

We must caution that because we have not controlled for the complete criminal histories in these models, since we cannot at this point link each individual to their full criminal history.

TABLE 14: Linear probability model estimates of differences in the likelihood of receiving enhancements for admissions since 2015 (full results)

OUTCOME = ANY ENHANCEMENT(S)	ANY ENHANCEMENT(S) (DEMOGRAPHICS ONLY)	ANY ENHANCEMENT(S) + (CASE CONTROLS)	ANY ENHANCEMENT(S) + (STATUTE FE)	ANY ENHANCEMENT(S) + (STATUTE AND COUNTY FE)
Demographic Controls				
Male	0.110 *** (0.004)	0.036 *** (0.004)	0.061 *** (0.014)	0.059 *** (0.013)
American Indian/Alaskan Native	0.066 *** (0.010)	0.030 ** (0.009)	0.036 *** (0.009)	0.031 *** (0.008)
Asian or Pacific Islander	-0.001 (0.008)	0.017 * (0.008)	0.010 (0.009)	0.019 * (0.008)
Black	0.071 *** (0.003)	0.014 *** (0.003)	0.019 * (0.009)	0.031 *** (0.008)
Hispanic	0.013 *** (0.003)	-0.008 ** (0.002)	-0.001 (0.005)	0.010 * (0.005)

TABLE 14: Linear probability model estimates of differences in the likelihood of receiving enhancements for admissions since 2015 (full results) (continued)

OUTCOME = ANY ENHANCEMENT(S)	ANY ENHANCEMENT(S) (DEMOGRAPHICS ONLY)	ANY ENHANCEMENT(S) + (CASE CONTROLS)	ANY ENHANCEMENT(S) + (STATUTE FE)	ANY ENHANCEMENT(S) + (STATUTE AND COUNTY FE)
Other Race	0.023 *** (0.007)	0.010 (0.006)	0.005 (0.008)	0.014 (0.007)
Case Controls				
Number of Counts		0.006 *** (0.000)	0.007 *** (0.002)	0.006 *** (0.002)
1 Prior Prison Commitment		0.310 *** (0.003)	0.278 *** (0.012)	0.280 *** (0.012)
2 Prior Prison Commitment		0.376 *** (0.003)	0.331 *** (0.012)	0.334 *** (0.012)
3+ Prior Prison Commitment		0.420 *** (0.003)	0.360 *** (0.015)	0.368 *** (0.015)
Violent		0.281 *** (0.002)	0.551 *** (0.047)	0.548 *** (0.047)
Serious		0.098 *** (0.002)	0.245 *** (0.030)	0.245 *** (0.029)
Age at Admission		-0.010 *** (0.001)	-0.008 *** (0.001)	-0.009 *** (0.001)
Age at Admission Squared		0.000 *** (0.000)	0.000 *** (0.000)	0.000 *** (0.000)
N	231,785	231,785	231,785	231,785
R-squared	0.007	0.136	0.212	0.235

Note: Standard errors in parentheses. Data covers all admissions to CDCR between January 2015 and July 2022. “Other race/ethnicity” includes what CDCR categorizes as “Other” or “Unknown.” The model controlling for statute fixed effects includes a complete set of fixed effects for the most serious felony offense, while the model controlling for county includes a complete set of fixed effects for the county of sentencing.

* p<0.05 ** p<0.01 *** p<0.001

Table 15 presents a comparison of various demographic characteristics for people incarcerated as of July 2022. The population is split into two mutually exclusive groups: those without sentence enhancements and those with at least one enhancement. We begin by comparing the current age, age at admission to prison, and the age at the time of the offenses for these two groups. Individuals with enhancements were younger at both the time of offense and at admission to prison. For the population without enhancements, 32% committed their offense prior to their 26th birthday, while the percentage is higher for people with enhancements (44%).

TABLE 15: Descriptive statistics for the people incarcerated in July 2022 for those with and without enhancements

OUTCOME	WITHOUT ENHANCEMENTS	WITH ENHANCEMENTS
Current Age		
25th Percentile	31.6	32.2
Median	40.6	40.3
75th Percentile	52.6	51.3
Admission Age		
25th Percentile	26.8	23.8
Median	33.9	29.7
75th Percentile	42.8	38.0
Offense Age		
25th Percentile	24.2	21.6
Median	30.7	27.6
75th Percentile	38.8	35.9
Under 26 at Offense		
Yes	31.7	43.9
Race/Ethnicity		
American Indian/Alaskan Native	1.1	1.2
Asian or Pacific Islander	1.8	1.3
Black	18.8	32.5
Hispanic	48.8	43.9
Other	3.7	4.0
White	25.8	17.2
Sex		
Female	5.6	3.0
Male	94.4	97
Time Served as of July 2022		
25th Percentile	1.1	4.3
Median	3.6	9.4
75th Percentile	11.2	17.6

TABLE 15: Descriptive statistics for the people incarcerated in July 2022 for those with and without enhancements (continued)

OUTCOME	WITHOUT ENHANCEMENTS	WITH ENHANCEMENTS
Time Served, 20 or more years		
Yes	12.0	20.4
Mental Health Level of Care		
Alternative Care Facility	0.7	1.3
Correctional Clinical Case Management System (CCCMS)	27.0	25.1
Enhanced Outpatient Program (EOP)	5.1	7.6
General Population	65.3	65.5
Mental Health Crisis Beds (Crisis Bed)	0.2	0.3
Undesignated	1.7	0.3
California Risk Assessment Score		
Low risk	59.9	58.7
Moderate risk	15.7	19.1
High risk, drug offense	1.7	1.1
High risk, property offense	5.5	3.4
High risk, person offense	17.2	17.8

Note: See [Appendix Table B-8](#) for descriptive statistics of admissions since 2015.

Black people are over-represented among the currently incarcerated with sentence enhancements while Hispanic people are slightly under-represented. Among individuals with a sentence enhancement, 44% are Hispanic and 33% are Black. Among those without a sentence enhancement, 49% are Hispanic while 19% are Black. Individuals serving a sentence with an enhancement are overwhelmingly male (which holds true for the prison population overall). Additionally, 20% of people with a sentence enhancement have served more than 20 years as of July 2022, compared to only 12% of individuals without a sentence enhancement.

We also looked at the distribution of these two groups (people admitted since 2015 and people incarcerated as of July 2022) by the level of mental health care they receive while in CDCR custody. Approximately one-third of both groups are classified as receiving services from CDCR's two largest outpatient mental health programs: the Correctional Clinical Case Management System (CCCMS) and the

Enhanced Outpatient Program (EOP).¹³

The last comparison is the distribution across risk categories as defined by the California Static Risk Assessment (CSRA) instrument. Both groups of individuals have the highest percent classified as the lowest risk (60% for people without enhancements and 59% for people with enhancements).

