UCLA
UCLA Criminal Justice Law Review

Title
Broken Data, Broken Justice: Systemic Inequities, a Data-Driven Approach

Permalink
https://escholarship.org/uc/item/1mz6v6hx

Journal
UCLA Criminal Justice Law Review, 10(1)

Author
Weivoda, Kristin

Publication Date
2026-11-16

DOI
10.5070/CJ8.70317

Peer reviewed

eScholarship.org Powered by the California Digital Library
University of California

BROKEN DATA, BROKEN JUSTICE:
Systemic Inequities, a Data-Driven Approach

Kristin Weivoda
Northwestern University Pritzker School of Law[1]

Abstract

This article critically examines the efficacy of recent California criminal justice reforms—most notably the Racial Justice Act, Blind Charging, Assembly Bill 2418, and Assembly Bill 1331—in addressing racial disparities within prosecutorial practices. Using Yolo County as a case study, the research employs a mixed-methods approach, combining quantitative analysis of prosecutorial data from the Measures for Justice Commons portal with legal and policy review, California Public Records Act requests, and a statewide survey of public defender offices. Findings reveal persistent racial disparities, particularly the disproportionate prosecution of Black residents, who are overrepresented at both the intake and prosecution stages despite the county's adoption of race-blind charging policies. It identifies the deficiencies in data infrastructure—such as incomplete demographic disaggregation, absence of long-term diversion outcomes, and broad categorical groupings—that limit the capacity to measure reform impact and ensure accountability. These shortcomings underscore the inadequacy of reforms absent robust data transparency, standardized reporting, and independent oversight. The article advances recommendations for legislative and policy reform, including equity-focused data normalization, post-blind auditing of prosecutorial discretion, and establishment of independent oversight boards. By exposing how data gaps undermine well-intentioned reforms, this study argues that genuine justice requires more than statutory change; it demands equity-centered, transparent, and verifiable systems capable of translating legislative aspiration into measurable fairness.

Keywords

Racial Justice Act (RJA), Blind Charging, Assembly Bill 2418 (AB 2418), Assembly Bill 1331 (AB 1331), prosecutorial discretion, structural racism, systemic inequities, racial disparities, equity in justice, accountability,

1. Acknowledgments: The author thanks Professor Jamelia Natasha Morgan and the Yolo County Public Defender's Office for their guidance and support.

© 2026 Kristin Weivoda. All rights reserved.

transparency, data infrastructure, standardized reporting, disparity ratios, demographic disaggregation, diversion outcomes, Commons Transparency Data Portal, Measures for Justice, Yolo County case study, California criminal justice reform.

Table of Contents

Context and Background 31
A. *Objective* 31
B. *Design* 31
C. *Methodology* 32
A. *Results* 32
Introduction 32
VII. California Legislative Framework 34
A. *The California Racial Justice Act* 34
B. *Blind Charging* 35
C. *Assembly Bill 2418* 36
D. *Assembly Bill 1331* 37
II. Commons Data 37
A. *Background* 37
B. *Data Analysis* 39
C. *Cases Received by Prosecutor* 39
a. Data Analysis, opportunities for improvement, and consideration based on the data in Figure 1. 40
D. *Cases Prosecuted* 41
E. *Comparative Analysis of Cases Received and Prosecuted* 42
F. *Cases Diverted* 43
G. *Suggestions to Improve the Commons Data* 46
a. Addressing Upstream Bias and Selection Effects 46
b. Enhancing Contextual Data Collection 46
c. Improving Analytical Rigor 47
d. Establishing Independent Oversight 48
e. Interpreting Existing Data Cautiously 48
H. *Transparency in Blind Charging* 49
III. Constructing Justice 49
A. *Advancing Equity and Transparency in Prosecutorial Practices* 50
B. *Key Issues Identified* 50
C. *Proposed Legislative and Policy Reforms* 53

a. Comprehensive Data Infrastructure and Integration 53
b. Equity-Focused Data Disaggregation and Normalization ... 53
c. Prosecutorial Accountability Measures 53
d. Transparency in Race-Blind Charging Implementation 54
e. Public Oversight and Community Collaboration 54
f. Statewide Standardization of Data Practices 55
g. Codified Public Transparency Requirements 55
h. Statutory Expansion of Data Collection Authority 55
Conclusion 56

Context and Background

The United States criminal justice system remains impacted by structural racism and systemic inequities. Recent reforms in California, such as the RJA, Blind Charging, AB 2418, and AB 1331, were enacted to tackle racial disparities in prosecutorial and judicial practices and implement data reporting practices. These reforms fail to achieve the intended outcomes due to insufficient data transparency, a lack of standardized reporting, inadequate structure, limited employee bandwidth, and weak accountability mechanisms. This study originated from volunteering with the Yolo County Public Defender's Office and was initially intended as a proof of concept for utilizing artificial intelligence to detect racial bias. Instead, it revealed widespread data inconsistencies and significant gaps across institutions, particularly the Yolo County District Attorney's Office, which publicly publishes charging and diversion data via the Measures for Justice Commons portal, after implementing a race blind charging policy.

A. *Objective*

This study aimed to critically evaluate the effectiveness of recent California criminal justice reforms in addressing racial disparities, focusing specifically on the Yolo County District Attorney's Common Data. It investigated whether reforms such as Blind Charging have resulted in equitable outcomes and whether the data infrastructure supports meaningful oversight and the implementation of reforms. These must be addressed to ensure that future legislation, such as Blind Charging, AB 2418, and AB1331, along with others, encompasses relevant requirements to ensure equal and fair justice.

B. *Design*

Using a mixed-methods approach, the study analyzed prosecutorial data on the Measures for Justice Commons Transparency Data portal, conducted legal and policy reviews, submitted requests under the California Public Records Act, and examined Judicial Administrative Records according to Rule 10.500. Additionally, a statewide survey of public defender offices was conducted to assess perceptions of reform efficacy and identify systemic barriers to equity. Quantitative data were normalized to reflect Yolo County's

demographic profile using U.S. Census data, and disparity ratios were calculated to evaluate inequities in prosecutorial outcomes.

C. *Methodology*

The research for this paper involved:

1. Submitting and analyzing California Public Records Act (CPRA) requests to Yolo County District Attorney, Yolo County Superior Court, Woodland Police Department, West Sacramento Police Department, Davis Police Department, Yolo County Sheriff's Office, and Yolo County Jail.
2. Reviewing Judicial Administrative Records under California Rule of Court 10.500.
3. Analyzing datasets published by the Yolo County District Attorney through the Measures for Justice Commons portal.
4. Downloading and analyzing data from the Measures for Justice, Commons Portal, designed for the County of Yolo, District Attorney (2021–2025).
5. Conducting a statewide survey of 25 Public Defender offices.
6. Reviewing legislation and implementation guidance.

The methodology combines legal analysis with empirical review. The data collected was normalized to Yolo County's population demographics based on the U.S. Census Bureau 2023 statistics. Disparity ratios and outcome rates are used to highlight inequities. The study further evaluates legislative texts and policy implementation guidelines, identifying gaps and areas for improvement.

A. *Results*

The findings indicate that significant racial disparities persist in charging decisions and prosecutorial outcomes, despite the Yolo County District Attorney's commitment to implementing race-blind charging practices and an oversight committee. It is important to recognize the existence of data gaps, such as the absence of demographic indicators in diversion programs and the lack of clarity in charge categorization. These factors present challenges in accurately measuring the efficacy of reforms and ensuring compliance with statutory requirements. These challenges underscored the need for improved reporting and a closer alignment between reform objectives and institutional practices. Addressing these issues could lead to more effective and equitable outcomes for all.

