THE W. HAYWOOD
BURNS INSTITUTE FOR JUVENILE JUSTICE FAIRNESS & EQUITY

SAN FRANCISCO JUSTICE REINVESTMENT INITIATIVE:
RACIAL AND ETHNIC DISPARITIES ANALYSIS FOR THE REENTRY COUNCIL

SUMMARY OF KEY FINDINGS

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SUMMARY OF KEY FINDINGS

The W. Haywood Burns Institute (BI) is a national non-profit organization that has worked successfully with local jurisdictions to reduce racial and ethnic disparities in the justice system by leading traditional and non-traditional stakeholders through a data-driven, consensus based process. BI was engaged by the Reentry Council of The City and County of San Francisco to conduct a decision point analysis to learn whether and to what extent racial and ethnic disparities exist at key criminal justice decision making points in San Francisco. The analysis was limited due to data limitations. For additional information regarding the key findings listed in this summary, please see the full report.

DEMOGRAPHIC SHIFTS IN SAN FRANCISCO

- Data indicate that San Francisco's demographic make-up is changing. Between 1994 and 2013, the number of Black adults decreased by 21 percent. At the same time, the number of Latino adults increased by 31 percent.

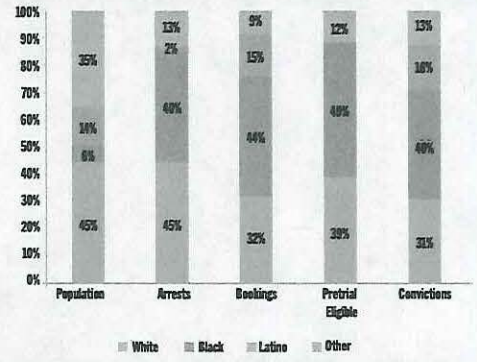
DISPROPORTIONALITY AT EVERY STAGE

- In 2013, there were a disproportionate number of Black adults represented at every stage of the criminal justice process. While Black adults represent only 6% of the adult population, they represent 40% of people arrested, 44% of people booked in County Jail, and 40% of people convicted.
- When looking at the relative likelihood of system involvement- as opposed to the proportion of Black adults at key decision points – disparities for Black adults remain stark. Black adults are 7.1 times as likely as White adults to be arrested, 11 times as likely to be booked into County Jail, and 10.3 times as likely to be convicted of a crime in San Francisco.

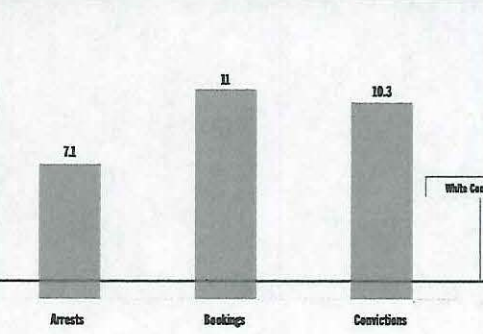
FINDINGS REGARDING DATA CAPACITY

- Data required to answer several key questions regarding racial and ethnic disparities were unavailable. As stakeholders move forward to more fully understand the disparities highlighted in the repot, they will need to build capacity for a more comprehensive and system-wide approach to reporting data on racial and ethnic disparities.
- Lack of "ethnicity" data impeded a full analysis of the problem of disparities. Justice system stakeholders must improve their capacity to collect and record data on ethnicity of justice system clients. Lack of data regarding Latino adults' involvement is problematic for obvious reasons – if we do not understand the extent of the problem, we cannot craft the appropriate policy solutions. Additionally, when population data disregard ethnicity, and only focus on race, the vast majority of these "Hispanics" are counted as White. The result is a likely inflated rate of system involvement for White adults[1], and an underestimation of the disparity gap between White and Black adults.

2013 DATA: SAN FRANCISCO



2013: DISPARITY GAP FOR BLACK ADULTS AT KEY DECISION POINTS

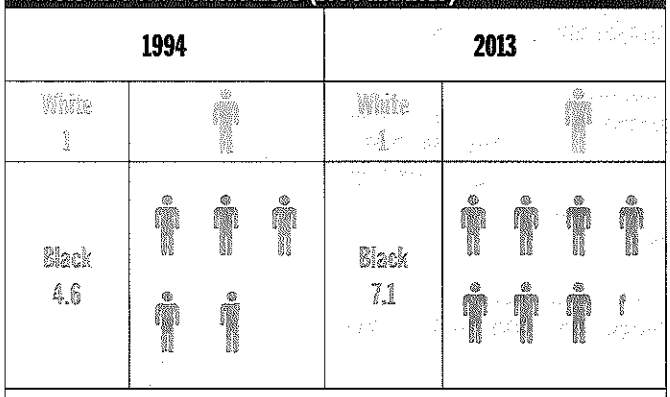


[1] Nationally, when population data disregard ethnicity, and only focus on race, the vast majority of these "Hispanics" (89%) would be identified as "White."). Puzzanchera, C., Sladky, A. and Kang, W. (2014). "Easy Access to Juvenile Populations: 1990-2013." Online. Available: http://www.ojjdp.gov/ojstatbb/ezapop/

ARRESTS

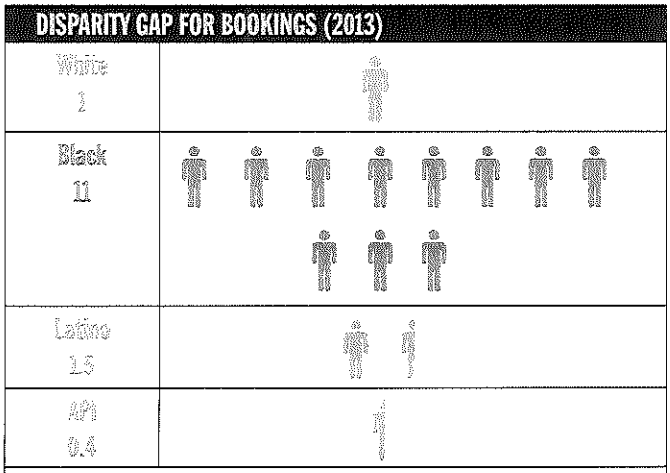
- In 2013, Black Adults in San Francisco were more than seven times as likely as White adults to be arrested.
- Despite a significant overall reduction in arrest rates in San Francisco, the disparity gap – the relative rate of arrest for Black adults compared to White adults - is increasing.
- Whereas the disparity gap in arrests statewide is decreasing, the disparity gap in San Francisco is increasing.
- Rates of arrest are higher for Black adults than White adults for every offense category.
- Despite reductions in rates of arrest for drug offenses, the Black/White disparity gap increased for every drug offense category.

DISPARITY GAP FOR ARRESTS (1994 and 2013)



For every 1 White adult arrested in San Francisco in 1994, there were 4.6 Black adults arrested. For every 1 White adult arrested in San Francisco in 2013, there were more than 7 Black adults arrested.

DISPARITY GAP FOR BOOKINGS (2013)



For every 1 White adult booked into San Francisco County Jail, there were 11 Black adults and 1.5 Latino adults booked

BOOKINGS TO JAIL (PRETRIAL)

- Black adults in San Francisco are 11 times as likely as White adults to be booked into County Jail. This disparity is true for both Black men (11.4 times as likely) and Black Women (10.9 times as likely).
- Latino adults are 1.5 times as likely to be booked as White adults.
- Booking rates for Black and Latino adults have increased over the past three years while booking rates for White adults have decreased.
- The top three residence zip codes of Black adults booked into County Jail were: 94102 (includes the Tenderloin), 94124 (Bayview-Hunters Point), and 94103 (South of Market).
- The top three residence zip codes for Latino adults booked into County Jail were: 94110 (Inner Mission/ Bernal Heights), 94102 (includes the Tenderloin), and 94112 (Ingelside-Excelsior/Crocker-Amazon).
- A vast majority (83 percent) of individuals booked into jail in San Francisco had residence zip codes within the County. Overall, only 17 percent of individuals booked into jail had residence zip codes outside of San Francisco.[2]

PRETRIAL RELEASE

- Booked Black adults are more likely than booked White adults to meet the criteria for pretrial release.[3]
- Black adults are less likely to be released at all process steps: Black adults are less likely to receive an "other" release (i.e., cited, bailed, and dismissed); less likely than White adults to be released by the duty commissioner; and less likely to be granted pretrial release at arraignment.
- Rates of pretrial releases at arraignment are higher for White adults for almost every quarter.
- Out of all adults who meet the criteria for pretrial release (the entirety of the SFPDP database):
    - 39 percent of Black adults had prior felony(ies) compared to 26 percent of White adults, however, White adults with a prior felony were almost always more likely to be released at arraignment than Black adults with a prior felony;

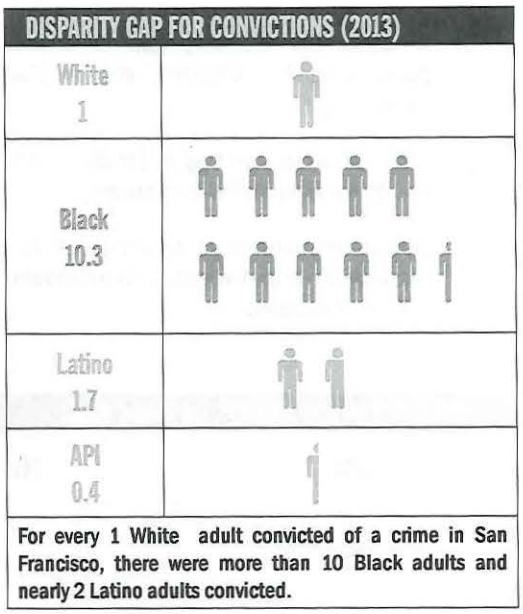
[2] Data regarding the homeless population were unavailable. Of the total 19,273 bookings in 2013, there were 3,973 (21%) that did not include a zip code. Some of these missing zip codes may be homeless adults who reside in San Francisco.

[3] Data for both Bookings and Pretrial eligible include the most recent year available (Q3 2013-Q2 2014). The data come from two distinct databases. Further analysis is needed to better understand this finding. For example, White adults may be more likely to be cited out and are therefore not included as "eligible" for pretrial release, and protocol for identifying "ethnicity" in the two information systems may not be consistent.

- 44 percent of Black adults had prior misdemeanor(s) compared to 45 percent of White adults, however, White adults with a prior misdemeanor were almost always more likely to be released at arraignment than Black adults with a prior misdemeanor; and
- 62 percent of Black adults had a high school diploma or GED compared to 66 percent of White adults, however, White adults with a HSD/GED were almost always more likely to be released at arraignment than Black adults with a HSD/GED.

CONVICTIONS/SENTENCING

- For every White adult arrested and convicted in 2013, 1.4 Black adults were arrested and convicted.[4] (Due to lack of data about Latinos at arrest, no comparison of convictions to arrest was made for Latinos).
- Black adults in San Francisco (in the general population) are ten times as likely as White adults in San Francisco (in the general population) to have a conviction in court.
- Latino adults in San Francisco (in the general population) are nearly twice as likely as White adults in San Francisco (in the general population) to have a conviction in court.[5]
- The vast majority of all people convicted are sentenced to Jail/ Probation. Black adults with Jail/Probation sentences are more likely to receive formal probation than White adults. Whereas 31 percent of White Adults receive formal probation, 53 percent of Black adults did.
- Black adults are more likely to be sentenced to prison and county jail alone and less likely to be sentenced to Jail/Probation sentence than White adults.
- When they receive Jail/Probation sentences, Black adults are more likely to have a longer County Jail sentence than White adults.



For every 1 White adult convicted of a crime in San Francisco, there were more than 10 Black adults and nearly 2 Latino adults convicted.

- Although more White adults are convicted on DUI charges with blood alcohol levels greater than or equal to .08 than Black adults, Black and Latino adults convicted of these charges are more likely to have a longer jail sentence (as part of a Jail/Probation sentence) than White adults.[6]
- Of all Black adults convicted, 6 percent were convicted of transporting or selling controlled substances; of all White adults convicted, only 1 percent was convicted of this charge. While the number of adults convicted of transporting or selling controlled substances has decreased substantially over the past 3 years, the proportion is consistently higher for Black adults.[7]
- Black adults convicted of transporting or selling controlled substances are more likely to stay longer in jail as part of a Jail/Probation sentence.
- Over the course of the last year, there were 288,177 bed days as the result of court sentences to jail (either though county jail alone or as a part of a Jail/Probation sentence). Black adults account for 50 percent of these sentenced bed days.

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[4] When population data disregard ethnicity, the vast majority of Hispanic/Latino people are identified as White. This results in an inflated rate of system involvement for White adults; and subsequently an underestimation of the disparity gaps between White/Black adults & White/Latino adults.
[5] See note above. It is important to note this for all of the analyses in the conviction/sentencing section which compare White and Latino rates.
[6] Analysis of specific charges includes the entire timeframe, in order to increase the number of cases analyzed. The criminal code referenced here is VC 23152(b)/M.
[7] Analysis of specific charges includes the entire timeframe, in order to increase the number of cases analyzed. The criminal code referenced here is HS 11352(a)/F.

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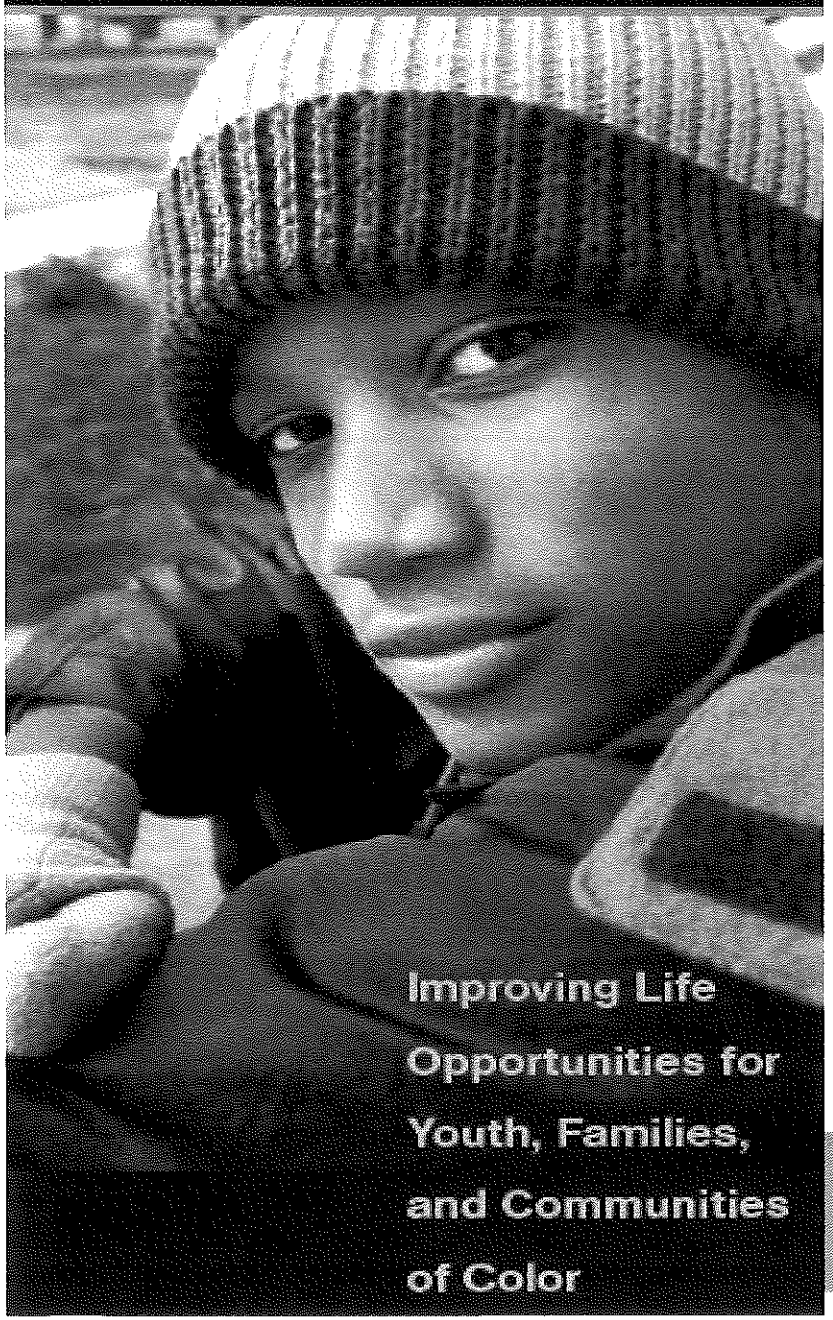
W. Haywood Burns Institute



SAN FRANCISCO JUSTICE REINVESTMENT INITIATIVE: RACIAL & ETHNIC DISPARITIES ANALYSIS FOR THE REENTRY COUNCIL

BY
W. HAYWOOD BURNS INSTITUTE

June 23, 2015

The W. Haywood Burns Institute (BI)

Our Work

- The Burns Institute works to eliminate racial and ethnic disparities in the justice system by using a data driven, community centered approach to reducing system involvement for people of color.

Our Work in San Francisco:

- Conduct analysis to identify whether and to what extent racial and ethnic disparities exist at key criminal justice decision making points.

BI Strategy for Reducing Racial and Ethnic Disparities

Ongoing process

1. Identify Disparities

- Identify whether and to what extent racial and ethnic disparities exist

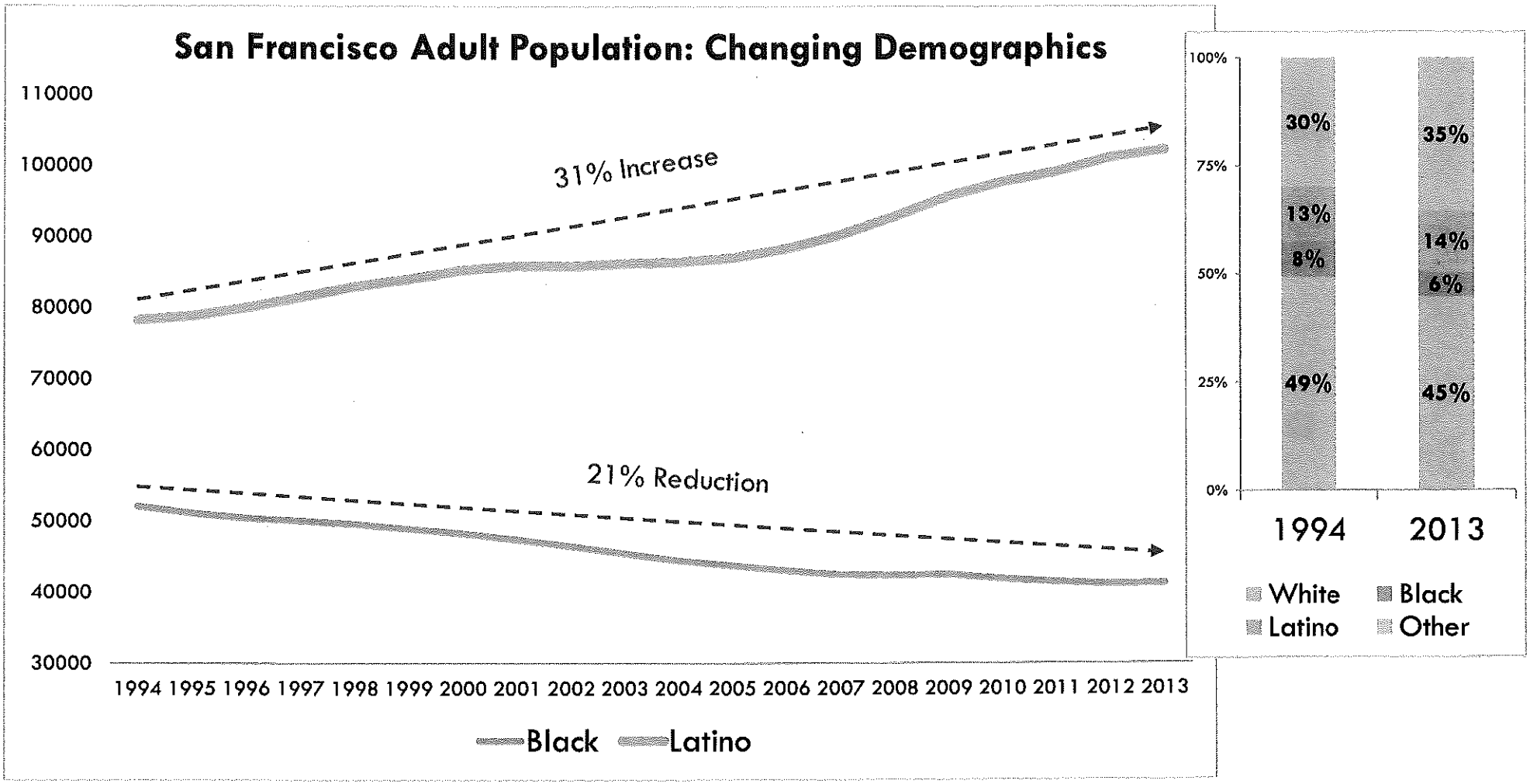
2. Identify, Analyze and Strategize around a "Target Population"

- Identify target population to focus the work.
- "Dig deeper" into target population to learn more about policy, practice, procedure and other factors contributing to disparities.
- Strategize around how policy, practice, and/or procedure change might result in reductions in disparities.
- Pilot or adopt policy, practice or procedural change

3. Measure Progress

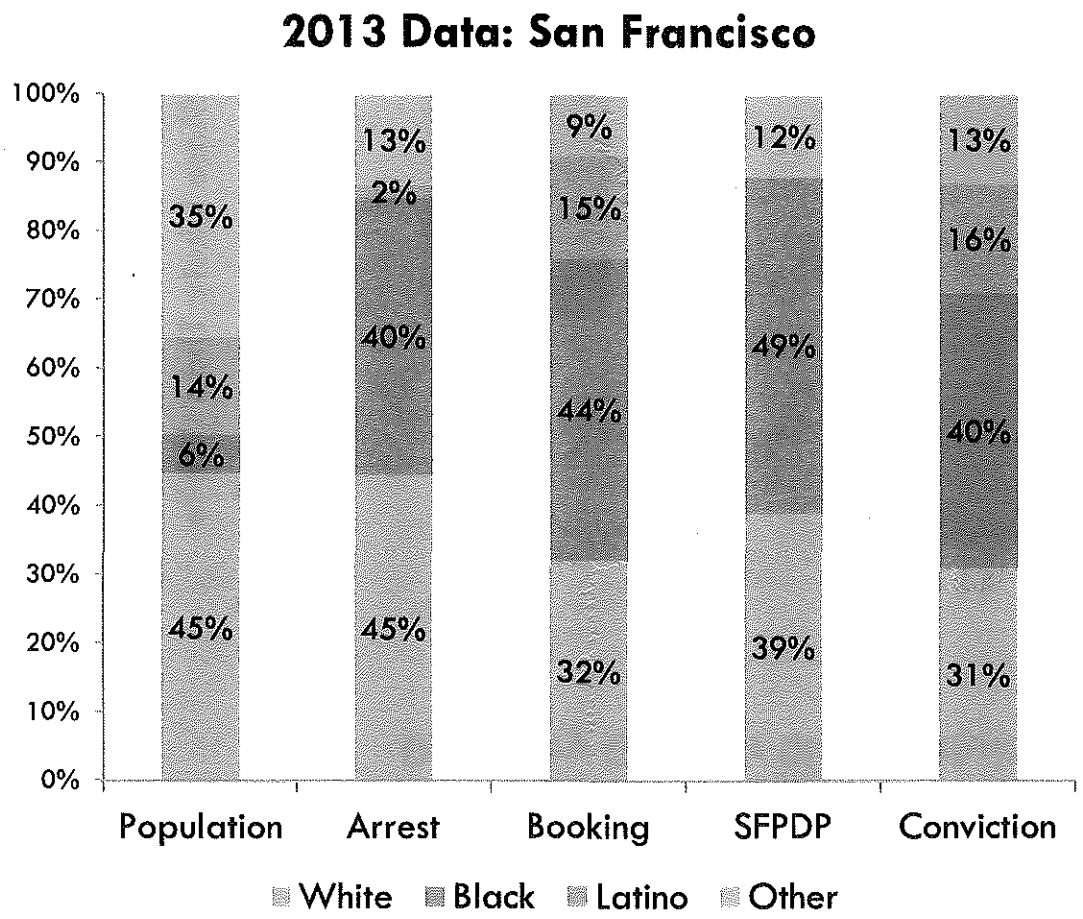
- Monitor Effectiveness of Change
- Document changes in disparities

San Francisco Demographics are Changing



Source: Puzzanchera, C., Sladky, A. and Kang, W. (2014). "Easy Access to Juvenile Populations: 1990-2013." Online. Available: http://www.ojjdp.gov/ojstatbb/ezapop/

Overrepresentation of People of Color in San Francisco Criminal Justice System



Black adults: Overrepresented at each stage:

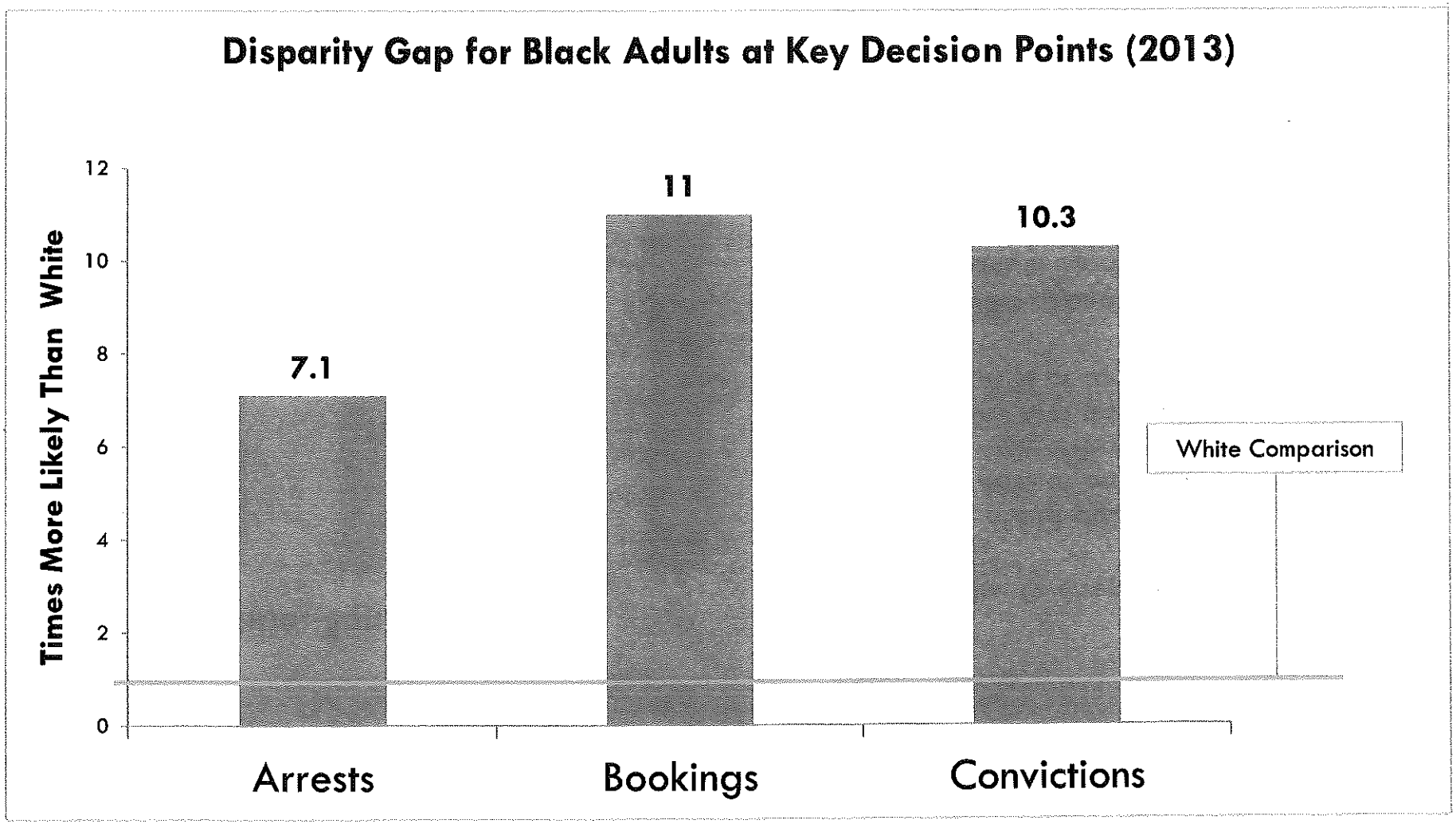
- 6% of adults in the population
- 40% of arrests
- 44% of bookings to jail (pretrial)
- 49% of adults eligible for SFPDP
- 40% of convictions

Latino adults: appear to be undercounted at various points in the criminal justice process, but data vary across decision points. **This is likely caused by misidentification of some Latinos as White.**

Asian Pacific Islander and "other" adults: This analysis did not focus on API or "other" adults. Future disparities analysis should do so and must account for differences between subgroups within the larger API population.

Population Source: Puzzanchera, C., Sladky, A. and Kang, W. (2014). "Easy Access to Juvenile Populations: 1990-2013." Online.
Arrest Source: "Monthly Arrest and Citation Register", State of California Department of Justice (October 2014). Online
Booking, SFPDP and Conviction Data provided to Burns Institute by Adult Probation as part of JRI data analysis agreement. Sources: CMS, JMS, SFPDP Databases.