County Variation

While all California counties operate under the same penal code, there are substantial disparities across the state in admissions to prison and local sentencing practices. Therefore we might expect differences in the rate at which enhancements are applied across counties. While these differences may reflect variation across counties in the prevalence and severity of the types of crimes being committed, differences may also reflect differential discretion by judges and prosecutors in the use and application of enhancements.

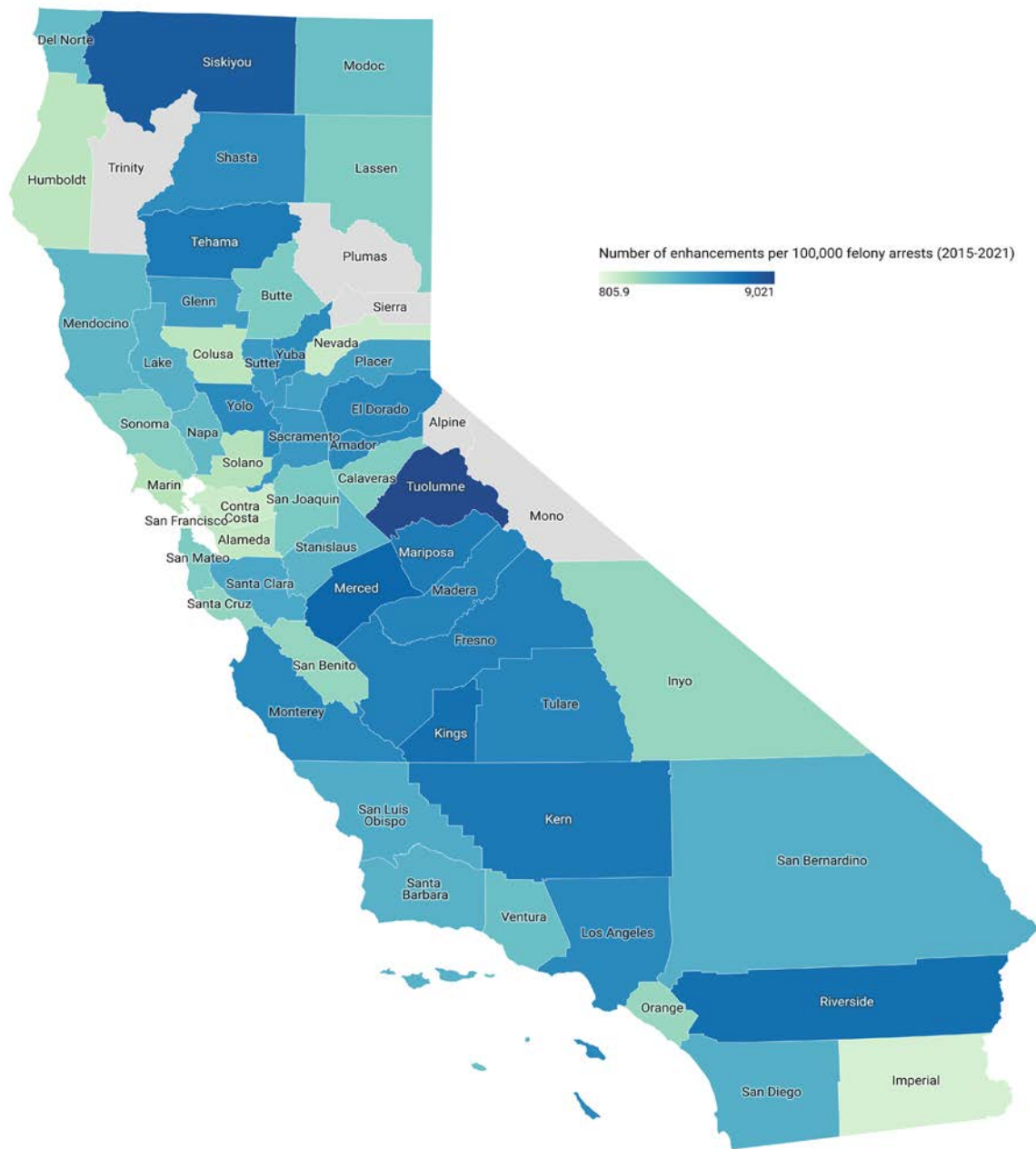
In prior work (Bird et. al, 2022), we demonstrate large differences across counties in the application of Three-Strikes sentencing, a pattern first documented by the California Legislative Analyst's office in 2005 (Brown and Jolivet 2005). Here we document more cross-county differences in the use of sentence enhancements using all admissions since 2015, but we do not explore the drivers of these differences.

Figure 11 graphically depicts a county map displaying the number of enhancements imposed for all admissions from 2015 through 2021 normalized by the number of felony arrests in the county.¹⁴ Rates are expressed as the number of enhancements per 100,000 felony arrests made over this period. While all counties use enhancements to some degree, we see lower use of enhancements in Bay Area counties and coastal counties in Southern California, higher enhancement rates throughout the Central Valley and Inland Empire, and highest enhancement rates in the far northern counties of the state.

¹³ These two programs are the two principal outpatient mental health programs within CDCR's Mental Health Services Delivery System (MHSDS). CCCMS involves outpatient care, an assigned primary care physician, therapy and group therapy and periodic assessments of medication and other care needs. EOP is the highest level of outpatient care in CDCR and is reserved for patients whose symptoms impact their ability to function in the general population. EOP participants receive more treatment interventions and are housed in separate units from the general population. For more information, see the information presented here: <https://www.cdcr.ca.gov/bph/wp-content/uploads/sites/161/2020/10/Mental-Health-Delivery-System-rem.pdf>.

¹⁴ Total felony arrests per county were tabulated from extracts from the Automated Criminal History System.

FIGURE 11: Rate of enhancement use by county



See [Appendix B-9](#) for a breakdown of all enhancements and the enhancement rate by county.

4. Conclusion and a rough estimate of the effect of enhancements on the state prison population

While this analysis is largely descriptive, the findings raise several questions that we can partially speak to in our conclusion and others that call for further research. First is understanding the extent to which sentence enhancements contribute to the size of the state's prison population. While we have not calibrated a full-simulation model of the prison population, we can use our findings in conjunction with additional information from CDCR population reports to present a rough back-of-the-envelope calculation of the likely impact.

There were 28,501 admissions to California state prisons during the calendar year 2022.¹⁵ The state population at the beginning of the year was roughly 39.2 million, which gives an annual admissions rate to state prisons of 72.7 per 100,000. Our estimates suggest that sentence enhancements increase the average sentence from 4 to 5.9 years. Assuming that the average prison admission results in time served equal to 65% of the sentence, this would indicate that sentence enhancements increase average time served from 2.6 to 3.84 years.¹⁶ Assuming that the average person receives six months of credit for time-served prior to being admitted to a state prison, sentence enhancements increase average time in a state prison from 2.10 years to 3.34 years.