Introduction

The United States criminal justice system is antiquated, operating from a foundation of structural racism and systemic inequality. These forces have been historically entrenched, and despite decades of reform rhetoric, they remain embedded in prosecutorial discretion, judicial outcomes, and broader institutional practices. While recent policy measures in California—including

the RJA, Blind Charging, and legislative efforts such as AB 2418 and 1331—signal a commitment to equity, they too often serve as symbolic gestures rather than instruments of genuine transformation.[2]

The Racial Justice Act of 2020 allows individuals charged with a crime to challenge racial bias in their case by introducing statistical or direct evidence of discrimination in charging, sentencing, or jury selection.[3] Blind Charging practices aim to eliminate prosecutorial bias by removing identifying information such as race or ethnicity during initial charging decisions.[4] AB 2418 now mandates standardized prosecutorial data collection, while AB 1331 seeks to institutionalize data reporting across justice agencies, such as what has been done in the health sector.[5] These initiatives often lack the enforcement mechanisms and infrastructure necessary to achieve their intended outcomes. Without standardized, transparent, and publicly accessible data, it is nearly impossible to measure the effectiveness of these reforms or hold agencies accountable for biased practices.[6]

This research initiative originated from volunteering at the Yolo County Public Defender's Office, where I had the privilege of examining Racial Justice Act cases as part of my Master's in Law program at Northwestern University. This valuable volunteer experience deepened my understanding of local data analysis, akin to my previous medical and public health work. Through this engagement, I reviewed various datasets, including the Measures for Justice Commons Transparency Data portal, developed in collaboration with the County of Yolo's District Attorney and the Berkeley Computer Lab. This experience served as a foundational stepping-stone for my current research project. What began as a proof of concept for using artificial intelligence to detect racial disparities in prosecutorial behavior evolved into a deeper investigation of the justice system's data architecture within California. Drawing on earlier scholarship that critiques prosecutorial discretion and the myth of race-neutrality,[7]—most notably, Alexandra Nata Poff's work on misdemeanor systems[8], and Monica Bell's theory of legal estrangement[9], these studies situate themselves within a growing body of literature calling for data transparency and accountability as prerequisites to reform.

Yolo County presents a compelling case study. With Yolo County's early adoption of Blind Charging and its creation of a public-facing data portal with Measures for Justice and Berkeley Computer Lab, Yolo County has been considered a model of progressive prosecution. Yet, close analysis of this data

2. *See, e.g.*, Cal. Assemb. B. 2542, 2019–2020 Reg. Sess. (Cal. 2020).
3. Cal. Assemb. B. 2542, 2019–2020 Reg. Sess. (Cal. 2020).
4. Cal. Assemb. B. 2778, 2021–2022 Reg. Sess. (Cal. 2022).
5. Cal. Assemb. B. 2418, 2021–2022 Reg. Sess. (Cal. 2022); Cal. Assemb. B. 1331, 2019–2020 Reg. Sess. (Cal. 2019).
6. See *id.*
7. *See* Measures for Justice, https://measuresforjustice.org [https://perma.cc/ZY3W-4H9T] (last visited May 22, 2026).
8. Alexandra Natapoff, Punishment Without Crime: How Our Massive Misdemeanor System Traps the Innocent and Makes America More Unequal (2018).
9. Monica C. Bell, *Police Reform and the Dismantling of Legal Estrangement*, 126 Yale L.J. 2054 (2017).

reveals critical gaps: a lack of clarity about what data is included and what data is excluded, charging decisions, diversion outcomes, which all lack racial or demographic disaggregation; case types are inconsistently categorized; and there is no clear indication of how, or if, Blind Charging is applied in practice. These omissions raise serious questions about whether meaningful reform is possible without a foundational data infrastructure that captures, analyzes, and reports racial equity outcomes. By identifying and exposing how poor data infrastructure obstructs reform, this research challenges the prevailing assumption that good policy alone is sufficient for justice. These omissions raise serious questions about whether meaningful reform is possible without a foundational data infrastructure that captures, analyzes, and reports racial equity outcomes. By identifying and exposing how poor data infrastructure obstructs reform, this research challenges the prevailing assumption that good policy alone is sufficient for justice—and raises a foundational question for criminal justice reform efforts nationwide: without the data infrastructure to measure what is happening, verify who is impacted, and hold systems accountable for outcomes, how can we distinguish between genuine transformation and well-intentioned illusion? The answer matters not just for Yolo County, but for every jurisdiction claiming progress toward racial equity.

VII. California Legislative Framework

This section reviews California's four recent criminal justice reform initiatives, contextualizing each within the broader legal landscape and exploring their limitations.

A. *The California Racial Justice Act*

The Racial Justice Act, enacted as Assembly Bill No. 2542 in 2020 and amended by AB 256 in 2022, allows criminal defendants to challenge decisions influenced by race, ethnicity, or national origin. While the law is a significant step forward, its implementation is hindered by three main issues: (1) the burden of proof rests on the defendant to demonstrate systemic bias, (2) relevant data is often unavailable or inaccessible, and (3) there is a lack of staff and resources in public defender offices.

Unlike the restrictive federal *McCleskey v. Kemp*[10] standard, which stifles efforts to challenge systemic bias, California's Racial Justice Act empowers us to confront these injustices head-on by permitting statistical data to unveil entrenched biases. Yet, despite its groundbreaking potential, this provision remains largely symbolic due to the lack of structured, mandatory data systems and workforce to complete these reviews effectively.

The fact that California's Racial Justice Act has remained largely symbolic highlights a critical structural deficiency: public defenders face formidable obstacles in litigating challenges to discriminatory practices because they cannot reliably identify or substantiate patterns of bias across jurisdictions, courts, or prosecutorial offices. This obstacle is not merely a matter of resource scarcity—it is fundamentally a problem of data infrastructure.

10. *See* McCleskey v. Kemp, 481 U.S. 279 (1987).

While public defenders frequently lack adequate staff and funding to conduct cross-jurisdictional empirical analysis, the more fundamental barrier is the absence of standardized, disaggregated data systems that would enable such analysis. Without systematic collection and disaggregation of prosecutorial decision-making data by race, ethnicity, and other demographic categories, even well-resourced defense offices cannot establish the evidentiary foundation necessary to vindicate the Racial Justice Act's promise of accountability. This highlights how Public Defenders face daunting hurdles in their fight against discrimination. They struggle to identify and prove patterns of bias across various counties, courts, or offices. They often lack the essential staff and resources to effectively uncover these critical patterns of injustice.

Realizing the racial Justice Act's transformative potential requires more than substantive statutory protections – it demands institutional infrastructure capable of operationalizing those protections. We must reconceptualize accountability as a shared systemic obligation rather than an adversarial burden placed exclusively on defense counsel. Where defenders lack access to disaggregated data across jurisdictions, courts, and prosecutorial offices, discrimination continues to functionally impair regardless of the statute's substantive scope. Processors and systems administrators must therefore assume affirmative data collection, reporting, and transparency obligations commensurate with defenders' evidentiary burdens. We propose an independent oversight body charged with systematically collecting and analyzing RJA case data; publicly reporting findings disaggregated by jurisdiction, offense type, and demographic characteristics; and leveraging empirical evidence to inform procedural policy and practice. Such infrastructure would transform the RJA from aspiration to an enforceable mechanism for racial equity.

B. *Blind Charging*

California has enacted legislation mandating race-blind charging procedures to mitigate racial biases in prosecutorial decisions. Assembly Bill 2778, codified in Penal Code Section 741, requires all prosecution agencies to implement processes ensuring that initial case evaluations are conducted without knowledge of the suspect's, victim's, or witness's race.[11]

Effective January 1, 2025, all prosecution agencies in California must redact all direct racial identifiers from case materials received from law enforcement, including police reports and suspect criminal history documentation.[12] This redaction can be performed manually by personnel not involved in charging decisions or through automated software, provided the method ensures accurate redaction.[13]

Prosecutors conduct an initial assessment based solely on redacted information to determine whether charges should be filed without deciding on specific charges or enhancements.[14] Following the first assessment, a

11. Cal. Assemb. B. 2778, 2021–2022 Reg. Sess. (Cal. 2022); Cal. Penal Code § 741 (West 2023).
12. Cal. Penal Code § 741 (b)(1) (West 2023).
13. *Id.*
14. Cal. Penal Code § 741 (b)(2) (West 2023); Div. of Crim. L., Cal. Dep't of Just.,

comprehensive review using unredacted reports and all available evidence is conducted to decide on the charges and improvements to be filed.

Any discrepancies between the initial race-blind evaluation and the subsequent comprehensive review must be documented, including explanations for changes in charging decisions. This documentation is protected as attorney work product until sentencing or dismissal of charges.[15]

Prosecution agencies are authorized to exclude certain classes of crimes from the race-blind charging process, such as homicides, hate crimes, domestic violence, sex crimes, gang-related offenses, and cases involving public integrity. Agencies must maintain and publicly disclose a list of these exclusions and the reasons for each.[16]

Despite the structured process introduced by the legislation, prosecutors retain the final authority in charging decisions. The two-step evaluation serves as a framework to guide decision-making, but the ultimate discretion lies with the prosecuting attorney. This is evident in the requirement for a comprehensive second review, where prosecutors consider all unredacted information and available evidence to determine the specific charges and enhancements. Allowing the ability to exclude certain classes of crimes from the race-blind process underscores the discretionary power vested in prosecutorial agencies.[17]

California's race-blind charging legislation represents a significant effort to address racial biases in the criminal justice system. While it introduces structured procedures to promote fairness, these measures' practical implementation and effectiveness continue to evolve, with prosecutorial discretion playing a central role in their application.