Disparity Gap at Key Decision Points



7 ARRESTS

Arrest Rate Deductions

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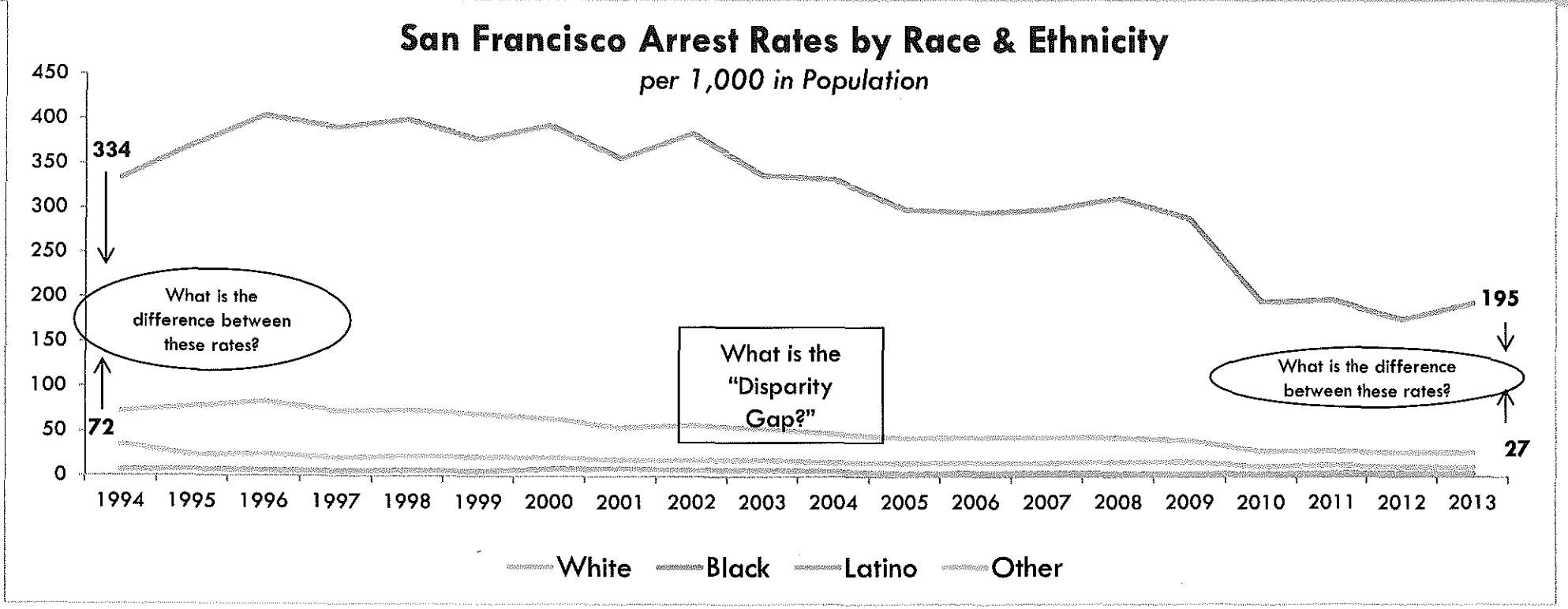


Reduction in Rate of Arrests:

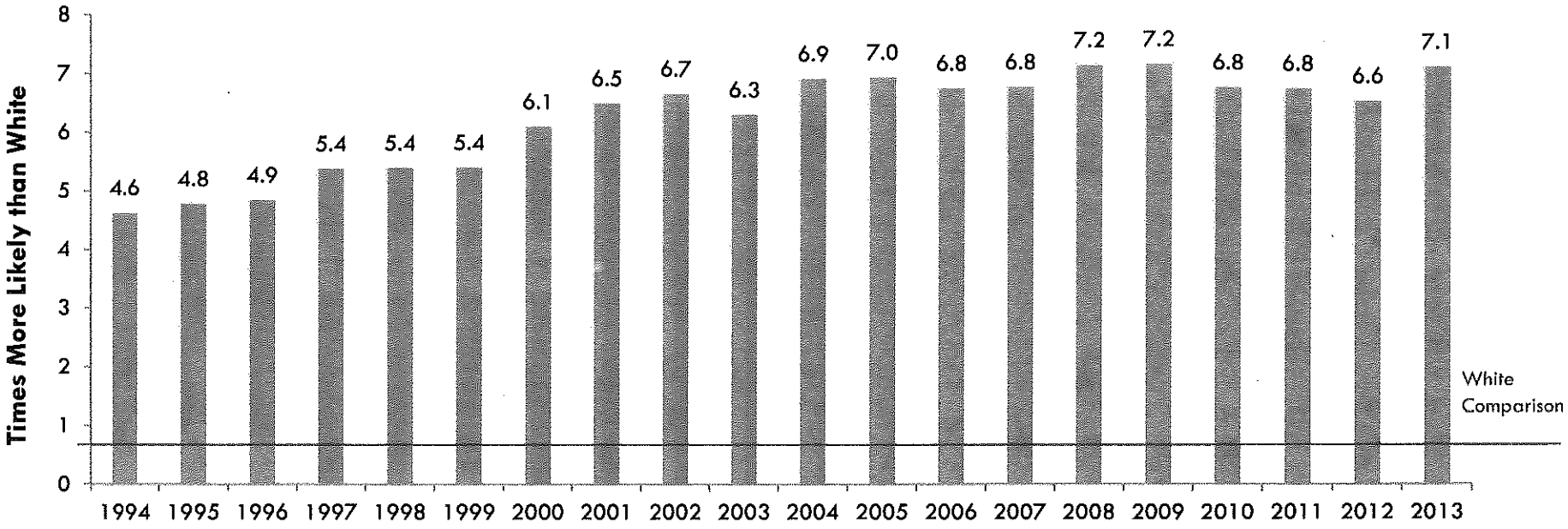
- White = 62% reduction *(72 per 1,000 to 27 per 1,000)*
- Black = 42% reduction *(334 per 1,000 to 195 per 1,000)*

Note: These data do not include cite and release interactions with police.

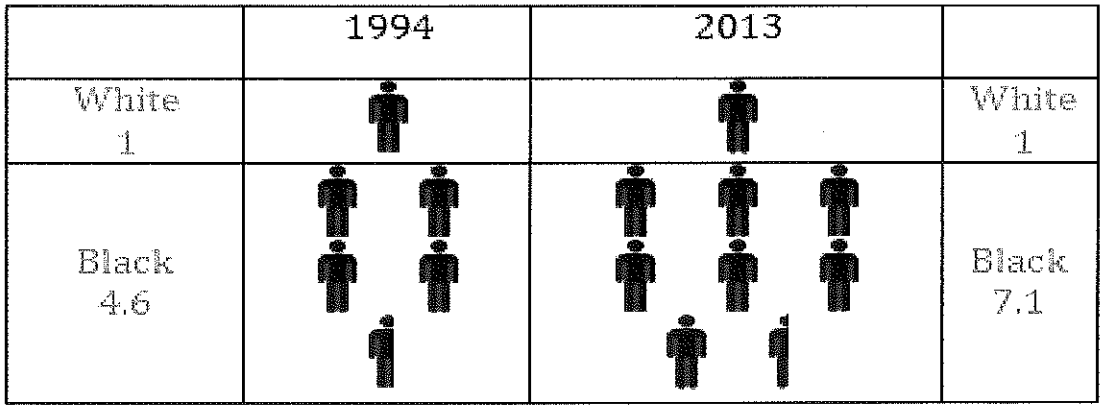
Note: When population data disregard ethnicity, the vast majority of Hispanic/Latino people are incorrectly identified as White. This results in an *inflated* rate of system involvement for White adults; and subsequently an *underestimation* of the disparity gaps between White/Black adults & White/Latino adults.

Despite significant reductions in arrest rates, **disparities** between Black and White adult arrests have increased.

Disparity Gap Between Black and White Arrest Rates



For every on 1 White adult arrested in 1994, **4.6** Black adults were arrested

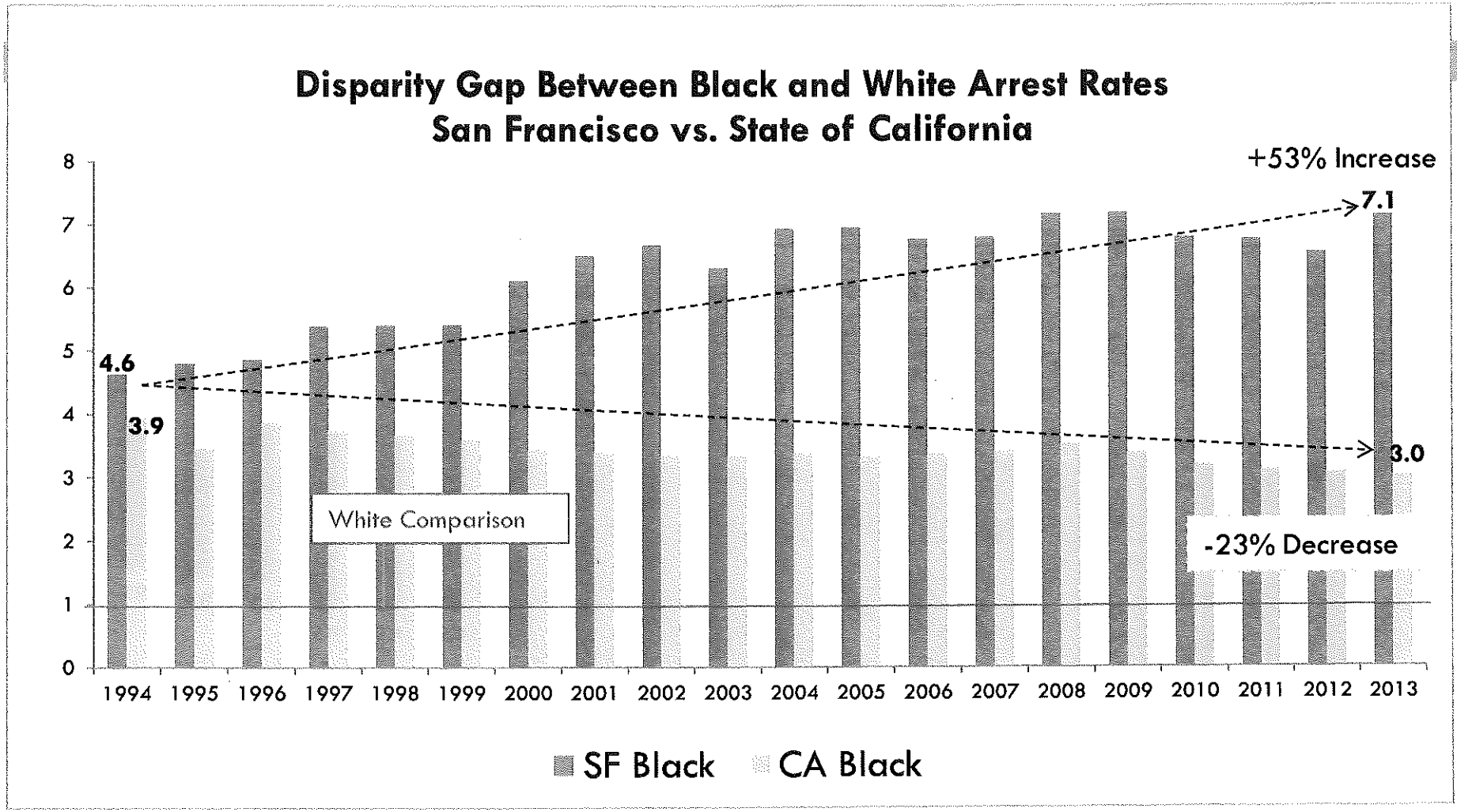


For every on 1 White adult arrested in 2013, **7.1** Black adults were arrested.

Note: when population data disregard ethnicity, the vast majority of Hispanic/Latino people are incorrectly identified as White. This results in an *inflated* rate of system involvement for White adults; and subsequently an *underestimation* of the disparity gaps between White/Black adults & White/Latino adults.

Arrest Source: "Monthly Arrest and Citation Register", State of California Department of Justice (October 2014). Online

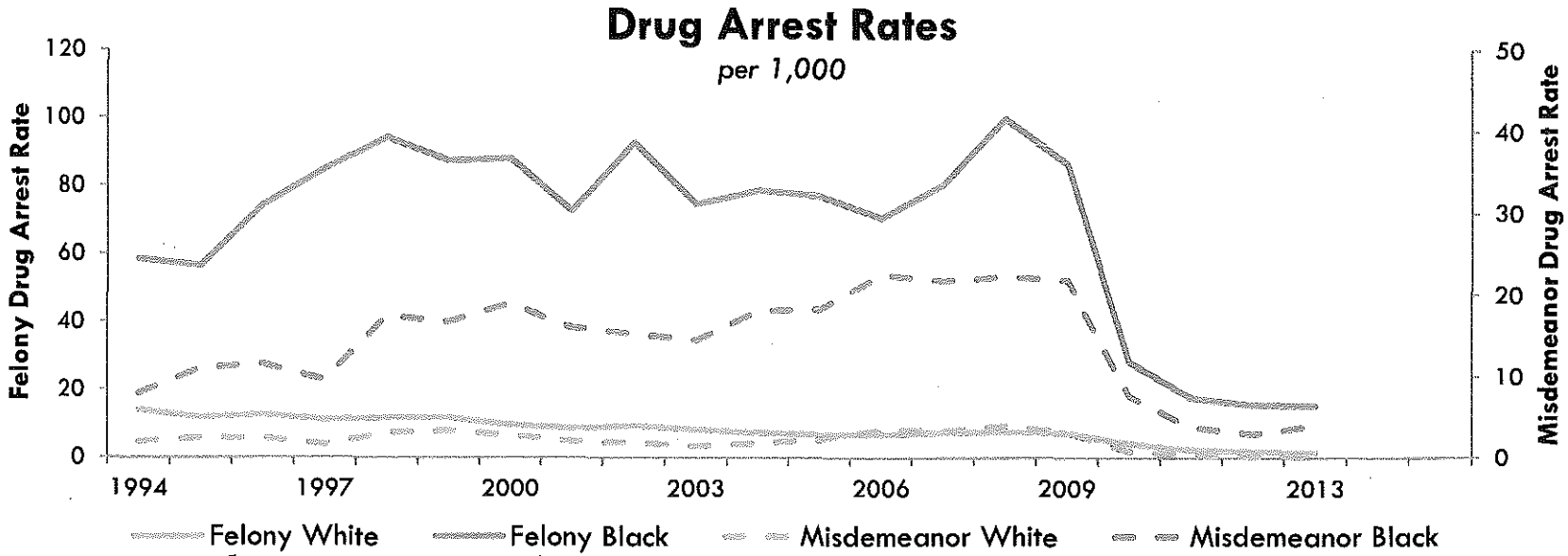
California & SF Disparity Gaps

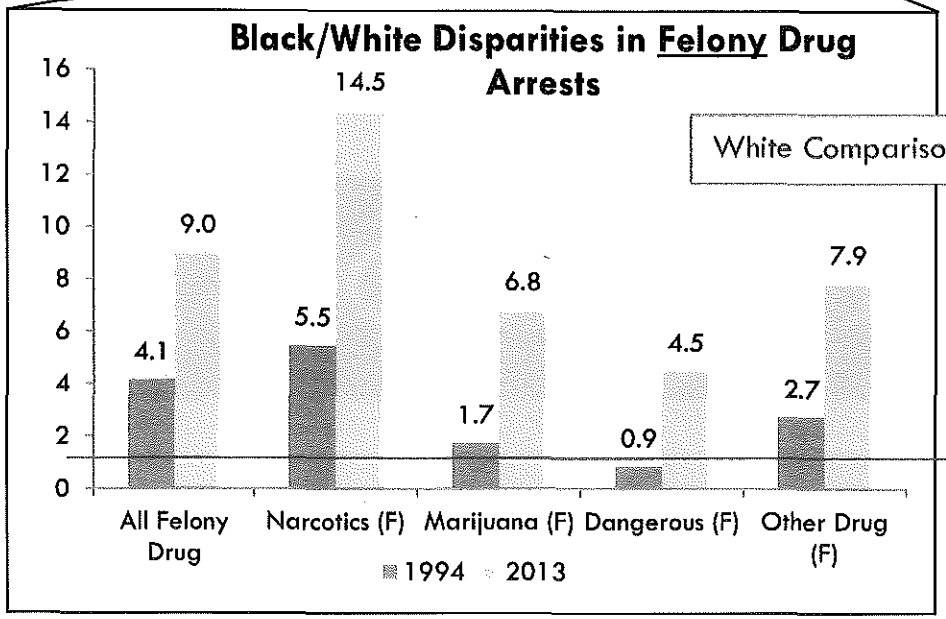


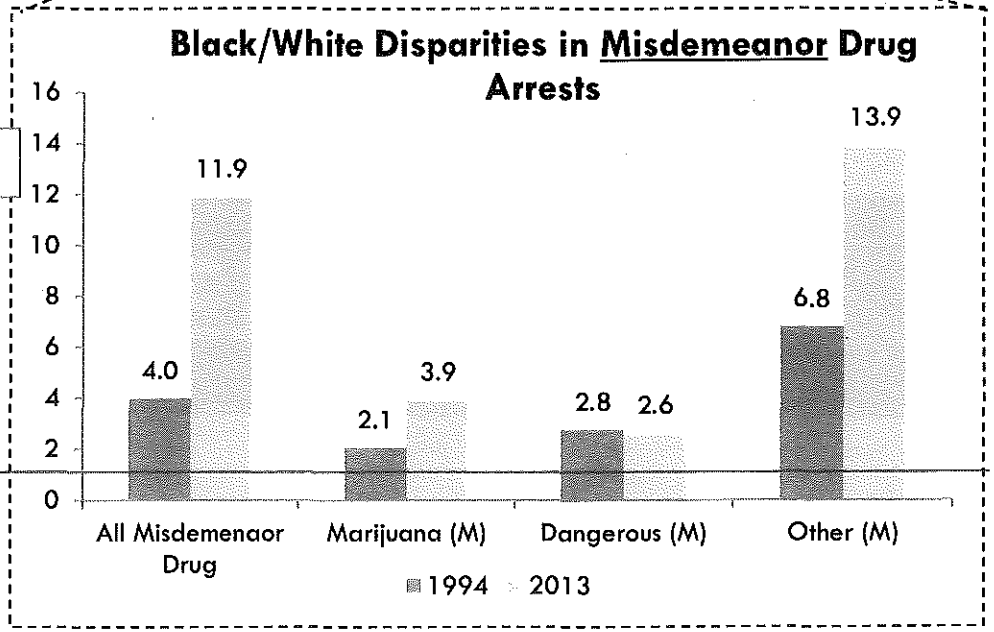
- Disparities in the rate of arrest between Black and White adults in San Francisco are greater than disparities in the State.
- **Disparities in the State are decreasing slightly while disparities in San Francisco continue to increase**

Note: when population data disregard ethnicity, the vast majority of Hispanic/Latino people are incorrectly identified as White. This results in an *inflated* rate of system involvement for White adults; and subsequently an *underestimation* of the disparity gaps between White/Black adults & White/Latino adults.
Arrest Source: "Monthly Arrest and Citation Register", State of California Department of Justice (October 2014). Online

Disparities in Arrests for Drug Offenses Increased







Although rates of arrest for drug offenses have decreased in San Francisco from 1994 to 2013, the relative rate of arrest for drug offenses or "disparity gap" has increased.

12 BOOKING TO PRETRIAL JAIL

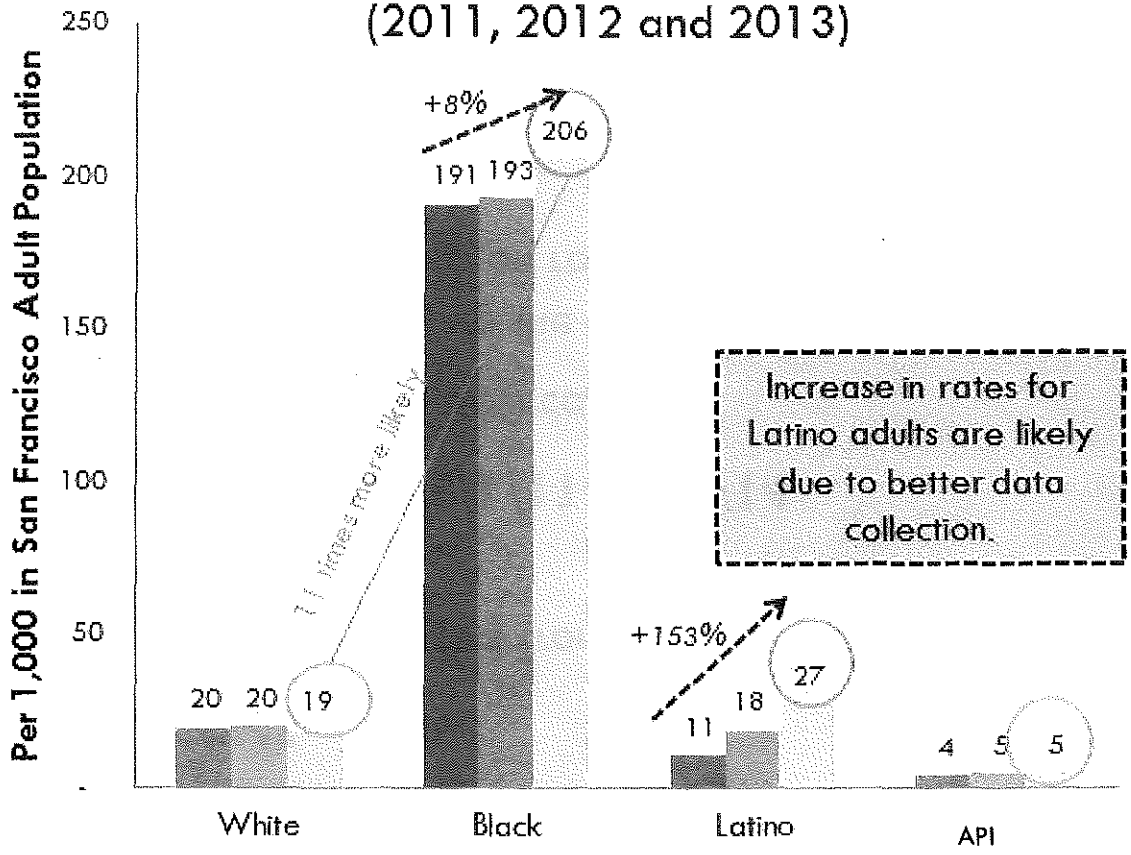
Overview of the Booking Data

- **Source: CMS**
  - race/ethnicity pulled from JMS
- **Full Time Frame: 1/1/11-6/30/14**
  - Started with 155,060 cases
  - After we cleaned up the data, there were 63,318 bookings with data on race and ethnicity
- **In 2013 (latest year):**
  - 19,273 cases with data on race and ethnicity

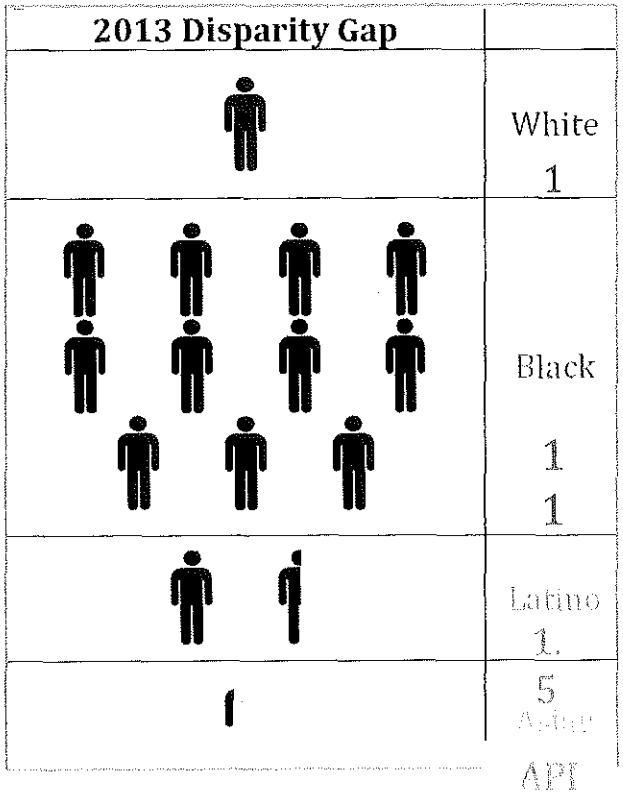
1/1/11-6/30/14	#
White	21,758
Black	28,125
Latino	7,010
API	4,058
Nat. Am.	246
Other	2,121
Total	**63,318**

Data required extensive clean-up in order to answer basic questions

Rates and Disparity Gaps in Bookings to Jail in San Francisco (2011-2013)



Increase in rates for Latino adults are likely due to better data collection.



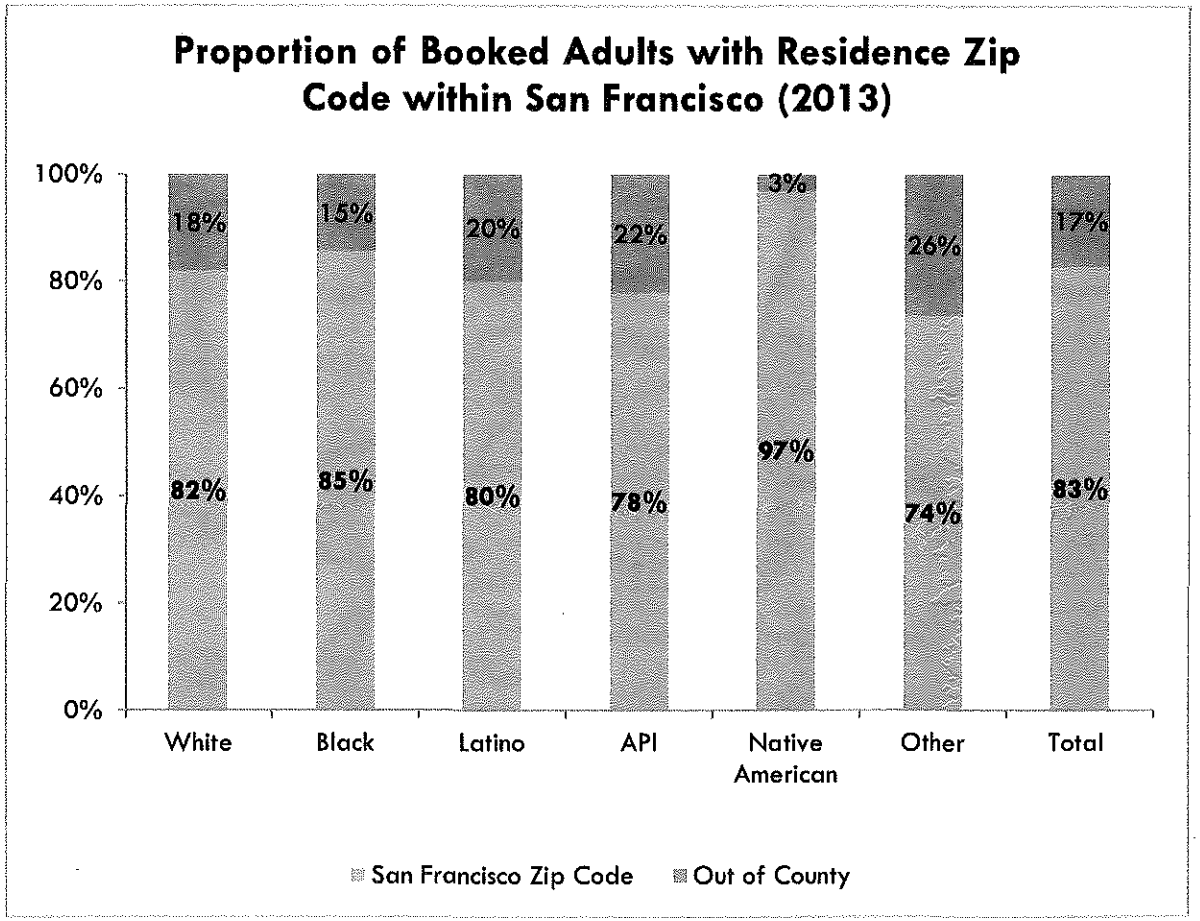
Rates of booking to jail are increasing for people of color in San Francisco, particularly Latino and Black adults.

In 2013, for every **1 White adult** booked:

- **11 Black** adults were booked
- **1.5 Latino** adults were booked
- **.3 Asian** adults were booked

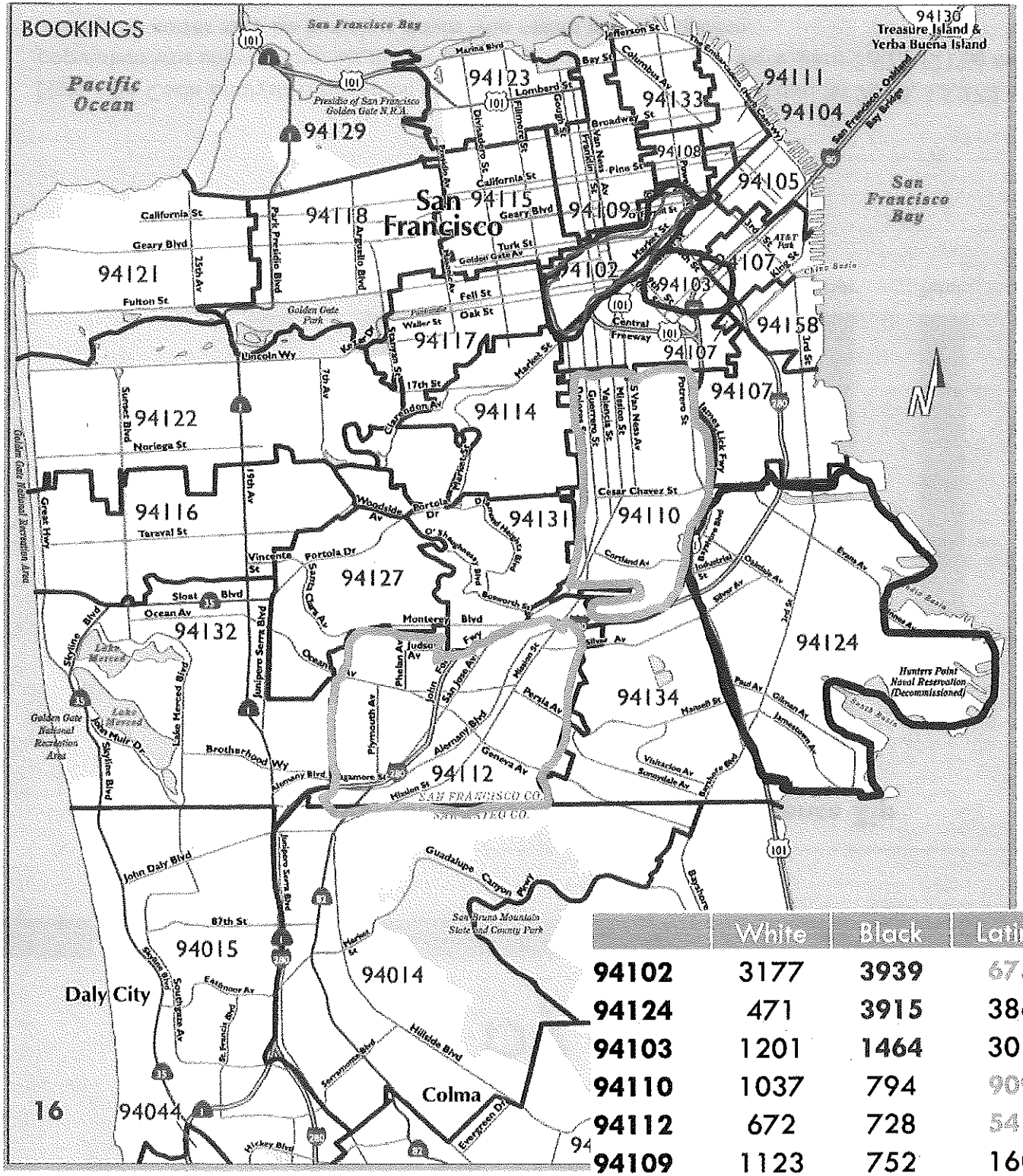
Note: when population data disregard ethnicity, the vast majority of Hispanic/Latino people are incorrectly identified as White. This results in an *inflated* rate of system involvement for White adults; and subsequently an *underestimation* of the disparity gaps between White/Black adults & White/Latino adults.