With a stable prison admissions rate and average time served, the state's incarceration rate will eventually settle at a rate roughly equal to the rate at which people are admitted to prison multiplied by the average time served at a CDCR institution.¹⁷ For example, if the state admitted 100 persons per 100,000 per year, and if the average time served were two years, the prison incarceration rate would settle at 200 per 100,000. Making use of the 2022 prison admissions rate and our estimates of typical time in state prison, time served with enhancements implies a steady-state incarceration rate of 242.6 per 100,000 (corresponding to a state prison population for California of approximately 95,000).¹⁸ Eliminating enhancements would cause the steady-state incarceration rate to decline to roughly 200 per 100,000 (corresponding to a state prison population of roughly

¹⁵ This total comes from monthly admissions gleaned from the CDCR offender data points dashboard, <https://public.tableau.com/app/profile/cdcr.org/viz/OffenderDataPoints/SummaryInCustodyandParole> accessed on January 18, 2023.

¹⁶ Time served includes both time served at CDCR as well as time served in local jails awaiting case disposition.

¹⁷ To a first approximation, the steady-state incarceration rate will equal the admissions rate divided by the sum of the admissions rate and the release rate from prison. Because admissions rates tend to very small numbers (the number of annual prison admissions in California divided by the state's prison populations is approximately 0.0007), while release rates tend to be larger (often half the size of the prison population), this approximation can be future approximated by the admissions rate multiple by one over the release rate. Further, one over the release rate is equal to typical time served (i.e., if half the population is released each year, average time served is two years; if one third of the population is released each year, average time served is three years). From this logic, we arrive at the approximation that California's steady-state incarceration rate is approximately equal to the prison admissions rate multiplied by average time served. For a fuller description of this method, see Raphael and Stoll (2011).

¹⁸ The state prison population stood at 96,285 at the first Wednesday count for 2022 and 93,280 at the first Wednesday count for 2023. See the CDCR weekly population reports here, <https://www.cdcr.ca.gov/research/weekly-total-population-report-archive-2/> accessed January 18, 2023.

78,400). These rough calculations imply that enhancements account for roughly 18% of the prison population.¹⁹

Our discussion of the policy history of enhancements and in particular the recent history of reforms strongly indicates that the current prison population is likely in the process of adjusting downwards as enhancements are currently being imposed at a lower frequency relative to the period prior to 2018. Admissions since 2015 (and the share of sentence years attributable to enhancements) likely overstate the current impact of these types of sanctions on the prison population. Nonetheless, we demonstrate the disproportionate contribution of enhancements that are still frequently used and that have not been recently reformed (for example, third-strike indeterminate sentences and second-strike doubled sentences).

Beyond the impact of the enhancements on population, our results demonstrate large disparities in the application of enhancement across people grouped by race/ethnicity and gender. We show that controlling for observable factors in the CDCR data (such as prior prison admissions and the nature of the offense generating the admissions) explains a large share, though not all, of the disparities. Future research should link these records to criminal-history information and provide a fuller assessment of whether the entirety of racial/ethnic disparities can be attributable to inter-group average differences in case and criminal-history factors. Moreover, researchers should explore which differences contribute the most inter-group disparities in the application of enhancements.

Finally, the frequent use of enhancements and the contribution of enhancements to the prison population raises important questions regarding whether these enhancements deter criminal offenses and/or reduce crime rates through incapacitation. Both questions could be explored using quasi-experimental methods that compare the subsequent offending rates (as measured in official criminal history records) of people admitted to prison with and without enhancements, who have otherwise similar cases and criminal histories.

¹⁹ Of course, these are rough calculations intended to provide a ballpark estimate. A more precise simulation model would incorporate offense-specific admissions rates, differences in credit-earnings rates, generate estimates of time served that do not rely on a subset of admissions with sentences less than 7.6 years, provide a more careful assessment of time served prior to CDCR admission, and so on.

ACKNOWLEDGMENTS

Support for this research was generously provided by Arnold Ventures, which provided a two-year grant to fund CPL's research activities with the Committee on the Revision of the Penal Code. We also thank other supporters of the California Policy Lab, including the University of California Office of the President Multicampus Research Programs and Initiatives, MRP-19-600774 and M21PR3278, The James Irvine Foundation, and the Woven Foundation (formerly Bylo Chacon Foundation) for their generous support. All errors should be attributed to the authors.

REFERENCES

Bird, M., Gill, O., Lacoë, J., Pickard, M., Raphael, S., & Skog, A. (2022, August). An Overview of Sentencing in California. *California Policy Lab*. <https://www.capolicylab.org/wp-content/uploads/2023/01/An-Overview-of-Sentencing-in-California.pdf>

Bird, M., Gill, O., Lacoë, J., Pickard, M., Raphael, S., & Skog, A. (2022). Three Strikes in California. *California Policy Lab*. <https://www.capolicylab.org/wp-content/uploads/2022/08/Three-Strikes-in-California.pdf>

Brown, B., Cabral, E., & Steenhausen, P. (2007, January). California's Criminal Justice System: A Primer. *Legislative Analyst's Office*. https://lao.ca.gov/2007/cj_primer/cj_primer_013107.aspx

Dansky, K. (2008). Understanding California Sentencing. *University of San Francisco Law Review*, 43, 395–418.

DiPietro, S. (2020). Stepping into the “wrong” neighborhood: critique of the People v. Albillar's expansion of California penal code section 186.22(a) and call to reexamine the treatment of gang affiliation. *Journal of Criminal Law and Criminology*, 110(3), 623-654.

Appendix A: Methodology

1) Data Overview

The data used in this report is from the California Department of Corrections and Rehabilitation (CDCR). The data includes the complete term history for anyone either admitted into or released from CDCR after January 2015 to July 2022, and the currently incarcerated population as of July 2022.²⁰ For each term in CDCR, we have sentence length, time served, length of stay in CDCR, and data on the longest sentence in the admission, more commonly known as the controlling offense.

2) Case and Offense Enhancements Cleaning

In the data, we see multiple literals associated with a given enhancement statute (e.g. literals associated with PC12022.5(a) include “USE F’ARM”, “Use of Firearm”, and “USE F’ARM CARJACK”). We collapse enhancement statutes with multiple literals to one literal, and used this consistently throughout the report. Additionally, we collapse instances where the same enhancement statute is recorded in different ways (e.g. PC667(a) and PC667(a)(1)), or if there are discernable typos in a given statute (e.g. PC12022.5(a) mistakenly recorded as PC12022.5).

3) The Problem

We want to estimate the contribution of different components (such as the felony offenses, offense enhancements, and case enhancements) of an individual's sentence to the overall sentence length, however this is not observable in the data. We have a file with the overall sentence length and disparate files with each component of the sentence. We developed a series of business rules to determine the time each component contributes to the sentence. We are able to replicate the total sentences of 98.5% of the individuals currently incarcerated as of July 2022, and 99.4% of admissions since 2015.²¹

4) Sentence Replication

In this section, we provide an overview of our business rules for replicating sentence length of terms in CDCR. In order to calculate total sentence length, we sum three mutually exclusive components — the enhanced base sentence years (inclusive of strike enhancements by construction of the data), offense enhancement years, and case enhancement years. Data for felonies, which are used to calculate base sentence years, and offense enhancements are at the

²⁰ There are two exceptions to this rule: Table 1 and Figure 3 include data through December 2022.

