

UC Office of the President

Student Policy Research Papers

Title

Does Who Wears the Black Robe Matter?

Permalink

<https://escholarship.org/uc/item/9g795239>

Author

Purser, Yolanda

Publication Date

2025-10-01

Does Who Wears the Black Robe Matter?

Yolanda Purser

POL 195: Policy Analysis in California

Dr. Jill Laufer

8 December, 2025

Over the last 18 years or so, California has been dedicated to increasing representation amongst our superior courts. According to the California Courts website updated by the Judicial Branch of California, there has been a 21% increase in Black, Indigenous, and people of color (BIPOC) judges being appointed to our California bench since 2006. This matters in terms of representative bureaucracy theory, where proper representation in government is not just about its composition, but also about how well that government can function while representing what its constituents look, act, and feel like. Therefore, having a more diverse and inclusive bench within California's superior courts matters because it could serve as a stepping stone to achieving more equitable incarceration populations that do not target a single marginalized group. By increasing judicial diversity, representation in one of California's government branches becomes substantive and tangible, rather than merely symbolic with no real consequence (Evans, 1974). Therefore, in this paper, I will determine whether a more diverse bench has an effect on the racial incarceration disparities that exist in California's criminal justice system. My specific research question is whether judicial diversity in California counties, such as Fresno, Los Angeles, and Sacramento, is negatively correlated with racial disparities in incarceration rates. To answer this question, I will compare the incarcerated populations of each county with the judicial makeup of those courts during the period from 2012 to 2022. My study concluded that there is a weak but positive correlation/relationship between the judicial makeup of judges and incarceration populations by race within those three California counties.

Context and Significance

It is no surprise that the United States, as a whole, suffers from an uneven criminal justice system, whose results vary from state to state. However, there have been attempts throughout our legislative history to bring a sense of balance between the states to fix this issue, most notably,

the Sentencing Reform Act of 1984. This act aimed to establish a uniform and just federal sentencing system nationwide. In simple terms, this was achieved by establishing the United States Sentencing Commission and creating a sentencing structure that outlined specific guidelines (and more) for sentencing courts to follow. In response to this Act, economist David Mustard conducted a study to determine the after-effects of the bill's passing. More importantly, he wanted to determine if judges played a crucial role in implementing this safety net nationwide. By gathering data on federal offenders, it was determined that Black and Hispanic male offenders often received longer sentences than white and female offenders for similar crimes, even after this bill was passed (Mustard, 2001). The reason these disparities persist, despite a federal bill being passed to maintain consistency, is judicial discretion. Judges had the authority to conduct upward departures from these guidelines if a specific situation warranted it, demonstrating the impact of judicial discretion on various sentencing outcomes (Mustard, 2001).

A variety of different reasons for why judicial discretion impacted sentencing decisions can be found; however, an important one to look at is the idea of implicit biases amongst judges (Rachlinski et al., 2009). It is important to note that judges are human beings and can make decisions based on personal inclinations without even knowing, just like us. The difference is that their decisions have a direct impact on the lives of those around them and carry much more weight with them. In 2009, a study was conducted to determine how judges' own implicit biases impact sentencing decisions, if they exist. By asking judges to complete an Implicit Association Test (IAT) and then answer hypothetical scenarios, the judges' IAT scores were then compared and analyzed in relation to their sentencing decisions. Each hypothetical scenario did not explicitly state that a defendant would be of a specific race, but rather described each defendant. Once completed, the study found that out of the 130 judges, the ones who showed a preference

for whiteness on their IAT tended to give harsher sentences to defendants with black-associated words over defendants with neutral words for the same crimes (Rachlinski et al., 2009).

Both of these studies can be used together to establish an understanding of the importance of judicial diversity in all of the United States trial courts, but more specifically in a widely diverse state such as California. Even well-intentioned attempts at the federal level to standardize sentencing for consistency and fairness are unable to completely eliminate the role that judges play, especially considering they maintain a broad sense of discretion easily shaped by their own natural implicit biases. If this judicial discretion continues to shape and impact sentencing decisions everywhere, in the same way that both Mustard and Rachlinski et al. studies seem to suggest, then the background and demographics of judges appointed to California's bench should become a critical policy concern. Maintaining a consistent increase in judicial diversity amongst California's trial courts could help address an issue of incarceration disparities by helping to mitigate the effects of implicit bias, therefore producing sentencing outcomes that reflect a fairer and trusting criminal justice system. Because of this reasoning, determining whether or not the racial composition of California's judiciary will influence any racial incarceration disparities is a crucial beginning step towards having more understanding regarding how structural reforms may promote justice and equity within our Golden State's criminal justice system.

Literature Review

Past studies provide evidence that disparities in incarceration populations and sentencing across the United States can be connected to the judges' handling of each case. While these studies focus primarily on the federal or other state levels, my research will specifically collect and analyze data from various county-level courts in California. The objective of my study is to investigate how judicial decision-making may contribute to racial disparities in sentencing and

incarceration at the county level in California. I aim to address the lack of extensive literature specific to California by grounding my methods in prior research. This literature review will explore the main themes and methods found in existing research on judges and racial disparities within the criminal justice system, serving as a foundation for my county-level analysis.