Bookings by Residence Zip Code



The vast majority of all adults booked in County Jail in San Francisco have a residence zip code within San Francisco.

Note: Zip Code analysis is based on cases for which zip code was recorded (in 2013, 15,272 cases). Data regarding the homeless population was unavailable. Of the total 19,273 bookings in 2013, there were 3,973 (21%) that did not include a zip code. Some of these missing zip codes may be homeless adults who reside in San Francisco.



Top Residence Zip Codes of Adults Booked into Jail in San Francisco

Black:

94102: Tenderloin
94124: Bayview-Hunters Point
94103: South of Market

Latino:

94110: Inner Mission/Bernal Heights
94102: Tenderloin
94112: Ingelside-Excelsior/Crocker-Amazon

	White	Black	Latino	API	Nat. Am.	Other	Total
94102	3177	3939	675	313	49	150	8303
94124	471	3915	386	237	8	115	5132
94103	1201	1464	301	129	12	74	3181
94110	1037	794	909	99	17	103	2959
94112	672	728	541	247	10	117	2315
94109	1123	752	160	149	11	67	2262

17 PRETRIAL RELEASE

Overview of the Data

- **Source: San Francisco Pretrial Diversion Project (SFPDP) Data**

- **Full Time Frame: 1/1/11-6/30/14**
  - Started with 26,657 cases
  - After we cleaned up the data, we had 26,275 cases with race/ethnicity

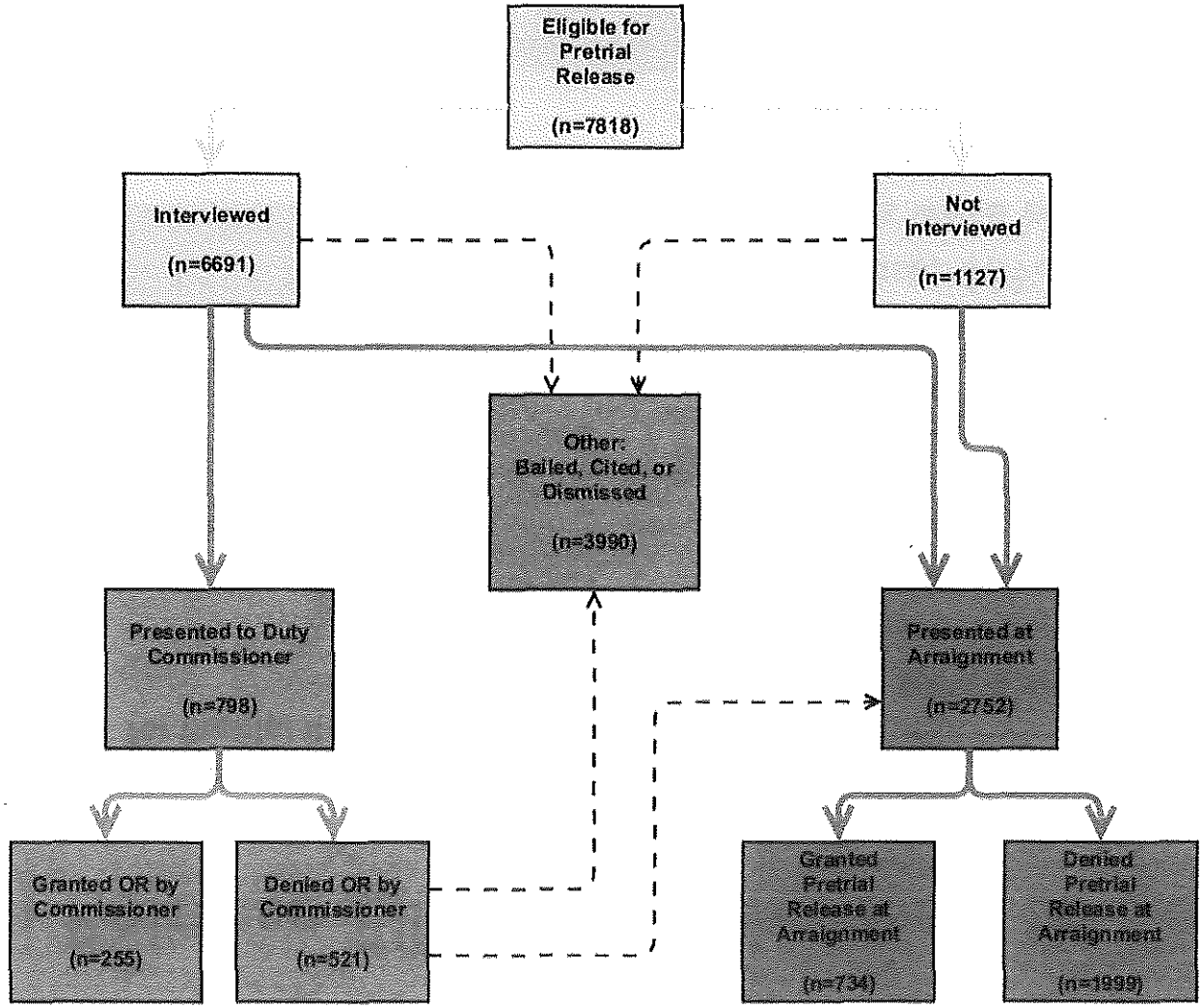
1/1/11-6/30/14	#
White	10,426
Black	12,825
Latino	155
Asian	792
Other	2,077
Total	**26,275**

- **Latest full year: Q3 2013 – Q2 2014**
  - 7,840 cases with data on race/ethnicity
    - 3,118 white; 3,683 black; 25 Latino; 100 Asian; 892 Other

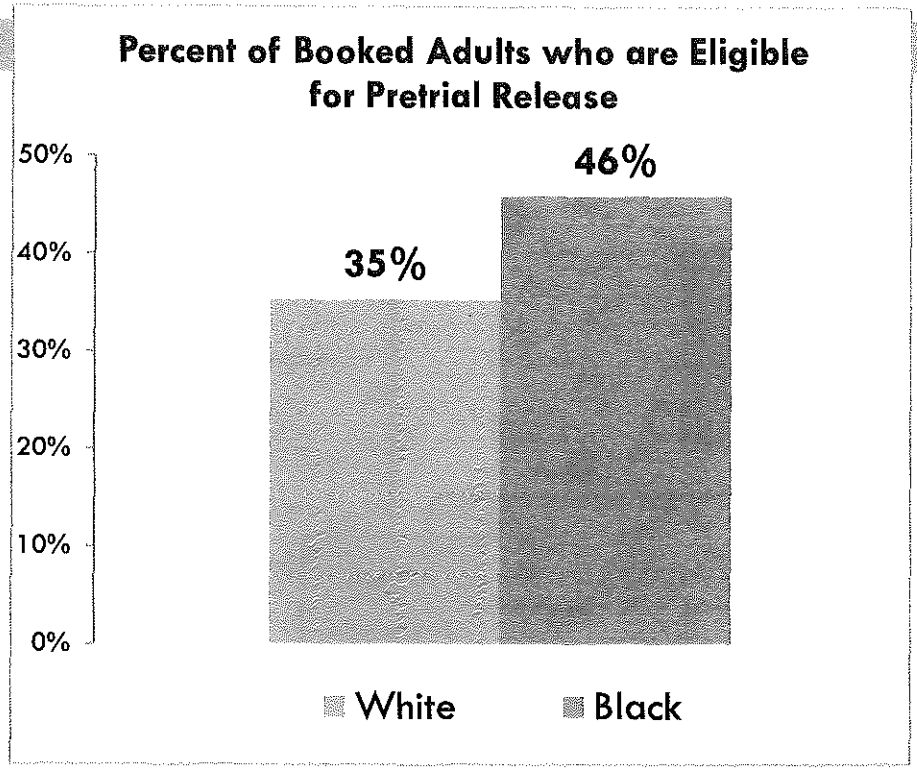
Data required extensive clean-up in order to answer basic questions

Note: Only black/white disparity analyzed due to small numbers for other racial/ethnic groups. When population data disregard ethnicity, the vast majority of Hispanic/Latino people are incorrectly identified as White. This results in an *inflated* rate of system involvement for White adults; and subsequently an *underestimation* of the disparity gaps between White/Black adults & White/Latino adults.

Pretrial Release Flow



Pretrial Release Eligible Compared to Bookings



Black adults booked into San Francisco County Jail are more likely than White adults to be eligible for Pretrial Release.

Whereas 35% of White adults booked were eligible for Pretrial Release, 46% of booked Black adults were eligible.

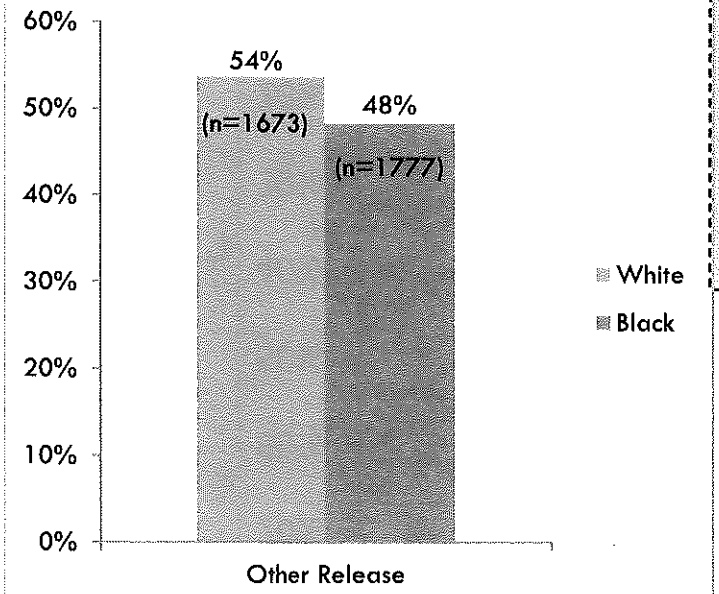
	White	Black
Bookings	5,940	7,947
Pretrial Release Eligible	3,118	3,683
Percent of Booked Adults who are Eligible for Pretrial Release	**35%**	**46%**

Note: Data for both Bookings and Pretrial eligible include the most recent year available (Q3 2013-Q2 2014). The data come from two distinct databases. Further analysis is needed to better understand this finding. For example, White adults may be more likely to be cited out and are therefore not included within "eligible" for pretrial release, and protocol for identifying "ethnicity" in the two information systems may not be consistent.

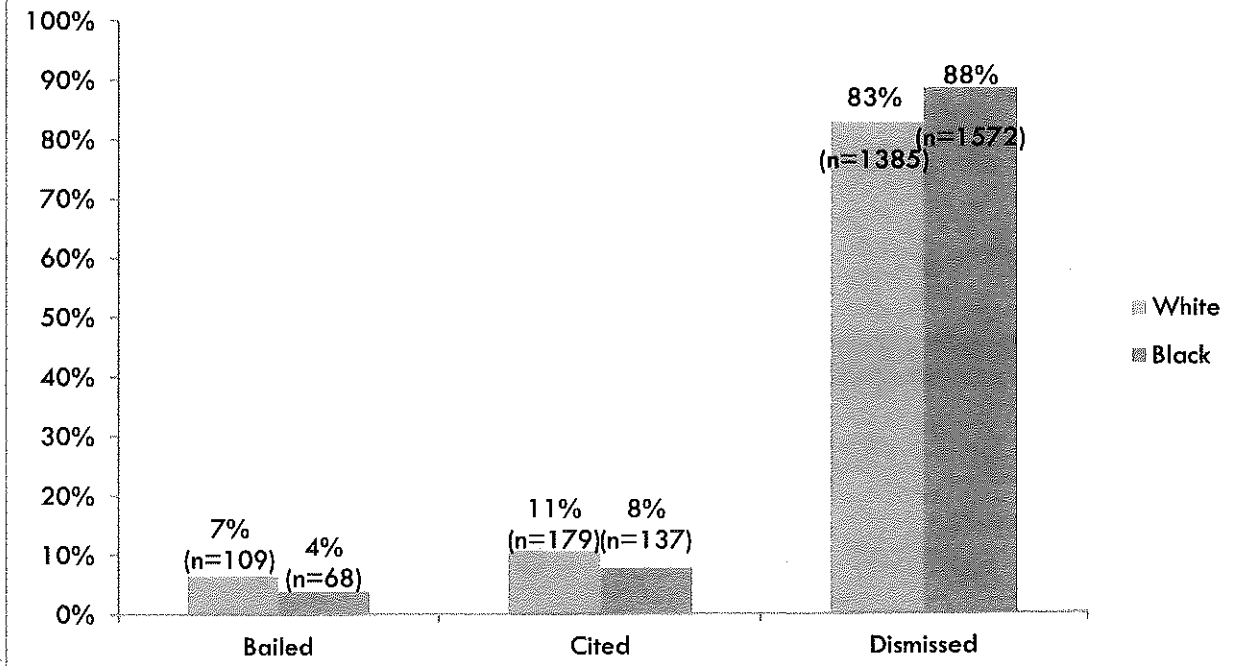
Other Releases: Bailed, Cited, and Dismissed (Q3 2013 – Q2 2014)

- Overall, a substantial proportion (51%) of all cases eligible for pretrial release were Other Releases.
- The proportion of eligible White adults released (54%) was higher than the proportion of eligible Black adults (48%).
- The vast majority of Black & White adults released had their cases dismissed.
- Black adults were more likely than White adults to have their case dismissed. White adults were more likely to post bail and be cited out than Black adults.

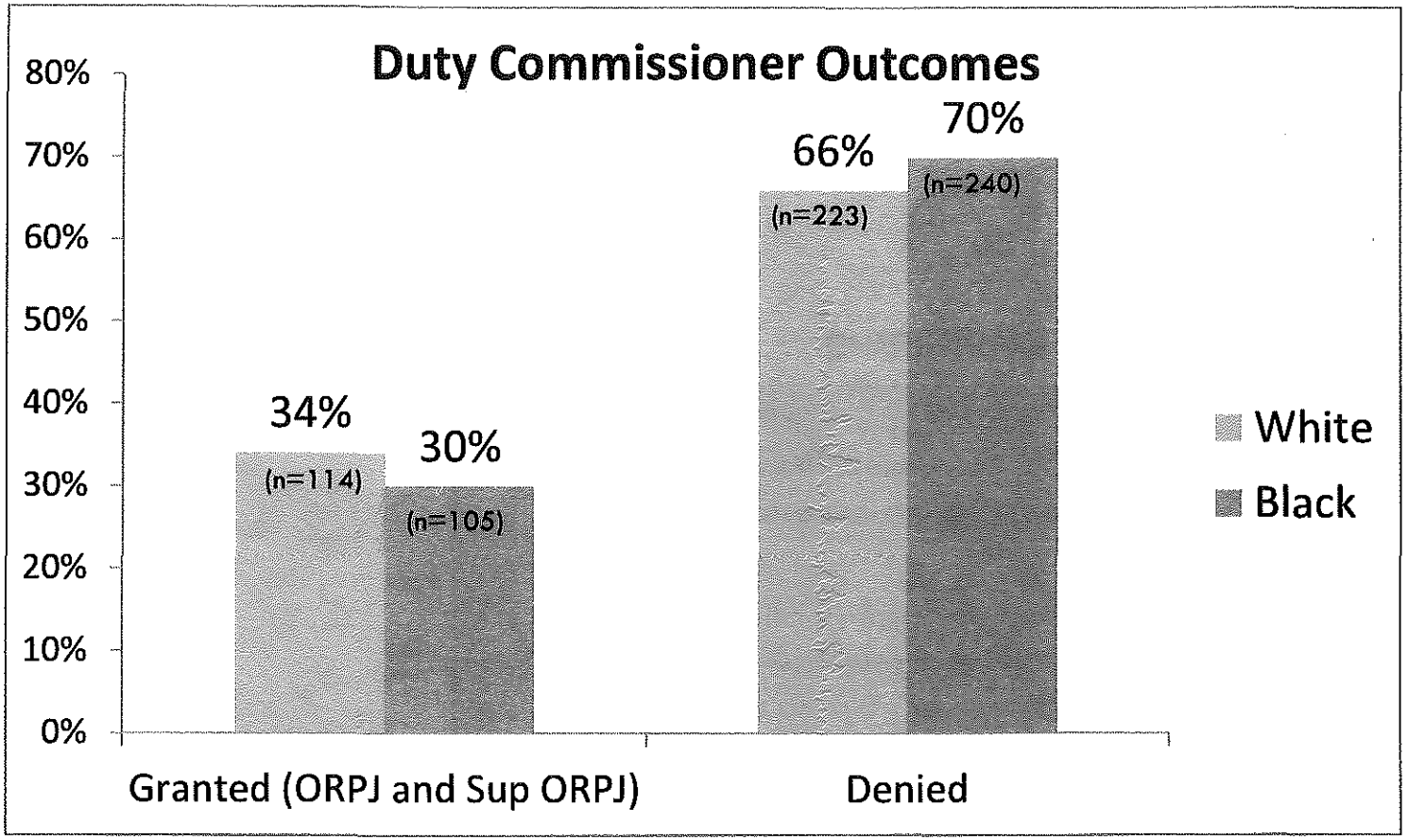
Other: Bailed, Cited, & Dismissed



Breakdown of Other Releases

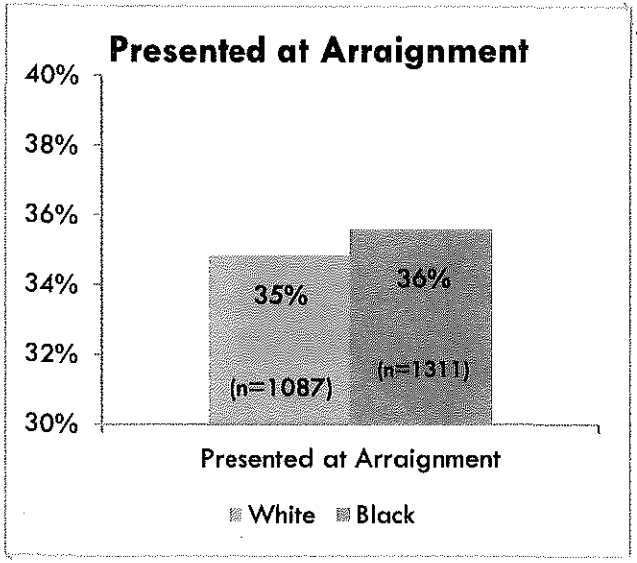


Duty Commissioner Outcomes (Q3 2013-Q2 2014)

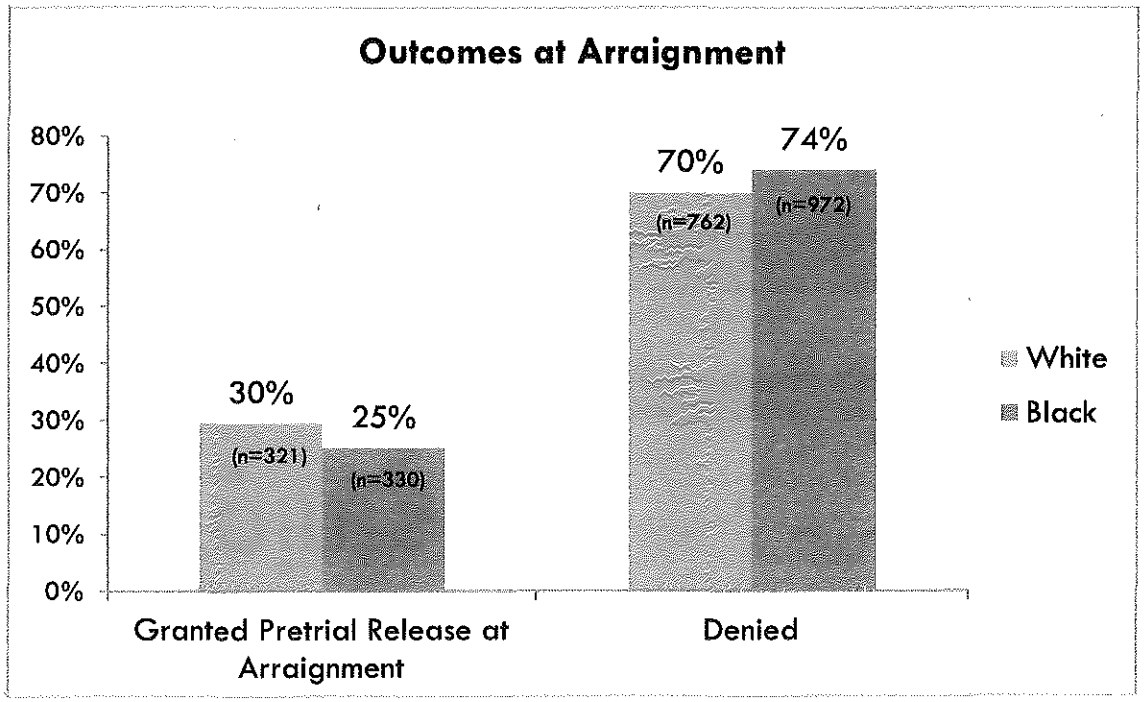


- A higher proportion of White adults presented to duty commissioner were granted OR (34%) than Black adults presented (30%).

Presented at Arraignment (Q3 2013- Q2 2014)

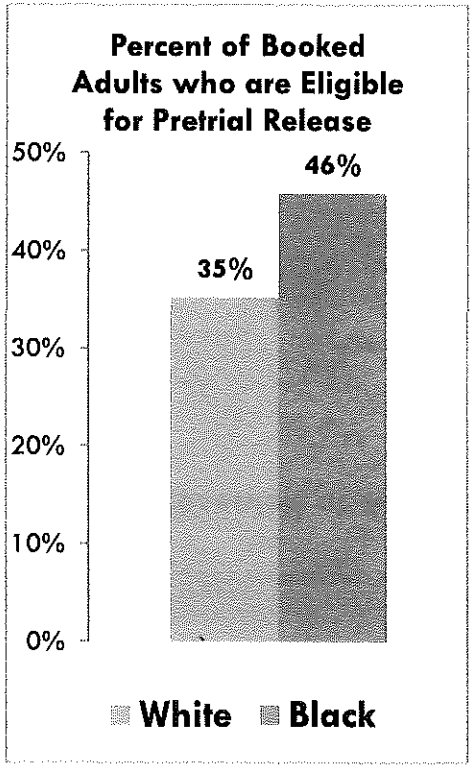


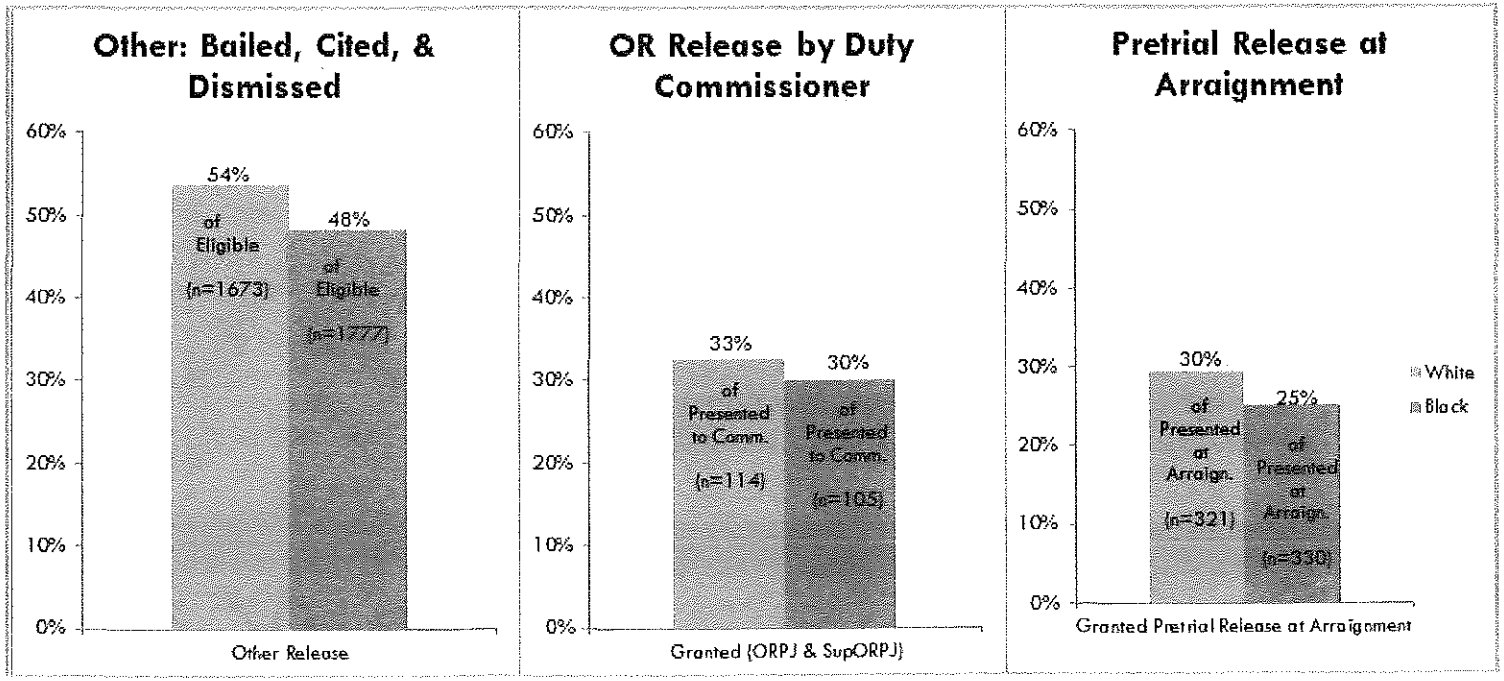
- 65% of adults eligible for pretrial release were released prior to arraignment.
- Black adults were less likely to be granted release at arraignment than White adults.



Outcomes at Key Points

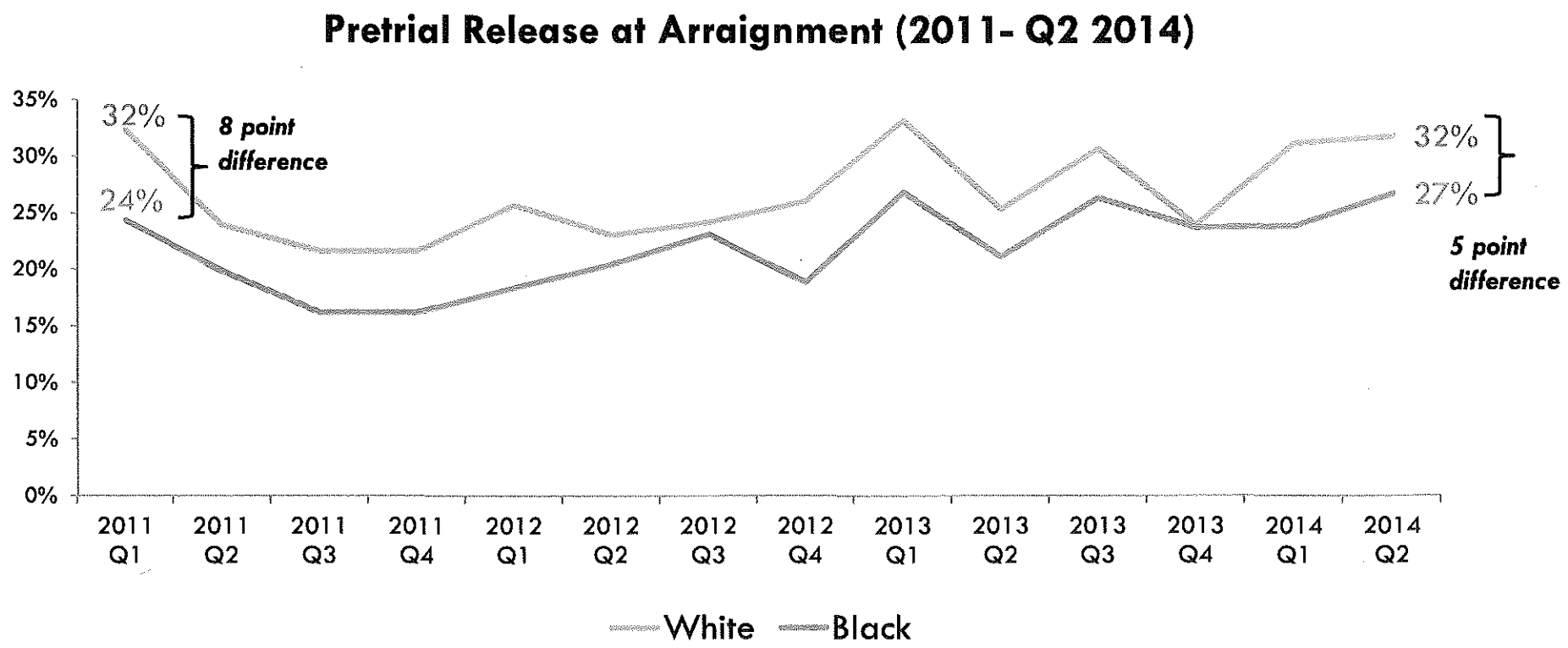
Booked Black adults are more likely than booked White adults to be eligible for Pretrial Release, but White adults are more likely to be released throughout the process.





Note: Data for both Bookings and Pretrial eligible include the most recent year available (Q3 2013-Q2 2014). The data come from two distinct databases.

Granted Pretrial Release at Arraignment



White adults are consistently more likely to be granted pretrial release at arraignment.

Note: Trends in Duty Commissioner Grants of OR were not included due to small numbers.

Trends for Adults at Arraignment (full time frame: Q1 2011 - Q2 2014)

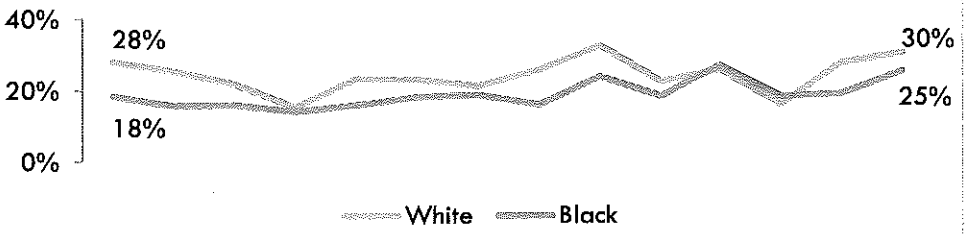
- **Educational Status**
  - 66% of White adults & 62% of Black adults had a high school diploma (HSD) or GED
  - When limiting the parameters to only those with a HSD or GED, White adults were still more likely to be released than Black adults in most quarters.

- **Prior Misdemeanor Convictions**
  - 45% of White adults and 44% of Black adults had a prior misdemeanor within 5 years.
  - When limiting the parameters to only those with a prior misdemeanor conviction within 5 years, White adults were still more likely to be released than Black adults in most quarters. The chart to the right shows the percent of each group released that had a misdemeanor within 5 years.