²¹ For a term to be considered a “match” when replicated, our estimate must be within one month of the sentence length provided in the data; this sensitivity threshold is to account for any discrepancies when rounding.

charge level, while data for case enhancements are at the case level. Each of these three components is provided to us in unique tables. As we discuss more in depth below, strike enhancement years are included in enhanced base sentence years; therefore we must disentangle strike enhancement years from enhanced base sentence years and add them to case and offense enhancement years to calculate total enhancement years for a given term. While not contributing to sentence length, any enhancements that are not attached to the longest sentence on the term and are to be served concurrently are used in all counts throughout the report. We removed felonies and enhancements that were stayed, vacated, or dismissed from our analyses.

4a) Enhanced Base Sentence Years: Sentencing Triad(s) + Any Strike Enhancement Years

Our first step is to calculate the enhanced base years that are imposed for all felonies in a prison term. We identify the felony that received the longest sentence on the admission. This felony conviction will always add time to the sentence, regardless of whether it is the initial sentence or marked as a consecutive or concurrent sentence. Typically, the initial sentence is the longest sentence within a term.

We observe two dimensions along which a person can be sentenced to either concurrent or consecutive sentences: (1) when someone is convicted of multiple counts of a single felony (for example, three counts of first degree burglary), and (2) when a person is convicted of multiple felonies in a single incident (for example, one count of robbery, one count of auto theft). To the longest sentence, we add any additional time imposed by consecutive counts or offenses within the same term; any additional concurrent offenses do not add time to the term. In our analysis, initial sentences which are not flagged as the longest sentence are treated as consecutive sentences.

We calculate the enhanced base sentence years based on whether the sentence type is determinate or indeterminate. If a felony's sentence type is determinate, we add the maximum years, months, and days; if it is indeterminate, we add the minimum years, months, and days. Note within the same term, it is possible to have some charges flagged as determinate and some flagged as indeterminate.

4b) Estimating Total Enhancement Years

Total enhancement years are composed of three mutually exclusive, distinct parts — strike, offense, and case enhancement years. In order to calculate total enhancement years imposed on a sentence, we collapse enhancement years from the felony or case level to the term level. Once we've done this, along with our enhanced base years calculation, we can verify how our estimated sentence matches the admission sentence recorded by CDCR.

We remove people who are sentenced to LWOP (life without the possibility of parole) or condemned (a death sentence) from any tables or graphs where we examine sentence lengths, as individuals serving LWOP or condemned terms, by definition, do not have sentence lengths prescribed. However, it is possible for people serving LWOP and condemned sentences to also have sentence enhancements within their terms (e.g., a third-strike enhancement), and we keep these enhancements in all other analyses.

4c) Disaggregating Strike Enhancement Years from Base Years

By design of the data, the enhanced base sentence years are inclusive of strike enhancement years. For example, an individual with a felony conviction of one count of first degree burglary receiving the middle triad value of four years and a doubled-sentence enhancement is recorded as receiving eight years for this felony; an individual with a felony conviction of one count of first degree burglary receiving a third-strike enhancement is recorded as receiving 25 years for this felony.

In order to calculate the years added from a doubled-sentence enhancement, we divide the enhanced base sentence years by two. Because strike enhancements are applied to each count in a sentence, even if there are consecutive counts for a felony conviction, dividing by two will still obtain the accurate number of years sentenced. For example, an individual with two counts of first degree burglary, each receiving the middle triad value of 4 years, would result in a total of 8 enhanced base years. The doubled-sentence enhancement will double the enhanced base years to total 16 years; dividing this by 2 results in 8, the number of years attributable to the doubled-sentence enhancements.

To calculate the strike enhancement years for a third strike, we subtract the middle triad value for a given felony from total years imposed by the sentence, which is typically 25 years for one count. For example, an individual with a felony conviction of one count of first degree burglary receiving a third-strike sentence, will have 21 years attributed to the strike enhancement and four years from the triad value of first degree burglary. For individuals with multiple consecutive counts, we calculate third-strike enhancement years by subtracting the product of the middle triad value and number of consecutive counts from total enhanced base years imposed by the sentence. For example, an individual with a felony conviction of two consecutive counts of first degree burglary will have 50 enhanced base years; subtracting the product of the triad value of first degree burglary and two counts, eight years, from the enhanced base years, 50 years, results in 42 years attributed to the third-strike enhancements.²²

²² We use the most common triad values for a given statute and literal in the CDCR data and the triad values on the DOJ law enforcement code table to determine the triad values for a given statute and literal combination. We resolve any discrepancies between these two sources manually. For statute and literal combinations that appear less than fifty times in the third-strike enhanced felonies used in this report, but are missing a value in either from the CDCR data or DOJ law enforcement code table, we use the sole middle value we have. Any missing middle triad values after these steps are imputed to 25.

4d) Offense Enhancements

Each offense enhancement is attached to a given felony and will be served the same way as the felony to which it is attached. For example, if a firearm enhancement is attached to a felony conviction of first degree burglary that is to be served consecutively, the firearm enhancement will be served consecutively as well. Offense enhancements may be attached to the longest sentence or any additional consecutive or concurrent felonies within the same term. For a single felony within a term, it is possible to have multiple offense enhancements attached.

If an individual has multiple counts for a given felony, then each count receives an offense enhancement. For example, if a person has two consecutive counts of burglary and a firearm enhancement is attached to that felony, two firearm enhancements are applied to the sentence. If an offense enhancement is attached to a concurrent felony that is not adding any years, it does not contribute to sentence length, but will be kept in any counts. To calculate total offense enhancement years within a term, we add the offense enhancement years imposed for each unique offense enhancement.

4e) Case Enhancements

Apart from strike enhancements, we observe all other case enhancements attached at the case level; these enhancements are typically served consecutively. Case enhancements attached to cases that run concurrently to other cases are not used in sentence replication, however they are kept in any counts. For a given term, it is possible to receive multiple case enhancements. To calculate total case enhancement years within a term, we add the case enhancement years imposed for each unique case enhancement.

Appendix B: Additional Results

Figures B-1 and B-2 show the demographic breakdown of how all sentence enhancements (not including strike enhancements or nickel priors) are applied by race/ethnicity and sex for people incarcerated as of July 2022 and for admissions since 2015. Of currently incarcerated Black people, 60% have at least one sentence enhancement, while 49% of American Indian/Alaskan Native people, 49% of Hispanic people, 47% of Asian or Pacific Islander people, and 35% of White people have at least one enhancement. Similar to what we saw when looking at all enhancements, the percentages of cases with enhancements decrease for people admitted since 2015. White people have the lowest rate of enhancements, which follows the trends seen throughout this report.