The first common theme amongst the existing literature is that in a variety of states, not including California, such inequalities based on race, gender, and other demographic factors truly do exist within the criminal justice system. By focusing on felony sentencing data from one county in the state of Illinois, the research from this study found that by increasing the presence of Black judges in the trial courts of Cook County, the likelihood of Black defendants being incarcerated by white judges decreased by almost 7 percentage points (Harris, 2023). By altering the racial makeup of the judges in Illinois courthouses, the manner in which all other judges performed changed, showing that increasing judicial diversity has an impact on the mindset of the judges around them, specifically the white judges. Additionally, a study conducted in Milwaukee, Wisconsin, provided more evidence that the race, gender, and age of a defendant could interact together to impact what their sentencing outcome would look like. The main findings of the paper conclude that young Black, male defendants with an average age of 29 are more likely to be incarcerated with harsher penalties as the sentencing outcome compared to other races (Freiburger & Sheeran, 2017). The most prevalent reasoning for this can be assessed by judicial discretion to rely on stereotypes when making sentencing decisions if faced with a lack of information. If a defendant fits the stereotype of a “dangerous and chronic offender” (Freiburger & Sheeran, 2017), then they are already at a disadvantage in the courtroom.

An additional common theme across existing literature is that blame cannot be placed solely on one individual's actions within a courtroom. These disparities possibly exist due to

institutional practices that have been normalized and accepted, playing into a bigger picture. In her research, Margaret Bull Kovera determined that racial disparities did not only exist within sentencing and incarceration rates but also in the early stages of the criminal justice process, including policing and prosecution. The effects of the early policing and prosecution potentially flowed over into the way that judges handled their specific cases (Kovera, 2019). The reason why these disparities exist in the criminal justice system is because of the structural inequalities that exist within institutional practices, not only in an individual's choices. The different people during different stages of the system impact one another, working together. The literature argues that exposure to things (or people) counteracting stereotypes, like an increase in diversity within the system, can help decrease the effects of this problem (Kovera, 2019).

This is where the idea of representative bureaucracy can come into play, first introduced in 1944 by political scientist, J. Donald Kingsley. This theory thrives on the idea of having a society where its leaders and lawmakers resemble the people they represent. In his response to another political scientist, James Evans writes that proper representation is something that is about function and not composition, therefore challenging the idea that affirmative action automatically leads to proper representation. A true representative bureaucracy is something that is held accountable and responsible for the interests of the people (Evans, 1974). The people who are appointed or elected to power, such as judicial officers, should look like their constituents while being skilled, knowledgeable, and effective in the way that they practice their law (Evans, 1974). This is especially true in a diverse state such as California, whose majority of its population is Hispanic, representing 44% of the population. According to judicial officer demographics released by California Courts, although its bench is diversifying, a majority of California's judges are white, sitting at roughly 60% as of 2024.

Throughout the existing literature, recommendations have been made when it comes to understanding the issue of racial disparities and the roles that judicial officers play. Each follows a similar idea of increasing exposure to diversity within the courtroom to avoid a takeover of implicit biases and stereotypes when it comes to the decision-making process. One of the studies even showed that those who were reminded of or made aware of their biases before ruling in a hypothetical scenario made more equitable decisions, creating the theory that awareness or exposure to a more diverse judicial bench can help counteract biases and stereotypes a judge may act on (Rachlinski et al., 2009). However, a study like the ones mentioned above has not been conducted in a similar manner, focusing on California's incarceration population and judicial officers who are responsible for them. By focusing on three different California counties when gathering my own data, accounting for crucial differences such as judicial makeup, political climates, and racial compositions, my research will have more significance to locals who care about criminal justice policy. By straying away from data on the federal level, the purpose of my research is to show how analyzing the relationship between judges and those incarcerated could provide possible public policy solutions to improving judicial practices and bridge any policy gaps that currently exist within California's government.

Theory and Hypothesis

Based on the information provided by the existing literature and previous research conducted, I hypothesize that the presence of judicial diversity within Californian courtrooms decreases the racial gap between the incarceration population of nonwhite and white defendants. Specifically, my operational hypothesis is: As the amount of diversity amongst judges increases between the years 2012 to 2022 within the California superior courtrooms of Los Angeles,

Fresno, and Sacramento counties, the incarceration disparity gap between nonwhite and white defendants will decrease.

A causal mechanism for my hypothesis is the idea that judges of color often have different life experiences and cultural awareness that could shape the way in which they interpret, analyze, and evaluate information for defendants who may have more similar experiences to them. This could lead to a different type of judicial discretion being used. Rather than relying on stereotypes or implicit biases, judges can lean on their own experiences and be more willing to understand the different factors that impact the lives of defendants. In turn, a more representative judicial bench could lead to more equitable sentencing decisions for nonwhite defendants, specifically Black and Hispanic defendants, which could eventually lower disparities amongst incarceration populations.

This causal mechanism plays directly into the theoretical framework explained by James Evans regarding the purpose of a representative bureaucracy that is functional and effective. In theory, institutions operate more efficiently and equitably when those holding positions of power share similar backgrounds, experiences, and more with the population that they are supposed to be serving (Evans, 1974). If courtrooms hold judges who bring a variety of perspectives and lived experiences, they may reduce the influence of stereotypes that impact sentencing decisions. Therefore, as California's trial courts become more racially representative, I expect to observe a decline in incarceration disparities between nonwhite and white defendants.