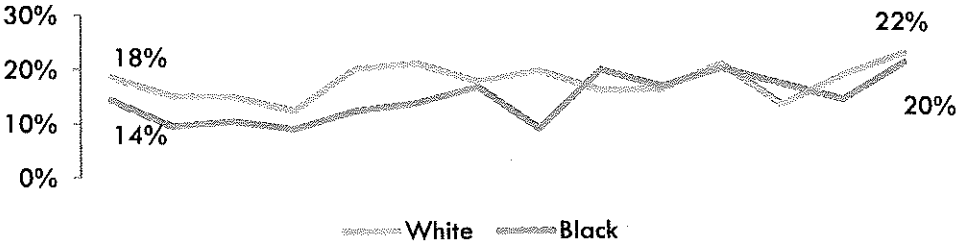
- **Prior Felony Convictions**
  - 26% of White adults and 39% of Black adults had a prior felony within 5 years.
  - When limiting the parameters to only those with a prior felony conviction within 5 years, White adults were still more likely to be released than Black adults in most quarters. The chart to the right shows the percent of each group released that had a prior felony within 5 years.

Had HSD/GED and Granted Pretrial Release at Arraignment

Had Prior Misdemeanor w/in 5 Years and Granted Pretrial Release at Arraignment



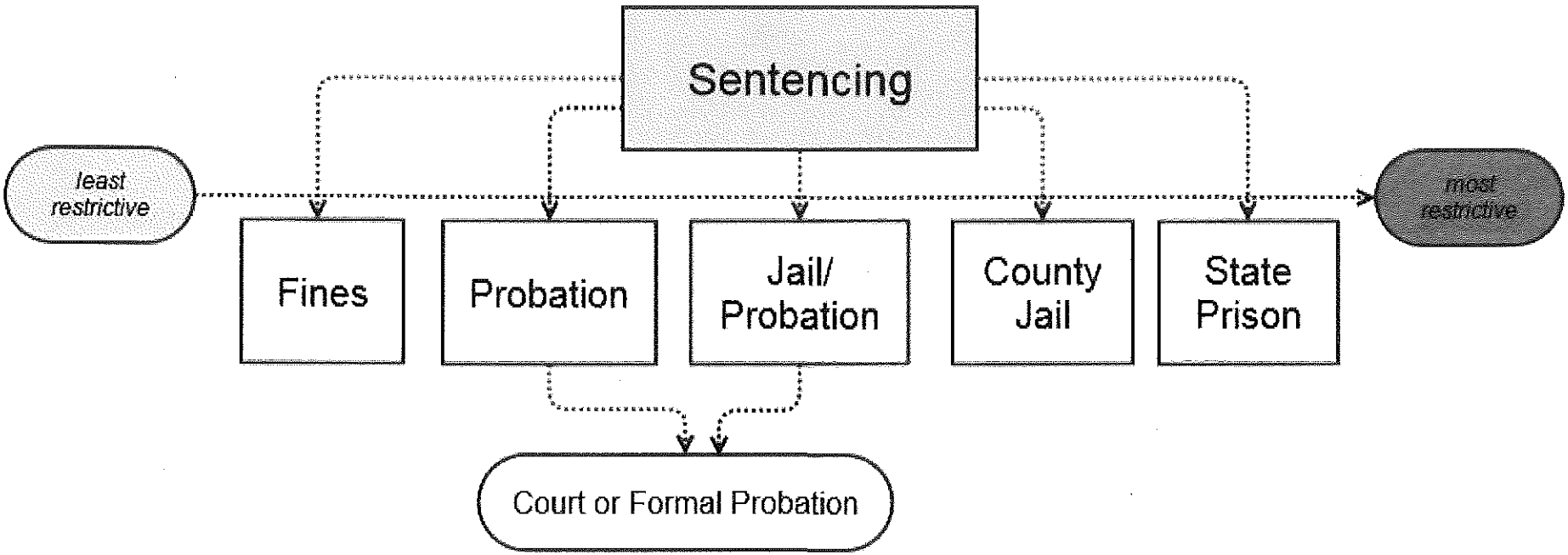
Had Prior Felony w/in 5 Years and Granted OR at Arraignment



Note: Not all prior convictions are SF convictions.

27 CONVICTIONS AND SENTENCING

Sentencing Options



General Sentencing Questions

a) What types of sentences do defendants receive?
b) How long are the sentences?
c) Are defendants of color more likely to receive more restrictive sentences than White defendants?
d) What sentences do defendants receive for the top convicted charges?
e) How have sentences changed from 2011-2013/2014?

Overview of the Data

- **Source: CMS**
  - Race/Ethnicity pulled from JMS
- **Full Time Frame: 1/1/11-6/30/14**
  - Started with 18,621 convictions
  - After we cleaned up the data, there were 14,618 cases with data on race/ethnicity
- **Latest full year: Q3 2013-Q2 2014**
  - 4,806 convictions with both SF# and data on race/ethnicity

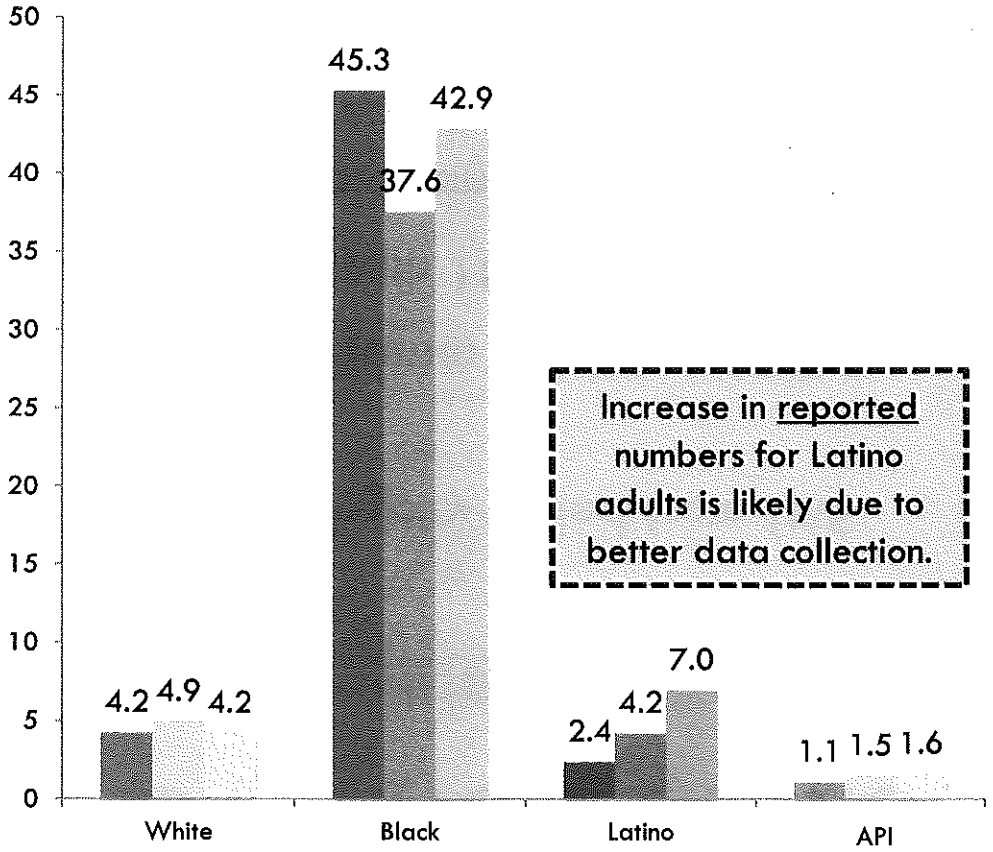
1/1/11-6/30/14	#
White	4,963
Black	6,030
Latino	1,731
API	1,210
Nat. Am.	46
Other	638
Total	**14,618**

Data required extensive clean-up in order to answer basic questions

Disparity Gaps in Convictions in San Francisco (2011-2013)

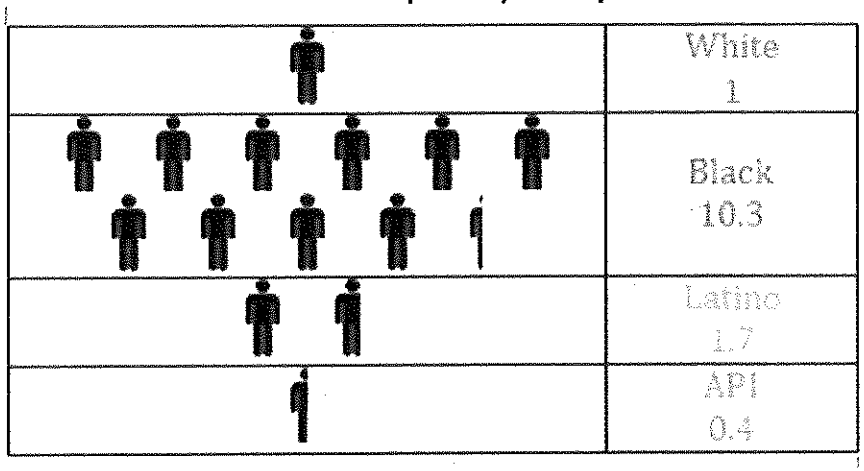
Convictions

per 1,000 in population
(2011, 2012, 2013)



Source of population data for rates calculation: Puzzanchera, C., Sladky, A. and Kang, W. (2014). "Easy Access to Juvenile Populations: 1990-2013." Online. Available: http://www.ojjdp.gov/ojstatbb/ezapop/

2013 Disparity Gap

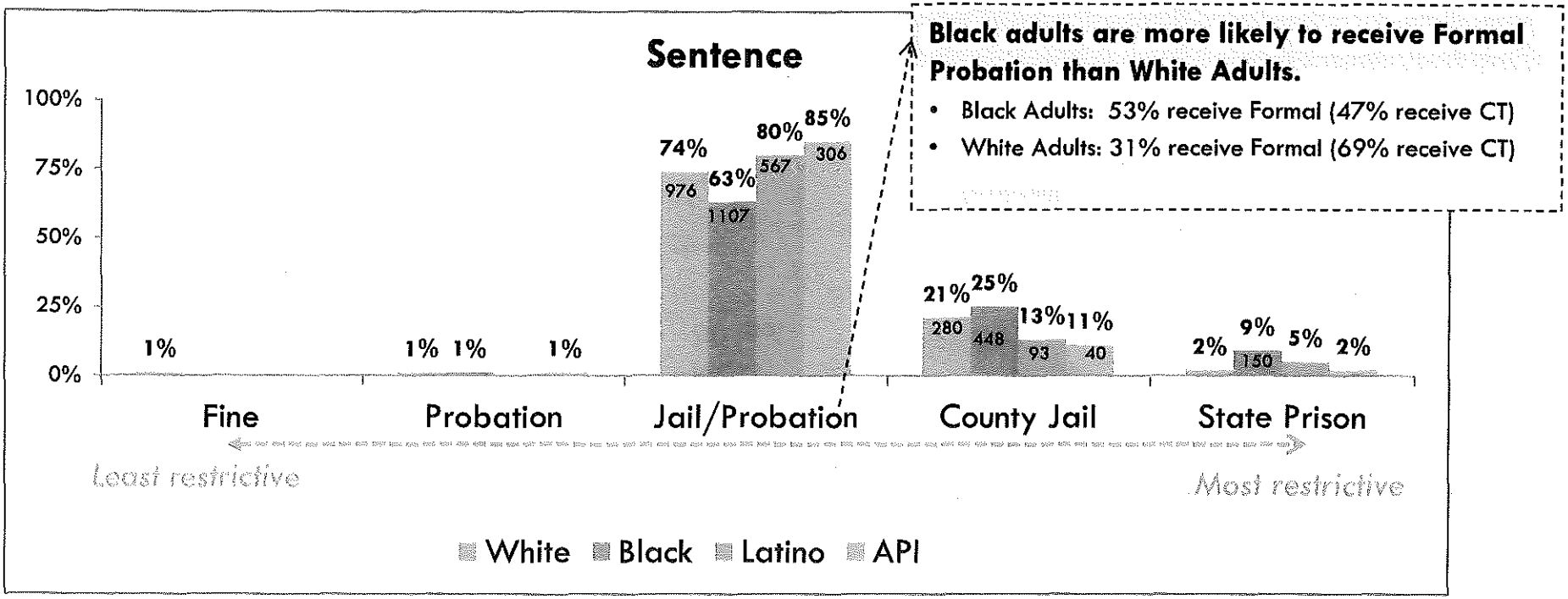


For every White adult convicted in 2013, more than 10 Black adults were convicted

Note: when population data disregard ethnicity, the vast majority of Hispanic/Latino people are incorrectly identified as White. This results in an *inflated* rate of system involvement for White adults; and subsequently an *underestimation* of the disparity gaps between White/Black adults & White/Latino adults.

Sentence Type by Race/Ethnicity

latest full year: Q3 2013– Q2 2014



Black adults are more likely to be sentenced to a **more** restrictive Sentence.

- **State Prison**:
  - 2 % of White Adults were sentenced to Prison
  - 5% of Latino Adults were sentenced to Prison
  - 9% of Black Adults were sentenced to Prison
- **County Jail**:
  - 21% of White Adults were sentenced to County Jail
  - 25% of Black Adults were sentenced to County Jail

* An Additional 47 adults received "Suspended State to Jail/Probation (W=10; B=25; L=7; API= 3).

Note: when population data disregard ethnicity, the vast majority of Hispanic/Latino people are incorrectly identified as White. This results in an *inflated* rate of system involvement for White adults; and subsequently an *underestimation* of the disparity gaps between White/Black adults & White/Latino adults.

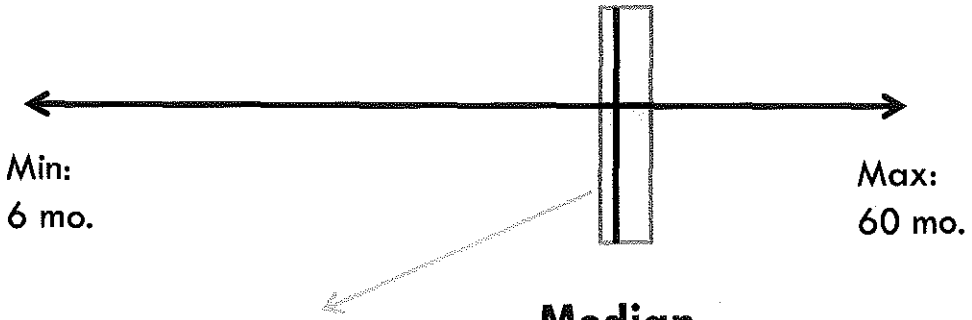
Sentence Length: Jail/Probation Sentences

(latest full year: Q3 2013– Q2 2014)

32

Probation Sentences are Similar for all Racial/Ethnic Groups and across Gender

(measured in months)

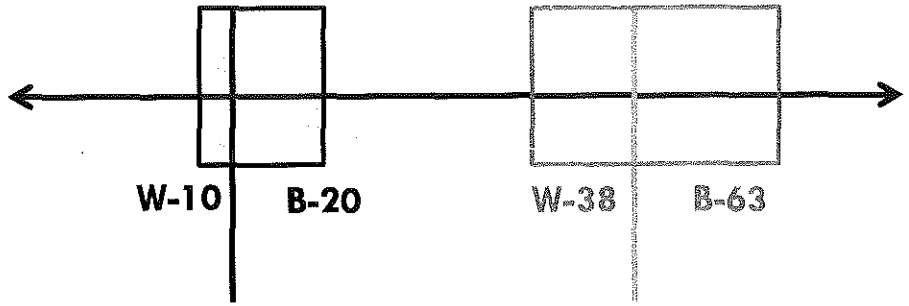


Mean
Ranges from 34.2 – 37.1 mo.

Median
36 mo.
All groups

Sentences to County Jail vary considerably

(measured in days)



Median
13 days
(overall)

Mean: 47 days
Ranges from
29 -74 days

Probation (months)	W	B	L	API	NA	O	Total
N	976	1,107	567	306	10	142	3,108
Mean	35.7	36.3	37.1	36.4	34.2	35.5	36.2
Median	36.0	36.0	36.0	36.0	36.0	36.0	36.0

County Jail (days)	W	B	L	API	NA	O	Total
N	976	1,107	567	306	10	142	3,108
Mean	38	63*	39	39	74	29	47
Median	10	20*	10	10	23	10	13

* Statistically significant (p=.05).

Top Convicted Charges

(Full Time Frame: Q1 2011- Q2 2014)

	White	Black	Latino	API	Nat. Am.	Other	Total
DUI BAC .08—VC23152(b) (M)	900	278	393	280	4	178	2,033
Felony Burglary (F)	249	412	47	38	2	22	770
Reckless Driving (M)	244	72	70	120	2	55	563
Misd. Burglary (M)	200	256	37	47	3	11	554
Transporting or Selling Controlled Substances—HS11352(a) (F)	71	361	43	13	0	16	504
DUI Alcohol/Drugs (M)	205	73	59	67	1	49	454
Solicit Specific H and S Acts (M)	150	206	31	13	0	11	411
Battery (M)	120	101	54	31	1	21	328
Rec Known Stolen Prop $400 (F)	103	147	34	19	0	13	316
Poss Methaqualone/Etc. (M)	53	189	19	8	0	9	278
Grand Theft from Person (F)	32	201	28	10	0	7	278
Possess Controlled Substance (F)	50	195	16	7	0	6	274
Lost/Stolen Property (M)	131	94	19	25	1	4	274
Possess Controlled Substance (M)	150	61	27	14	0	6	258
Robbery (F)	27	176	32	14	0	6	255
all other charges	*2,278*	*3,208*	*822*	*504*	*32*	*224*	*7,068*
Total	**4,963**	**6,030**	**1,731**	**1,210**	**46**	**638**	**14,618**

A closer look at sentences for DUI Blood Alcohol .08

(Full Time Frame: Q1 2011- Q2 2014)

WHY DUI? (23152(B)VC/M)

- DUI was the top convicted charge code.
- In the full time period, 14% (2,033 of 14,618 sentences) were for DUI.

	White	Black	Latino	API	Nat. Am.	Other	Total
DUI .08	900	278	393	280	4	178	2,033
All Sentences	4,963	6,030	1,731	1,210	46	638	14,618
DUI as % of total	18%	5%	23%	23%	9%	28%	14%

Jail/Probation Sentences are by far the most frequently used sentence for DUI.

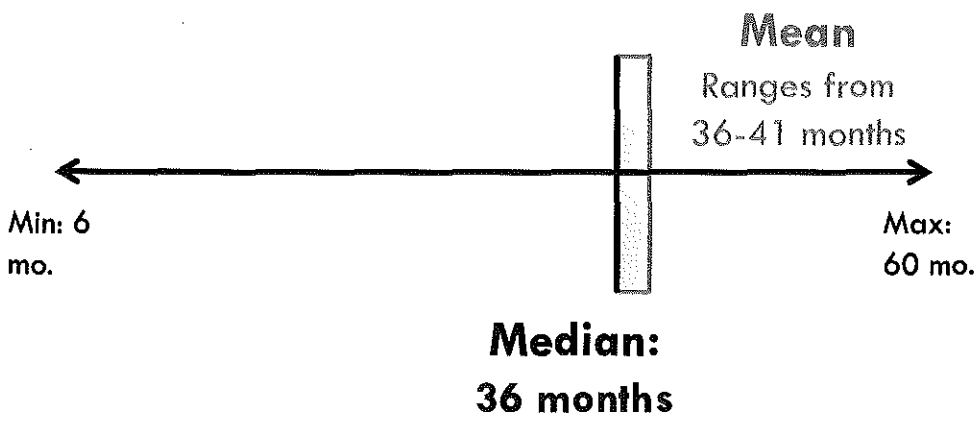
	White	Black	Latino	API	Nat. Am.	Other	Total
County Jail	11 (1%)	10 (4%)	9 (2%)	1 (0%)	1 (25%)	1 (1%)	33 (2%)
Probation	1 (0%)	0 (0%)	0 (0%)	3 (1%)	0 (0%)	0 (0%)	4 (0%)
Jail/Probation	888 (99%)	268 (96%)	384 (98%)	276 (99%)	3 (75%)	177 (99%)	1,996 (98%)
Total	900	278	393	280	4	178	2,033

* There were a total of 18,206 cases with sentences, but only 14,618 had data on race/ethnicity. There were 2,914 sentences for DUI, but 2,033 had data on race/ethnicity.

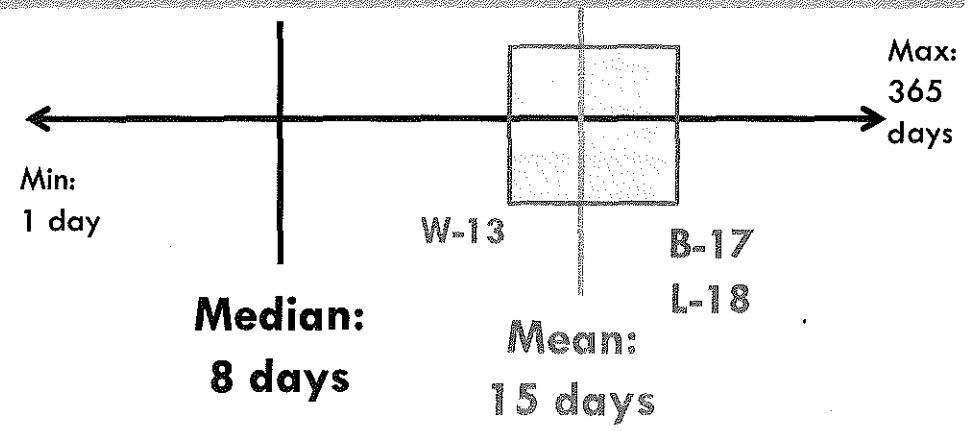
Sentence Length: Jail/Probation Sentences for DUI .08

(Full Time Frame: Q1 2011 - Q2 2014) (VC 23152(b))

Probation Sentences are similar across racial/ethnic groups.



Black and Latino Adults have longer average sentences to County Jail than White Adults.



Probation (months)	W	B	L	API	NA	O	Total
N	888	268	384	276	3	177	1,996
Mean	40.1	41.1	41.2	40.4	36.0	40.5	40.5
Median	36.0	36.0	36.0	36.0	36.0	36.0	36.0

County Jail (days)	W	B	L	AP I	NA	O	Total
N	888	268	384	276	3	177	1,996
Mean	13	17	18*	12	7	15	15
Median	7	8	10	5	5	5	8

* Statistically significant (p=.05).

A closer look at sentences for Transporting or Selling Controlled Substances (HS 11352(a)/F)

(Full Time Frame: Q1 2011- Q2 2014)

WHY Transport/Sell Controlled Substances? (HS 11352(a)/F)

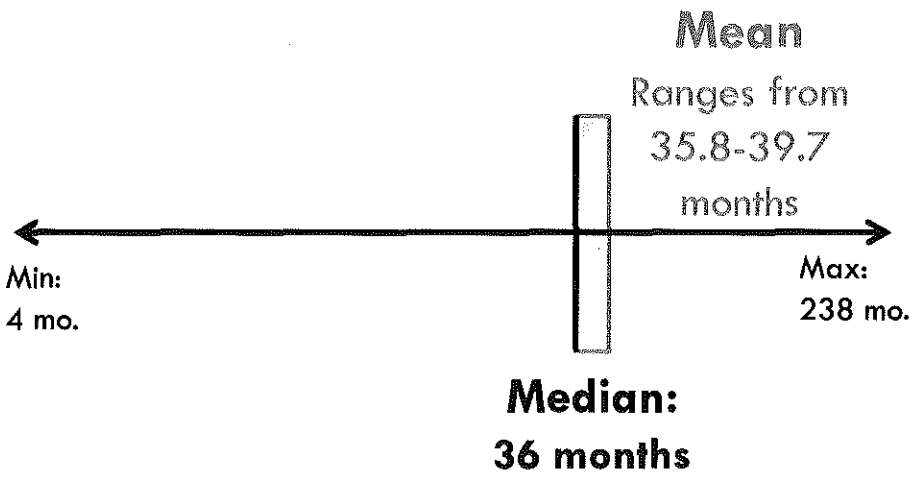
- Transport/Sell Controlled Substances was the 2nd most frequent charge for which Black adults were convicted in the full time frame.

	White	Black	Latino	API	Nat. Am.	Other	Total
Trans Sell Controlled Substances	71	361	43	13	0	16	504
All Sentences	4,963	6,030	1,731	1,210	46	638	14,618
Trans/Sell as % of total	1%	6%	2%	1%	0%	3%	3%

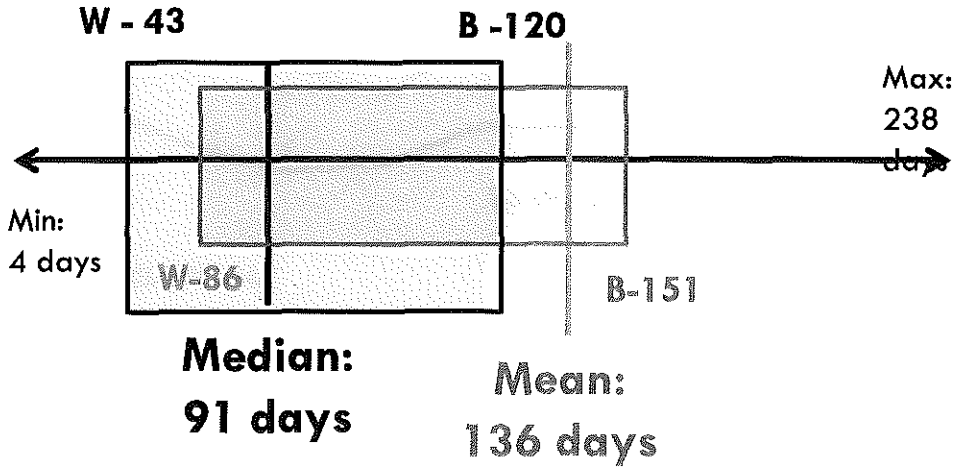
	White	Black	Latino	API	Nat. Am.	Other	Total
County Jail	6 (8%)	53 (15%)	3 (7%)	4 (31%)		1 (6%)	67 (13%)
Jail/Probation	64 (90%)	238 (66%)	33 (77%)	4 (31%)		13 (81%)	352 (70%)
State prison	1 (1%)	38 (11%)	7 (16%)	2 (15%)		2 (13%)	50 (10%)
Suspended state to Jail/Probation	0 (0%)	32 (9%)	0 (0%)	3 (23%)		0 (0%)	35 (7%)
Total	71	361	43	13		16	504

Sentence Length: Jail/Probation Sentences for Transporting or Selling Controlled Substances (Full Time Frame: Q1 2011- Q2 2014)

Black adults had longer average probation sentences than White adults.



Black and Latino adults had longer average and median lengths of Sentences to County Jail than White adults.



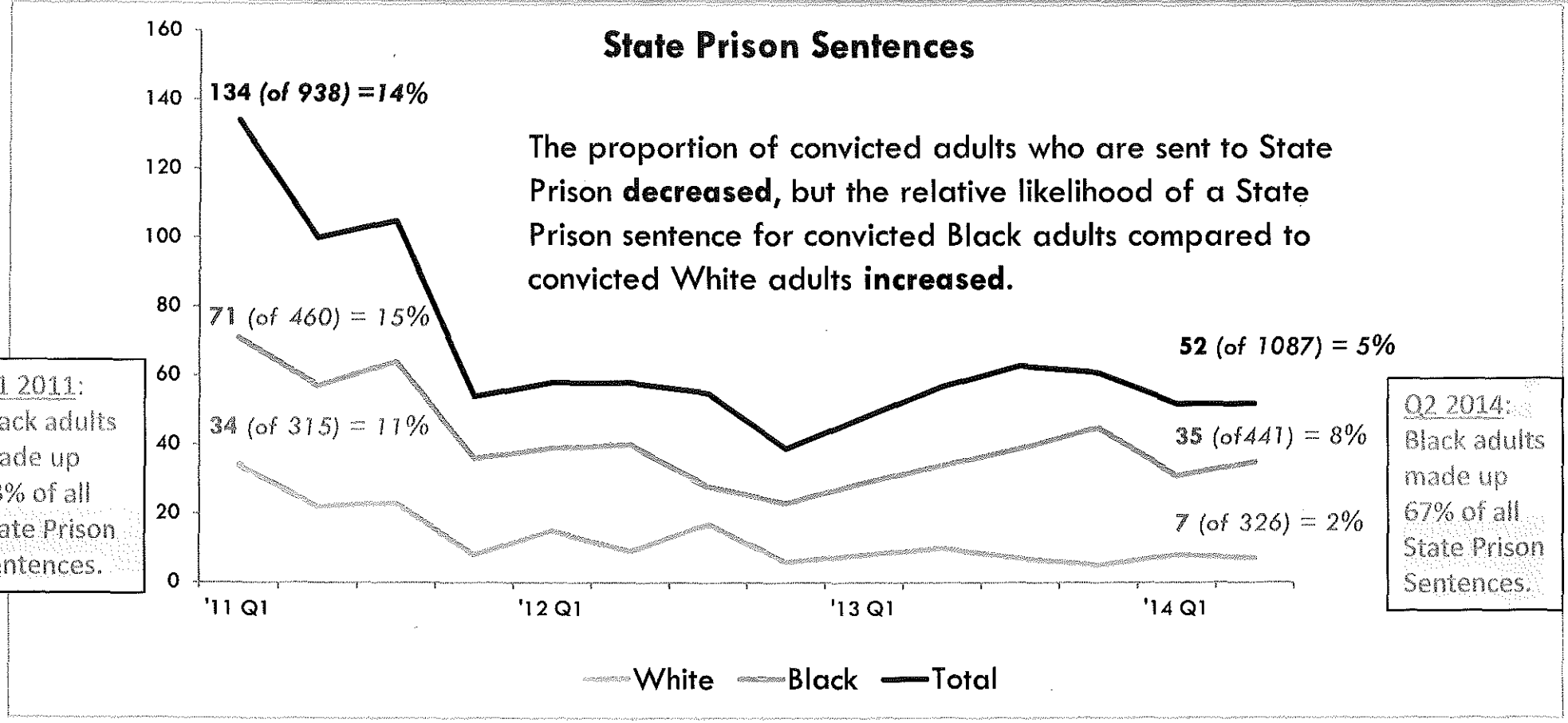
Probation (months)	W	B	L	API	O	Total
N	64	238	33	4	13	352
Mean	35.8	38.2*	36.7	39	39.7	37.7
Median	36	36	36	36	36	36

County Jail (days)	W	B	L	API	O	Total
N	64	238	33	4	13	352
Mean	86	151*	129	114	128	136
Median	43	120	74	92	120	91

* Statistically significant (p=.05).