FIGURE B-1: Breakdown of enhancements by race/ethnicity for people not impacted by either a strike or nickel prior July 2022

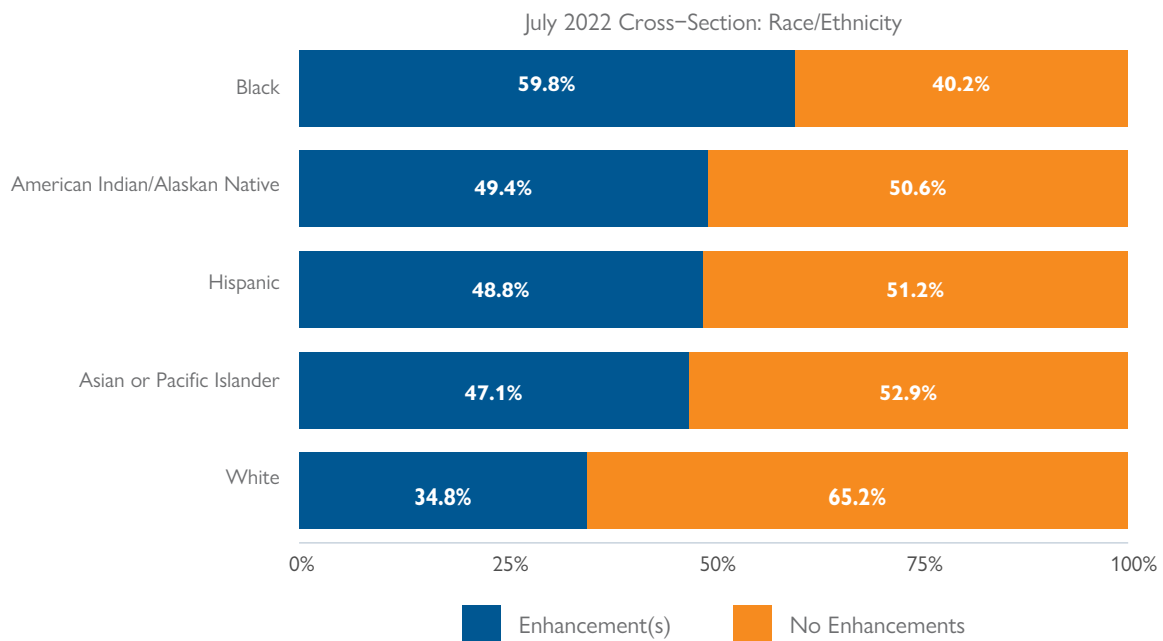


FIGURE B-2: Breakdown of enhancements by race/ethnicity only for individuals not impacted by either a strike or nickel prior admissions 2015

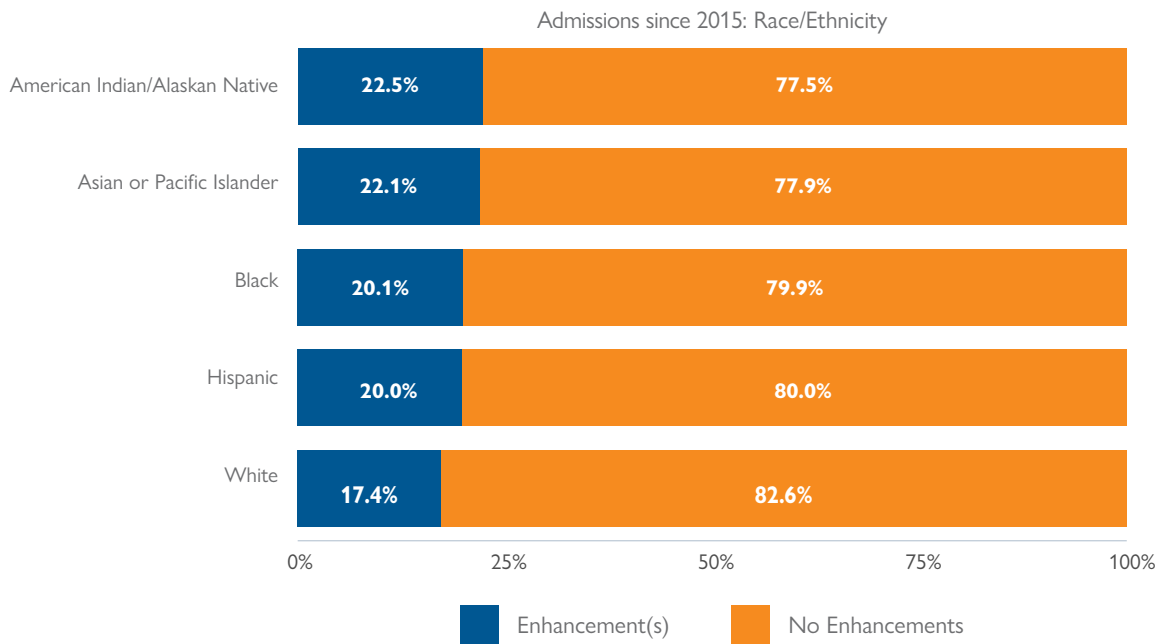


TABLE B-1: Linear model estimates of differences in sentence length without and with conditioning on statute fixed effects for new admissions since 2015 (full results)

OUTCOME = SENTENCE LENGTH	SIMPLE MODEL	MULTIVARIATE MODEL
Any Enhancement(s)	4.758*** (0.033)	3.452*** (0.147)
Case Controls		
Number of Counts		0.193*** (0.043)
Any Consecutive Sentence(s)		2.404*** (0.400)
Number of Counts*Any Consecutives		0.427*** (0.129)
Violent Offense		2.055*** (0.140)
Serious Offense		0.143 (0.075)
Demographic Controls		
Male		0.507*** (0.045)
American Indian/Alaskan Native		0.077 (0.091)
Asian or Pacific Islander		-0.074 (0.091)
Black		0.495*** (0.053)
Hispanic		0.170*** (0.030)
Other Race		0.173* (0.069)
Age at Admission		0.044*** (0.010)
Age at Admission Squared		-0.000* (0.000)
N	231,785	231,785
R-squared	0.082	0.697

Note: Standard errors in parentheses. Data covers all admissions to CDCR between January 2015 and July 2022. "Other race/ethnicity" includes what CDCR categorizes as "Other" or "Unknown".

* p<0.05 ** p<0.01 *** p<0.001

In [Tables B-2 and B-3](#) we can see that when sorted by frequency of use, doubled-sentence enhancements and nickel priors are used much more frequently than most other enhancements, and also add substantial time to the years people serve in prison.