Research Design

To conduct my research, I focused my study on three of California's counties: Los Angeles County, Fresno County, and Sacramento County. I gathered data about the incarceration population within each county and the race of the judges appointed to the superior courts of the

same county during the years 2012 through 2022. I examined multiple cases at a single point for each of the counties.

The independent variable of my study is the percentage of judicial diversity. I operationalized judicial diversity by measuring the percentage of judges in a specific California county that identify as a race other than white, including Black, Hispanic, Asian, Native American, and more than one race. I operationalized judicial diversity in this way in order to obtain an accurate portrayal of the racial composition of a court's bench. Publicly accessible demographic reports released by the Judicial Council of California Courts every year provide detailed information regarding the racial makeup of all of California's courts, including the three that I am focusing my study on.

The dependent variable of my study is the racial disparities among those incarcerated. I operationalized racial incarceration disparities by measuring the difference in incarceration population by race, focusing on comparing Black, Hispanic, and white individuals who are incarcerated in each specific county. I operationalized racial incarceration disparities in this way in order to see the disparity gap between nonwhite and white individuals who are a part of the California criminal justice system. Incarceration trends for each county are made available by the Vera Institute of Justice, which measures a variety of incarceration rates, including by race.

Although many potential control variables exist, for the case of research I will focus on two control variables. My first control variable for my study is the population size of each county. Counties that have larger populations tend to have a higher caseload volume, different ways they handle certain cases, and greater variation in population demographics. There are many ways in which population size can lead to structural differences between counties, one being availability of resources that are available for judges and defendants that affect sentencing

outcomes. Without controlling for population size, it could be difficult to attribute observations of incarceration disparities to judicial diversity and not differences in county scale or systemic preferences. In order to operationalize population size, I measured it by focusing on annual county-level reports on population size from the years 2012-2022 to ensure that county size does not affect my data. This data is made available to me by the U.S. Census Bureau for each year that I require. My second control variable for my study is the political climate of each county. The political climate of a county is important to account for because the ideological environment in which a judge lives can shape things like prosecutorial practices or attitudes toward punishment. For example, a more democratic or liberal environment may be more lenient on certain cases or defendants while a republican or conservative environment might seek more crackdown and be more strict. In California, judges are appointed by the executive and then elected by their constituents every two years. The political preferences of a county's electorate can impact the judges that remain elected to that county. In order to operationalize the political climate of a county, I measured it by gathering data of county-level partisan vote share in primary presidential elections for the years 2012, 2016, and 202 to look at a reliable overview of political preference. This data is made available to me by each county's election results archive.

Methodology

In order to analyze the relationship between my independent and dependent variables, I first began with a simple table demonstrating the descriptive statistics for each county that I am focusing my research on. This table included the possible mean, median, mode, range, n-size, and standard deviation for the data found within each county. I calculated the descriptive statistics for the percentage of nonwhite judges, the Black-white incarceration ratio, and the Hispanic-white incarceration ratio for all three counties. Calculating these statistics first is

important because it helps give a sneak peek into what the data entails and allows me to see what about the data stands out from the start.

Once I calculated the descriptive statistics into a table, I graphed my variables into a scatter plot with two series lines. With the data gathered from the Judicial Council and Vera Institute of Justice, I was able to plot the percentage of nonwhite judges to represent judicial diversity amongst the three counties and the incarceration disparity ratios. To get a clearer understanding of any patterns that might exist, I separated the incarceration ratios into two dependent variables: a ratio of Black-white defendants incarcerated and a ratio of Hispanic-white defendants incarcerated. Doing so allowed me to get more specific information regarding the difference between how these races tend to be treated within the criminal justice system.

Additionally, I ran a correlation analysis between my independent and dependent variables. I decided to use Pearson's r correlation test to run three different correlation analyses: one without confounding for any variables, and one for each of the confounding variables I felt would have had a higher impact on the relationship between my variables. Running Pearson's r prior to confounding variables helped me determine whether or not a relationship between my independent and dependent variables exists in the first place. The reasoning behind running another Pearson's r test that confounding variables were included in was to determine if the political climate of the counties and population size of the counties truly affected the relationship for my study. Without testing for a correlation relationship before measuring the confounding variables, it will be difficult to determine if and how much the confounding variables impacted my variables.

Results and Findings

Having outlined the research design, various methodological choices, and important key variables I focused on for this study, this next section will present the results of my analysis. The findings described in this section will demonstrate how judicial diversity, population size, and political climate relate to racial incarceration gaps across the selected California counties. The analysis includes various scatter plots analysing the relationship between my independent and dependent variables, as well as plots controlling for my confounding variables. The analysis will then include a description of my correlation and regression models to deepen the analysis. The correlation coefficients are on a scale of -1 to 1; if a value is closer to -1 or 1, then there is a strong relationship between the variables, but if a value is closer to 0, then there is a weaker relationship. Overall, I can conclude that population size and political climate affected the relationship between judicial diversity and the racial incarceration gaps.