Blind Charging aims to remove race and other disparities from initial charging decisions by concealing suspects' race and ethnicity during prosecutors' early evaluations. In theory, this reduces implicit bias. In practice, prosecutors often have access to police reports, officer narratives, and neighborhood information, allowing them to infer a suspect's racial identity regardless of whether it is stated, and ultimately have the final say on how this legislation is applied.

This paper will examine the Yolo County District Attorney's Office, which began implementing Blind Charging in 2021 and led the State's Blind Charging movement in the criminal justice system. The Office worked with Measure on Justice and the Berkeley Computer Lab to create the Commons Transparency Data portal, demonstrating how it has executed equity through blind charging and a robust diversion protocol.

C. *Assembly Bill 2418*

AB 2418 mandates the publication of prosecutorial decision-making data, including declinations, diversions, charge modifications, and case

Race-Blind Charging Guidelines: Penal Code Section 741 2 (2024).

15. Div. of Crim. L., Cal. Dep't of Just., *supra* note 14, at 6.
16. Cal. Penal Code § 741 (c) (West 2023); Div. of Crim. L., Cal. Dep't of Just., *supra* note 14, at 7.
17. *See* Cal. Penal Code § 741 (b) (West 2023); Div. of Crim. L., Cal. Dep't of Just., *supra* note 14, at 2.

resolutions.[18] The law does not specify a uniform data format, frequency of publication, or consequences for noncompliance. As a result, counties interpret their responsibilities inconsistently, and it is irrelevant as it currently stands.

D. *Assembly Bill 1331*

AB 1331 is a comprehensive bill that emphasizes enhancing security and protecting rights in the workplace related to surveillance while also introducing a data exchange component.[19] The aim is to establish a standardized statewide framework for data exchange, particularly in the healthcare sector. Some stakeholders interpret this bill as a potential step towards creating a centralized data system across various sectors within California's government. Notably, the bill does not require defense or prosecutorial offices to decentralize their data into a single centralized California data bank, which would be linked to several justice systems to present California's justice data coherently. California's criminal justice system operates in a decentralized manner, with each county maintaining its data protocols—many of which are outdated or difficult to access. Given these challenges, the bill may face limitations in achieving substantial standardization within the justice system.

Without a central repository, comparative analysis is impossible. Counties wishing to innovate, such as Yolo, may attempt to present transparency, but selective reporting can skew public perception without mandated metrics.

II. Commons Data

A. *Background*

The Yolo County District Attorney's Office launched its Commons Transparency Data Portal in April 2021. This initiative was led by the District Attorney, in collaboration with Measures for Justice, a nonprofit, and the Berkeley Computer Lab. According to the Commons website, the goal is to provide public access to detailed criminal justice data, offering insight into the criminal justice system and showcasing the positive changes the District Attorney's office has implemented to reduce racism and disparities within their office, charges, and court proceedings. By making this data accessible, the DA's office seeks to enhance transparency, identify inequities, and promote informed discussions on criminal justice reform. When I reached out to Jeff Reisig, the District Attorney of Yolo County, via email on March 12, 2024, asking if he could explain the program further, share lessons learned, discuss things he would do differently, and arrange a time to speak, Mr. Reisig responded, stating, "[o]ur program resulted in a new state law in California requiring all prosecutors to implement by 2025. It has been a game changer in the area of procedural and racial justice. There's a lot of information on the Internet about our program. I'm not sure I can offer much more. It's a pretty simple idea; Lady Justice is blindfolded." In addition to contacting the District Attorney, I contacted Measures for Justice to discuss the Commons

18. Cal. Assemb. B. 2418, 2021–2022 Reg. Sess. (Cal. 2022).
19. Cal. Assemb. B. 1331, 2019–2020 Reg. Sess. (Cal. 2019).

Transparency Data Portal. Numerous calls and emails were sent, but they went unanswered.

I concur with Mr. Reisig that the concept is straightforward; however, the intricacy lies in effectively sharing data and crafting a compelling narrative. This represents a significant step forward, yet it is essential to establish guardrails, parameters, transparency, and third-party validation of such sensitive and meaningful data. Without these measures in place, data can be manipulated to convey any narrative, which highlights the challenges of storytelling when the data is not handled responsibly.

The Commons Transparency Data Portal states, "[i]t is a joint space for making criminal justice data transparent and shared goals public. When the public, police, prosecutors, and courts share and trust the same data, that data becomes the common ground for reform."[20]

I fully support the idea that meaningful reform can be achieved by creating a collaborative environment, sharing transparent justice data, and establishing mutual goals. But it remains important to analyze this data and address the concerns related to its transparency. Acknowledging these issues will help ensure that the public understands the realities within our criminal justice system.

The Commons Data shows historical cases received, decisions after review, diverted cases, case outcomes, cases that end in a sentence, the time it takes to prosecute cases within the system, and drop-down menus to sort these buckets. The website states at the bottom of each page, as a "Source & Footer: *There are many factors that affect the results of these Measures. Data presented here are intended to show general patterns and to highlight areas that might need further investigation.*"[21] More importantly, there should be a disclaimer that this data is a partial picture and requires much more investigation and transparency to show patterns within the justice system. The absence of such a disclaimer permits stakeholders to mistake data accessibility for data adequacy—a conflation that undermines accountability by obscuring the systemic omissions, particularly discrimination by race and ethnicity, that render the existing data infrastructure insufficient to detect or prove discriminatory patterns. More fundamentally, without acknowledging data limitations, Yolo County can claim to manufacture progressive transparency while perpetuating the very informational opacity that insulates potentially discriminatory practices from meaningful scrutiny. The gap between apparent transparency and actual evidentiary sufficiency exemplifies how jurisdictions can engage in performative reform while avoiding the institutional accountability mechanisms necessary for substantive racial equity.

---

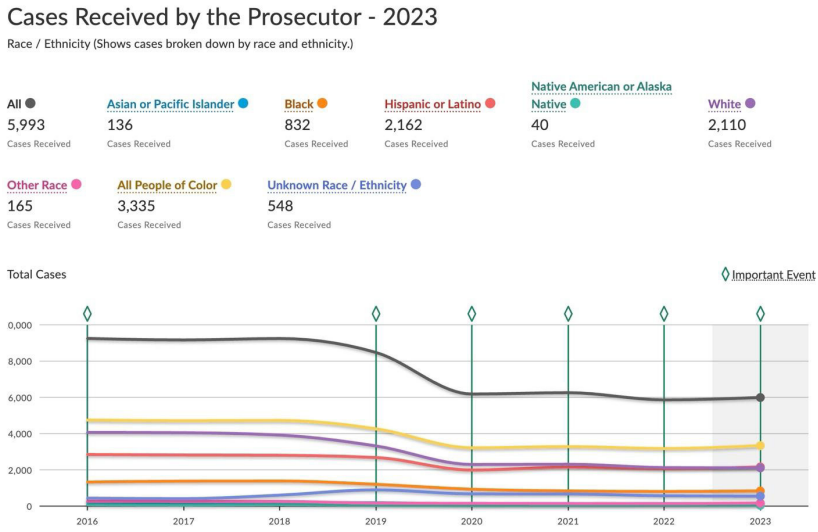
20. *Commons Data Transparency Portal*, Yolo Cnty. Dist. Att'y, https://yoloda.org/commons-data-transparency-portal/ [https://perma.cc/G3CH-SAKW] (last visited May 22, 2026); *see also* Commons, https://commons.measuresforjustice.org/prosecutor/yolo-county-ca [https://perma.cc/RS6C-UXHQ] (last visited May 22, 2026).
21. *E.g.*, *Case Flow Data*, Commons, *https://commons.measuresforjustice.org/prosecutor/yolo-county-ca/case-flow* [https://perma.cc/W28G-2L85] (last visited May 22, 2026).

B. *Data Analysis*

We now explore some of the data shown in the Commons Transparency Data Portal, highlighting any significant concerns found during analysis, and suggesting areas for improvement.