TABLE B-2: [Relative frequency of enhancements for people incarcerated as of July 2022 sorted by count](#)

ENHANCEMENT TYPE	ENHANCEMENT STATUTE	ENHANCEMENT DESCRIPTION	COUNT	AVERAGE ENHANCEMENT YEARS	TOTAL ENHANCEMENT YEARS IMPOSED	TOTAL COUNT PERCENT	CUMULATIVE PERCENT (OVERALL)
Indeterminate Enhancements							
Third Strike	PC667(e)(2)	Third Strike	15,198	21.1	318,990.9	8.5	8.5
Offense Enhancement	PC12022.53(d)	Intentional Discharge of Firearm Causing GBI/Death	8,168	24.1	193,949.3	4.6	13.1
Determinate Enhancements							
Second Strike	PC667(e)(1)	Second Strike	54,320	3.4	184,707.7	30.4	43.5
Case Enhancement	PC667(a)	Prior Felony Conviction of Serious Offense	22,889	5.1	116,193.0	12.8	56.3
Offense Enhancement	PC12022.5(a)	Use of Firearm	15,231	4.8	68,603.3	8.5	64.8
Offense Enhancement	PC12022.53(b)	Use of Firearm	11,745	7.6	80,325.7	6.6	71.4
Case Enhancement	PC667.5(b)	Prior Prison Term/Non Violent new offense is any felony	9,739	1.0	9,680.7	5.5	76.9
Offense Enhancement	PC186.22(b)(1)	Street Gang Act	8,349	6.0	47,890.5	4.7	81.6
Offense Enhancement	PC12022.7(a)	Inflict GBI	8,121	2.6	21,292.3	4.5	86.1
Offense Enhancement	PC12022(b)	Use of Deadly Weapon	6,981	0.9	6,136.2	3.9	90.0
Offense Enhancement	PC12022.53(c)	Discharge Firearm	3,908	16.7	62,607.0	2.2	92.2
Offense Enhancement	PC12022(a)	Armed with Firearm	3,364	0.8	2,416.0	1.9	94.1
Offense Enhancement	PC12022.3(a)	Use F'arm/Deadly Weapon During Specified Sex Offenses	2,255	4.9	10,148.0	1.3	95.4
Offense Enhancement	PC12022.7(e)	Inflict GBI Involving Domestic Violence	1,522	3.8	5,803.3	0.9	96.3
Case Enhancement	PC12022.1(a)	Offense Committed While Released On Bail	1,465	1.9	2,824.7	0.8	97.1
Offense Enhancement	PC12022.8	Inflict GBI During Commission Of Specified Sex Offense	494	4.9	2,398.3	0.3	97.4
Case Enhancement	PC667.5(a)	Prior Prison Term/Violent when new offense is violent	431	3.0	1,292.7	0.2	97.6
Offense Enhancement	PC12022.7(d)	Inflict GBI on Child Under 5 Years Old	398	4.1	1,485.0	0.2	97.8
Offense Enhancement	PC12022.7(b)	Inflict GBI Victim Comatose or Suffer Paralysis	350	4.3	1,498.7	0.2	98.0
Offense Enhancement	PC12022.3(b)	Armed w/F'arm/Deadly Weapon During Specified Sex Offenses	344	2.6	801.3	0.2	98.2

TABLE B-3: Relative frequency of enhancements for people incarcerated as of admissions 2015, sorted by count

ENHANCEMENT TYPE	ENHANCEMENT STATUTE	ENHANCEMENT DESCRIPTION	COUNT	AVERAGE ENHANCEMENT YEARS	TOTAL ENHANCEMENT YEARS IMPOSED	TOTAL COUNT PERCENT	CUMULATIVE PERCENT (OVERALL)
Indeterminate Enhancements							
Offense Enhancement	PC12022.53(d)	Intentional Discharge of Firearm Causing GBI/Death	2,046	24.3	49,541.0	1.3	1.3
Third Strike	PC667(e)(2)	Third Strike	2,016	23.4	47,197.0	1.2	2.5
Determinate Enhancements							
Second Strike	PC667(e)(1)	Second Strike	84,343	2.0	171,906.3	51.8	54.3
Case Enhancement	PC667.5(b)	Prior Prison Term/Non Violent new offense is any felony	20,579	1.0	20,290.5	12.6	66.9
Case Enhancement	PC667(a)	Prior Felony Conviction of Serious Offense	11,676	5.0	58,287.0	7.2	74.1
Offense Enhancement	PC12022.7(a)	Inflict GBI	6,954	2.8	19,187.3	4.3	78.4
Offense Enhancement	PC12022.5(a)	Use of Firearm	6,676	4.8	31,285.0	4.1	82.5
Offense Enhancement	PC186.22(b)(1)	Street Gang Act	6,261	4.6	28,703.0	3.8	86.3
Offense Enhancement	PC12022(b)	Use of Deadly Weapon	4,759	0.9	4,341.2	2.9	89.2
Offense Enhancement	PC12022.53(b)	Use of Firearm	3,701	7.9	28,203.3	2.3	91.5
Case Enhancement	PC12022.1(a)	Offense Committed While Released On Bail	3,005	2.0	5,889.0	1.8	93.3
Offense Enhancement	PC12022(a)	Armed with Firearm	1,935	0.8	1,505.0	1.2	94.5
Offense Enhancement	PC12022.7(e)	Inflict GBI Involving Domestic Violence	1,623	3.7	5,945.7	1.0	95.5
Offense Enhancement	PC12022.53(c)	Discharge Firearm	959	17.2	16,194.3	0.6	96.1
Offense Enhancement	PC12022(c)	Armed w/Firearm During Commission of Specified H&S Code	641	3.1	2,001.0	0.4	96.5
Offense Enhancement	PC186.11(a)(2)	Aggravated White Collar Crime	598	2.1	1,054.7	0.4	96.9
Case Enhancement	HS11370.2(c)	Possess/Sell CS w/PFC	490	3.0	1,454.0	0.3	97.2
Offense Enhancement	VC23558	Cause Bodily Injury or Death to More than One Victim	437	0.9	396.3	0.3	97.5
Case Enhancement	HS11370.2(a)	Possess/Sale w/PFC	423	2.9	1,237.0	0.3	97.8
Offense Enhancement	PC12022.7(d)	Inflict GBI on Child Under 5 Years Old	354	4.2	1,448.3	0.2	98.0

Similar to Tables 9 and 10, [Tables B-4, B-5, B-6, and B-7](#) show the most common combinations of enhancements for individuals who receive more than one enhancement on their sentence broken out by combinations of offense enhancements and combinations of case enhancements. Tables B-4 and B-5 show these combinations for the population of people incarcerated as of July 2022 and Tables B-6 and B-7 show these combinations for people admitted since 2015.