State Prison Sentences have Decreased for All Groups

(Q1 2011-Q2 2014)



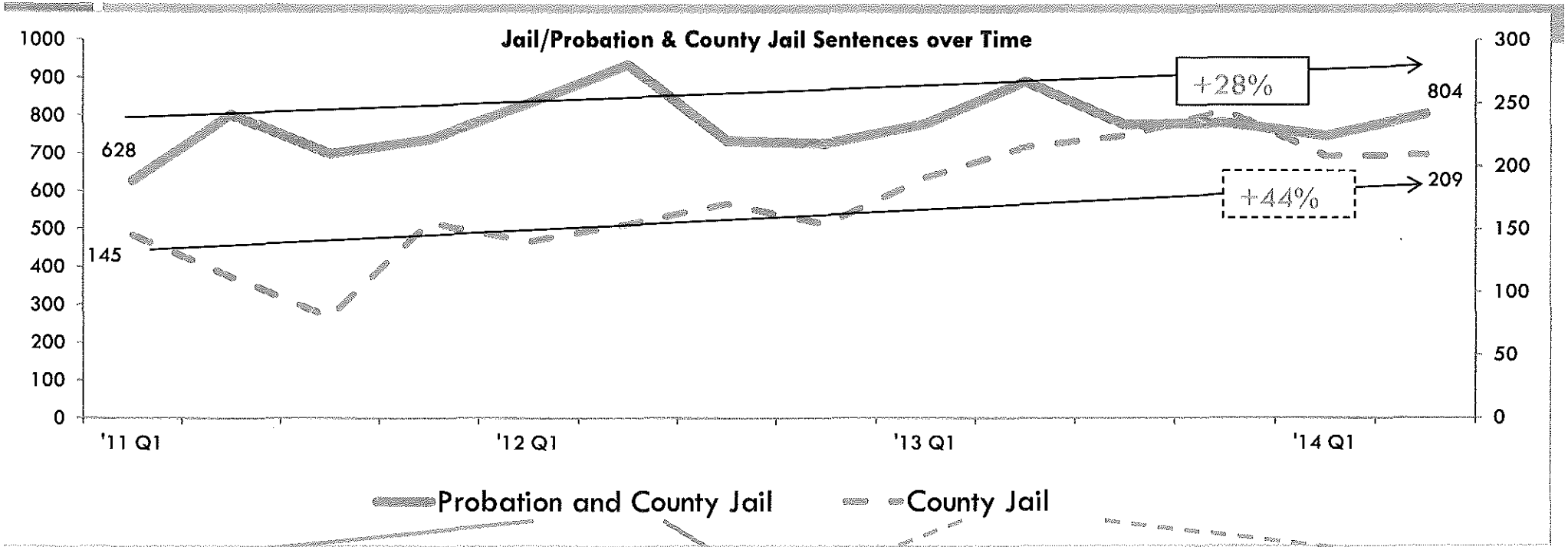
The proportion of convicted adults who are sent to State Prison **decreased**, but the relative likelihood of a State Prison sentence for convicted Black adults compared to convicted White adults **increased.**

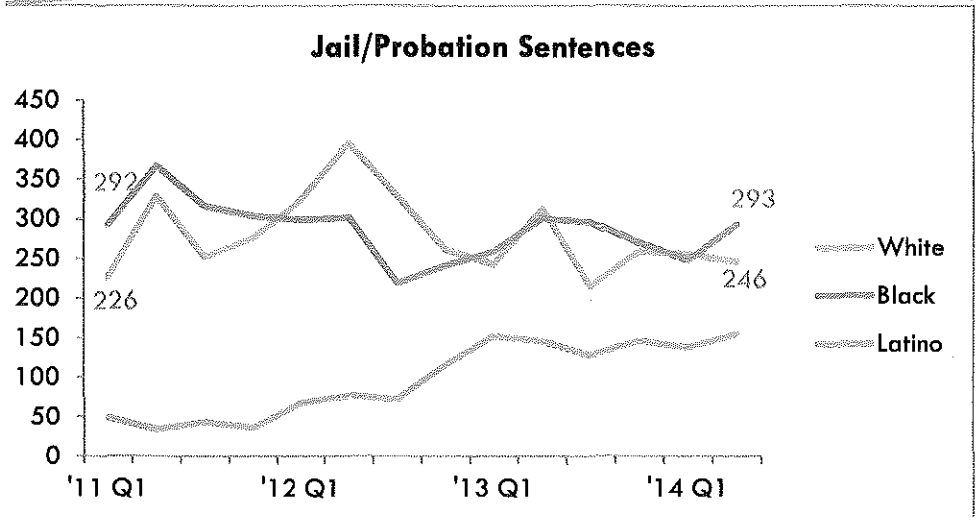
Q1 2011: Black adults made up 53% of all State Prison Sentences.

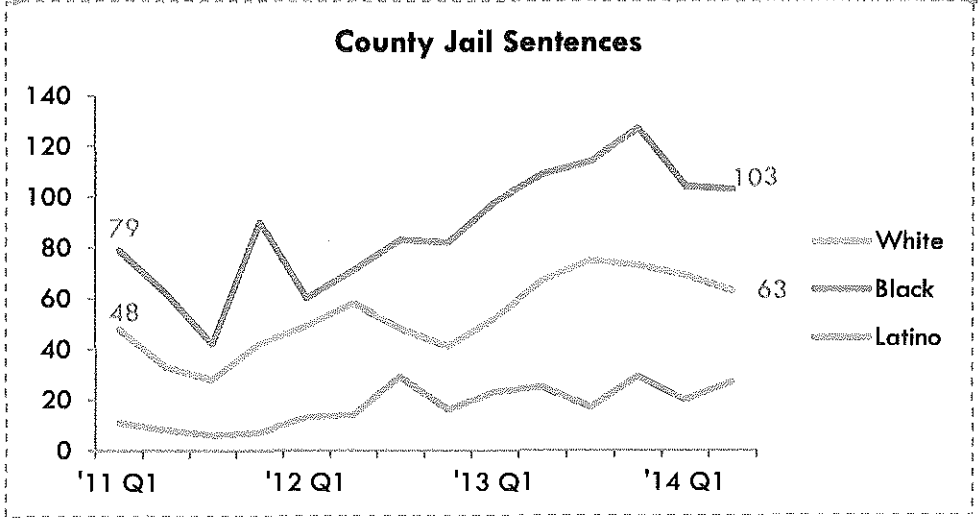
Q2 2014: Black adults made up 67% of all State Prison Sentences.

- Q1 2011: Convicted Black adults are **1.4 times as likely** as convicted White adults to be sentenced to Prison.
  - *In Q1 2011, 11% of convicted White adults and 15% of convicted Black adults were sentenced to State Prison.*
- Q2 2014: Convicted Black adults are **nearly 4 times as likely** as convicted White adults to be sentenced to Prison.
  - *In Q2 2014, 2 % of convicted White adults and 8% of convicted Black adults were sentenced to State Prison.*

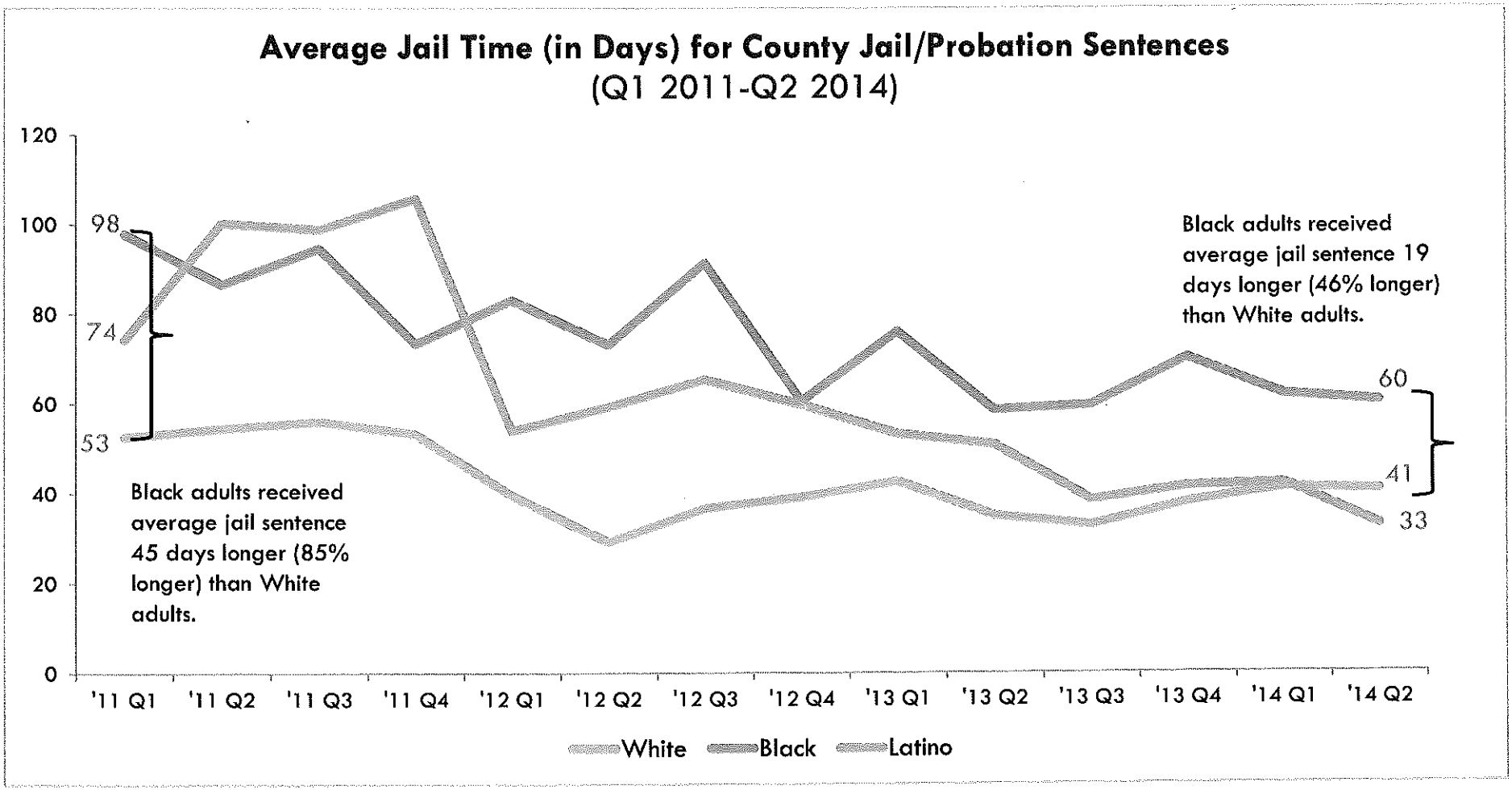
Use of Jail/Probation Sentences and County Jail have Increased



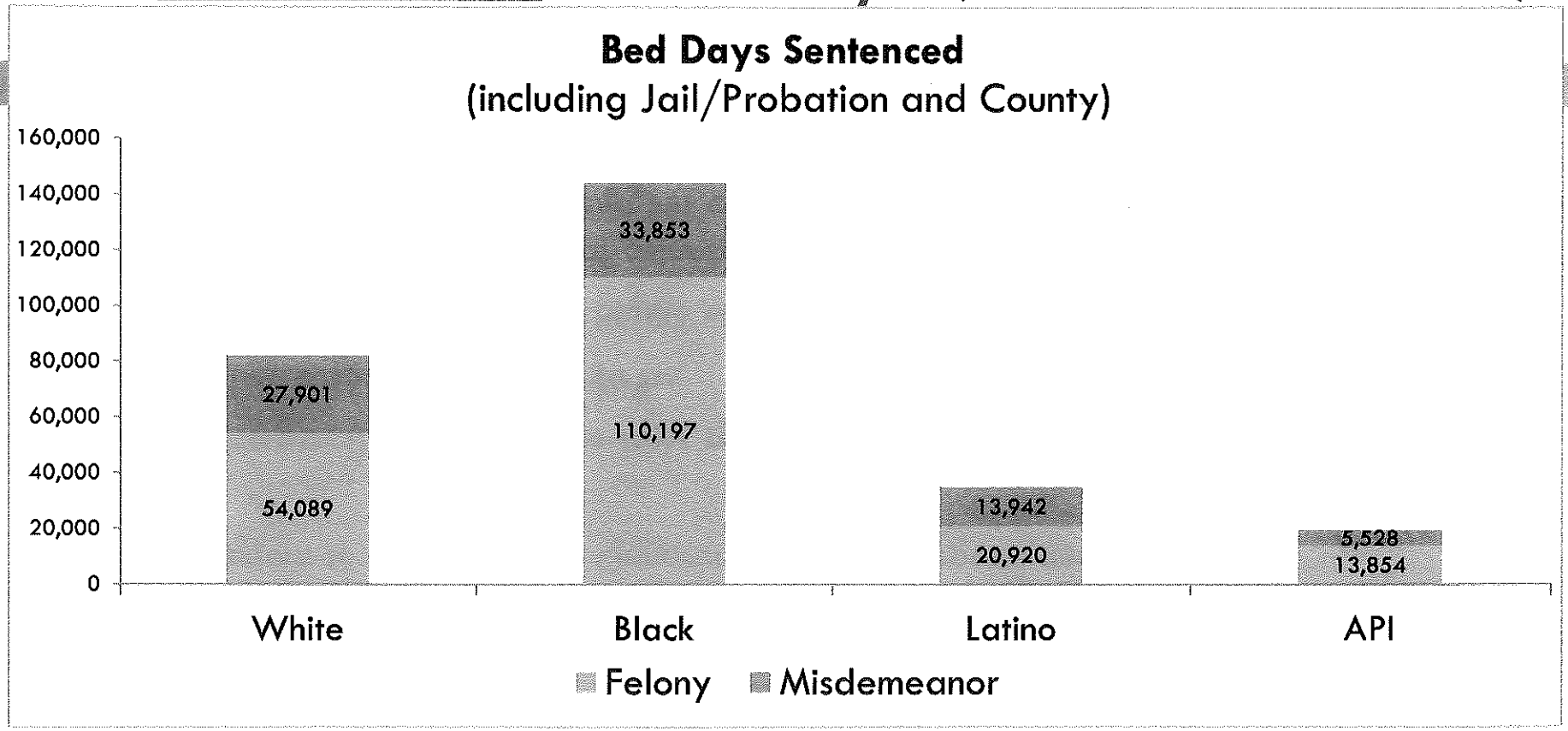




Average County Jail Sentences in Jail/Probation Sentences have decreased over time, but are consistently longer for Black and Latino Adults



Total Sentenced Bed Days (Q3 2013-Q2 2014)



- Between Q3 2013 & Q2 2014, there were **288,177 bed days sentenced** as the result of court sentences to jail (either though county jail alone (50%) or as a part of a jail/probation sentence (50%).
- Proportion of bed days:
  - White adults account for 28 % of sentenced bed days in the time period.
  - **Black adults account for 50% of sentenced bed days in the time period.**
  - Latino adults account for 12% of sentenced bed days in the time period.
  - API adults account for 12% of sentenced bed days in the time period.

Next Steps/Recommendations

I. **Build data capacity/address data limitations**

A. Appropriate existing committees (CMS and/or JUSTIS) should review reports and prioritize recommendations; ad hoc committees may need to be created.

B. Consider: Protocols and Documentation; Creating a Data Dictionary; Staff Training; Modifications to Data Systems; Generating Regular Reports and Using Data.

II. **Develop capacity to answer key questions BI was unable to answer due to data limitations. For instance*:**

A. How do racial/ethnic disparities change when citations are included in arrests?

B. When bail is set, do defendants of color have higher bail amounts attached to their bail offer than White defendants? Are defendants of color less likely to post bail?

C. Are people of color more likely to plead guilty? Does the likelihood of a guilty plea increase for defendants who remain in custody pretrial?

D. Why are Motions to Revoke Probation or Parole filed? What are the outcomes of MTRs for clients of color?

**Additional questions are included in the report. These are examples.*

Next Steps/Recommendations *cont.*

III. **Develop a system of reporting key indicators of racial and ethnic disparities on a regular basis; BI recommends quarterly. See sample table below.**

Pretrial Release Decision by Risk Assessment Score

		White	Black	Latino	Asian	Pacific Islander	Native American	Total
Total Booked in Jail	High Risk Score							
	Medium Risk Score							
	Low Risk Score							
	Not assessed for Risk							
Pretrial Release	High Risk Score							
	Medium Risk Score							
	Low Risk Score							
	Not assessed for Risk							
Release on Monetary Bail	High Risk Score							
	Medium Risk Score							
	Low Risk Score							
	Not assessed for Risk							
Remain in Jail	High Risk Score							
	Medium Risk Score							
	Low Risk Score							
	Not assessed for Risk							

IV. **Institutionalize a process for deliberating on the data regularly, with traditional and non-traditional stakeholders.**

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BURNS INSTITUTE FOR JUVENILE JUSTICE FAIRNESS & EQUITY

SAN FRANCISCO JUSTICE REINVESTMENT INITIATIVE:
RACIAL AND ETHNIC DISPARITIES ANALYSIS FOR THE REENTRY COUNCIL

Table of Contents

Introduction 1

Summary of Key Findings 4

San Francisco's Changing Demographics and Overrepresentation at Key Decision Points 8

Arrests 10

Booking to Jail (Pretrial) 13

Pretrial Release 16

Sentencing 22

Building Data Capacity to Reduce Racial and Ethnic Disparities 32

Conclusion and Next Steps 35

Appendix A: Initial Questions and Flow Charts 38

Appendix B: Disparity Gap in Arrests 39

Appendix C: Description of SFPDP process Diagram and Terminology 41

Appendix D: Conviction/Sentencing Data 42

Introduction

W. Haywood Burns Institute and the Importance of Data

The W. Haywood Burns Institute (BI) is a national non-profit organization that has worked successfully with local jurisdictions to reduce racial and ethnic disparities (R.E.D.) in the justice system by leading traditional and non-traditional stakeholders through a data-driven, consensus based process. It is BI's experience that local jurisdictions can implement successful and sustainable strategies that lead to reductions in racial and ethnic disparities at critical criminal justice decision-making points.

An essential component of reducing racial and ethnic disparities in the criminal justice system is the capacity to collect, analyze and use data. To target disparity reduction efforts, local stakeholders must have the ability to accurately identify the extent to which racial and ethnic disparities exist at key decision making points, which decision points exacerbate or mitigate the problem, and why people of color are involved at various points of contact in the justice system. To do so, system stakeholders and analysts must not only collect certain data, but they must know the appropriate data-related questions to ask to drive the work. Stakeholders and analysts must evaluate gaps in current data systems and the quality of the available data to assess their capacity to effectively identify and address disparities and sustain reductions. Finally, there must be an intentional process of deliberating on the data in collaborative meetings to drive policy.

BI encountered significant and repeated problems in using existing datasets to better understand disparities in San Francisco's criminal justice system. Data required to answer basic and fundamental questions about disparities were largely unavailable, or were in a format that required extensive clean up prior to analysis. This is troubling. If stakeholders are unable to understand the problem or review data on a regular basis, it will impede the development of appropriate policy solutions, and the sustainability of reform efforts. Importantly, the findings regarding the lack of data should serve as a call to action. If San Francisco is committed to reducing disparities, it must develop better data infrastructure to understand the problem.

This report is a first step in using available data to understand whether and to what extent racial and ethnic disparities exist at key decision making points. Despite the significant data access challenges, BI and San Francisco justice partners have confidence in the accuracy of the findings presented in this report.

Background

In February 2011, the Reentry Council of The City and County of San Francisco (Reentry Council) submitted a letter of interest to the Bureau of Justice Assistance (BJA) to participate in the local Justice Reinvestment Initiative (JRI). In May 2011, following BJA's selection of San Francisco as a JRI site, the Crime and Justice Institute (CJI) at Community Resources for Justice (CRJ) began working with and providing technical assistance to the Reentry Council.

From CJI's presentations to the Reentry Council, and based on these preliminary findings, the Reentry Council identified three policy areas with potential for achieving cost savings and reinvestment opportunities:

1. **Eliminate disproportionality in San Francisco's criminal justice system**
2. Create a uniform early termination protocol for probation
3. Maintain and expand pretrial alternatives to detention

Reducing the disproportionate representation of people of color in San Francisco's criminal justice system remains a priority in JRI activities. Learning more about these disparities was a priority for Phase II.

In November 2014, CJI contracted BI to provide an analysis of whether and to what extent racial and ethnic disparities exist at the five following key decision making points:

- Arrest
- Bail and Pretrial Jail
- Pretrial Release
- Sentencing
- Motion to Revoke Probation (MTR)[1]

The analysis in this report describes the nature and extent of racial and ethnic disparities in the decision making points above. The analysis does not explore the causes of disparities. BI did not perform statistical analyses to isolate the extent to which race/ethnicity – rather than a variety of other factors – predicts justice system involvement. Additionally, the analysis does not explore the extent to which individual bias impacts the disproportionate representation of people of color in the justice system.

The disparities analysis was contingent upon availability of reliable data in an agreed-upon

Due to the data limitations, BI narrowed its analysis to answer the following questions:

1. Arrest
   i. Are people of color more likely than White people to be arrested in San Francisco?
   ii. Are there certain categories of offenses that people of color are more likely to be arrested for?
   iii. How have racial and ethnic disparities in arrests changed from 2011 to 2014?
2. Booking to Jail (pretrial)
   i. Are defendants of color booked into jail pretrial at higher rates than White defendants?
   ii. Are there racial and ethnic disparities in rates of booking to jail when broken down by gender?
   iii. What are the top resident zip codes of adults booked into jail pretrial?
3. Pretrial Release
   i. Are defendants of color who meet the criteria for pretrial release less likely to be released on Own Recognizance (OR) than White defendants?
   ii. At what stage in the pretrial process are defendants released? (example: prior to or by duty commissioner review, before arraignment, or by arraignment judge)
   iii. How have racial and ethnic disparities in pretrial releases changed from 2011 to 2014?
4. Sentencing
   i. What types of sentences do defendants receive?
   ii. How long are the sentences?
   iii. Are defendants of color more likely to receive more restrictive sentences than White defendants?
   iv. What sentences do defendants receive for top convicted charges?
   v. How have racial and ethnic disparities in sentencing changed from 2011 to 2014?

[1] Due to lack of data, the analyses regarding Motions to Revoke (MTR) were not possible.

format. As mentioned above, there were many limitations related to data availability and data integrity.[2] These limitations can be broken down into the following categories[3]:

- Unavailability of key data.
- Lack of information system protections.
- Incomplete fields in databases.
- Lack of clear protocols in data collection.
- Data not available in format conducive to analysis.
- Definitions of certain variables were misunderstood or outdated.

Despite the significant challenges, basic questions about racial and ethnic disparities were answered and are summarized in the next section.

Prior to the release of this report, local justice system partners in San Francisco had the opportunity to review and vet the findings for accuracy. Thus, while the analysis included is only a first step in identifying disparities, BI and San Francisco justice partners have confidence in the accuracy of the findings presented in this report.

[2] The original list of questions the analysis sought to answer is included in Appendix A.

[3] BI submitted an additional report to the Reentry Council ("Summary of Data Challenges Encountered during Analysis of Racial and Ethnic Disparities in San Francisco's Criminal Justice System"), which provides examples of these limitations. Our observations informed the data-related recommendations in this report.

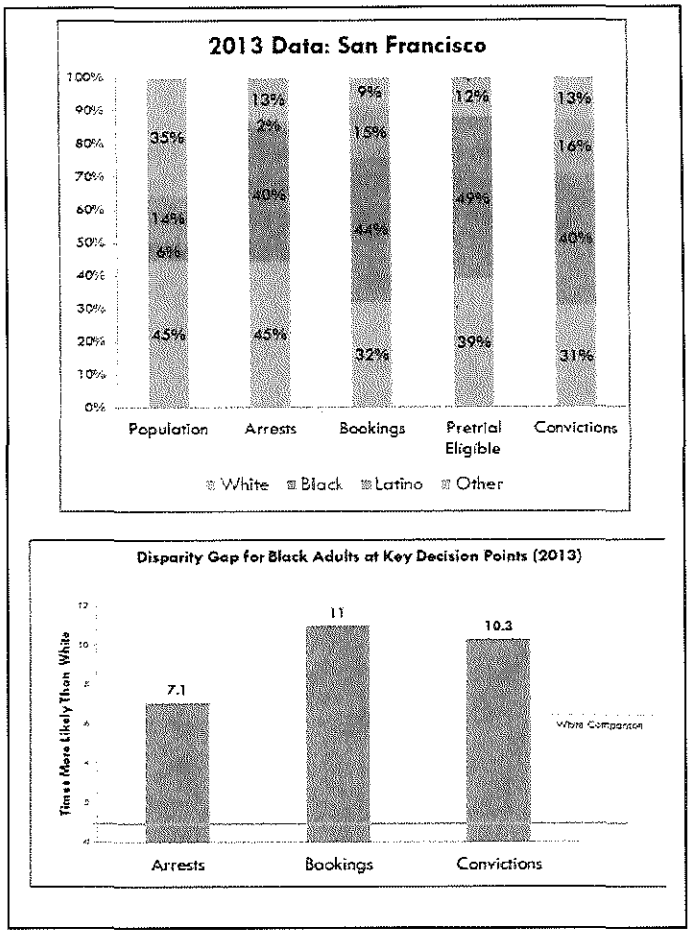
Summary of Key Findings

Demographic Shifts in San Francisco:

- Data indicate that San Francisco's demographic make-up is changing. Between 1994 and 2013, the number of Black adults decreased by 21 percent. At the same time, the number of Latino adults increased by 31 percent.

Disproportionality at Every Stage:

- In 2013, there were a disproportionate number of Black adults represented at every stage of the criminal justice process. While Black adults represent only 6% of the adult population, they represent 40% of people arrested, 44% of people booked in County Jail, and 40% of people convicted.
- When looking at the relative likelihood of system involvement- as opposed to the proportion of Black adults at key decision points – disparities for Black adults remain stark. Black adults are 7.1 times as likely as White adults to be arrested, 11 times as likely to be booked into County Jail, and 10.3 times as likely to be convicted of a crime in San Francisco.



Findings Regarding Data Capacity:

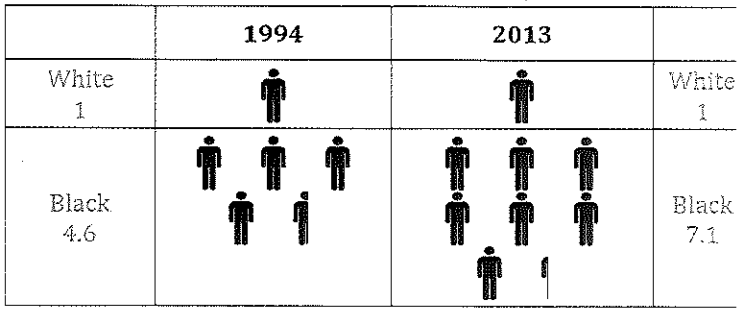
- Data required to answer several key questions regarding racial and ethnic disparities were unavailable. As stakeholders move forward to more fully understand the disparities highlighted in the repot, they will need to build capacity for a more comprehensive and system-wide approach to reporting data on racial and ethnic disparities.
- Lack of "ethnicity" data impeded a full analysis of the problem of disparities. Justice system stakeholders must improve their capacity to collect and record data on ethnicity of justice system clients. Lack of data regarding Latino adults' involvement is problematic for obvious reasons—if we do not understand the extent of the problem, we cannot craft the appropriate policy and practice solutions. Additionally, when population data disregard ethnicity, and only focus on race, the vast majority of these "Hispanics" are counted as White. The result is a likely inflated rate of system involvement for White adults[4], and an underestimation of the disparity gap between White and Black adults.

[4] Nationally, when population data disregard ethnicity, and only focus on race, the vast majority of these "Hispanics" (89%) would be identified as "White."). Puzzanchera, C., Sladky, A. and Kang, W. (2014). "Easy Access to Juvenile Populations: 1990-2013." Online Available: http://www.ojjdp.gov/ojstatbb/ezapop/

Arrests:

- In 2013, Black Adults in San Francisco were more than seven times as likely as White adults to be arrested.
- Despite a significant overall reduction in arrest rates in San Francisco, the disparity gap – relative rate of arrest for Black adults compared to White adults - is increasing.
- Whereas the disparity gap in arrests statewide is decreasing, the disparity gap in San Francisco is increasing.
- Rates of arrest are higher for Black adults than White adults for every offense category.
- Despite reductions in rates of arrest for drug offenses, the Black/White disparity gap increased for every drug offense category.

Disparity Gap for Arrests (1994 and 2013):

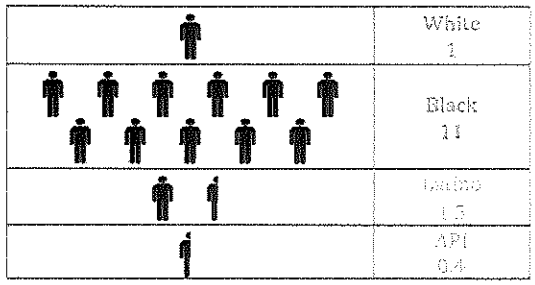


For every 1 White adult arrested in San Francisco in 1994, there were 4.6 Black adults arrested. For every 1 White adult arrested in San Francisco in 2013, there were more than 7 Black adults arrested.

Bookings to Jail (Pretrial):

- Black adults in San Francisco are 11 times as likely as White adults to be booked into County Jail. This disparity is true for both Black men (11.4 times as likely) and Black Women (10.9 times as likely).
- Latino adults are 1.5 times as likely to be booked as White adults[5].
- Booking rates for Black and Latino adults have increased over the past three years while booking rates for White adults have decreased.
- The top three residence zip codes of Black adults booked into County Jail were: 94102 (includes the Tenderloin), 94124 (Bayview-Hunters Point), and 94103 (South of Market).
- The top three residence zip codes for Latino adults booked into jail were: 94110 (Inner Mission/Bernal Heights), 94102 (includes the Tenderloin), and 94112 (Ingelside-Excelsior/Crocker-Amazon).

Disparity Gap for Bookings (2013):



For every 1 White adult booked into San Francisco County Jail, there were 11 Black adults and 1.5 Latino adults booked.

- A vast majority (83 percent) of individuals booked into jail in San Francisco had residence zip codes within the County. Overall, only 17 percent of individuals booked into jail had residence zip codes outside of San Francisco[6].

Pretrial Release:

- Booked Black adults are more likely than booked White adults to meet the criteria for pretrial release[7].

[5] Data on Latino adults booked into County Jail is likely an undercount. When population data disregard ethnicity, the vast majority of Hispanic/Latino people are identified as White. This results in an *inflated* rate of system involvement for White adults; and subsequently an *underestimation* of the disparity gaps between White/Black adults and White/Latino adults.

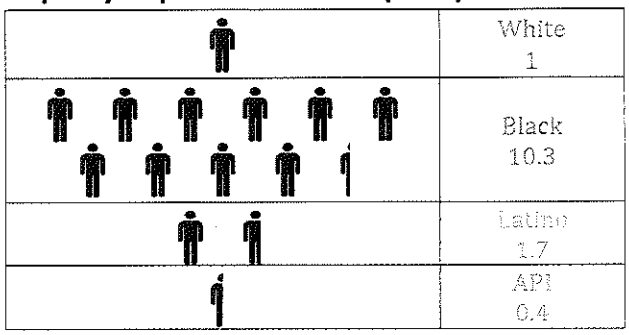
[6] Data regarding the homeless population was unavailable. Of the total 19,273 bookings in 2013, there were 3,973 (21%) that did not include a zip code. Some of these missing zip codes may be homeless adults who reside in San Francisco.