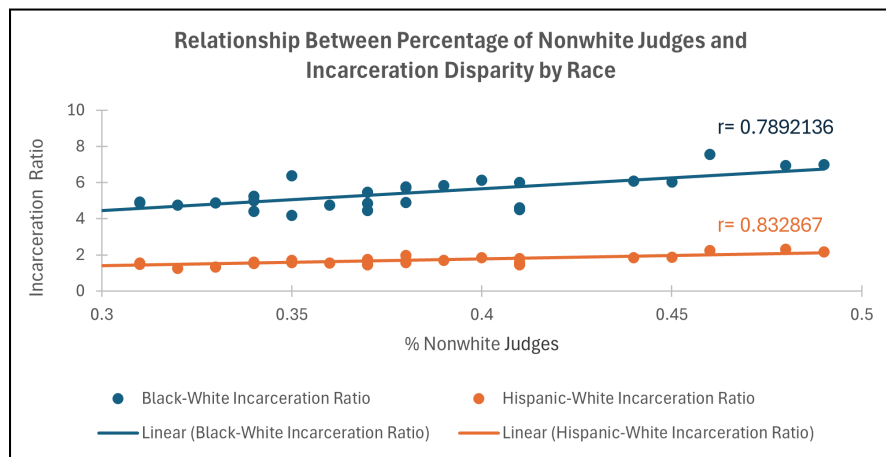


Figure 1. Data Source: Vera Institute of Justice and Judicial Council of CA

Figure 1 displays the relationship between judicial diversity, measured as the percentage of nonwhite judges appointed to courts in the three counties, and incarceration disparities, measured as the Black-white ratio per 100K incarcerated individuals and Hispanic-white ratio per 100K incarcerated individuals. Contrary to my hypothesis, a positive relationship between the variables can be seen as the percentage of nonwhite judges and incarceration ratios increase

together. Counties that have higher disparities are also correlated with higher percentages of nonwhite judges. It is important to note the difference between the Hispanic-white and Black-white ratios, as the latter has a ratio that is more severe.

The correlation between judicial diversity and the Black-white incarceration ratio shows a very strong correlation ($r=0.79$) prior to accounting for any confounding variables. Additionally, the correlation between judicial diversity and the Hispanic-white incarceration ratio shows an even stronger correlation, ($r=0.83$) before adjusting for both confounding variables. The Pearson R correlation testing that was conducted for these variables initially shows that the two are highly correlated; however, this changed once I ran regression models and accounted for population size and political climate.

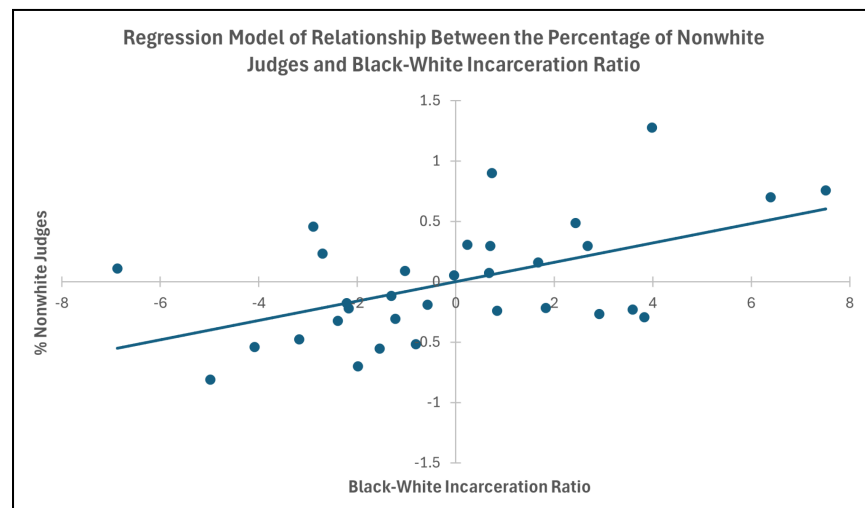


Figure 2. Data Source: Vera Institute of Justice and Judicial Council of CA

After adjusting for both political climate and population size, the regression model for the relationship between the percentage of nonwhite judges and the Black-white incarceration ratio shows a weaker, moderately positive correlation, with an r value of 0.53. This shows that even after controlling for outside variables, counties that have a higher Black-white incarceration

disparity also tend to have slightly higher percentages of nonwhite judges. It is important to note that the values are extremely scattered on the plot, visually demonstrating that weaker relationship.