TABLE B-4: [Ten most common offense enhancement combinations for the currently incarcerated in July 2022](#)

ENHANCEMENT COMBINATIONS	COUNT
Intentional Discharge of Firearm Causing GBI/Death (PC12022.53(d), 2)	580
Inflict GBI (PC12022.7(a), 1), Use of Firearm (PC12022.5(a), 1)	512
Street Gang Act (PC186.22(b)(1), 1), Use of Firearm (PC12022.5(a), 1)	510
Use of Firearm (PC12022.5(a), 2)	487
Inflict GBI (PC12022.7(a), 1), Use of Deadly Weapon (PC12022(b), 1)	375
Use of Firearm (PC12022.53(b), 2)	321
Street Gang Act (PC186.22(b)(1), 1), Use of Firearm (PC12022.53(b), 1)	201
Inflict GBI Involving Domestic Violence (PC12022.7(e), 1), Use of Deadly Weapon (PC12022(b), 1)	189
Intentional Discharge of Firearm Causing GBI/Death (PC12022.53(d), 1), Street Gang Act (PC186.22(b)(1), 1)	166
Use of Firearm (PC12022.5(a), 3)	159

TABLE B-5: [Ten most common case enhancement combinations for the currently incarcerated in July 2022](#)

ENHANCEMENT COMBINATIONS	COUNT
Prior Felony Conviction of Serious Offense (PC667(a), 2), Third Strike (1)	509
Prior Felony Conviction of Serious Offense (PC667(a), 2), Second Strike (1)	303
Prior Felony Conviction of Serious Offense (PC667(a), 2), Third Strike (2)	157
Prior Felony Conviction of Serious Offense (PC667(a), 2)	149
Prior Felony Conviction of Serious Offense (PC667(a), 3), Third Strike (1)	139
Prior Felony Conviction of Serious Offense (PC667(a), 2), Second Strike (2)	138
Prior Felony Conviction of Serious Offense (PC667(a), 1), Prior Prison Term/ Non Violent new offense is any felony (PC667.5(b), 1), Second Strike (1)	130
Prior Prison Term/Non Violent new offense is any felony (PC667.5(b), 2)	91
Prior Felony Conviction of Serious Offense (PC667(a), 1), Prior Prison Term/ Non Violent new offense is any felony (PC667.5(b), 1), Second Strike (2)	81
Prior Prison Term/Non Violent new offense is any felony (PC667.5(b), 2), Third Strike (1)	73

TABLE B-6: **Ten most common offense enhancement combinations for admissions 2015**

ENHANCEMENT COMBINATIONS	COUNT
Infllict GBI (PC12022.7(a), 1), Use of Firearm (PC12022.5(a), 1)	340
Infllict GBI (PC12022.7(a), 1), Use of Deadly Weapon (PC12022(b), 1)	314
Street Gang Act (PC186.22(b)(1), 1), Use of Firearm (PC12022.5(a), 1)	244
Use of Firearm (PC12022.5(a), 2)	180
Infllict GBI Involving Domestic Violence (PC12022.7(e), 1), Use of Deadly Weapon (PC12022(b), 1)	170
Street Gang Act (PC186.22(b)(1), 2)	158
Intentional Discharge of Firearm Causing GBI/Death (PC12022.53(d), 2)	136
Infllict GBI (PC12022.7(a), 2)	113
Use of Firearm (PC12022.53(b), 2)	111
Use of Deadly Weapon (PC12022(b), 2)	89

TABLE B-7: **Ten most common case enhancement combinations for admissions 2015**

ENHANCEMENT COMBINATIONS	COUNT
Prior Prison Term/Non Violent new offense is any felony (PC667.5(b), 2)	1,551
Prior Prison Term/Non Violent new offense is any felony (PC667.5(b), 3)	534
Prior Prison Term/Non Violent new offense is any felony (PC667.5(b), 2), Second Strike (1)	505
Prior Felony Conviction of Serious Offense (PC667(a), 2), Second Strike (1)	282
Prior Prison Term/Non Violent new offense is any felony (PC667.5(b), 4)	211
Prior Felony Conviction of Serious Offense (PC667(a), 1), Prior Prison Term/Non Violent new offense is any felony (PC667.5(b), 1), Second Strike (1)	157
Prior Felony Conviction of Serious Offense (PC667(a), 2)	153
Prior Prison Term/Non Violent new offense is any felony (PC667.5(b), 3), Second Strike (1)	137
Prior Prison Term/Non Violent new offense is any felony (PC667.5(b), 2), Second Strike (2)	117
Offense Committed While Released On Bail (PC12022.1(a), 1), Prior Prison Term/Non Violent new offense is any felony (PC667.5(b), 1)	105

Table B-8 presents the same comparisons of various demographic characteristics for people admitted to prison since 2015. The population is still split into two mutually exclusive groups: those without enhancements and those with at least one sentence enhancement. We begin by comparing age at admission to prison and the age at the time of the offense for these two groups. Individuals with enhancements are roughly the same age at both the time of offense and at admission to prison. For the population without enhancements 30% committed their offense prior to their 26th birthday, while the percentage is only slightly lower for people with enhancements (29%).

TABLE B-8: Descriptive statistics for admissions since 2015 for those with and without enhancements

OUTCOME	WITHOUT ENHANCEMENTS	WITH ENHANCEMENTS
Admission Age		
25th Percentile	26.2	26.5
Median	32.5	32.8
75th Percentile	41.0	41.0
Offense Age		
25th Percentile	24.7	25.0
Median	30.9	31.4
75th Percentile	39.3	39.6
Under 26 at Offense		
Yes	30.3	29.0
Race/Ethnicity		
American Indian/Alaskan Native	1.1	1.3
Asian or Pacific Islander	1.7	1.5
Black	21.2	25.8
Hispanic	47.0	45.2
Other	2.7	2.7
White	26.3	23.5
Sex		
Female	8.3	5.3
Male	91.7	94.7

TABLE B-8: Descriptive statistics for admissions since 2015 for those with and without enhancements (continued)

OUTCOME	WITHOUT ENHANCEMENTS	WITH ENHANCEMENTS
Time Served as of July 2022		
25th Percentile	0.9	1.7
Median	1.2	2.6
75th Percentile	1.8	4.4
Mental Health Level of Care		
Alternative Care Facility	0.6	1.0
Correctional Clinical Case Management System (CCCMS)	26.3	22.9
Enhanced Outpatient Program (EOP)	4.6	6.5
General Population	67.7	69.2
Mental Health Crisis Beds (Crisis Bed)	0.2	0.2
Undesignated	0.6	0.2
California Risk Assessment Score		
Low risk	29.3	27.4
Moderate risk	25.9	27.0
High risk, drug offense	4.5	4.3
High risk, property offense	10.6	10.3
High risk, person offense	29.6	31.0

Similar to what we see for the population of people currently incarcerated as of July 2022 (Table 11), there are racial disparities present among people sentenced since 2015 as well, though they are much smaller relative to what we observe in the cross section. Among individuals with a sentence enhancement, 45% are Hispanic and 26% are Black. By contrast, 47% of those admissions without enhancements are people who identify as Hispanic while 21% are people who identify as Black.

Individuals serving a sentence with an enhancement are overwhelmingly male (which holds true for the prison population overall). We also looked at the distribution of these two groups by the level of mental health care they receive while incarcerated. Individuals with sentence enhancements are slightly more likely to be classified as EOP, as well as slightly more likely to be among the general population, and slightly less likely to be classified as CCMS. There are no notable differences in the distribution across risk categories for people incarcerated with or without enhancements. People without sentence enhancements were classified as the lowest and second lowest risk category 29% and 26% while people with enhancements were classified as the lowest and second lowest risk both 27%. Similarly both groups are classified as being in the highest risk category 30% and 31%.