- Black adults are less likely to be released at all process steps: Black adults are less likely to receive an "other" release (i.e., cited, bailed, and dismissed); less likely than White adults to be released by the duty commissioner; and less likely to be granted pretrial release at arraignment.
- Rates of pretrial releases at arraignment are higher for White adults for almost every quarter.
- Out of all adults who meet the criteria for pretrial release (the entirety of the SFPDP database):
  - 39 percent of Black adults had prior felony(ies) compared to 26 percent of White adults, however, White adults with a prior felony were almost always more likely to be released at arraignment than Black adults with a prior felony;
  - 44 percent of Black adults had prior misdemeanor(s) compared to 45 percent of White adults, however, White adults with a prior misdemeanor were almost always more likely to be released at arraignment than Black adults with a prior misdemeanor; and
  - 62 percent of Black adults had a high school diploma or GED compared to 66 percent of White adults, however, White adults with a HSD/GED were almost always more likely to be released at arraignment than Black adults with a HSD/GED.

Convictions/Sentencing:

- For every White adult arrested and convicted in 2013, 1.4 Black adults were arrested and convicted.[8] (Due to lack of data about Latinos at arrest, no comparison of convictions to arrest was made for Latinos.)
- Black adults in San Francisco (in the general population) are ten times as likely as White adults in San Francisco (in the general population) to have a conviction in court.
- Latino adults in San Francisco (in the general population) are nearly twice as likely as White adults in San Francisco (in the general population) to have a conviction in court.[9]
- The vast majority of all people convicted are sentenced to Jail/Probation. Black adults with Jail/Probation sentences are more likely to receive formal probation than White adults. Whereas 31 percent of White Adults receive formal probation, 53 percent of Black adults did.
- Black adults are more likely to be sentenced to State Prison and County Jail alone and less likely to be sentenced to Jail/Probation than White adults.
- When they receive Jail/Probation sentences, Black adults are more likely to have a longer jail sentence than White adults.
- Over the course of the last year, there were 288,177 bed days as the result of court sentences to jail (either through County Jail alone or as a part of a Jail/Probation sentence). Black adults account for 50 percent of these sentenced bed days.

Disparity Gap for Convictions (2013):



For Every 1 White adult convicted of a crime in San Francisco, there were more than 10 Black adults and nearly 2 Latino adults convicted.

[7] Data for both Bookings and Pretrial eligible include the most recent year available (Q3 2013-Q2 2014). The data come from two distinct databases. Further analysis is needed to better understand this finding. For example, White adults may be more likely to be cited out and are therefore not included as "eligible" for pretrial release, and protocol for identifying "ethnicity" in the two information systems may not be consistent.

[8] When population data disregard ethnicity, the vast majority of Hispanic/Latino people are identified as White. This results in an *inflated* rate of system involvement for White adults; and subsequently an *underestimation* of the disparity gaps between White/Black adults and White/Latino adults.

[9] See note above. It is important to note this for all of the analyses in the conviction/sentencing section which compare White and Latino rates.

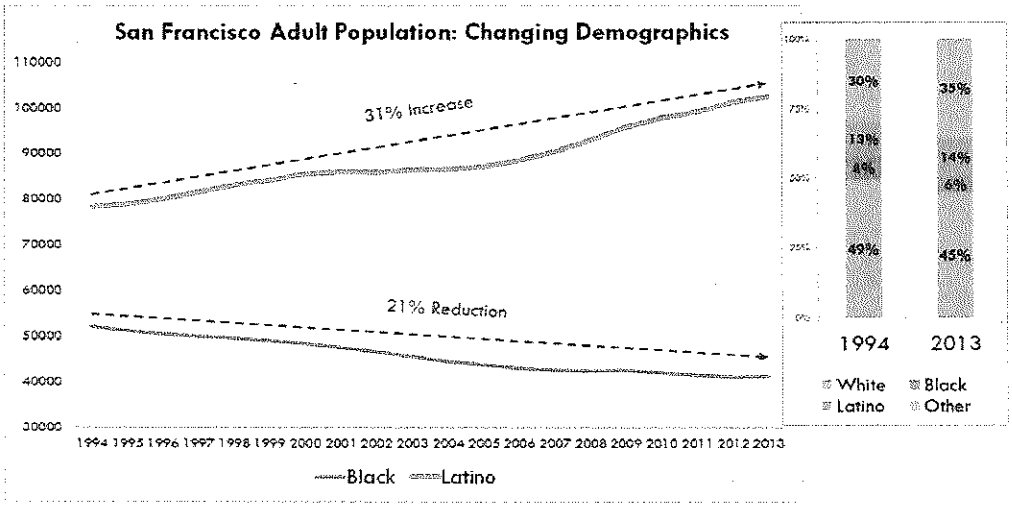
- Although more White adults are convicted on DUI charges with blood alcohol levels greater than or equal to .08 than Black adults, Black and Latino adults convicted of these charges are more likely to have a longer jail sentence (as part of a Jail/Probation sentence) than White adults.[10]
- Of all Black adults convicted, 6 percent were convicted of transporting or selling controlled substances; of all White adults convicted, only 1 percent was convicted of this charge. While the number of adults convicted of transporting or selling controlled substances has decreased substantially over the past 3 years, the proportion is consistently higher for Black adults.[11]
- Black adults convicted of transporting or selling controlled substances are more likely to be sentenced to State Prison than White adults convicted of the same offense.
- Black adults convicted of transporting or selling controlled substances are more likely to stay longer in County Jail as part of a Jail/Probation sentence.

[10] Analysis of specific charges includes the entire timeframe, in order to increase the number of cases analyzed. The criminal code referenced here is VC 23152(b)/M.

[11] Analysis of specific charges includes the entire timeframe, in order to increase the number of cases analyzed. The criminal code referenced here is HS 11352(a)/F.

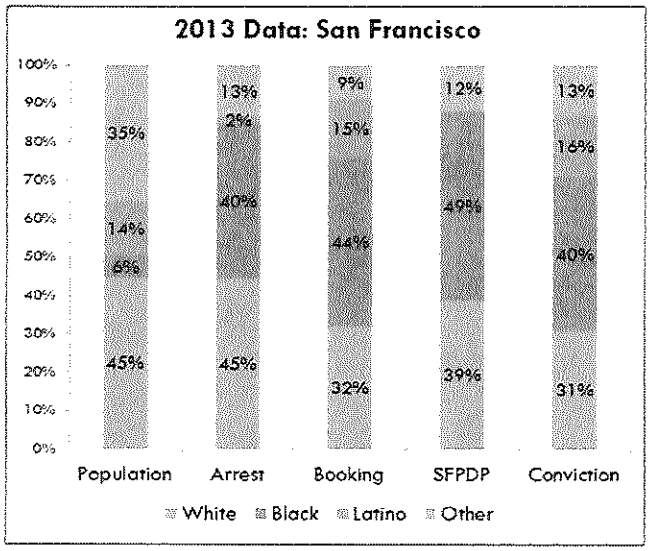
San Francisco's Changing Demographics and Overrepresentation at Key Decision Points

Data indicate that San Francisco's demographic make-up is changing. Between 1994 and 2013, the number of Black adults decreased by 21 percent. At the same time, the number of Latino adults increased by 31 percent. The proportion of the adult population that is Black decreased from eight percent to six percent, and the proportion of the adult population that is Latino increased from thirteen percent to fourteen percent. While compared to White adults, Asian adults are underrepresented in criminal justice system involvement; the proportion of the population that is Asian has also increased, from 30 percent to 35 percent.



Latino Adults

The growing number of Latino adults in the County calls for a clear and consistent protocol for accurately identifying and recording ethnicity in all criminal justice information systems. As indicated in the Phase I findings, not only are Black adults disproportionately represented in the criminal justice system, race and ethnicity are inconsistently recorded in criminal justice departments' data systems. The lack of a standardized format for race and ethnicity data collection across criminal justice agencies makes it impossible to ascertain what disparities may or may not exist for all communities of color. As identified in Phase I of JRI, challenges include differences in the way race and ethnicity is recorded by law enforcement agencies leading to difficulties in comparing groups across the system. Since the issue has been identified, efforts have been made to improve properly identifying and recording race and ethnicity. However, as the analysis below describes, most of the existing information systems still lack data on ethnicity. As a result, the analysis of the extent to which Latino adults are involved in the criminal justice system is limited.



Although Latino adults represent 14 percent of the adult population, data indicates they represent only two percent of arrests and less than one percent of adults eligible for San Francisco Pretrial Diversion Program (SFPDP). While the proportion of Latino adults represented in booking and conviction data is higher, stakeholders BI worked with expressed concern that there is still work to be done to ensure they are using best practice for identifying and recording race *and* ethnicity.

Lack of data regarding Latino adults' involvement is problematic for obvious reasons—if we do not understand the extent of the problem, we cannot craft the appropriate policy and practice solutions. Additionally, when population data disregard ethnicity, and only focus on race, the vast majority of these "Hispanics" are counted as White. The result is a likely inflated rate of system involvement for White adults[12], and an underestimation of the disparity gap between White and Black adults.

Black Adults

Black adults are overrepresented at each stage of the criminal justice process investigated. In 2013, Black adults represented 6 percent of adults in the population, but they represented 40 percent of adult arrests; 44 percent of adults booked; 49 percent of adults eligible for SFPDP, and 40 percent of adults convicted.

Asian Pacific Islander and "Other" Adults

Due to lack of consistent data, this analysis did not focus on Asian Pacific Islander (API) or "other" adults. Future disparities analyses should include these populations but must account for differences between subgroups within the larger API population. Historical, cultural and economic differences between groups of Asian and Pacific Islander immigrants to the United States often result in a wide variety of experiences and outcomes within American society, including interaction with and rates of involvement in the criminal justice system. Improved data collection on race and ethnicity will support this type of analysis.

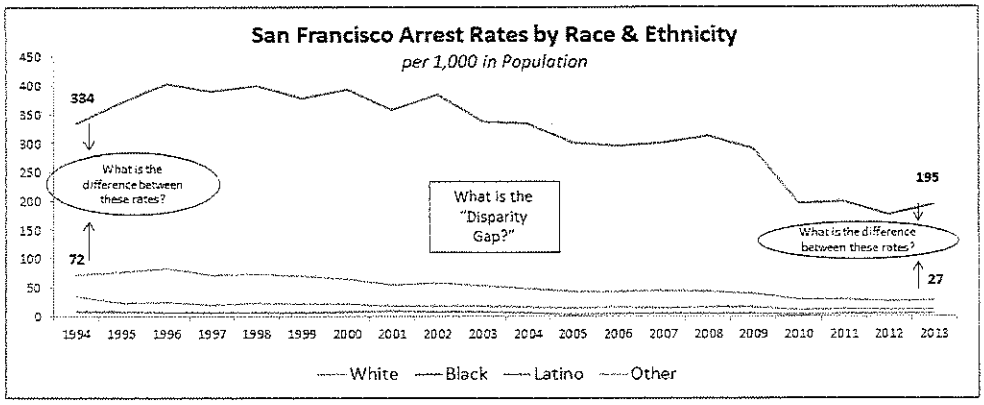
[12] (Nationally, when population data disregard ethnicity, and only focus on race, the vast majority of these "Hispanics" (89%) would be identified as "White.") Easy Access to Juvenile Populations. http://www.ojjdp.gov/ojstatbb/ezapop/.

Arrests

San Francisco Police Department (SFPD) was unable to provide data on the total number of arrests in San Francisco disaggregated by race and ethnicity. In lieu of local data from the Reentry Council member agencies, BI used the State of California Department of Justice (DOJ) "Monthly Arrest and Citation Register" (MACR) to compile data on arrests in San Francisco. An "arrest" using these data includes "any person taken into custody because an officer has reason to believe the person violated the law[13]." When an individual is arrested for multiple charges, MACR captures only the most serious offense based on the severity of possible punishment. Importantly, these arrest data do not include cite and release interactions with police. To understand the full scope of racial and ethnic disparities at arrest, SFPD must build capacity to collect and report on all arrests and contacts.

Key Findings

- In 2013, Black Adults in San Francisco were more than seven times as likely as White adults to be arrested[14].
- Despite a significant overall reduction in arrest rates in San Francisco, the disparity gap – relative rate of arrest for Black adults compared to White adults - is increasing.
- Whereas the disparity gap in arrests statewide is decreasing, the disparity gap in San Francisco is increasing.
- Rates of arrest are higher for Black adults than White adults for every offense category.
- Despite reductions in rates of arrest for drug offenses, the Black/White disparity gap increased for every drug offense category.



Over the past two decades, arrest rates in San Francisco have decreased, but reductions for White adults outpaced Black adults. Between 1994 and 2013, arrests rates fell by 62 percent for White adults (from 72 arrests per 1,000 White adults in the population to 27 arrests). During that same time, arrest rates fell by 42 percent for Black adults (from 334 arrests per 1,000 to 195 arrests).

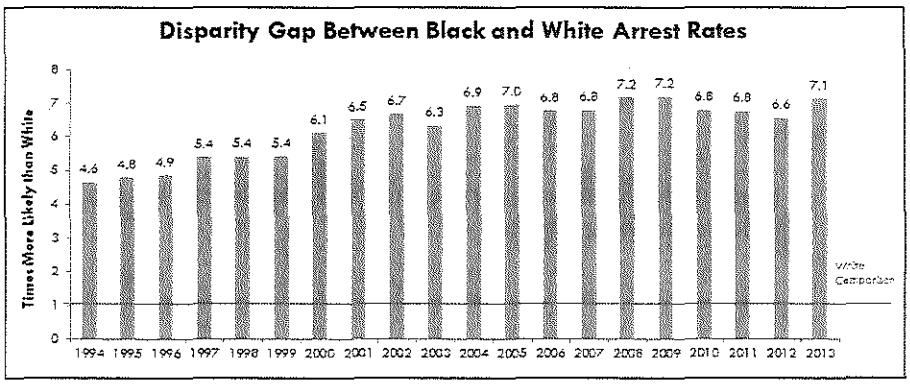
		1994	1998	2002	2006	2010	2013	Percent Change 1994-2013
White	# of Arrests	22,011	23,466	18,052	13,026	9,151	8,836	
	Rate per 1000	72	74	58	44	29	27	-62%
Black	# of Arrests	17,374	19,809	17,896	12,735	8,198	8,027	
	Rate per 1000	334	400	385	296	196	195	-42%

[13] California Department of Justice, Criminal Justice Statistics Center, Monthly Arrest and Citation Register (MACR) Data Files; CJSC published tables (accessed November 2014).

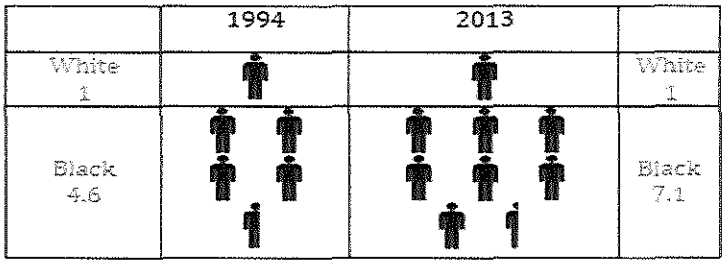
[14] When population data disregard ethnicity, the vast majority of Hispanic/Latino people are identified as White. This results in an *inflated* rate of system involvement for White adults; and an *underestimation* of the disparity gaps between White/Black adults and White/Latino adults.

Disparity Gap in Arrests: San Francisco

The result of different arrest rate reductions is that despite significant reductions in arrest rates, the disparity between Black and White adults has increased. In 1994, for every White adult arrested, 4.6 Black adults were arrested, but in 2013 for every White adult arrested, 7.1 Black adults were arrested.



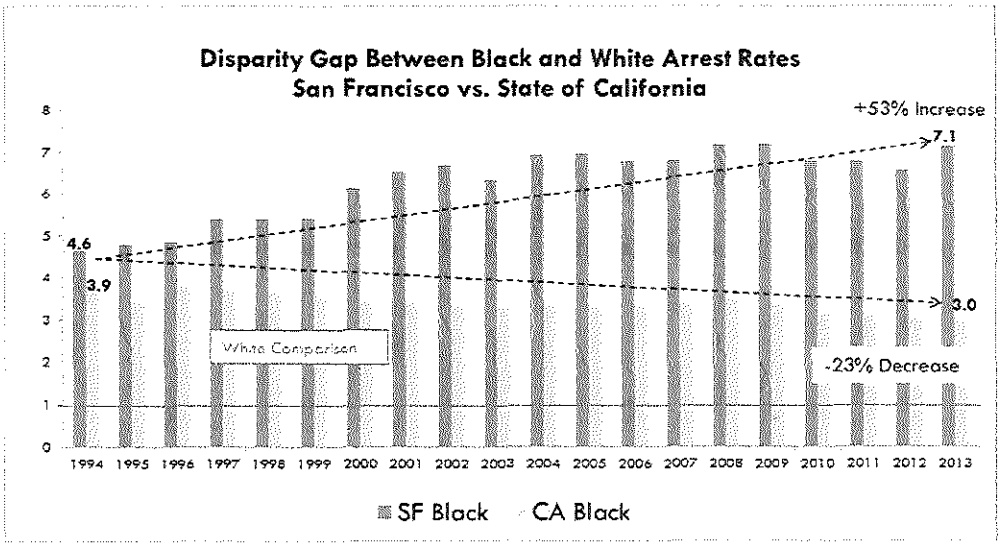
For every on 1 White adult arrested in 1994, **4.6** Black adults were arrested



For every on 1 White adult arrested in 2013, **7.1** Black adults were arrested.

Disparity Gap: San Francisco Arrests Compared to State of California Arrests

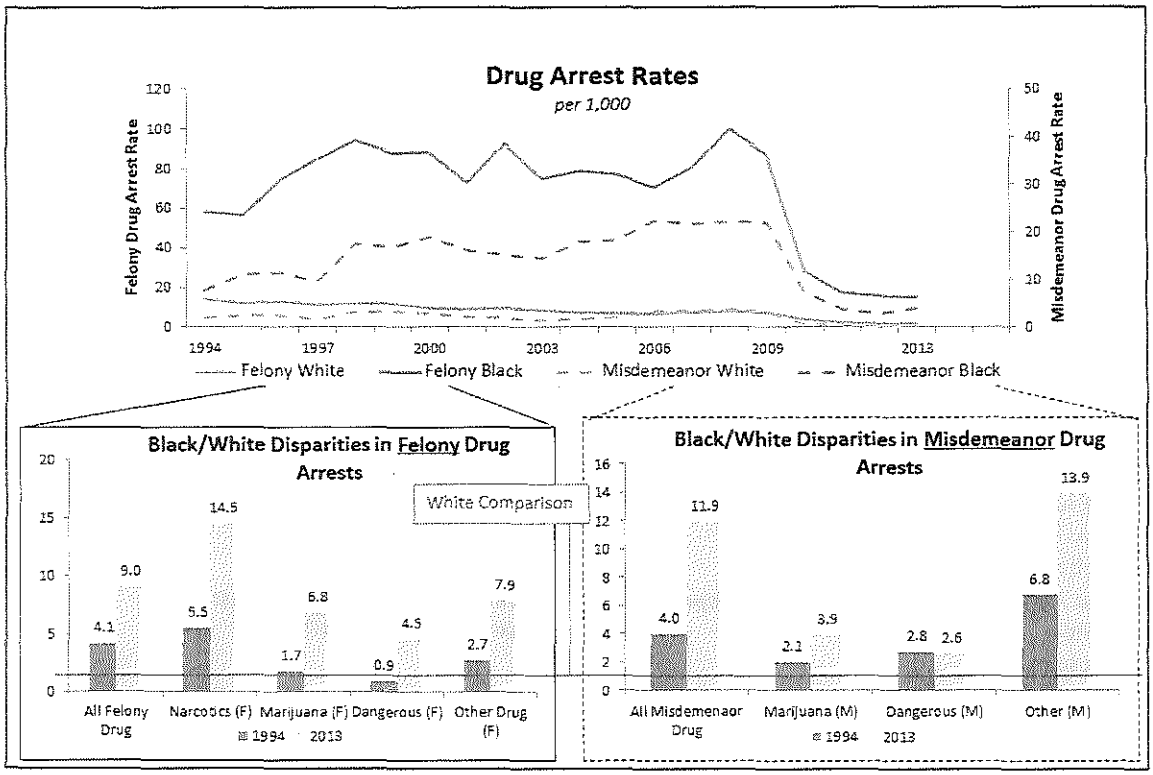
During the same time period that San Francisco's disparity gap increased by 45 percent, from Black adults being 4.6 times as likely as White adults to be arrested to 7.1 times as likely, the disparity gap in arrest rates for the State of California decreased. Statewide, in 1994, Black adults were 3.9 times as likely as White adults to be arrested. In 2013, Black adults were 3 times as likely.



Disparities in Drug Arrest

Between 1994 and 2013, rates for felony drug arrests in San Francisco decreased by 88 percent for White adults (decreasing from 14.1 per 1,000 to 1.7) and by 74 percent for Black adults (decreasing from 58.5 per 1,000 to 15.5). During the same time, rates for misdemeanor drug offenses decreased by 85 percent for White adults (from 2 per 1,000 to 0.3 per 1,000), while rates for Black adults decreased by 48 percent (from 7.9 per 1,000 to 4.1).

The disparity gap between White and Black adult arrests has increased for almost every felony and misdemeanor drug offense.



A review of changes in the disparity gap for other offenses is available in Appendix B.

Bookings to Jail (Pretrial)

When an adult in San Francisco is arrested or has violated the terms and conditions of his or her probation or parole, he or she may be booked into County Jail. The following analysis explores pretrial bookings to County Jail. Unfortunately, the analysis was restricted due to limited data.

For this analysis, BI used data from the Court Management System (CMS) and supplemented it with race and ethnicity data from the Sheriff Department's Jail Management System (JMS). The full time frame for the data analyzed is January 1, 2011 to June 30, 2014. Data required extensive clean up to answer the most basic questions about booking to pretrial jail. Many questions we were interested in exploring could not be answered. After we cleaned up the data,[15] there were 63,318 bookings to jail in the full time frame with data on race and ethnicity. In 2013, 19,273 cases included data on race and ethnicity.

Key Findings

- Black adults in San Francisco are 11 times as likely as White adults to be booked into County Jail. This disparity is true for both Black men (11.4 times as likely) and Black Women (10.9 times as likely).
- Latino adults are 1.5 times as likely to be booked as White adults[16].
- Booking rates for Black and Latino adults have increased over the past three years while booking rates for White adults have decreased.
- The top three residence zip codes of Black adults booked into County Jail were: 94102 (includes the Tenderloin), 94124 (Bayview-Hunters Point), and 94103 (South of Market).
- The top three residence zip codes for Latino adults booked into jail were: 94110 (Inner Mission/Bernal Heights), 94102 (includes the Tenderloin), and 94112 (Ingelside-Excelsior/Crocker-Amazon).
- A vast majority (83 percent) of individuals booked into jail in San Francisco had residence zip codes within the County. Overall, only 17 percent of individuals booked into jail had residence zip codes outside of San Francisco[17].

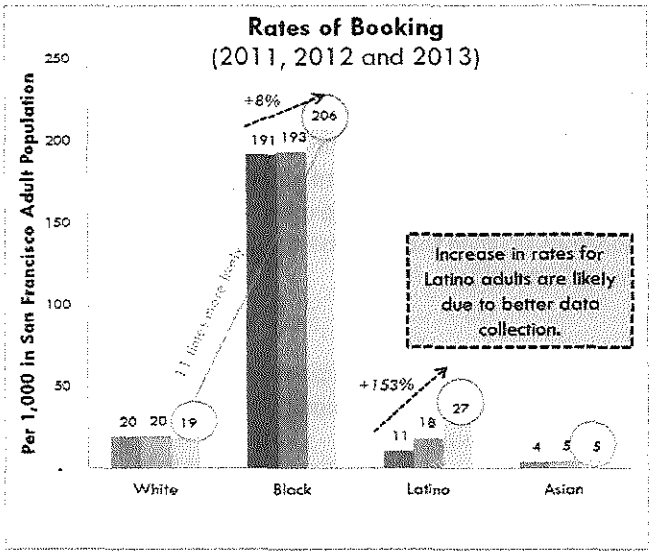
The rate of booking to County Jail has increased in San Francisco over the past 3 years for people of color, but it has decreased for White adults. The rate of booking for Black adults increased from 191 per 1,000 in 2011 to 206 per 1,000 in 2013.

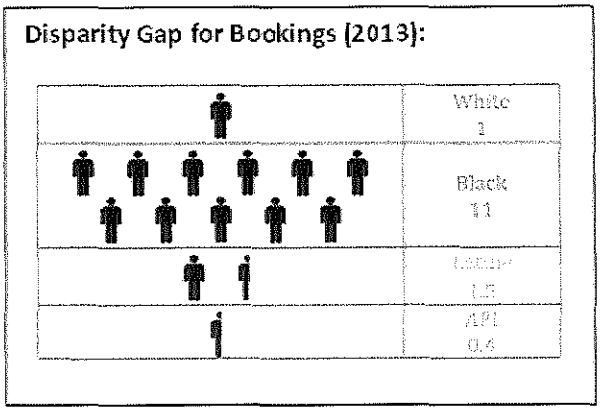
Data indicate that the rate of booking for Latino adults increased by 153 percent. The significant increase is likely due – in some part – to better data collection practices to identify ethnicity. However, the data should be explored further. In 2013, Black and Latino adults were more likely to be booked into County Jail than White adults. For every one White adult booked into jail, there were eleven (11) Black adults and one and a half (1.5) Latino adults.

[15] The data clean-up process for the booking data is described in the separate report BI submitted regarding data challenges ("Summary of Data Challenges Encountered during Analysis of Racial and Ethnic Disparities in San Francisco's Criminal Justice System").

[16] Data on Latino adults booked into County Jail is likely an undercount. When population data disregard ethnicity, the vast majority of Hispanic/Latino people are identified as White. This results in an *inflated* rate of system involvement for White adults; and subsequently an *underestimation* of the disparity gaps between White/Black adults and White/Latino adults.

[17] Data regarding the homeless population were unavailable. Of the total 19,273 bookings in 2013, there were 3,973 (21%) that did not include a zip code. Some of these missing zip codes may be homeless adults who reside in San Francisco.



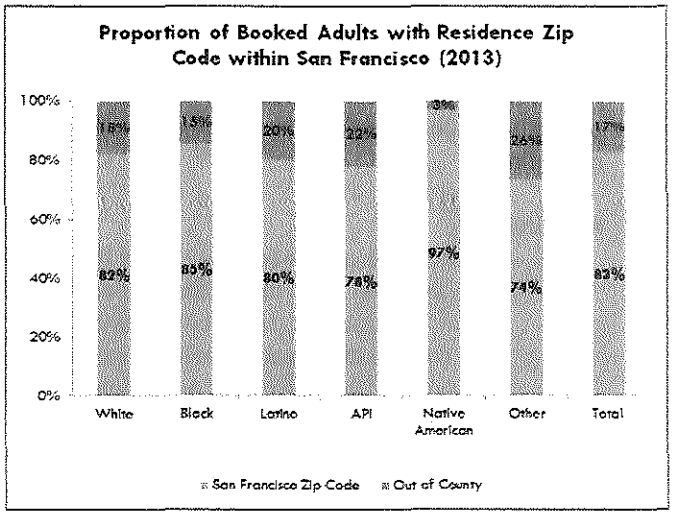


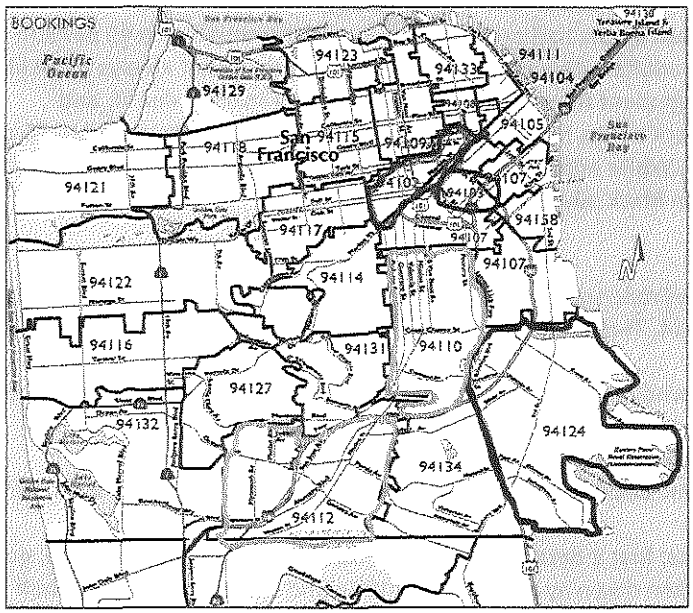
	White	Black	Latino	API	Nat. Am.	Other	Total
2011 Pop.	319,436	41,404	99,104	243,503	2,223	n/a	705,670
2011 Booked	6,269	7,920	1,072	1,012	62	603	16,938
2011 Rate per 1,000	**20**	**191**	**11**	**4**	**28**		**24**
2012 Pop.	322,713	41,094	101,132	249,203	2,234	n/a	716,376
2012 Booked	6,493	7,940	1,863	1,228	66	684	18,274
2012 Rate per 1,000	**20**	**193**	**18**	**5**	**30**		**26**
2013 Pop.	324,372	41,237	102,261	255,069	2,248	n/a	725,187
2013 Booked	6,095	8,508	2,803	1,203	82	582	19,273
2013 Rate per 1,000	**19**	**206**	**27**	**5**	**36**		**27**

Zip Code Analysis

BI explored the top residence zip codes of adults booked into County Jail pretrial. The vast majority of all adults booked in County Jail in San Francisco have a residence zip code within San Francisco (83 percent)[18].

The top zip codes were different for Black and Latino adults, but 94102 was a top zip code for both. Exploring top zip codes where people who are booked into jail reside can help local stakeholders better understand existing services and programs in those areas, as well as service gaps and needs. Additionally, justice stakeholders can explore policies and practices that impact justice system involvement such as police deployment and locations of neighborhood courts.





	White	Black	Latino	API	Nat. Am.	Other	Total
94102	3177	3939	675	313	49	150	8303
94124	471	3915	386	237	8	115	5132
94103	1201	1464	301	129	12	74	3181
94110	1037	794	909	99	17	103	2959
94112	672	728	541	247	10	117	2315
94109	1123	752	160	149	11	67	2262

[18] Zip Code analysis is based on cases for which zip code was recorded (in 2013, 15,272 cases). Data regarding the homeless population was unavailable. Of the total 19,273 bookings in 2013, there were 3,973 (21%) that did not include a zip code. Some of these missing zip codes may be homeless adults who reside in San Francisco.

Pretrial Release

Some defendants booked into County Jail are released pretrial. The types of release include release on own recognizance (OR), release to supervision programs operated by the San Francisco Pretrial Diversion Program (SFPDP), and other releases (released with a citation, case dismissal, bail posting, etc.). The mission of SFPDP is to facilitate, within various communities, positive and effective alternatives to fines, criminal prosecution, and detention.