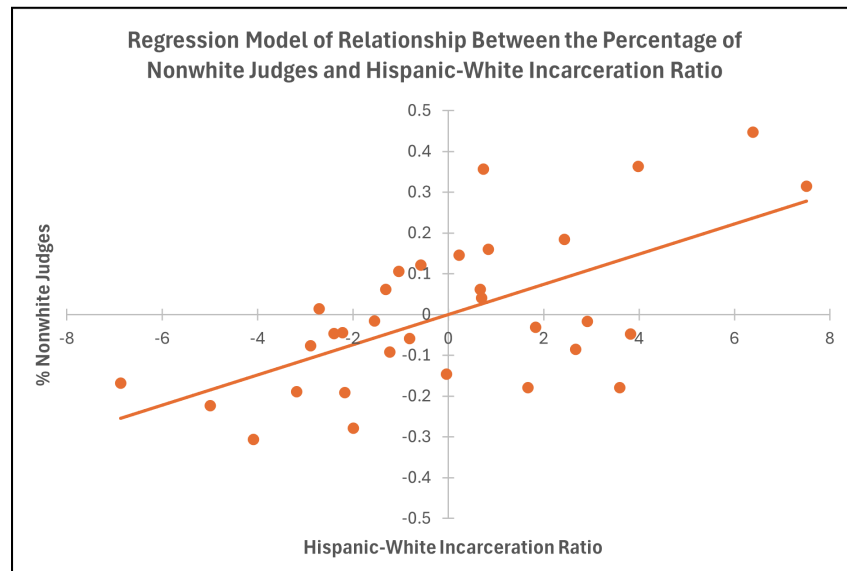


Figure 3. *Data Source: Vera Institute of Justice and Judicial Council of CA*

Similarly, after adjusting for both political climate and population size, the regression model for the relationship between the percentage of nonwhite judges and the Hispanic-white incarceration ratio shows a moderately positive correlation, with an r value of 0.62. Although the correlation coefficient for this ratio is slightly larger, it still demonstrates that judicial diversity is not strongly associated with reducing these incarceration disparities once adjusting for population and political factors.

county	year	jud div%	b-w ratio	h-w ratio	total pop	log pop	dem vote
fresno	2012	36	4.748031	1.555118	946,501	13.7605	50.62
fresno	2013	37	4.462264	1.735849	953,630	13.768	50.62
fresno	2014	34	4.400593	1.537092	965,323	13.7802	50.62
fresno	2015	35	4.185053	1.572964	972,906	13.788	50.62
fresno	2016	34	4.986711	1.607973	981,015	13.7963	50.62
fresno	2017	34	5.227414	1.523364	990,274	13.8057	50.62
fresno	2018	37	4.835294	1.458824	997,611	13.8131	50.62
fresno	2019	41	4.504505	1.561562	1,004,925	13.8204	50.62
fresno	2020	38	5.704082	1.969388	1,009,613	13.8251	50.62
fresno	2021	38	4.884892	1.676259	1,012,879	13.8283	50.62
fresno	2022	41	4.589041	1.438356	1,017,107	13.8325	50.62
LA	2012	35	6.376623	1.701299	9,941,529	16.1122	70.93
LA	2013	37	5.467456	1.65088	10,001,824	16.1183	70.93
LA	2014	38	5.748571	1.571429	10,052,858	16.1234	70.93
LA	2015	39	5.820144	1.690647	10,100,900	16.1281	70.93
LA	2016	40	6.124031	1.837209	10,123,015	16.1303	70.93
LA	2017	41	5.993007	1.79021	10,125,014	16.1305	70.93
LA	2018	44	6.079137	1.848921	10,098,683	16.1279	70.93
LA	2019	45	6.020979	1.86014	10,053,252	16.1234	70.93
LA	2020	46	7.559524	2.238095	10,017,401	16.1198	70.93
LA	2021	48	6.943925	2.308411	9,809,239	16.0988	70.93
LA	2022	49	6.989899	2.171717	9,748,447	16.0926	70.93
sac	2012	31	4.911972	1.545775	1,450,783	14.1876	58.67
sac	2013	29	4.75	1.513699	1,465,896	14.198	58.67
sac	2014	28	4.555172	1.482759	1,486,089	14.2117	58.67
sac	2015	28	4.37594	1.447368	1,507,458	14.2259	58.67
sac	2016	29	4.324	1.516	1,527,967	14.2394	58.67
sac	2017	29	4.019157	1.344828	1,547,198	14.252	58.67
sac	2018	28	3.854545	1.130909	1,561,413	14.2611	58.67
sac	2019	28	4.350746	1.223881	1,576,171	14.2705	58.67
sac	2020	31	4.878788	1.460606	1,586,727	14.2772	58.67
sac	2021	33	4.881443	1.335052	1,588,824	14.2785	58.67
sac	2022	32	4.745763	1.241525	1,588,743	14.2785	58.67

Figure 4. Data Source: Vera Institute of Justice, Judicial Council of CA, CA Secretary of State, U.S. Census Bureau

A regression model was established in order to determine how the relationship between judicial diversity and incarceration disparities changes once confounded by political climate and population size. Figure 4 demonstrates the table of values that I used to run this regression analysis and visualize this relationship. When running the regression model for political climate, the Black-white ratio received a p-value of 0.00055, while the Hispanic-white ratio received a p-value of 0.000050. Because both of these values are below 0.05, these are highly significant. Additionally, when running a regression analysis for population, the Black-white ratio received a p-value of 0.000047, while the Hispanic-white ratio received a p-value of 0.00000093. Because these values are still well below 0.05, they are even more statistically significant. This provides statistical evidence that population and political climate are important confounders that play a strong role in affecting the level of diversity incarceration gaps, making them essential to calculate as they weaken the original relationship between the variables.

Research Implications

Taken together, these findings provide a simple foundation for understanding the relationship between judicial diversity and the criminal justice system, as well as whether it directly affects racial incarceration gaps. To fully assess this, it is essential to examine the potential implications of my research. Beginning with my hypothesis, I originally stated I predicted that as judicial diversity increased within these three California counties, the racial incarceration gaps between white and nonwhite defendants would decrease. However, as my research showed, my findings do not fully support my hypothesis. I found that as the percentage of nonwhite judges appointed to superior courts in these counties increased, the disparities amongst those sentenced to incarceration by race increased as well. Regardless, this relationship was a weaker one with more inconsistency across counties. Originally, the relationship seemed strong and even had high correlations, but once population and political climate were controlled for, the values changed drastically. This is important because it demonstrates a need to look deeper into other factors that could lead to these incarceration disparities. Although increasing judicial diversity is an important tool to prioritize, it alone cannot tackle this more systemic issue.