C. *Cases Received by Prosecutor*

Figure 1: Cases Received by the Prosecutor (2016–2023)22



The website employs a user-friendly interface design. The underlying data is accessible in comma-separated values through Excel, organized by race each year. The available racial categories are illustrated in Figure 1 above. The data portal includes additional tabs pertaining to "Error Rates" for each racial group, which are not depicted in the figure. To accesses the racial disparities, the raw cases was taken and then normalized to Yolo County's population per the 2023 U.S. Census Report, which showed: White (Non-Hispanic) (43%), Asian (Non-Hispanic) (14.5%), White (Hispanic) (11.8%), Two+ (Hispanic) (10.7%), and Other (Hispanic) (9.55%).[23] Figure 2, presented below, illustrates the noted racial disparities in the cases received by Yolo County District Attorney's Office. In contrast, the graph depicted in Figure 1 on the Commons website indicates a higher number of cases involving white individuals compared to those involving Black individuals, which may suggest that the Blind Charging policy is achieving its intended objectives.

22. *Cases Received by the Prosecutor – 2023,* Commons, https://commons.measuresforjustice.org/prosecutor/yolo-county-ca/case-flow/explore?m=601&ts=2016–01&te=2023–12&ta=a&cf=501&p=1,10,11,12,13,14,15,16,17, [https://perma.cc/D2FH-56RR] (last visited May 22, 2026).
23. *Yolo County, CA*, Data USA, *https://datausa.io/profile/geo/yolo-county-ca* [https://perma.cc/V9HD-W7KX] (last visited May 22, 2026).

Figure 2: Racial Disparities in Prosecutor Case Intake: Yolo County (2016–2023)

Group	% of Yolo Pop (Census)	% of Cases Received	Disparity (% over/ underrepresented)
Black	2.7%	14.35%	+ 11.65% (Overrepresented)
Hispanic	34.0%	32.24%	-1.76% (slightly underrepresented)
White	48.5%	40.03%	-8.47% (underrepresented)
All People of Color	51.5%	52.01	+0.51 (~proportional)

Notably, when the data is normalized to population, Black individuals are overrepresented in prosecutions by over 11.6 percentage points relative to their population share in Yolo County. The same data shows that eight (8) percentage points underrepresent white residents. This suggests a stark racial disparity in case intake decisions or arrest patterns by law enforcement.

a. Data Analysis, opportunities for improvement, and consideration based on the data in Figure 1.

The data portal's structural deficiencies fall into three broad categories: inadequate demographic granularity, methodological opacity, and missing contextual variables.

Regarding demographic granularity, the portal fails to disaggregate racial categories with sufficient precision to permit meaningful equity analysis. Mixed-race, multiracial, and subcultural populations within broader "people of color" and "other races" designations are collapsed into aggregated categories that obscure within-group variation. This problem is particularly severe for Asian or Pacific Islander, Native American, and "other Races" populations, whose data could not be analyzed due to unclear aggregation methods. Additionally, the "all people of color" category appears redundant and analytically confusing, given existing racial disaggregation, raising questions about its purpose and potential for double-counting.

Regarding methodological opacity, the dataset contains significant gaps and structural irregularities that undermine confidence in its reliability. A substantial number of cases each year are classified as "unknown" race, creating holes in the data that compromise racial disparity calculations. The presence of "error/warnings" columns containing no data raises further concerns about data quality and the validation process. The data structure creates potential for double-counting; it is unclear whether individuals appearing in "unknown" or "other" categories are also counted elsewhere, distorting proportional representation analyses.

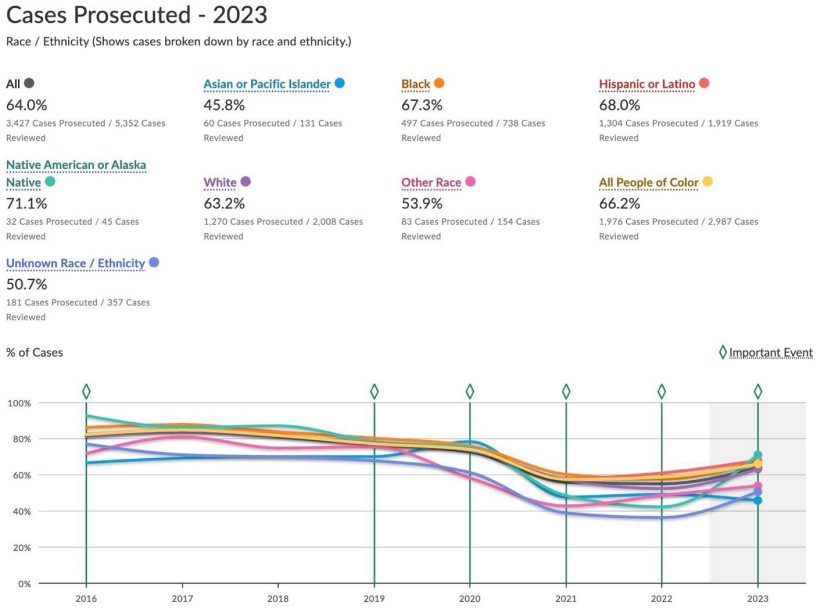
Regarding contextual variables, the portal omits information essential for interpreting apparent disparities. The dataset provides no indication of repeat offenders, population mobility patterns, or geographic distribution within Yolo County – variables that could either explain observed disparities

through legitimate non-racial factors or reveal hidden disparities masked by aggregated presentation.

D. *Cases Prosecuted*

The downloaded data in Figures 3, 4, 5, and 6 below adheres to the same format as above and displays the same columns with an "Error Rate" added to the Excel spreadsheet.

Figure 3: Cases Prosecuted (2023)24



Black individuals are disproportionately prosecuted in Yolo County, representing over 15% of all cases despite comprising only 2.7% of the population, meaning they are six times more likely to be prosecuted. White individuals are underrepresented relative to their share of the population, and Hispanic and Native American individuals faced prosecution at nearly double the rate of their white peers.

Again, this aggregated data shows similar ambiguity and concerns: the "All People of Color" (POC) category may double-count individuals also listed in other racial groups, multiracial individuals are not identified or separated, the error columns are entirely null, and "Unknown Charging Decision" rates exist but are not fully integrated into the analysis due to poor data.

24. *Cases Prosecuted – 2023,* Commons, https://commons.measuresforjustice.org/prosecutor/yolo-county-ca/case-flow/explore?m=601&ts=2016–01&te=2023–12&ta=a&cf=501&p=1,10,11,12,13,14,15,16,17, [https://perma.cc/ZTQ5-ES7B] (last visited May 22, 2026).

The data portal's utility is further constrained by three categories of omission that prevent meaningful assessment of prosecutorial bias: missing outcome data, inadequate case classification, and unresolved counting ambiguities.

The dataset provides no tracking of case dispositions—whether cases result in conviction, dismissal, or diversion. This omission is critical because prosecutorial discretion operates most powerfully at the disposition stage: decisions about plea offers, charge reductions, diversion eligibility, and dismissals are where bias is most likely to appear and most difficult to detect without systematic data collection. Without outcome tracking, stakeholders cannot determine whether similarly situated defendants of different races receive different treatment, rendering the data inadequate for its stated purpose of assessing prosecutorial equity.

Prosecuted cases are not disaggregated by offense type or severity, obscuring whether racial disparities exist in charging decisions for comparable conduct. Aggregate case counts may reflect legitimate differences in underlying offense distribution across demographic groups, or they may reveal discriminatory charging practices—but without offense-type classification, these possibilities cannot be distinguished. This omission makes it impossible to assess whether prosecutors charge people of color more severely for similar conduct, apply enhancements disproportionately, or engage in other forms of charge-based discrimination.

The dataset provides no indication of whether case counts represent unique individuals or include repeat defendants. One person may account for multiple cases within a given period, but the data does not identify or control for this duplication. This creates two distinct analytical problems: case volume counts may misrepresent the number of individuals subjected to prosecution, and per-capita disparity calculations may be distorted if certain demographic groups contain higher proportions of repeat defendants. Combined with the substantial number of cases classified as "unknown" race, these ambiguities may obscure the true magnitude of racial disparities—cases could be systematically miscategorized in ways that either inflate or deflate measured inequities.