Key Findings

- Booked Black adults are more likely than booked White adults to meet the criteria for pretrial release[19].
- Black adults are less likely to be released at all process steps: Black adults are less likely to receive an "other" release (i.e., cited, bailed, and dismissed); less likely than White adults to be released by the duty commissioner; and less likely to be granted pretrial release at arraignment.
- Rates of pretrial releases at arraignment are higher for White adults for almost every quarter.
- Out of all adults who meet the criteria for pretrial release (the entirety of the SFPDP database):
    - 39 percent of Black adults had prior felony(ies) compared to 26 percent of White adults, however, White adults with a prior felony were almost always more likely to be released at arraignment than Black adults with a prior felony;
    - 44 percent of Black adults had prior misdemeanor(s) compared to 45 percent of White adults, however, White adults with a prior misdemeanor were almost always more likely to be released at arraignment than Black adults with a prior misdemeanor; and
    - 62 percent of Black adults had a high school diploma or GED compared to 66 percent of White adults, however, White adults with a HSD/GED were almost always more likely to be released at arraignment than Black adults with a HSD/GED.

Overview of Data

BI analyzed the data from the San Francisco Pretrial Diversion Project (SFPDP) database from the first quarter of 2011 to the second quarter of 2014. This analysis was done with the goal of answering the following questions[20]:

- Are defendants of color who meet the criteria for pretrial release less likely to be released on OR than White defendants?
- At what stage in the pretrial process are defendants released?
- How have racial and ethnic disparities in pretrial releases changed from 2011 to 2014?

The analysis was done in two parts: first a detailed look at the last full year of data received, quarter three of 2013 to quarter two of 2014, broken down by race and ethnicity; and second, three and a half year trends that looked at the relative release rates over time.

BI received four data files from SFPDP for 2011, 2012, 2013 and the first half of 2014. The full time frame of the data analyzed is January 1, 2011 to June 30, 2014. All four files were merged resulting in a single file of 26,657 cases. 161 cases (rows) were then deleted for lack of any data (blank), and 221 cases were excluded for lack of race and ethnicity data. The resulting number of valid cases is 26,496. For the last full year (quarter three 2013 to quarter two 2014), there are 7,840 valid cases.

[19] Data for both Bookings and Pretrial eligible include the most recent year available (Q3 2013-Q2 2014). The data come from two distinct databases. Further analysis is needed to better understand this finding. For example, White adults may be more likely to be cited out and are therefore not included as "eligible" for pretrial release, and protocol for identifying "ethnicity" in the two information systems may not be consistent.

[20] These questions were not the entirety of this analysis but after careful study of the available data and numerous communications with staff at SFPDP, the limitations within the information system and data became clear, resulting in a need to limit the scope of the analysis. See Appendix A for full list of questions.

Limited Race and Ethnicity Data

In 2013, Latino adults represented 14.1 percent of the adult population in San Francisco. For the same year, the SFPDP data indicate that Latino adults represent only 0.2 percent of adults eligible for pretrial services. The relatively small numbers of Latinos, Asians, and Others in the SFPDP data make it difficult to identify meaningful trends.[21] Therefore only White/Black disparities will be analyzed.[22]

Pretrial Release Overview

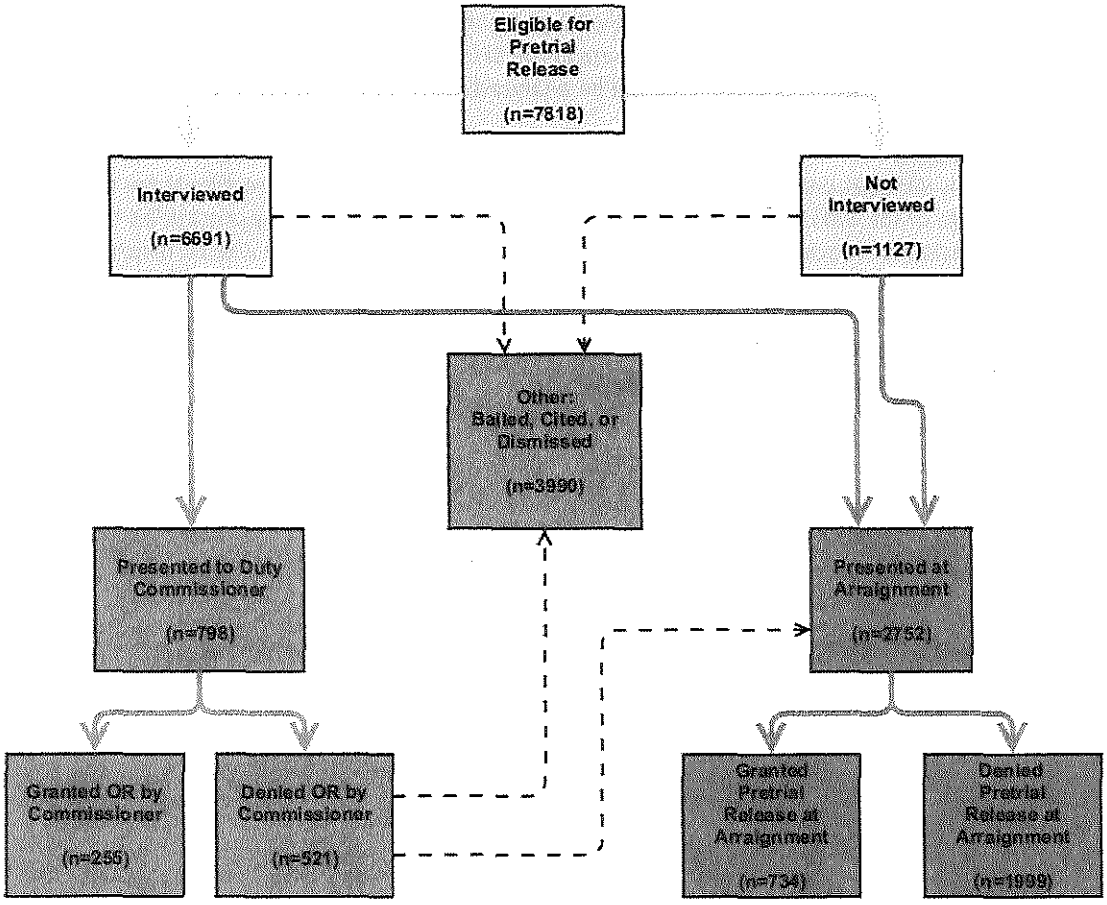
The following analysis includes only for Black and White adults.[23] The charts in this section show the number and respective percentage of the 6,801 individuals (3,118 White and 3,683 Black) as they proceeded through the various decision thresholds associated with pretrial release. The data indicate there was no disproportionality between White and Black adults who met criteria for pretrial release and were interviewed by SFPDP (both 85%). It should be noted that the 15 percent of White and Black adults who were not interviewed were not precluded from release at arraignment. Adults not interviewed by SFPDP are only precluded from being granted OR release by the duty commissioner, see Appendix C.

[21] An analysis of racial and ethnic disparities depends heavily on the availability of relevant data at each stage with comparable population parameters. Counts, rates, and relative rate indices can fluctuate widely over time (e.g., year to year), especially with small case counts. When case counts are too low they tend to produce unreliable results. For example, in the last full year, there were only 25 Latinos (0.3%), 100 Asians (1.3%), and 892 "other" individuals (11.4%), compared to 3,118 Whites (40%) and 3,683 Blacks (47%). When these figures are broken down further into the various stages of the SFPDP process, the number of cases is even smaller. For example, of the 25 Latino individuals, five were presented to the duty commissioner. A comparison of what happened to those five individuals versus what happened to the 349 White individuals presented to the duty commissioner in the same time period would not yield meaningful results.

[22] Note: When population data disregard ethnicity, the vast majority of Hispanic/Latino people are incorrectly identified as White. This results in an *inflated* rate of system involvement for White adults; and subsequently an *underestimation* of the disparity gaps between White/Black adults and White/Latino adults. It is important to note this for all of the analyses in the arrest section which compare White and Black arrest rates.

[23] This section highlights outcomes from the last full year of data BI received, Quarter 3 of 2013 to Quarter 4 of 2014

Pretrial Release Flow[24]

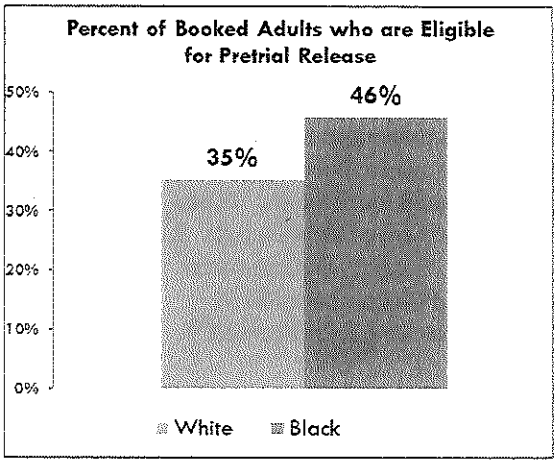


When adults booked into County Jail are identified as meeting the criteria for pretrial release (Eligible for Pretrial Release), they are interviewed to further assess appropriateness for pretrial release and SFPDP services. Once interviewed, their information packet may be presented to a duty commissioner where they may be granted or denied release on their own recognizance (OR). Adults who meet the criteria for pretrial release, but whose information is not presented to the duty commissioner or who are not granted OR by the duty commissioner may be granted or denied release at arraignment. In addition to those released by the duty commissioner or arraignment judge, adults may be released pretrial because their case was dismissed, they were cited out or they posted bail.

[24] Description of terms in this chart is included in Appendix C.

Pretrial Release Compared to Bookings

Black adults booked into San Francisco County Jail are more likely than White adults to be eligible for pretrial release. According to booking data, there were 5,940 White adults and 7,947 Black adults booked into County Jail during the most recent year. According to SFPD data, during the same time period, there were 3,118 White adults and 3,683 Black adults eligible for some form of pretrial release. By comparing these data, we can learn the proportion of adults booked that were eligible for pretrial release[25].



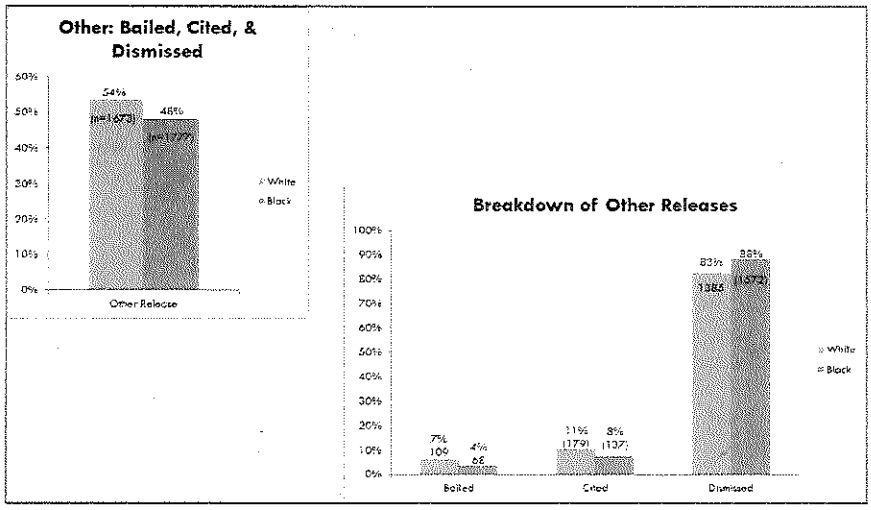
Whereas 35 percent of booked White adults were eligible for pretrial release, 46 percent of booked Black adults were eligible.[26]

Q3 2013-Q2 2014	White	Black
Bookings	5,940	7,947
Pretrial Release Eligible	3,118	3,683
% of Booked Adults Eligible for Pretrial Release	**35%**	**46%**

Other Release: Bailed, Cited, and Dismissed

The data indicate that 51 percent of all cases that met the criteria for pretrial release were released under the "other releases" category. The proportion of White adults who met the criteria for pretrial release who were released in the "other" category (54%) was higher than the proportion of Black adults that met the criteria for pretrial release who were released under "other" (48%).

The vast majority of these released adults had their cases dismissed. Black adults were more likely than White adults to have their case dismissed. White adults were more likely to post bail or be cited out than Black adults.



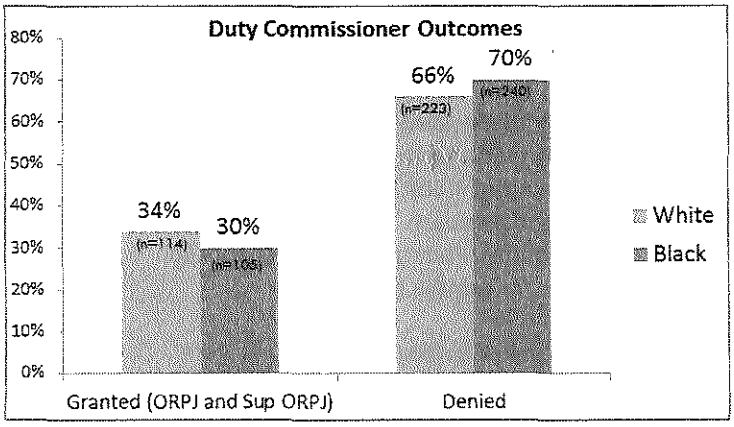
[25] Data for both Bookings and Pretrial eligible include the most recent year available (Q3 2013-Q2 2014). The data come from two distinct databases. Further analysis is needed to better understand this finding. For example, White adults may be more likely to be cited out and are therefore not included within "eligible" for pretrial release, and protocol for identifying "ethnicity" in the two information systems may not be consistent.

[26] Data for both Bookings and Pretrial eligible include the most recent year available (Q3 2013-Q2 2014). The data come from two distinct databases.

Presented to Duty Commissioner

Per Penal Code Section 1270.1, not everyone eligible for pretrial release or arraignment review is eligible for presentation to the duty commissioner. In the year analyzed, 682 people were presented to the duty commissioner.

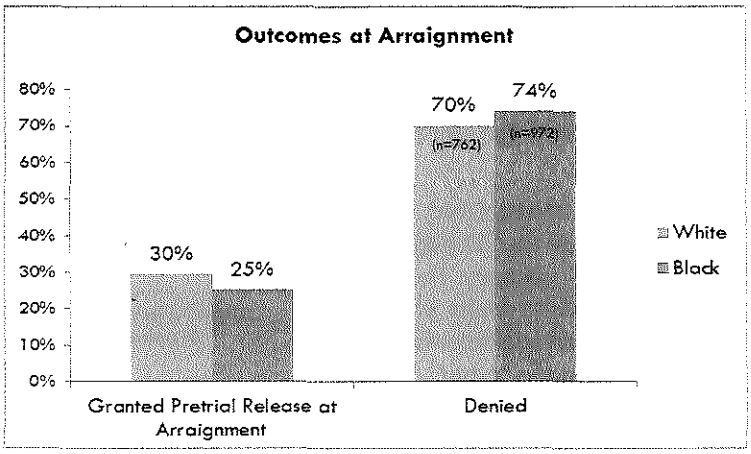
White adults presented to the duty commissioner were more likely to be granted OR than Black adults. Thirty-three (33) percent of White adults presented to the duty commissioner were granted OR compared to 30 percent of Black adults presented.[27]



Presented at Arraignment

Sixty five percent of adults eligible for pretrial release were released prior to arraignment. Adults who meet pretrial release criteria, and who have not yet been released, are presented at arraignment.

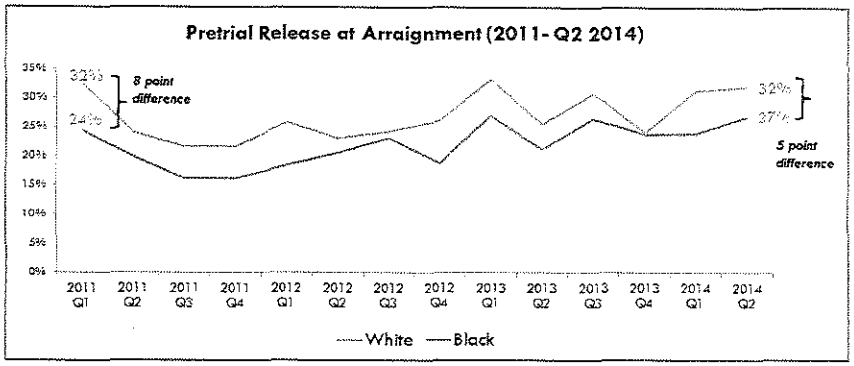
Black adults were less likely to be granted pretrial release at arraignment. Whereas 30 percent of White adults were released at arraignment, only 25 percent of Black adults were.



[27] See Appendix C for description of ORNF.

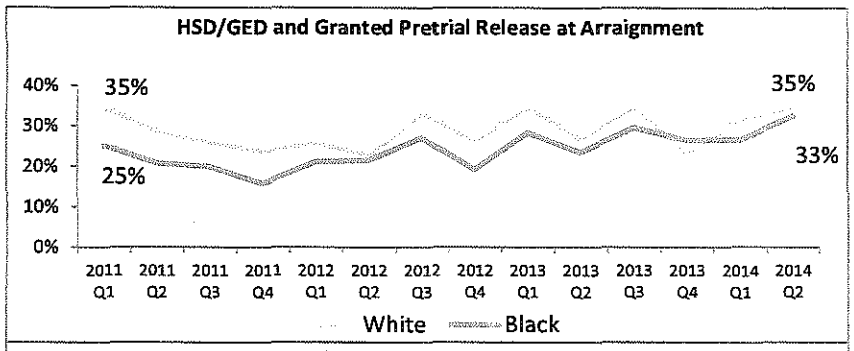
Trends in Pretrial Releases at Arraignment

White adults are consistently more likely to be granted pretrial release at arraignment than Black adults for nearly every quarter. In Quarter 1 2011, 24 percent of Black adults and 32 percent of White adults were granted pretrial release at arraignment. In Quarter 2 2014, the difference narrowed because a higher proportion of Black adults were granted pretrial release (27 percent), but White adults were still more likely to receive pretrial release.



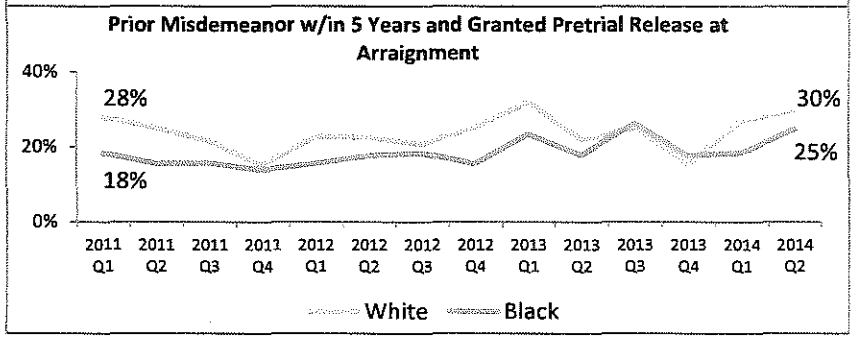
Educational Status

Out of all cases in the SFPDP database, 66 percent of White adults and 62 percent of Black adults in the full timeframe had a high school diploma (HSD) or a GED. However, when disaggregating data by educational status, White adults are still more likely to be released than Black adults in most quarters.



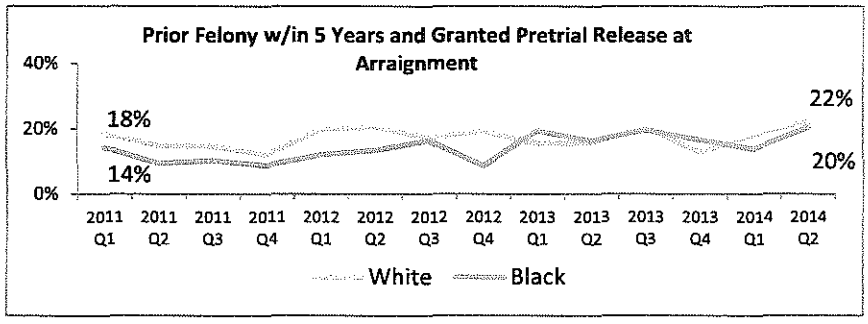
Prior Misdemeanor Convictions

Out of all cases in the SFPDP database, 45 percent of White adults and 44 percent of Black adults within the full timeframe had a prior misdemeanor within five years.[28] When limiting the pool of data to adults with a prior misdemeanor conviction within the last five years, White adults are still more likely to be released at arraignment than Black adults in most quarters.



Prior Felony Convictions

Out of all cases in the SFPDP database, 26 percent of White adults and 39 percent of Black adults within the full timeframe had a prior felony within five years. When limiting the pool of data to adults with a prior felony conviction within the last five years, White adults are still more likely to be released at arraignment than Black adults in most quarters.



[28] Not all prior convictions are San Francisco convictions.

Sentencing

If the judge finds beyond a reasonable doubt that a person committed the alleged offense, the person is convicted and the judge imposes a sentence. The sentences included in this analysis include all adults sentenced, regardless of whether they were in custody pretrial.

Key Findings

- For every White adult arrested and convicted in 2013, 1.4 Black adults were arrested and convicted.[29] (Due to lack of data about Latinos at arrest, no comparison of convictions to arrest was made for Latinos.)
- Black adults in San Francisco (in the general population) are ten times as likely as White adults in San Francisco (in the general population) to have a conviction in court.
- Latino adults in San Francisco (in the general population) are nearly twice as likely as White adults in San Francisco (in the general population) to have a conviction in court.[30]
- The vast majority of all people convicted are sentenced to Jail/Probation. Black adults with Jail/Probation sentences are more likely to receive formal probation than White adults. Whereas 31 percent of White Adults receive formal probation, 53 percent of Black adults did.
- Black adults are more likely to be sentenced to State Prison and County Jail alone and less likely to be sentenced to Jail/Probation than White adults.
- When they receive Jail/Probation sentences, Black adults are more likely to have a longer jail sentence than White adults.
- Over the course of the last year, there were 288,177 bed days as the result of court sentences to jail (either through County Jail alone or as a part of a Jail/Probation sentence). Black adults account for 50 percent of these sentenced bed days.
- Although more White adults are convicted on DUI charges with blood alcohol levels greater than or equal to .08 than Black adults, Black and Latino adults convicted of these charges are more likely to have a longer jail sentence (as part of a Jail/Probation sentence) than White adults.[31]
- Of all Black adults convicted, 6 percent were convicted of transporting or selling controlled substances; of all White adults convicted, only 1 percent was convicted of this charge. While the number of adults convicted of transporting or selling controlled substances has decreased substantially over the past 3 years, the proportion is consistently higher for Black adults.[32]
- Black adults convicted of transporting or selling controlled substances are more likely to be sentenced to State Prison than White adults convicted of the same offense.
- Black adults convicted of transporting or selling controlled substances are more likely to stay longer in County Jail as part of a Jail/Probation sentence.

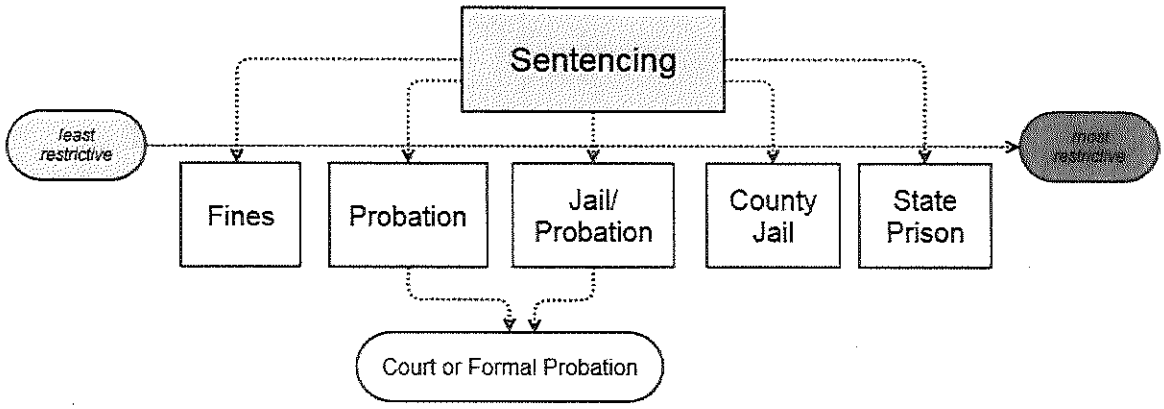
The analysis of sentencing was intended to explore basic questions around potential racial and ethnic disparities in sentences for convicted adults in San Francisco, not to answer questions regarding why the disparities exist or where the responsibility for the disparities lies. The figure on the next page illustrates sentencing options.

[29] When population data disregard ethnicity, the vast majority of Hispanic/Latino people are identified as White. This results in an *inflated* rate of system involvement for White adults; and subsequently an *underestimation* of the disparity gaps between White/Black adults and White/Latino adults.

[30] See note above. It is important to note this for all of the analyses in the conviction/sentencing section which compare White and Latino rates.

[31] Analysis of specific charges includes the entire timeframe, in order to increase the number of cases analyzed. The criminal code referenced here is VC 23152(b)/M.

[32] Analysis of specific charges includes the entire timeframe, in order to increase the number of cases analyzed. The criminal code referenced here is HS 11352(a)/F.



In analyzing sentencing, BI answers the following questions:

- What types of sentences do defendants receive?
- How long are the sentences?
- Are defendants of color more likely to receive more restrictive sentences than White defendants?
- What sentences do defendants receive for the top convicted charges?
- How have racial and ethnic disparities in sentencing changed from 2011 to 2014?

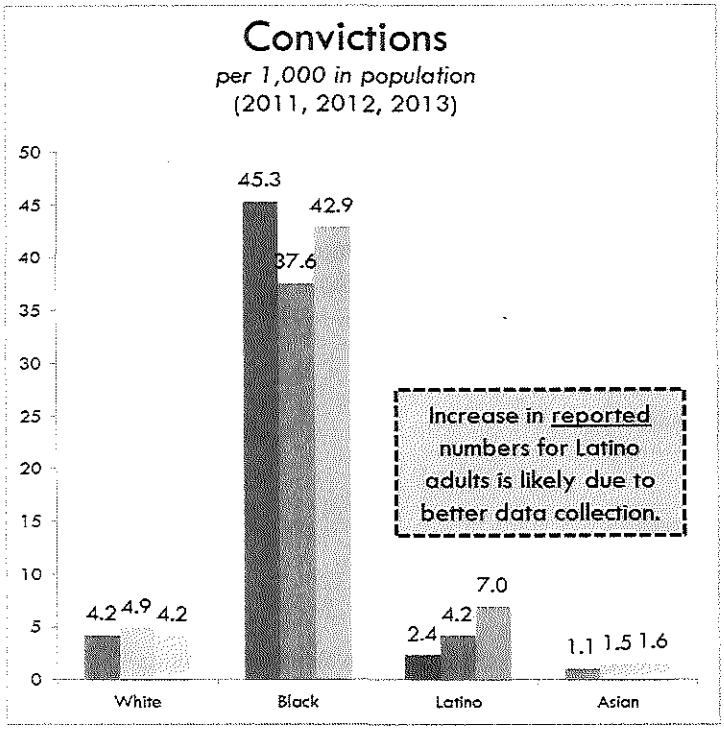
In answering these questions, BI used data from the Court Management System (CMS) and supplemented it with race and ethnicity data from the Sheriff Department's Jail Management System (JMS). The full time frame for the data analyzed is January 1, 2011 to June 30, 2014.[33]

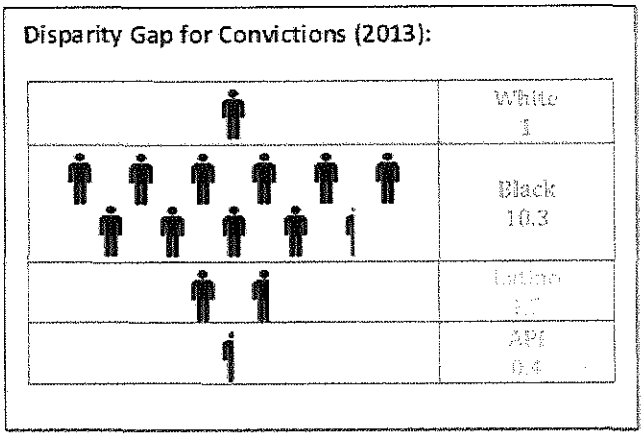
Disparity Gap in Convictions

In 2013, more than 10 Black adults were convicted for every White adult convicted in San Francisco. Almost two Latino adults were convicted for every White adult convicted. For every White adult arrested and convicted in 2013, 1.4 Black adults were arrested and convicted. (Due to lack of data about Latinos at arrest, no comparison of convictions to arrest was made for Latinos). The disparity gap in convictions between Black and White adults remains high, whether convictions are compared to arrests or to the total adult population.

Convictions per 1,000 in the population appear to be increasing quickly for Latinos, but this could be a reflection of changes in data collection practices. The number of convicted Latino adults increased by more than 200 percent between 2011 and 2013, rising from 235 to 711.

[33] There were a total of 18,621 convictions in this data set. The data required extensive clean up to answer the questions. This included removing 335 cases with no SF#, the only means of reliably identifying an individual, leaving 18,268 cases. BI was advised not use the "case disposition" field in the CMS data to inform its understanding of sentence types. Instead the four sentence types and length variables were used to create 15 unique combinations of sentences each with a unique code. Eight of these unique codes, representing 80 cases, were excluded because they appeared to be data entry errors. This left 18,206 valid cases; however, of these cases 3,588 (19.7%) were missing race and ethnicity data, leaving 14,618 cases with both an SF# and race and ethnicity data. In order to show the most recent information, pieces of this analysis limit the timeframe to the last full year of data, quarter 3 of 2013 to quarter 2 of 2014, which included 4,806 cases with valid data on race and ethnicity.