There could be many explanations as to why the relationship between judicial diversity and incarceration disparities increased rather than decreased, which relates to why political climate and population significantly affect this relationship. One explanation is that higher populated areas also tend to have higher incarceration rates and incarcerated populations. For example, Los Angeles County had a population of 9.7 million in 2022, while Fresno County had a population of 1 million in 2022 (U.S. Census Bureau, Population Division, 2025). The different population sizes would help explain why Los Angeles would have a higher racial incarceration

disparity, as there are simply more people in that area. Similarly, with defendants sentenced to incarceration, Los Angeles County has 38 superior courthouses compared to Fresno County's 7 (California Courts, 2024). This allows for a major difference in traffic and caseload. This might also be misleading with diversity, as Los Angeles has higher diversity amongst judges appointed, when in reality, it simply has more judges in general. These differences can make the disparities seem greater than they might be in relation to judicial diversity.

Another explanation for why judicial diversity and incarceration disparities have a positive relationship could be that highly populated areas tend to be more urban, which also tend to vote more democratically. This could leave the impression that democratic leaning counties simply have higher incarceration disparities; however, it goes back to population size as well. These more populated areas are typically more democratically leaning, but they are also the same counties that have a higher incarcerated population, which makes it difficult to compare when looked at by itself. This is why running the regression model was not only important but necessary to do when comparing these values in order to make sure no outside factors, such as population and political climate, are affecting the results as dramatically as they did within my research.

This is important to understand as it can change the way lawmakers and representatives seek a policy solution when it comes to attempting to solve the racial incarceration disparity in all of California, and not just the three counties I focused my study on. My findings show a need for a multi-system intervention that supplements an increase in judicial diversity in other aspects of the criminal justice system, such as policing, prosecution, resources and funding provided, and more. One example could be found in expanding resources given to public defenders to ensure better quality of care and attention towards defendants. Providing resources or incentives (such

as better pay) could help those who find themselves in court more often than others, but still face a lack of education and awareness. Another possible policy solution could be to make racially specific sentencing data more transparent and publicly available. This data could help determine what type of crimes tend to face the most racial disparities, whether it be felonies versus misdemeanors or violent versus nonviolent crimes. This could help determine where specific patterns lie with these disparities and make it easier to see where a solution can begin to be addressed.

Research Limitations

Although my findings provide a deeper understanding of incarceration disparities, it is also important to acknowledge several limitations that affected the scope and direction of my research. Recognizing these limitations helps to clarify where additional work is needed and identifies some areas that require more research to be conducted. The two most significant limitations were the lack of access to sentencing-specific data and confounding variables that were omitted due to a time constraint.

Originally, I had planned to focus my research on sentencing data from the three counties, including the type of crime, sentence length, and defendant's criminal history. My goal was to identify whether racial disparities were concentrated in certain areas and categories, such as nonviolent offenses. The reason why I wanted to go this narrow route was because this level of specificity could reveal where the patterns lay in incarceration disparities. This data could have been used for evidence of a pattern of implicit bias amongst judges, and if those patterns changed based on who was appointed on the bench or even the race of the judge that handed out that sentence. However, in California, this data is not yet made publicly available. Because this

information could not be accessed, I was unable to pursue a more narrow analysis and I had to broaden my research a lot more than I originally wanted to.

A second limitation involves additional confounding variables that likely influenced racial incarceration disparities but were not included in my analysis. One of these variables is the average socioeconomic status of the individuals being sentenced to incarceration. This can affect an individual's experience of the criminal justice system prior to even seeing a judge.

Lower-income neighborhoods tend to be made up mostly of nonwhite populations, but they also tend to have higher police presence that focuses on more proactive policing approaches. Another variable that could have had an effect is crime rates in a specific county/area. These crime rate differences could affect a variety of things, such as crackdown on crimes and whether or not there is a concern for harsher punishments. If a county experiences a struggle with property crimes, then judges might feel pressure to provide harsher judgments, and the police might feel a need for more arrests to address this problem. However, due to time limits and the data available to conduct my research made it harder to address every issue that I wanted into my regression models. With more time and access to additional data, future research could be conducted to determine how strongly these variables confound the relationship between judicial diversity and incarceration disparities in a similar role that population size and political climate played in my analysis.

Conclusion

My study aimed to examine the relationship between judicial diversity and racial incarceration to determine if increasing judicial diversity could help address the issue of incarceration disparities. My findings indicated that there is a positive relationship between judicial diversity and incarceration disparities, however weak the relationship is. My

confounding variables had a significant effect on this relationship, proving the relationship between my variables to be dependent on population size and the political climate of the three counties. Therefore, my findings do not fully support my original hypothesis that my variables would have a negative relationship. The main finding of my study is that counties with higher levels of judicial diversity tend to have higher Black-white and Hispanic-white incarceration disparity ratios, even after accounting for political climate and population size. However, once accounting for these two variables, the relationship becomes weaker and inconsistent. Both populations and political climate shape judicial composition, but they also help shape the magnitude at which disparity ratios are seen. The goal of my research was to conduct a study in California similarly to what has been done for other states or at the federal level; however, there are many limitations to the research done that require more time and data accessibility in order to fully address the issue. While diversity remains an important value in California, my results suggest that the makeup of the bench alone does not influence disparity ratios as strongly as other factors might. To fully address the existence of disparities in incarceration, policymakers should acknowledge the criminal justice system as a whole rather than focusing on or blaming one specific part. A more holistic approach, one that considers the entire criminal justice pipeline's contributions to racial disparities, is necessary to solve this issue in California.