Figure 4: Racial Disparities in Prosecution: Yolo County (2016–2023)

Group	% of Yolo Pop. (Census)	% of Cases Received	Disparity (% over/underrepresented)
Black	2.7%	15.8%	+12.78% (Overrepresented)
Hispanic	34.0%	32.9%	-1.05% (~ proportioned)
White	48.5%	41.59%	-6.91% (underrepresented)
All People of Color	51.5%	53.50%	+2.00% (slightly overrepresented)

E. *Comparative Analysis of Cases Received and Prosecuted*

The next step was to analyze a side-by-side comparison of cases received and prosecuted relative to the county's population share. This analysis compares racial disparities at two critical decision points within the Yolo County criminal justice system: cases received by the prosecutor and cases prosecuted,

normalized to population demographics using U.S. Census data. This analysis revealed troubling information: Black individuals are starkly overrepresented at both the intake and prosecution stages (2.7% population; 14.35% received; and 15.48% prosecution) while white individuals are consistently underrepresented relative to their population share (48.5% population; 40.03% received; and 41.59% prosecuted). Hispanic individuals are close to proportional representation at both stages. While POC as a group slightly exceed their population share, this masks significant internal disparities, especially affecting Black residents.

Black individuals are dramatically overrepresented in both stages of the prosecutorial process. Although Blacks constitute only 2.7% of Yolo County's population, they account for 14.35% of all cases received and 15.48% of cases prosecuted. This results in a disparity of +11.65 percentage points at intake and +12.78 points at prosecution, suggesting systemic bias in arrest patterns, prosecutorial decisions, or both.

White individuals are consistently underrepresented. Despite comprising 48.5% of the country's population, they contain only 40.03% of the cases received and 41.59% of those prosecuted. The underrepresentation grows more pronounced at the intake stage (~8.47 percentage points) but narrows slightly at the prosecution stage (~6.91 percentage points), suggesting comparatively favorable outcomes or discretionary filtering.

Hispanic individuals are close to proportional representation. Representing 34.0% of the population, they constitute 32.24% of cases received and 32.95% of prosecutions. These minor discrepancies (~1.76% and ~1.05%, respectively) are within a relatively neutral range, indicating a more proportionate system response in volume, though not necessarily in outcome.

POC as a collective group comprise 51.5% of Yolo County's population, representing 52.01% of cases received and 53.50% of prosecutions. This slight overrepresentation (+0.51% at intake, +2.00% at prosecution) may seem negligible; but this overall figure conceals significant disparities within subgroups, particularly the extreme overrepresentation of Black individuals.

The disproportionality experienced by Black residents in Yolo County represents the most significant and persistent disparity across both prosecutorial stages. While overall POC representation seems to align closely with population norms, internal disparities highlight the risk of depending on aggregate categories. These findings necessitate a deeper evaluation of discretionary practices at both the arrest and prosecution levels, emphasizing the urgent need for transparent, disaggregated, and standardized criminal justice data.

F. *Cases Diverted*

Unlike the data presented previously in the Commons Portal, the cases diverted (as illustrated in Figure 5) aggregate all races together by year. Upon selecting the drop-down menu, further information, the data is displayed with individual race categories, as shown in Figure 6.

Figure 5: Cases Diverted (2016–2023)25

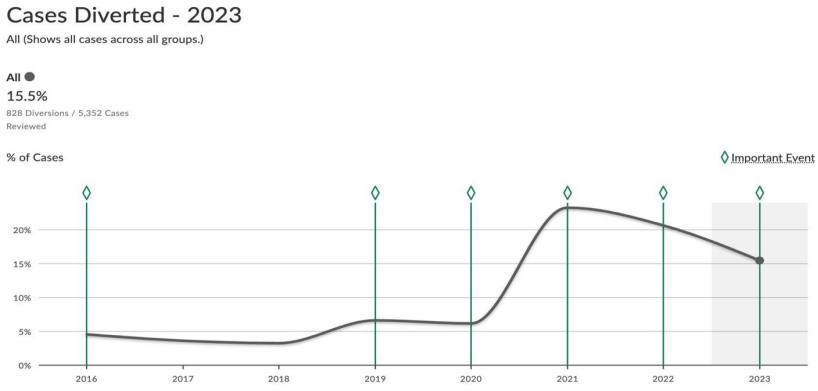
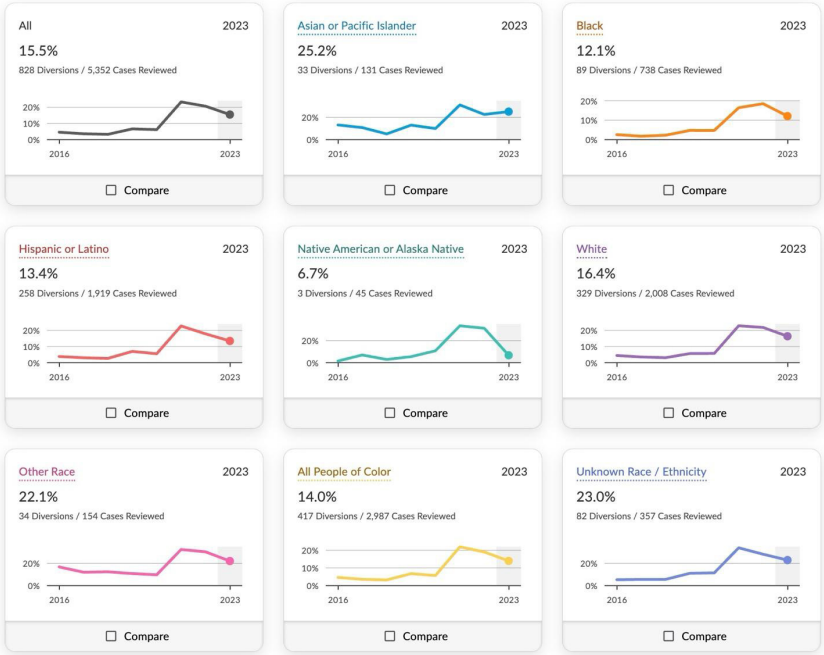


Figure 6: Cases Diverted (2016–2023) by Race26



The diversion data raises several concerns regarding what is being captured. Despite the limited data available, it is evident that Black individuals were diverted at approximately 1.94%, which is significantly underrepresented when adjusted for the population. Further investigation with additional data is

25. *Cases Diverted – 2023,* COMMONS, https://commons.measuresforjustice.org/prosecutor/yolo-county-ca/case-flow/explore?m=601&ts=2016–01&te=2023–12&ta=a&cf=501&p=1,10,11,12,13,14,15,16,17, [https://perma.cc/7B9C-ZFUJ] (last visited May 22, 2026).
26. *Id.*

necessary to highlight any disparities within the diversion program at the District Attorney's office.

Acknowledging the absence of certain contextual variables when reviewing this data is essential. These include information regarding the nature of the offense, defendants' prior records, legal representation, and other mitigating factors that may affect diversion decisions. The lack of these crucial data elements makes it challenging to ascertain whether any observed disparities stem from bias, legitimate legal distinctions, or broader structural inequalities.

The following consideration pertains to the potential selection bias in this dataset. It is important to note that this dataset encompasses only the cases that progressed to the review stage, excluding instances that were either dismissed early or not filed for various reasons. The data suggests a possibility that certain racial groups might be overrepresented in the review pool. This observation could indicate earlier law enforcement practices, although additional data would be necessary to draw definitive conclusions.

While the above points are noted, it is important to highlight that the current outcome data is unavailable. The portal effectively tracks diversion before charging; however, it does not provide follow-up on long-term outcomes such as re-offense rates, completion of diversion programs, and any eventual charges. This absence of data poses a challenge for assessing the effectiveness of diversion practices within the District Attorney's office.

Like the previously mentioned data, the information within the portal remains unclear. The use of broad racial categories, such as "all people of color (POC)," can obscure important differences within groups. Additionally, the persistence of the "unknown race" category raises concerns about data accuracy, particularly if it is inappropriately assigned to certain racial groups. Further evaluation is needed to understand why the reporting of unknown race remains consistently high. Furthermore, the "error rate" column is left blank across all sections, which adds to concerns regarding the reliability of the data. It is important to note that some diversion rates are not calculable due to issues such as division by zero or missing values.

Current diversion reporting obscures potential bias by tracking only successful diversions and omitting denied cases entirely. To address this deficiency, the data portal should implement two reforms. First, it should systematically track and report diversion denials, documenting the stated reasons individuals are excluded from diversion programs—offense type, prior record, victim objection, defendant refusal, or prosecutorial discretion. Disaggregating denial reasons by race would permit stakeholders to assess whether eligibility criteria are applied evenhandedly or whether certain demographic groups face disproportionate denial rates for discretionary reasons. Second, the system should establish equitable diversion benchmarks that account for legally relevant case characteristics—such as offense severity, prior criminal history, and other permissible considerations—enabling comparison of actual diversion rates with demographically adjusted expected rates. Such benchmarking would distinguish between disparities attributable to legitimate case differences and those suggesting systematic bias in diversion access.