Table B-9 shows the rates of enhancement use by county. For counties with low cell counts we suppressed the information and labeled them 'NA'.

TABLE B-9: County variation for admissions since 2015

COUNTY	TOTAL ENHANCEMENTS RATE	TOTAL ENHANCEMENTS	TOTAL CASE/OFFENSE RATE	CASE/OFFENSE ENHANCEMENTS	TOTAL THREE STRIKES RATE	THREE STRIKES ENHANCEMENTS	GANG ENHANCEMENTS	TOTAL GANG RATE	FELONY ARRESTS
Alameda	1,905.3	2,029	1,450.8	1545	454.5	484	NA	NA	106,490
Alpine	NA	NA	NA	NA	NA	NA	NA	NA	NA
Amador	6,233.8	240	2,649.4	102	3,584.4	138	NA	NA	3,850
Butte	3,398.3	950	2,525.5	706	872.8	244	NA	NA	27,955
Calaveras	3,305.1	113	NA	NA	NA	NA	NA	NA	3,419
Colusa	2,038.6	56	NA	NA	NA	NA	NA	NA	2,747
Contra Costa	1,709.8	1,638	1,230.7	1,179	479.1	459	122	127.3	95,800
Del Norte	4,090.2	176	1,952.1	84	2138.0	92	NA	NA	4,303
El Dorado	6,356.1	745	2,883.7	338	3,472.4	407	NA	NA	11,721
Fresno	6,691.8	6,237	3,160.8	2,946	3531.0	3,291	152	163.1	93,203
Glenn	5,438.4	147	2,552.7	69	2,885.7	78	NA	NA	2,703
Humboldt	2,035.4	389	1,308.1	250	727.3	139	NA	NA	19,112
Imperial	1,456.7	357	469.2	115	987.4	242	NA	NA	24,508
Inyo	2,881.6	74	NA	NA	NA	NA	NA	NA	2,568
Kern	6,994.5	7,013	3,340.1	3,349	3,654.3	3,664	237	236.4	100,265
Kings	7,324.9	1,420	2,909.3	564	4,415.6	856	90	464.3	19,386
Lake	4,563.6	424	2,701.5	251	1862.0	173	NA	NA	9,291
Lassen	3,342.5	146	1,808.6	79	1,533.9	67	NA	NA	4,368
Los Angeles	6,252.0	42,013	3,091.0	20,771	3161.0	21,242	1,885	280.5	671,993
Madera	6,471.1	1,041	2,318.6	373	4,152.4	668	68	422.7	16,087
Marin	2,160.3	307	999.2	142	1,161.1	165	NA	NA	14,211
Mariposa	6,861.3	94	NA	NA	NA	NA	NA	NA	1,370
Mendocino	4,324.2	604	2,684.7	375	1,639.5	229	NA	NA	13,968
Merced	7,717.8	1,676	4,158.2	903	3,559.6	773	175	805.9	21,716
Modoc	3,927.5	52	NA	NA	NA	NA	NA	NA	1,324
Mono	NA	NA	NA	NA	NA	NA	NA	NA	849
Monterey	6,282.1	2,434	2,722.9	1,055	3,559.2	1,379	173	446.5	38,745
Napa	4,167.0	475	2,114.2	241	2,052.8	234	NA	NA	11,399

TABLE B-9: County variation for admissions since 2015 (continued)

COUNTY	TOTAL ENHANCEMENTS RATE	TOTAL ENHANCEMENTS	TOTAL CASE/OFFENSE RATE	CASE/OFFENSE ENHANCEMENTS	TOTAL THREE STRIKES RATE	THREE STRIKES ENHANCEMENTS	GANG ENHANCEMENTS	TOTAL GANG RATE	FELONY ARRESTS
Nevada	1,727.2	135	780.5	61	946.8	74	NA	NA	7,816
Orange	2,845.0	7,002	1,726.4	4,249	1,118.6	2,753	479	194.6	246,114
Placer	5,215.5	1,641	1,783.0	561	3,432.5	1,080	NA	NA	31,464
Plumas	NA	NA	NA	NA	NA	NA	NA	NA	1,692
Riverside	7,358.7	15,432	3,289.3	6,898	4,069.4	8,534	328	156.4	209,712
Sacramento	5,622.7	9,375	2,233.5	3,724	3,389.2	5,651	242	145.1	166,734
San Benito	2,898.9	129	NA	NA	NA	NA	NA	NA	4,450
San Bernardino	4,600.7	10,669	1,757.2	4,075	2,843.5	6,594	564	243.2	231,898
San Diego	4,624.8	12,134	2,179.0	5,717	2,445.8	6,417	189	72.0	262,366
San Francisco	805.9	667	592.1	490	213.9	177	NA	NA	82,761
San Joaquin	3,435.8	2,472	1,837.4	1,322	1,598.4	1,150	126	175.1	71,949
San Luis Obispo	4,752.9	1,000	2,471.5	520	2,281.4	480	NA	NA	21,040
San Mateo	3,378.5	1,411	1,283.4	536	2,095.1	875	NA	NA	41,764
Santa Barbara	4,532.1	1,759	2,146.2	833	2,385.9	926	136	350.4	38,812
Santa Clara	4,932.5	5,141	2,059.9	2,147	2,872.6	2,994	318	305.1	104,227
Santa Cruz	2,944.9	653	1,573.9	349	1,371.0	304	52	234.5	22,174
Shasta	6,099.5	2,049	2,643.4	888	3,456.1	1,161	NA	NA	33,593
Sierra	NA	NA	NA	NA	NA	NA	NA	NA	90
Siskiyou	8,220.2	442	4,277.5	230	3,942.7	212	NA	NA	5,377
Solano	2,203.3	980	1,387.2	617	816.1	363	NA	NA	44,478
Sonoma	3,218.9	1,264	1,721.5	676	1,497.4	588	NA	NA	39,268
Stanislaus	4,447.5	2,720	2,316.9	1,417	2,130.5	1,303	56	91.6	61,158
Sutter	5,522.7	430	3,634.7	283	1,888.0	147	NA	NA	7,786
Tehama	6,904.5	511	4,161.6	308	2,742.9	203	NA	NA	7,401
Trinity	NA	NA	NA	NA	NA	NA	NA	NA	1,782
Tulare	6,396.3	3,770	3,125.2	1,842	3,271.1	1,928	314	532.7	58,940
Tuolumne	9,021.0	716	3,742.0	297	5,279.1	419	NA	NA	7,937
Ventura	3,941.5	3,050	2,416.6	1,870	1,524.9	1,180	187	241.7	77,381
Yolo	6,210.3	1,252	2,966.3	598	3,244.0	654	70	347.2	20,160
Yuba	6,138.0	483	2,999.1	236	3,138.9	247	NA	NA	7,869