References

- California Courts. (2024). *Judicial Officer Demographics | Judicial Branch of California*. Ca.gov. <https://courts.ca.gov/news-reference/research-data/judicial-officer-demographics>
- California Secretary of State. (2025). *Statewide Election Results*. Wwww.sos.ca.gov. <https://www.sos.ca.gov/elections/prior-elections/statewide-election-results>
- Evans, J. W. (1974). Defining Representative Bureaucracy. *Public Administration Review*, 34(6), 628. <https://doi.org/10.2307/974367>
- Freiburger, T. L., & Sheeran, A. M. (2017). The Joint Effects of Race, Ethnicity, Gender, and Age on the Incarceration and Sentence Length Decisions. *Race and Justice*, 10(2), 215336871773967. <https://doi.org/10.1177/2153368717739676>
- Harris, A. P. (2023). Can Racial Diversity among Judges Affect Sentencing Outcomes? *American Political Science Review*, 118(2), 1–16. <https://doi.org/10.1017/S0003055423000552>
- Judicial Council of California. (2025). *Statewide Caseload Trends*. <https://courts.ca.gov/system/files/file/2025-court-statistics-report.pdf>
- Kovera, M. B. (2019). Racial Disparities in the Criminal Justice System: Prevalence, Causes, and a Search for Solutions. *Journal of Social Issues*, 75(4), 1139–1164. <https://doi.org/10.1111/josi.12355>
- Mustard, David B. (2001). Racial, Ethnic, and Gender Disparities in Sentencing: Evidence from the U.S. Federal Courts. *The Journal of Law and Economics*, 44(1), 285–314. <https://doi.org/10.1086/320276>
- Rachlinski, J. J., Johnson, S. L., Wistrich, A. J., & Guthrie, C. (2009). Does Unconscious Bias Affect Trial Judges? *SSRN Electronic Journal*, 84(3). <https://doi.org/10.2139/ssrn.999490>
- U.S. Census Bureau, Population Division. (2024, November). *Intercensal Estimates of the Resident Population for Counties in California: April 1, 2010 to April 1, 2020* [Excel Spreadsheet]. <https://www.census.gov/data/tables/time-series/demo/popest/intercensal-2010-2020-counties.html>
- U.S. Census Bureau, Population Division. (2025, March). *Annual Estimates of the Resident Population for Counties in California: April 1, 2020 to July 1, 2024* [Excel Spreadsheet]. <https://www.census.gov/data/datasets/time-series/demo/popest/2020s-counties-total.html>
- United States Congress. (1984). *Sentencing Reform Act of 1984*. Congress.gov. <https://www.congress.gov/bill/98th-congress/senate-bill/668>