G. *Suggestions to Improve the Commons Data*

The District Attorney has taken commendable strides by being one of the first in California to adopt a race-blind charging system. By implementing a policy change that ensures individuals are no longer disqualified from diversion due to prior criminal history, the office has shown a commitment to fairness and inclusivity. Furthermore, the creation of the Commons Data Portal reflects a forward-thinking and innovative approach, fostering transparency and community engagement. These initiatives enhance the justice system and demonstrate a dedication to progress and equality for all individuals.

To transform the Commons Data platform from a superficial transparency gesture into a meaningful accountability mechanism, the Yolo County District Attorney's Office should implement structural reforms across four domains: addressing upstream bias and selection effects, enhancing contextual data collection, improving analytical rigor, and establishing independent oversight.

a. Addressing Upstream Bias and Selection Effects

The current data reflects inherent selection bias: it captures only cases that reached the District Attorney's office, potentially obscuring disparities at earlier stages of the criminal legal system—particularly in policing practices, arrest decisions, and law enforcement referral patterns. Without visibility into who is arrested and referred for prosecution, stakeholders cannot determine whether observed racial disparities in prosecutorial caseloads reflect District Attorney decision-making or upstream enforcement patterns. To address this foundational gap, the data infrastructure should incorporate arrest and referral data, track who law enforcement agencies refer to the District Attorney, and document declination decisions when the office chooses not to prosecute referred cases. This would illuminate whether significant racial disparities emerge before charging decisions—disparities that the current data structure renders invisible.

The absence of comparative benchmarks limits the ability to contextualize observed disparities. The data portal should incorporate comparative data from peer counties and statewide averages, enabling stakeholders to assess whether Yolo County's patterns reflect uniquely severe local disparities or systemic statewide trends. Such benchmarking would distinguish jurisdiction-specific problems amenable to local reform from broader structural inequities requiring state-level intervention.

b. Enhancing Contextual Data Collection

The dataset's utility is severely constrained by the absence of variables essential for distinguishing legitimate case-based variation from discriminatory decision-making. The portal currently omits information on prior criminal history, socioeconomic status, access to legal representation, housing security, education level, and mental health status—factors that may legitimately influence prosecutorial decisions about charging, diversion eligibility, and case disposition. Without such contextual variables, stakeholders cannot determine whether observed racial disparities reflect systemic bias or differences in legally permissible case characteristics. For example, two individuals charged

with identical offenses may receive different diversion outcomes based on prior record or access to legal counsel—distinctions that are equity-relevant but non-racial. The absence of these variables renders it analytically impossible to isolate the effect of race on prosecutorial decision-making from the effect of correlated but distinct factors.

The data infrastructure should also provide granular offense-level classification, disaggregating cases by severity (infraction, misdemeanor, felony) and category (drug offenses, property crimes, violent crimes). Diversion programs typically target non-violent offenses, and apparent racial disparities in diversion access may reflect upstream disparities in arrest patterns rather than prosecutorial gatekeeping. Without offense-level disaggregation, these possibilities cannot be distinguished.

More critically, the dataset lacks comprehensive tracking of case dispositions and outcomes. The portal does not systematically report whether cases result in dismissal, plea agreement, conviction, or sentencing—the precise junctures where prosecutorial discretion operates most powerfully. The data provides no information on long-term outcomes such as recidivism rates following diversion, limiting the assessment of diversion program effectiveness and equity. Tracking whether diverted individuals are less likely to reoffend, and whether post-diversion outcomes are racially equitable, is essential for evaluating whether diversion programs reduce recidivism or merely redistribute caseloads along racial lines.

c. Improving Analytical Rigor

Even if the data infrastructure incorporated the contextual variables described above, meaningful equity assessment would require more sophisticated analytical methods than the portal currently employs. All data presentations should normalize case counts by population share per 1,000 arrests or per 1,000 residents (depending on the metric) to control for demographic composition and enforcement patterns. For instance, if Black individuals constitute 30% of arrests but only 10% of diversion participants, that disparity becomes measurable and interpretable only when adjusted for baseline arrest rates or population proportions. The portal should also employ established disparity quantification methods, including disparity ratios, risk ratios, relative risk scores, the four-fifths rule, and disparate impact thresholds—metrics commonly used in employment discrimination analysis and increasingly adopted in criminal justice equity assessment.[27] These methods would provide standardized, interpretable measures of disparity magnitude rather than relying on unadjusted comparisons that obscure whether observed differences are statistically and substantively significant.

27. The four-fifths rule, derived from the U.S. Equal Employment Opportunity Commission's Uniform Guidelines on Employee Selection Procedures, is a benchmark for assessing potential disparate impact: a selection rate below 80 percent may indicate an adverse impact. 29 C.F.R. § 1607.4 (D) (2026). The rule is used as an initial screen to determine whether observed disparities warrant further statistical or legal scrutiny. *See id.*

The data infrastructure should support intersectional analysis, disaggregating outcomes by race, gender, age, and charge severity. For example, are young Black men charged with misdemeanors diverted at lower rates than white men charged with felonies? Do Black women experience different charging or diversion patterns than Black men? Without intersectional disaggregation, the data may obscure disparities affecting specific subpopulations while overgeneralizing patterns across heterogeneous groups.

The portal should map the entire criminal legal system decision pipeline—from arrest through referral, prosecutorial review, diversion determination, charging, plea negotiation, and sentencing—identifying where racial disparities emerge and how they accumulate across sequential decision points. Such system-level mapping would reveal whether disparities concentrate at junctures (suggesting targeted intervention opportunities) or compound incrementally across the entire process (suggesting more fundamental structural reform is necessary).

d. Establishing Independent Oversight

Data infrastructure improvements alone are insufficient without institutional mechanisms to interpret findings, demand accountability, and drive reform. The Yolo County District Attorney's Office should establish a multidisciplinary oversight advisory committee with authority to analyze data trends, identify disparities, and collaborate with law enforcement agencies to implement policy and training reforms. Such a committee should include defense counsel, civil rights advocates, academic researchers, community representatives, and criminal legal system stakeholders—ensuring diverse perspectives inform data interpretation and reform recommendations. The committee should possess meaningful authority beyond advisory capacity: it should have access to disaggregated data, the power to commission independent analyses, and mechanisms to publicly report findings and demand responses to identified disparities.

This oversight structure is particularly important given current data suggesting that people of color are overrepresented in cases law enforcement agencies refer to the District Attorney's office. Without collaborative engagement between prosecutorial offices and upstream enforcement agencies, reforms to prosecutorial decision-making may have limited impact on overall system equity if disparities originate primarily in policing and referral practices.

e. Interpreting Existing Data Cautiously

Even the limited data currently available raises interpretive challenges that underscore the need for more robust infrastructure. For instance, the percentage of cases diverted rose from 9.6% in 2020 to 26.8% in 2021—an increase the data portal attributes to policy reforms following Blind Charging implementation. However, the dataset provides no information to distinguish whether this increase reflects substantive policy change, temporary adaptations to the COVID-19 pandemic (when many jurisdictions expanded diversion to reduce jail populations), or other confounding factors. Without longitudinal

data extending beyond the pandemic period and documentation of specific policy changes and their implementation timelines, stakeholders cannot reliably assess whether observed trends represent durable reforms or transient responses to extraordinary circumstances.

This interpretive limitation exemplifies the broader problem: incomplete data infrastructure permits claims of reform success while obscuring the evidentiary gaps that prevent verification. Genuine accountability requires not merely reporting favorable trends but providing the contextual information necessary to determine what those trends mean and whether they reflect the systemic changes being claimed.

Table 1 - Priority & Recommendation

Priority Area	Recommendation
Data Completeness	Add offense severity, arrest source, legal counsel access, and case outcome
Disparity Analysis	Normalize by population and arrest rate; apply disparity ratios
Transparency in Blinding	Audit blinding process; track post-blind decisions and exemptions
Intersectional Equity	Break data down by race + age/gender/offense level
Outcome Evaluation	Link diversion decisions to recidivism and long-term outcomes

H. *Transparency in Blind Charging*

Blind charging can be powerful—but only if implemented with integrity and oversight. California and District Attorney Offices must create independent audit logs that maintain records of what case data is redacted, when, and by whom. Then, they should conduct random audits of both redacted and unredacted versions to ensure redactions are consistent and don't inadvertently remove crucial legal content. An error log should be maintained, citing the error and the measures taken to correct it. Re-test and record. This should be an ongoing, transparent, and independent cycle from the office.

