


**CITY AND COUNTY OF SAN FRANCISCO
BOARD OF SUPERVISORS
BUDGET AND LEGISLATIVE ANALYST**

1390 Market Street, Suite 1150, San Francisco, CA 94102
(415) 552-9292 FAX (415) 252-0461

To: Board of Supervisors

From: Budget and Legislative Analyst's Office (BLA) 

Date: May 10, 2019

Re: Update to Budget Priority Report: Public Safety Investment (File # 19-0370)

SUMMARY

This memo is being sent to the Board of Supervisors in response to a request from the Office of the District Attorney regarding data provided in Exhibit 31 on page 29 of the Budget Priority Report on Public Safety Investment dated April 24, 2019.


For further information about this report, contact Dan Goncher at the Budget and Legislative Analyst's Office.

Memo from District Attorney

On May 7, 2019, the Office of the District Attorney sent a memo to the Budget and Legislative Analyst's Office requesting a correction to the figures reported in Exhibit 31, "Felony Sales Arrests, Filings, and Convictions, FY 2013-14 to FY 2017-18," on page 29 of the *Budget Priority Report on Public Safety Investments*, dated April 24, 2019. The memo from District Attorney staff stated that, "the last row of the table ("Filing-Conviction Ratio") uses an inappropriate methodology that should [be] corrected to ensure that the Board of Supervisors and the public have accurate information on this issue." District Attorney staff further stated that, "comparing the ratio of filings and resulting convictions year to year, as presented in the BLAO table, is misleading by virtue of the fact that there will be more pending cases among more recent filings, and therefore the ratio will decline over time. Essentially, the ratio as presented is not a comparison of like data, as older arrests are likely to have more convictions, and newer arrests are likely to have more pending cases, simply as a function of time."

For your reference, Exhibit 31 from the *Budget Priority Report on Public Safety Investments*, is shown below. The data that District Attorney staff have requested that we correct is noted with an arrow.

Exhibit 31: Felony Drug Sales Arrests, Filings, and Convictions, FY 2013-14 to FY 2017-18

Felony Drug Sales	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	Pct. Chg.
Drug Sales Arrests ^a	1,106	859	885	772	747	-32%
Drug Sales Filings	496	366	375	474	601	21%
Drug Sales Convictions ^b	286	191	173	173	173	-40%
Arrest-Filing Ratio	0.45	0.43	0.42	0.61	0.80	79%
 Filing-Conviction Ratio	0.58	0.52	0.46	0.36	0.29	-50%

Source: District Attorney's Office
a: HS 11378, 11379, 11351, 11352, 11351.5
b: To date as of 3/5/2019

BLA Quality Assurance Process

The Budget and Legislative Analyst's Office standard practice for report production includes a quality assurance review prior to publication. This quality assurance process entails thorough internal review by senior BLA staff as well as distribution of draft sections to department staff for review and feedback.

For the *Budget Priority Report on Public Safety Investments*, we completed and sent a draft section, which included what would become Exhibit 31, on Tuesday, April 16th to District Attorney staff. We requested that District Attorney staff review the draft section and provide feedback by the afternoon of Thursday, April 18th. The draft section included the following for what would become Exhibit 31:

Exhibit 29: Felony Drug Sales Arrests, Filings, and Convictions, FY 2013-14 to FY 2017-18

Felony Drug Sales	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	Pct. Chg.
Drug Sales Arrests ^a	1,106	859	885	772	747	-32%
Drug Sales Filings	496	366	375	474	601	21%
Drug Sales Convictions ^b	286	191	173	173	173	-40%
Arrest-Conviction Ratio	0.26	0.22	0.20	0.22	0.23	-10%

Source: District Attorney's Office

a: HS 11378, 11379, 11351, 11352, 11351.5

b: To date as of 3/5/2019

District Attorney staff provided feedback on our draft section on the afternoon of April 18th, stating:

The only comments we have is that the arrest to prosecution ratio provided may be a little misleading. Better ratios would be:

- *Arrests to filing*
- *Filing to conviction*

Accordingly, we updated the exhibit to include the two ratios that were suggested by Department staff.

Update to Exhibit 31 based on Additional Feedback

After reviewing the May 7th memo from District Attorney staff, we agree that the Filing-Conviction ratio provided in Exhibit 31 of the *Budget Priority Report on Public Safety Investments* is misleading without additional context. Primarily, the reader should understand that, according to the Office of the District Attorney, older filings are more likely to have resulted in convictions than newer filings due to the time required to secure convictions. District Attorney staff noted in their May 7th memo that, "when calculating a conviction rate, the best practice is to examine the entire universe of resolved cases for a given time period. In that way, pending cases and recency do not threaten the validity of the analysis." We are in general agreement with District Attorney staff on this statement.

District Attorney staff have provided additional data regarding felony drug case outcomes,¹ which they believe are a better reflection of the District Attorney’s record on felony drug convictions. This data is presented below in Exhibit A.

Exhibit A: Felony Drug Sales Outcomes, FY 2013-14 to FY 2017-18

Felony Drug	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18*
Convicted	528	369	299	200	210
Not Convicted	107	130	96	109	106
Total	635	499	395	309	316
Conviction Rate	83%	74%	76%	65%	66%

Source: District Attorney’s Office

* According to the DA’s Office, for calendar year 2018, the felony drug conviction rate was 69%

District Attorney staff also provided conviction rates for auto burglary and robbery to offer additional context. District Attorney staff noted that the felony drug conviction rate has been more variable over time than that of auto burglary or robbery. They noted that this is also reflected in the charging rate for felony drug cases, which ranged from 64 percent in 2013, to 58 percent in 2015, to 79 percent in 2017. The auto burglary and robbery outcome data provided by the District Attorney’s Office are shown in exhibits B and C below.

Exhibit B: Auto Burglary Outcomes, FY 2013-14 to FY 2017-18

Auto Burglary	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18*
Convicted	106	132	210	245	237
Not Convicted	9	17	21	30	25
Total	115	149	231	275	262
Conviction Rate	92%	89%	91%	89%	90%

Source: District Attorney’s Office

¹ The District Attorney’s Office notes that these figures are derived from the Court’s disposition data, which is unreliable, particularly for more recent dispositions. District Attorney staff further note that through several years of working with this data, they have learned that the Court’s data entry practices sometimes treat pending cases, which may ultimately result in convictions, as dismissals. They further stated that as such, it is likely that the FY 2017-18 conviction rates will increase by a few percentage points as those cases ultimately resolve, and the data is corrected.

Exhibit C: Robbery Outcomes, FY 2013-14 to FY 2017-18

Robbery	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18*
Convicted	271	253	256	274	223
Not Convicted	37	32	43	26	37
Total	308	285	299	300	260
Conviction Rate	88%	89%	86%	91%	86%

Source: District Attorney's Office

Project staff: Linden Bairey, Amanda Guma, Dan Goncher