Appendix A

Graphs Representing Confounding for Political Climate

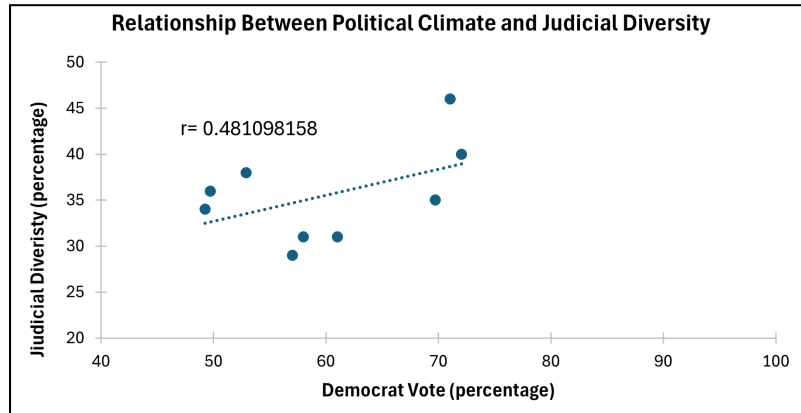


Figure 5. Data Source: Judicial Council of CA and CA Secretary of State

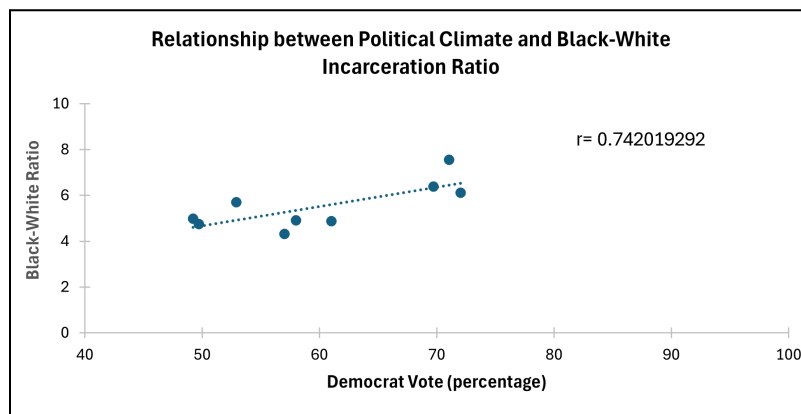


Figure 6. Data Source: Vera Institute of Justice and CA Secretary of State

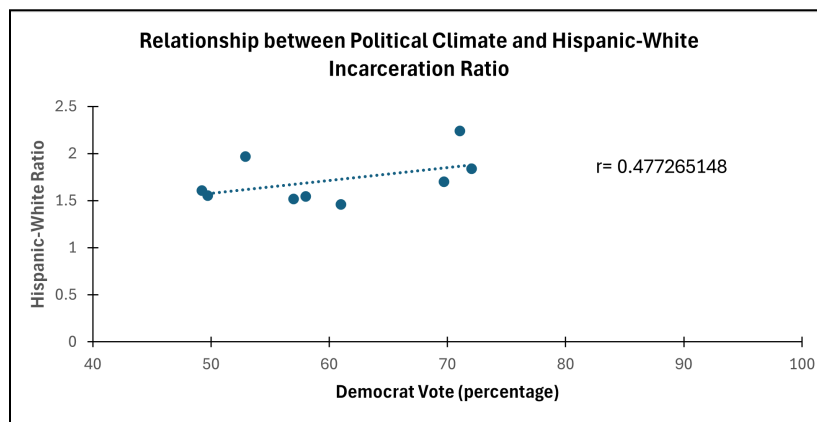


Figure 7. Data Source: Vera Institute of Justice and CA Secretary of State

Appendix B

Graphs Representing Confounding for Population

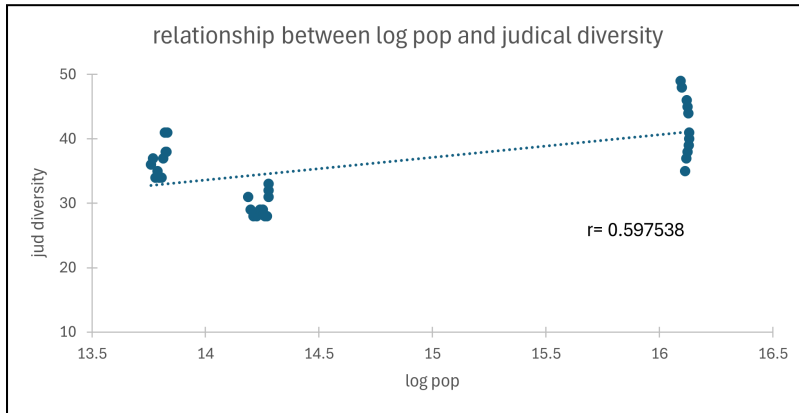


Figure 7. Data Source: Judicial Council of CA and U.S. Census Bureau, Population Division

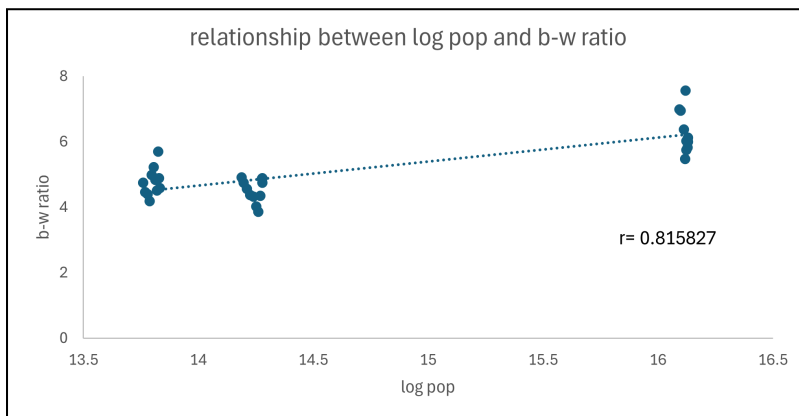


Figure 7. Data Source: Vera Institute of Justice and U.S. Census Bureau, Population Division

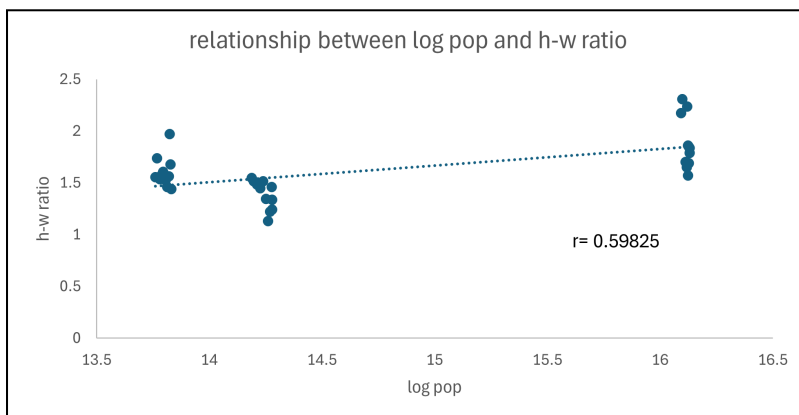


Figure 7. Data Source: Vera Institute of Justice and U.S. Census Bureau, Population Division