There must be a track and report discretion post-blinding, since prosecutors retain discretion where it requires justification and establishing exemptions. There should be a structured decision checklist post-blinding to assess bias in discretionary application, and again, this should be completed independently or verified independently. All this data should be publicly reported, with the rationale for each after the complete verification.

Outcome comparisons showing blinded versus non-blinded decisions over time. This won't be easy since not everyone similarly tracks data during non-blinded decision-making. However, this analysis examines whether race-neutral outcomes are achieved or if bias re-enters through other decision layers.

The prosecutors' standards should transparently include all decision-making criteria, such as division thresholds, diversion eligibility, blind charging, etc. This transparency is essential to assessing fairness and equality.

III. Constructing Justice

This research highlights significant gaps in data collection, transparency, and the challenges related to California's legislation and its implementation.

Although I did not show each Common's data in this paper, the trends remained the same across the publicly available data from the site. It is crucial to acknowledge that every initiative must start somewhere. The Commons Transparency Data Portal is constructed on a robust empirical foundation, offering temporal coverage and enabling data disaggregation by age, race, and sex, all readily accessible to the public. While no system is without its imperfections, this platform cultivates an opportunity for further research, including studies like this one, to deepen our understanding and stimulate improvement.

It is imperative to bring the bigger picture into this research that the data silos and infrastructure gaps are not just a County of Yolo issue, it is a city, jurisdictional, state, and federal issue, which was created on the decentralized approach for data collection and reporting. Many lack the technical expertise or resources to do so accurately, resulting in incompatible datasets, incomplete records, and an inability to compare jurisdictions. This contributes to the issues found in this research with the Commons data but provides a bigger picture of the problem that needs to be tackled for true reform and equity in justice.

If we fail to leverage the data effectively, we risk creating an illusion of positive change, obscuring the true state of our justice system. To prevent this and to ensure that the serious disparities within the system are regularly addressed, we must consider ways to enhance these reforms, as well as sites such as Common's data. We do not need to reinvent the wheel; other fields, such as science and medical health, have successfully employed quality assurance methods and indicators that can be effectively adapted to the justice sector. By doing so, we can drive meaningful policy reforms and advance justice significantly.

A. *Advancing Equity and Transparency in Prosecutorial Practices*

Despite national and local efforts to advance fairness in criminal prosecution, racial and socioeconomic disparities persist at multiple decision points in the criminal justice system. Yolo County's partnership with Measures for Justice through the Commons Transparency Portal represents a significant step toward public accountability. This analysis reveals critical gaps in the data, raising concerns about the completeness and reliability of the current system to support equitable justice.

This proposal outlines specific reforms to address deficiencies in the prosecutorial data landscape, improve the implementation of race-blind charging, and establish a system of transparency and accountability that ensures fairness across all demographic groups in the State of California.

B. *Key Issues Identified*

While some of these issues have been identified through Yolo County data, there are persistent concerns about the possibility of these challenges being mirrored statewide, especially considering the new legislation to rectify disparities in our criminal justice system. These matters must be addressed thoughtfully to facilitate meaningful reform and effective policy implementation.

The data infrastructure exhibits deficiencies across three dimensions—scope limitations, analytical gaps, and accountability failures—that collectively undermine its utility for racial equity assessment.

The dataset captures only cases reaching the District Attorney's office, excluding arrests, citations, and law enforcement referrals that precede prosecutorial involvement. This truncated scope obscures upstream disparities in policing and arrest practices, creating selection bias that prevents stakeholders from determining whether observed racial disparities originate in prosecutorial decision-making or differential law enforcement patterns. Additionally, the lack of outcome metrics severs the connection between prosecutorial interventions and their consequences: diversion and charging decisions are not linked to program completion, recidivism rates, or sentencing outcomes, preventing assessment of whether reforms achieve their stated objectives or operate equitably across demographic groups.

Two categories of analytical deficiency constrain the dataset's interpretive utility. First, crucial contextual variables are entirely absent: prior criminal history, mental health status, socioeconomic background, legal representation, and housing security—factors that may legitimately influence prosecutorial decisions in non-discriminatory ways but are potentially correlated with race. Without these variables, stakeholders cannot isolate the independent effect of race from correlated factors, rendering it impossible to distinguish bias from legitimate case variation. Second, demographic categorization lacks adequate granularity: overly broad aggregations like "All People of Color" collapse distinct populations, while high "Unknown Race" rates create systematic data gaps. This inadequate disaggregation prevents subgroup analysis and renders intersectional examination of how race interacts with gender, age, or offense characteristics functionally impossible.

While Blind Charging represents a procedural reform intended to mitigate bias, the policy suffers from substantial accountability limitations. The race-blind charging process lacks systematic post-hoc auditing to verify whether charging patterns demonstrate racial equity once demographic information becomes available. Blind Charging addresses only initial charging decisions, providing no constraint upon or visibility into prosecutorial discretion exercised after redaction—including plea negotiations, charge amendments, diversion determinations, and sentencing recommendations. Without ongoing monitoring beyond the initial blind charging moment, the policy's capacity to ensure sustained equity throughout case progression remains unverified, and substantial discretionary decision-making occurs in the absence of accountability mechanisms designed to detect or prevent bias.

The data infrastructure exhibits five structural deficiencies that collectively prevent meaningful assessment of racial equity in prosecutorial decision-making.

The dataset captures only cases that reach the District Attorney's office, excluding arrests, citations, and law enforcement referrals that precede prosecutorial involvement. This incomplete case lifecycle data creates selection bias that obscures upstream disparities: observed racial patterns in prosecutorial

caseloads may reflect differential policing and arrest practices rather than—or in addition to—prosecutorial bias, but the data provides no mechanism to distinguish these possibilities. Without visibility into the front end of the criminal legal system, stakeholders cannot determine where racial inequities originate or whether prosecutorial reforms address root causes or merely symptoms.

This scope limitation is compounded by the absence of contextual variables essential for interpreting prosecutorial decisions. The dataset omits crucial information regarding prior criminal history, mental health status, socioeconomic background, access to legal representation, and housing security—factors that may legitimately influence charging and diversion decisions in ways that are correlated with race but not themselves discriminatory. Without these variables, analysts cannot distinguish whether observed racial disparities persist when accounting for legitimate case differences, rendering it impossible to isolate the independent effect of racial bias from the effect of correlated but distinct factors.

The data's analytical utility is further constrained by inadequate demographic disaggregation. Overly broad categories such as "All People of Color" collapse distinct populations with potentially divergent experiences into analytically unhelpful aggregations, while high rates of "Unknown Race" classifications create systematic data gaps that may obscure the true magnitude of disparities. This categorization structure prevents assessment of whether demographic subgroups experience distinctive patterns of prosecutorial treatment and renders intersectional analysis examining how race interacts with gender, age, or other characteristics functionally impossible.

The infrastructure fails to link prosecutorial decisions to subsequent outcomes. Diversion and charging decisions are not tracked to program completion rates, recidivism patterns, or sentencing results—the metrics necessary to assess whether prosecutorial interventions achieve their stated objectives of reducing incarceration and promoting rehabilitation while maintaining public safety. This disconnects between decision points and outcomes prevents stakeholders from determining whether reforms operate equitably across demographic groups or whether they effectively advance stated policy goals.

Finally, while Blind Charging represents a procedural reform intended to mitigate bias in initial charging decisions, the policy suffers from substantial accountability limitations. The race-blind charging process lacks systematic post-hoc auditing mechanisms to verify whether charging patterns demonstrate racial equity once demographic information becomes available to prosecutors. More fundamentally, Blind Charging addresses only the initial charging decision, providing no constraint upon or visibility into the substantial prosecutorial discretion exercised after demographic redaction—including plea negotiations, charge amendments, diversion determinations, and sentencing recommendations. Without ongoing monitoring extending beyond the blind charging moment, the policy's capacity to ensure sustained equity throughout case progression remains unverified, and significant discretionary decision-making occurs absent accountability mechanisms designed to detect or prevent bias.

C. *Proposed Legislative and Policy Reforms*

Transforming California's criminal justice data infrastructure from its current fragmented, incomplete state into a system capable of supporting meaningful racial equity accountability requires coordinated reforms across eight domains: comprehensive data integration, equity-focused analytical standards, prosecutorial accountability mechanisms, transparent implementation oversight, community engagement structures, statewide standardization, public accessibility mandates, and statutory expansion of data collection authority.

a. Comprehensive Data Infrastructure and Integration

California should mandate integrated data systems that connect information across the entire criminal legal system lifecycle—from law enforcement through courts, probation, and reentry services. Currently, these agencies operate siloed databases that prevent longitudinal case tracking and obscure how decisions at one stage affect outcomes at subsequent junctures. Integrated infrastructure would enable stakeholders to track individual cases from initial arrest through final disposition, capturing critical decision points including charging decisions, plea negotiations, trial outcomes, sentencing, probation compliance, and recidivism. Such integration is essential for identifying where in the system racial disparities emerge, whether they compound across sequential decisions, and whether interventions at particular stages produce measurable improvements in downstream outcomes. Without this comprehensive visibility, reform efforts risk addressing symptoms while root causes remain obscured by institutional fragmentation.

b. Equity-Focused Data Disaggregation and Normalization

Data collection and reporting standards must incorporate equity-focused analytical methods that render racial disparities visible and interpretable. All prosecutorial data should be disaggregated by race, ethnicity, gender, age, charge severity, and—where feasible—socioeconomic indicators including access to legal representation, housing security, and mental health status. Raw case counts should be normalized by population share per 1,000 arrests or per 1,000 residents, controlling for demographic composition and enabling standardized disparity measurement. This normalization permits calculation of disparity ratios, relative risk scores, and other equity metrics commonly employed in employment discrimination analysis and increasingly adopted in criminal justice contexts. Without such analytical rigor, stakeholders cannot distinguish whether observed racial differences reflect meaningful disparities requiring intervention or statistical noise attributable to demographic composition.

c. Prosecutorial Accountability Measures

Data infrastructure improvements require accompanying accountability mechanisms that translate empirical findings into institutional reform obligations. California should establish equity benchmarks—such as the four-fifths rule commonly applied in employment discrimination contexts—creating rebuttable presumptions of disparate impact when outcomes for protected groups fall below specified thresholds. For instance, if diversion rates for Black defendants

fall below 80% of white defendant diversion rates after controlling for offense severity and prior history, the prosecutorial office should bear the burden of demonstrating that this disparity reflects legitimate, non-discriminatory factors.

Post-Blind Charging discretionary decisions—including charge amendments, plea offers, diversion determinations, and sentencing recommendations—should require documented justification, creating an auditable record of prosecutorial reasoning. Offices should publish monthly and annual disparity reports that analyze trends across demographic groups, identify areas of concern, and propose remedial measures. Critically, these reports should not merely describe disparities but should trigger mandatory responses: where reports identify persistent inequities, offices and oversight bodies must be held accountable for implementing concrete interventions and demonstrating measurable progress in subsequent reporting periods.

d. Transparency in Race-Blind Charging Implementation

While Blind Charging represents a procedural reform intended to mitigate bias, its effectiveness depends on rigorous oversight, currently absent in most jurisdictions. California should mandate systematic auditing of redaction processes to verify that race, ethnicity, geographic identifiers, and other demographic proxies are consistently excluded from initial charging documents. Where exceptions to blind charging protocols occur—for instance, when prosecutors access unredacted information for victim consultation or specialized case circumstances—these exemptions should be tracked, publicly reported with stated justifications, and disaggregated by demographic characteristics to assess whether they disproportionately affect groups.

Jurisdictions should conduct comparative outcome analyses to examine whether cases processed under blind charging protocols exhibit different racial disparity patterns than historically comparable cases processed before blind charging implementation or cases exempted from the protocol. Such analysis would provide empirical evidence on whether blind charging achieves its stated objective of reducing racial disparities in initial charging decisions—evidence currently lacking in most jurisdictions that claim blind charging success.

e. Public Oversight and Community Collaboration

Data transparency alone is insufficient without institutional mechanisms ensuring that empirical findings inform policy reform and that affected communities participate meaningfully in interpretation and response. California should require the establishment of prosecutorial data oversight boards comprising diverse stakeholders: academic researchers with expertise in quantitative equity analysis, civil rights organizations with litigation and advocacy experience, community representatives from populations disproportionately affected by criminal legal system involvement, and individuals with lived experience of incarceration who can provide an essential perspective on system operations and reform priorities.

These boards should possess meaningful authority beyond advisory capacity: they should have access to disaggregated data, power to commission independent analyses, authority to publicly report findings without

prosecutorial approval, and mechanisms to demand responses to identified disparities. Additionally, jurisdictions should host quarterly public forums to present data findings in accessible formats, solicit community input on reform priorities, and establish accountability structures requiring officials to publicly respond to community concerns and recommendations.

f. Statewide Standardization of Data Practices

California's current patchwork of county-level data systems prevents cross-jurisdictional comparison and obscures whether disparities reflect local prosecutorial practices or statewide systemic patterns. The state should enact legislation—either through amendment of existing statutes or new comprehensive data standardization requirements—mandating uniform prosecutorial data collection, categorization, and reporting practices across all 58 counties.

Standardization should encompass demographic categories (ensuring consistent racial and ethnic classifications), offense classifications (enabling meaningful severity comparisons), outcome tracking (uniform definitions of diversion, dismissal, conviction, sentencing), and temporal reporting (consistent time periods and update frequencies). Such standardization would enable researchers, advocates, and policymakers to identify best practices, detect outlier jurisdictions requiring intervention, and assess whether state-level reforms produce consistent effects or generate variable local implementation.

g. Codified Public Transparency Requirements

California should codify minimum transparency standards requiring all prosecutorial offices to maintain public-facing data dashboards that are disaggregated by protected characteristics, linked to case outcomes, and updated in real-time or near-real-time. Current voluntary transparency initiatives—such as Yolo County's Commons portal—demonstrate that goodwill alone produces incomplete, inconsistent, and often analytically inadequate data presentations. Statutory mandates should specify minimum data elements, required disaggregation levels, analytical adjustments (such as population normalization), and accessibility standards ensuring dashboards are interpretable by non-expert stakeholders, including community members, journalists, and advocates.

Transparency requirements should include mechanisms for data validation and quality assurance: independent auditing of data completeness and accuracy, public documentation of data limitations and exclusions, and correction protocols when errors are identified. Without such quality controls, public dashboards risk propagating incomplete or erroneous information that misleads stakeholders while creating the appearance of transparency.

h. Statutory Expansion of Data Collection Authority

California should amend Government Code Section 12525.2—which currently governs law enforcement demographic data collection—to explicitly encompass prosecutorial decision-making. This amendment should authorize and require collection of demographic data at all prosecutorial decision points: initial charging, charge amendments, plea negotiations, diversion determinations, trial decisions, and sentencing recommendations. The statute should

clarify that such data collection serves legitimate governmental interests in detecting and remedying discrimination, preempting potential privacy or equal protection challenges to demographic tracking.

The amendment should specify permissible and impermissible uses of collected demographic data: explicitly authorizing aggregate statistical analysis for equity assessment, while prohibiting the use of individual-level demographic information in case-specific prosecutorial decision-making absent a legitimate, articulable justification. This framework would balance transparency and accountability objectives against concerns about institutionalizing demographic consideration in prosecutorial discretion.

Conclusion

Despite California's ambitious legislative strides toward equity in its criminal justice system, reforms such as the RJA, Blind Charging, AB 2418, and AB 1331 have struggled to fulfill their transformative promise. This study finds that the absence of a robust, standardized, and transparent data infrastructure significantly undermines the potential of these laws, allowing systemic inequities to persist beneath a veneer of progress.

While these reforms were born of good intent, their implementation has too often lacked the necessary tools to measure impact, ensure consistency, and uphold accountability. Yolo County is a telling case study: its efforts signal a commitment to equity, yet the lack of foundational infrastructure limits measurable outcomes. Public data portals, like those hosted on Commons, illustrate this tension, providing a step toward transparency but falling short of capturing the full complexity of prosecutorial decisions and racial disparities.

True justice reform cannot be achieved through legislation alone. It demands sustained investment in technological innovation, legislative clarity, and institutional accountability. Reform must be enacted, operationalized, and translated into concrete, publicly reported outcomes that communities can see, trust, and verify.

To move from aspiration to realization, California—and jurisdictions like Yolo County—must prioritize equity-centered, data-driven solutions. Only through full transparency, community oversight, and measurable outcomes can we ensure that the justice system is not only perceived as fair but also functions in a demonstrably just manner.

By embracing these principles, Yolo County can lead by example and establish a prosecutorial model grounded in integrity, inclusivity, and systemic fairness—one that could serve as a blueprint for reform across the state and the nation.