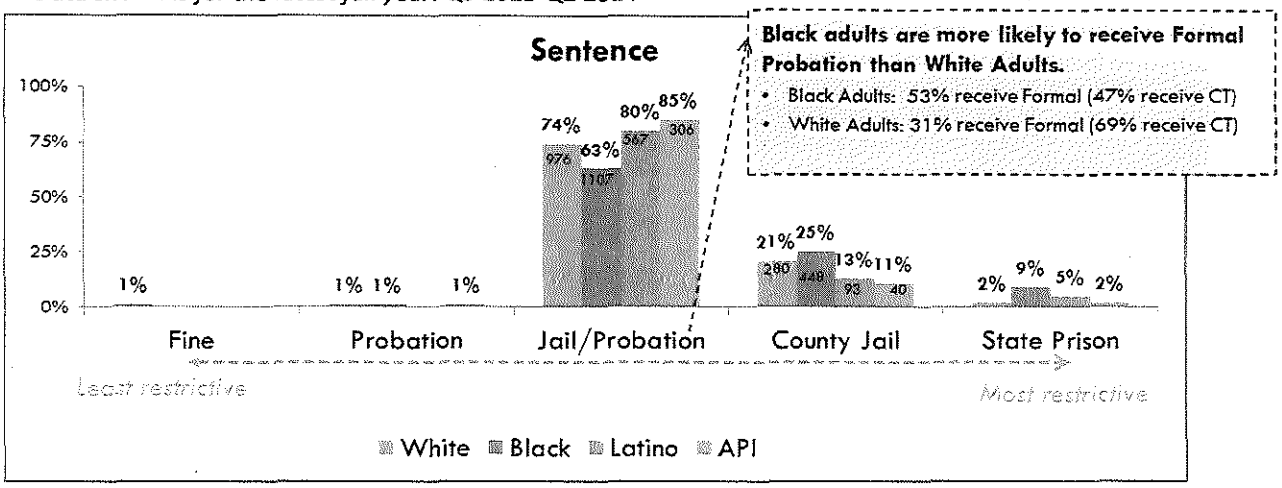


	White	Black	Latino	API	Native American
2011 Population	319,436	41,404	99,104	243,503	2,223
2011 Convictions	1,352	1,877	235	261	9
2011 Rate per 1,000	**4.2**	**45.3**	**2.4**	**1.1**	**4.0**
2011 Disparity Gap	**1**	**10.7**	**.6**	**.3**	**1.0**
2012 Population	322,713	41,094	101,132	249,203	2,234
2012 Convictions	1,588	1,544	426	370	6
2012 Rate per 1,000	**4.9**	**37.6**	**4.2**	**1.5**	**2.7**
2012 Disparity Gap	**1**	**7.6**	**.9**	**.3**	**.5**
2013 Population	324,372	41,237	102,261	255,069	2,248
2013 Convictions	1,355	1,769	711	406	24
2013 Rate per 1,000	**4.2**	**42.9**	**7.0**	**1.6**	**10.7**
2013 Disparity Gap	**1**	**10.3**	**1.7**	**.4**	**2.6**

Sentence Types

Black adults are more likely to be sentenced to State Prison and County Jail and less likely to be sentenced to Jail/Probation sentences than White adults.

Data shown is for the latest full year: Q3 2013-Q2 2014



The vast majority of all sentences were Jail/Probation. Convicted White adults were more likely than convicted Black adults to receive a Jail/Probation sentence. Whereas 74 percent of White adults received a Jail/Probation sentence, 63 percent of convicted Black adults were sentenced to Jail/Probation. For the probation portion of Jail/Probation sentence, Black adults were more likely to receive formal probation than Black adults. Fifty-three (53) percent of Black adults received Formal Probation and 47percent received Court Probation (a form of informal probation). In contrast, only 31 percent received Formal Probation and 69 percent of White adults received Court Probation. While BI was unable to determine who was eligible for Court vs. Formal Probation from the data received, a next step would be to examine who was *eligible* for Court Probation but *received* Formal (disaggregated by race and ethnicity).[34]

Convicted Black adults were more likely than convicted White adults to be sentenced to County Jail. Twenty-one (21) percent of White adults were sentenced to County Jail, whereas 25 percent of Black adults were sentenced to County Jail.

Convicted Black and Latino adults were also more likely than convicted White adults to be sentenced to State Prison. Whereas two (2) percent of convicted White adults were sentenced to State Prison, five (5) percent of Latino adults and nine (9) percent of Black adults were sentenced to State Prison.

[34] A variable to identify eligibility for Court Probation would need to be captured in the database.

Sentence Length

When they receive a Jail/Probation sentence, Black adults are more likely to have a longer jail sentence than White adults.

The tables below show mean and median sentences for Jail/Probation, County Jail, and State Prison sentences. The sentence lengths are further disaggregated by felony and misdemeanor offenses. Not surprisingly, the sentence lengths for felonies exceed the sentence length for misdemeanors.

Latest Full Year: Q3 2013 - Q2 2014	Mean Sentence				Median Sentence			
	Jail/Probation		County Jail (Days)	Prison (Months)	Jail/Probation		County Jail (Days)	Prison (Months)
	Probation	Jail (Days)			Probation	Jail (Days)		
White	*N=976*		*N=280*	*N=27*	*N=976*		*N=280*	*N=27*
Felony	39.4	128.6	314.5	33.3	36	73	180	24
Misdemeanor	34.9	18.3	75.5	*	36	8	30	*
Total	35.7	38.3	160.3	33.3	36	10	60	24
Black	*N=1,107*		*N=448*	*N=150*	*N=1,107*		*N=448*	*N=150*
Felony	38.1	117.3	266	149	36	75	128	36
Misdemeanor	34.9	23.2	80.2	*	36	10	26	*
Total	36.3	62.9	166.1	149	36	20	71	36
Latino	*N=567*		*N=93*	*N=37*	*N=567*		*N=93*	*N=37*
Felony	39.2	110.3	282.5	37.2	36	71	210	36
Misdemeanor	36.5	19.8	78.9	*	36	10	30	*
Total	37.1	38.6	139.4	37.2	36	10	69	36
Asian Pacific Islander	*N=306*		*N=40*	*N=7*	*N=306*		*N=11*	*N=7*
Felony	38.9	129.7	334.2	46.7	36	62	365	30
Misdemeanor	35.9	15.3	85.2	*	36	7	180	*
Total	36.4	38.9	198	46.7	36	10	29	30

Jail/Probation sentences comprised 72 percent of all sentences in the latest year. The average number of days sentenced for White adults in the last year of data is 38 days in County Jail, compared to an average of 63 days for Black adults. The White-Black disparity persists when looking at the median; White adults have a median of ten days in County Jail compared to 20 days for Black adults.[35]

There did not appear to be disparities in lengths of probation in the Jail/Probation sentences. In the last full year, the mean sentence to probation ranged from 34.2 months to 37.1 months, and the median sentence was 36 months for all groups.

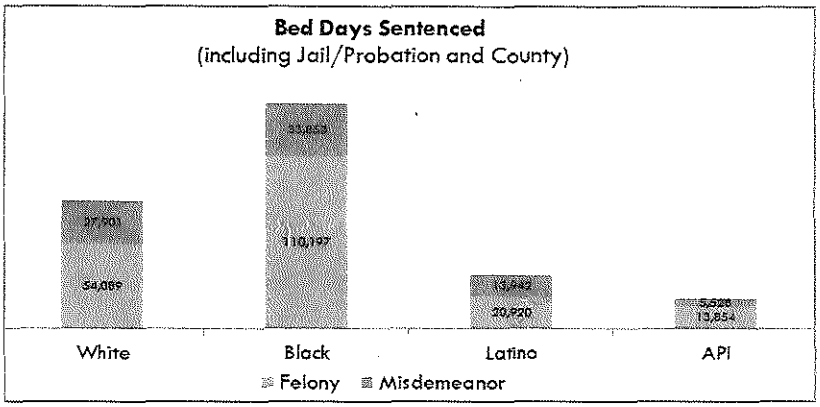
Black adults are more likely to receive a longer State Prison sentence than White adults. Whereas the average State Prison sentence for White adults was 33 months, the average for Black adults was 149 months.
When looking at County Jail sentences alone, while the differences in sentences were not statistically significant, Black and Latino adults had longer sentences than White adults. Moreover, 68 percent of adults sentenced to County Jail in the last full year were people of color. This is cause for concern.

[35] The Mann-Whitney test was used to test significance in differences of median County Jail sentence length for Jail/Probation sentences and the results showed that there is a significant difference in the median jail sentence for Black and White adults. The Games-Howell Post Hoc test was used to determine if the differences in the mean sentences were significant, and the results showed that the mean sentence for Black adults is significant when compared to White.

County Jail Bed Days

Over the course of the last year, there were **288,177 sentenced bed days** as the result of court sentences to jail (either through county jail alone (50%) or as a part of a jail/probation sentence (50%).[36]

- White adults account for 28 percent of sentenced bed days over the last year.
- **Black adults account for 50 percent of sentenced bed days over the last year.**
- Latino adults account for 12 percent of sentenced bed days over the last year.
- API adults account for 12 percent of sentenced bed days over the last year.



Sentences for DUI (VC 23152(b)/M)

DUI was selected for closer analysis because it is the top conviction charge.[37] In the full time frame, 14 percent of all convictions were for DUIs. The vast majority of sentences for DUI were Jail/Probation, comprising 98 percent of all sentences for DUIs.

DUI Sentences	White	Black	Latino	API	Nat. Am.	Other	Total
County Jail	11 (1%)	10 (4%)	9 (2%)	1 (0%)	1 (25%)	1 (1%)	33 (2%)
Probation	1 (0%)	0 (0%)	0 (0%)	3 (1%)	0 (0%)	0 (0%)	4 (0%)
Jail/Probation Jail (days)	**White**	**Black**	**Latino**	**API**	**Nat. Am.**	**Other**	**Total**
N	888	268	384	276	3	177	1,996
Mean	13	17	18	12	7	15	15
Median	7	8	10	5	5	5	8

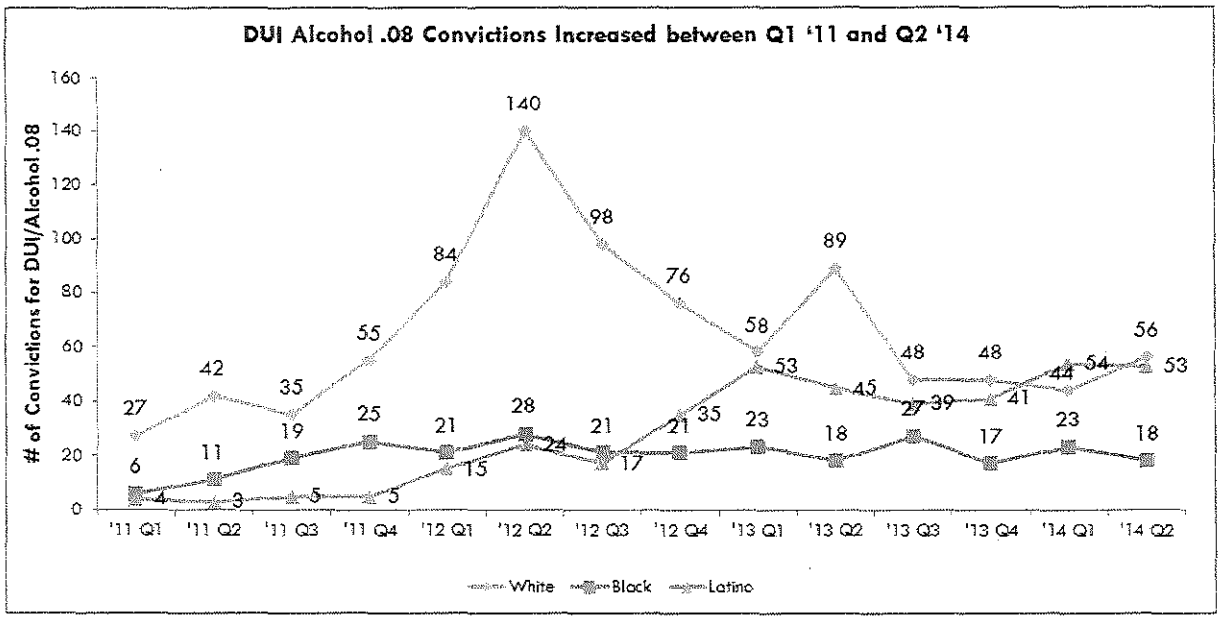
Although more White adults are convicted on DUI charges[38] than Black adults, Black and Latino adults are more likely to have a longer County Jail sentence (as part of a Jail/Probation sentence) than White adults. Whereas on average, Black and Latino adults were sentenced to 17 days and 18 days of County Jail, respectively, White adults were sentenced to 13 days County Jail.

Additionally, the number of DUI convictions has increased over time, signaling that this is an offense that is still relevant in San Francisco.

[36] This refers to sentenced bed days, not bed days served. The number of days served may be less than the number sentenced due to half time credits available for some convictions.

[37] See Appendix D for the top offenses for which people were convicted broken down by race and ethnicity.

[38] Analysis includes the entire timeframe, in order to include more cases. California code is VC 23152(b)/M, which is driving with a blood alcohol level greater than or equal to .08.



Sentences for Transporting or Selling Controlled Substances (HS 11352(A)/F)

In addition to analyzing DUIs, BI reviewed sentencing outcomes for adults convicted of felony transporting or selling controlled substances (Health and Safety Code 11352(A)). This offense was selected because it was the second most frequent offense for which Black adults were convicted. Of all Black adults convicted, 6 percent were convicted of transporting or selling controlled substances.Of all White adults convicted, only 1 percent was convicted of this charge.

Sentences for transporting or selling controlled substances—HS 11352(A)/	White	Black	Latino	API	Other	Total
County Jail	6 (8%)	53 (15%)	3 (7%)	4 (31%)	1 (6%)	67 (13%)
Jail/Probation	64 (90%)	238 (66%)	33 (77%)	4 (31%)	13 (81%)	352 (70%)
State prison	1 (1%)	38 (11%)	7 (16%)	2 (15%)	2 (13%)	50 (10%)
Suspended State Prison to Jail/Probation	0 (0%)	32 (9%)	0 (0%)	3 (23%)	0 (0%)	35 (7%)
Total	71	361	43	13	16	504

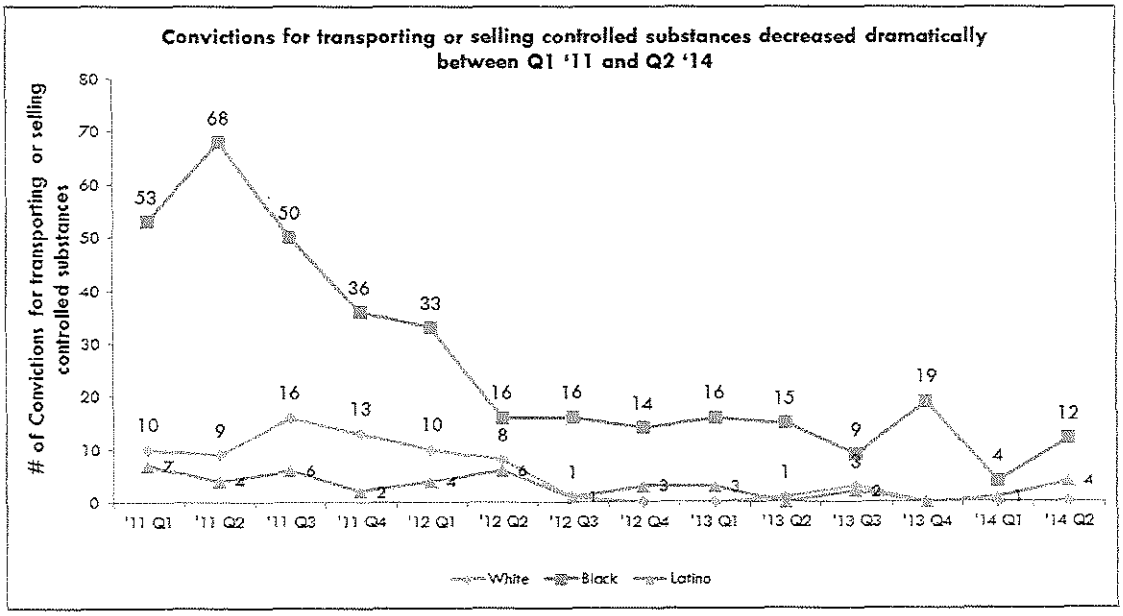
Black adults convicted of transporting or selling controlled substances[39] are more likely to stay longer in jail as part of a Jail/Probation sentence. While the number of adults convicted for transporting or selling controlled substances has decreased substantially over the past 3 years, the proportion is consistently higher for Black adults.

Jail/Probation Jail (days)	White	Black	Latino	API	Other	Total
N	64	238	33	4	13	352
Mean	86	151*	129	114	128	136
Median	43	120	74	92	120	91

[39] Analysis includes the entire timeframe, in order to include more cases. California code is HS 11352(A)/F.

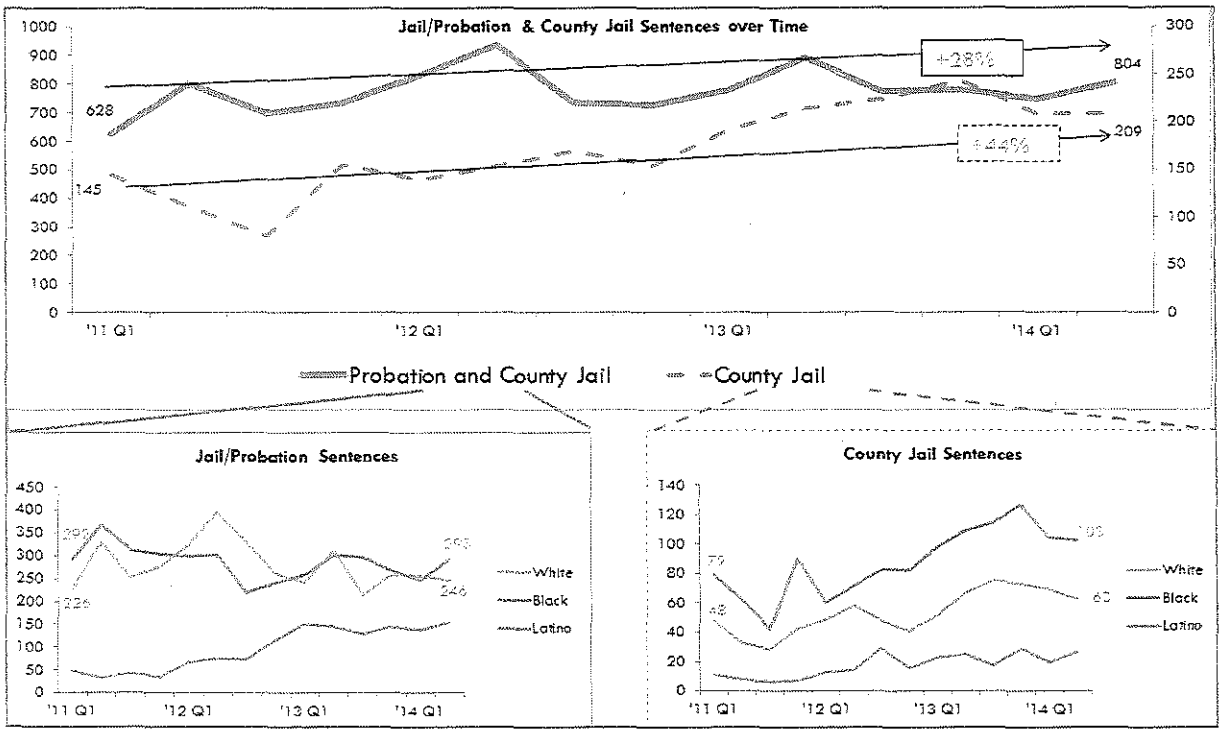
White adults convicted of transport /sell narcotics are more likely to receive a Jail/Probation sentence than Black adults, 90 percent compared to 66 percent. The County Jail portion of the Jail/Probation sentence is longer for Black and Latino adults convicted of transport/sell narcotics. Whereas White adults are sentenced to an average of 86 days, Black adults are sentenced to 151 days and Latino adults to 129 days. The number of convictions has decreased dramatically since the first quarter of 2011.

Black adults are more likely to be sentenced to County Jail or State Prison for transport/sell narcotics.



Sentencing Trends

State prison sentences decreased for all groups since the first quarter of 2011. During the same time period the use of Jail/Probation Sentences and County Jail Sentences has increased.



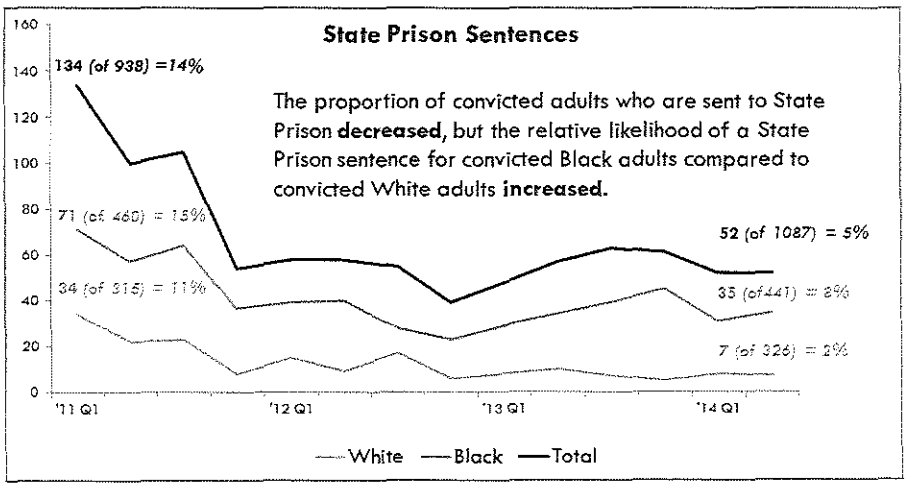
Given legal reforms in recent years, such as AB109 and Proposition 47, reductions in the use of State Prison sentences are not surprising. However, the time frame of our analysis suggests that the declining use of State Prison was a trend that began before the impacts of these reforms were fully realized. AB 109 went into effect in October 2011 and Prop 47 was passed and implemented in November 2014.

In the first quarter of 2011, 72 percent of White adults (226 of 315) received Jail/Probation compared to 63 percent of Black adults (292 of 460). In the second quarter of 2014, 75 percent of White adults (246 of 326) received Jail/Probation, compared to 64% of Black adults (293 of 441). Stated differently, in the first quarter of 2011 White adults are 1.13 times more likely to get a Jail/Probation sentence than Black adults, and in the second quarter of 2014 White adults are 1.14 times more likely to get a Jail/Probation sentence.

In the first quarter of 2011, 15 percent of White adults (48 of 315) and 17 percent of Black adults (79 of 460) received a County Jail sentence. In the second quarter of 2014, 20 percent of White adults (63 of 326) and 25 percent of Black adults (103 of 441) received a County Jail sentence. In other words, in the first quarter of 2011 Black adults were 1.13 times more likely to get a County Jail sentence than White adults, and in the second quarter of 2014, Black adults are 1.21 times more likely to get a County Jail sentence than White adults.

Trends in State Prison Sentences

Despite overall decreases, the use of State Prison sentences continues to be relevant to the discussion of disparities. The proportion of convicted adults sentenced to State Prison decreased from 14 percent of all convictions in the first quarter of 2011 to just five percent of all convictions in quarter 2 of 2014. In the first quarter of 2011, 15 percent of Black adults convicted received a sentence of State Prison, and 11 percent of White adults convicted received a sentence of State Prison. In the second quarter of 2014, eight percent of Black adults convicted were sentenced to State Prison, and two percent of White adults convicted were sentenced to State Prison.

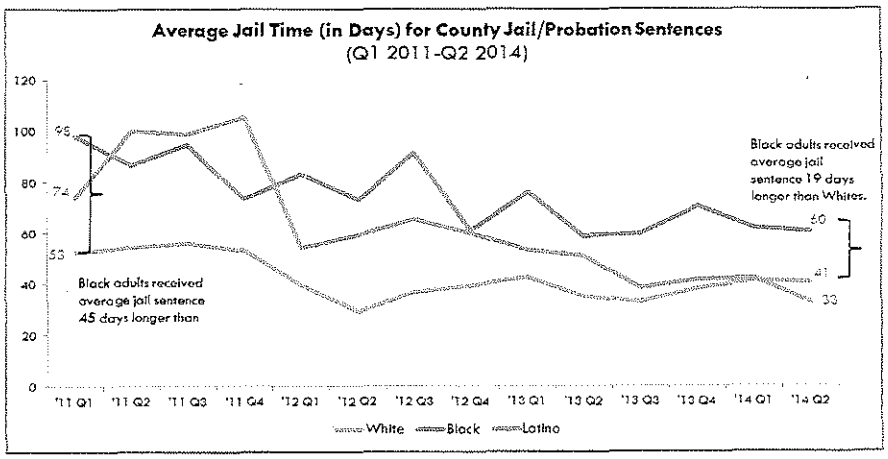


In comparing sentences to State Prison for White and Black adults, the disparity grew. Whereas in the first quarter of 2011, convicted Black adults were 1.4 times as likely as convicted White adults to be sent to State Prison, in quarter two of 2014, convicted Black adults were nearly four times as likely to be sent to State Prison. In other words, the proportion of Black adults sentenced to State Prison increased over time. During the first quarter of 2011, Black adults made up 53 percent of all State Prison sentences. By the second quarter of 2014, Black adults made up 67 percent of all State Prison sentences.

Trends in Length of County Jail (for Jail/Probation Sentences)

In Q1 2011, Black adults received an average jail sentence that was 45 days longer (85% longer) than White adults. In Q2 2014,
Black adults received an average jail sentence that was 19 days longer (46% longer) than White adults.

Although the average length of a County Jail sentence for Jail/Probation sentences have decreased, they are still consistently longer for Black and Latino adults.



Building Data Capacity to Reduce Racial and Ethnic Disparities

The purpose of these recommendations is to aid in the development of data capacity, including data collection, analysis, and use. These recommendations build on a separate report BI submitted to the Reentry Council detailing the problems we encountered with respect to data availability and data integrity.

Accessing reliable and accurate data is a common challenge for justice systems. Often criminal justice information systems are built for case management, not analytics. As a result, asking basic questions of the vast and often separate information systems is complicated. Based on our minimal experience in working with key criminal justice information systems in San Francisco, this will require a commitment.

In making our observations and recommendations, BI would like to acknowledge that the San Francisco Adult Probation Department spent a significant amount of time and effort outreaching to various internal and external partners to make sense of the data. This outreach often resulted in a new understanding of data variables. Often, BI discovered that the data variables required to answer questions about disparities in the system were meaningless or were previously misunderstood. What was clear is that the knowledge necessary to improve data capacity in a meaningful way is shared by individuals in different departments and agencies. Therefore, there must be collective and collaborative effort to build data capacity, or efforts will be severely hindered.

While BI recognizes that there is much we do not understand about the information systems and protocols in place, we hope these observations will help stakeholders continue to build capacity to use data to better understand decision-making in San Francisco's criminal justice agencies.

Both our identification of problems and recommendations are limited in nature as an information system or data capacity assessment was not part of our scope of work. However, due to the extensive challenges we encountered in attempting to perform our analysis, we felt it would be helpful to share our experiences and recommendations.

The appropriate existing committees that already focus on building data infrastructure (CMS Committee and/or JUSTIS Committee) should review these reports, and prioritize the most relevant recommendations for further investigation and implementation. Additional ad-hoc or subcommittees may also be helpful to focus upon specific issues that are identified.

Protocols and Documentation

I. *Develop clear protocols for gathering and entering key data into the information systems*

For instance, there is currently no clear and consistent procedure for collecting race and ethnicity data across criminal justice agencies. All agencies should adopt a consistent protocol and consistent race and ethnicity categories. The current best practice is to use a two-tiered questioning process:

A. The first question: Do you identify as Hispanic or Latino?
B. The second question: What is your race or ethnicity?

II. *Relevant agencies should develop or review and update existing training manuals*

It is not clear to BI which agencies have training manuals and when these were last reviewed and updated. A key component for ensuring strong data quality is having a detailed training process for users of the system. This is

accomplished in part by documentation. A training manual helps to ensure that users are trained according to a defined and agreed upon process. Additionally, agencies should evaluate quality assurance measures to ensure that data collection practice aligns with written protocol.

III. Create and Distribute a Data Dictionary

A significant portion of time was spent attempting to understand the terminology used in the various systems during our analysis of the data provided by the various stakeholders. While it is unavoidable to have some niche specific jargon within any professional environment, having a dictionary of this terminology and the meaning of the different variables in the various data systems can:

A. Make each system more uniform and consistent by allowing its various users to have a common understanding of what it is they are inputting; and
B. Act as a place to store knowledge that is currently known only to one or two people within the various stakeholder agencies, which will cut down the time in the future for this type of analysis.

Staff Training

I. Train staff to enter data according to protocol.

Training staff in data entry protocols is important. It is equally important to make the system as user friendly as possible and to develop protocols that are simple in relation to a more efficient and protected system.

II. Incentivize Proper Data Collection Procedures

In addition to a training manual, it is good practice to create incentives for users of IT systems to be invested in the quality of the data that they are capturing. Two suggestions for incentivizing stronger and more consistent data collection are:

A. Develop and/or implement user logging system. Utilizing a user logging system is a valuable way to enforce data collection rules. Essentially a user logging system captures who, when, and where data was added or modified. With this information, statistics may be developed that suggest varying levels of data quality for system users. Data quality measures may provide valuable statistics for performance reviews while also providing greater transparency into where data quality issues are occurring so that they can be addressed more directly and quickly.

B. Educate staff on the value of data. Educating users as to why the data they are collecting is important may also serve as a valuable tool for greater data quality. A particular approach that may be useful is to share data analytics with the users who collect the data that feeds into the statistics. In addition, consider creative ways to empower users to be part of the analytical process.

Modifications to Data Systems to Improve Data Integrity

I. Limit the number of open fields in information systems

This will help eliminate the problem of the same data being entered in multiple ways, such as encountered with the SFPDP database.

II. Leverage Constraint Potential of Information Systems/Enforce Protections

In addition to greater efficiency, this provides the opportunity to leverage the information system to recall and enforce data rules. A simple example is requiring release dates to be later than booking dates. These types of constraints might address a good portion of the challenges encountered within the MTR data.

Generating Reports and Using Data

I. Develop infrastructure to report on key data disaggregated by race and ethnicity

Jurisdictions that are committed to reforming any part of their system or ensuring that all people are being treated fairly and equitably must have the appropriate infrastructure in place. As a starting point in San Francisco, the relevant data committee should identify what information system modifications and data collection processes are required to answer the disparities questions developed by BI and refined by San Francisco stakeholders (as described in Appendix A).

II. Develop regular reports (BI recommends quarterly)

Once the capacity is in place, San Francisco should develop a report that will be reviewed regularly by stakeholders to measure progress on an ongoing basis.

Conclusion and Next Steps

Having worked in over 100 jurisdictions, BI continues to see racial and ethnic disparities similar to those in this report. The prevalence of these disparities undermines any notion of "justice" in our criminal justice system. Given the disparities in San Francisco outlined in this report, it is incumbent on local stakeholders to address the inequities within the criminal justice system.

We hope this analysis provides a starting point for stakeholders to consider more effective reform strategies that promote equity and reduce the significant racial and ethnic disparities outlined in this report.

To further disparity reduction efforts, BI recommends:

(1) Build data capacity per the suggestions in this report.

(2) Develop capacity to answer the key questions BI was unable to answer due to data limitations. For example:

- Arrest:
  1. How do racial and ethnic disparities change (if at all) when citations are included in arrests?
  2. Are people of color more likely than White adults to have a more restrictive outcome to their arrest? (i.e. remain in jail vs. divert or citation for appearance);
  3. Where are people of color arrested most frequently?
- Pretrial Jail and Bail Decisions:
  1. Do defendants of color remain in jail pretrial at higher rates than White defendants?
  2. When bail is set, do defendants of color have higher bail amounts attached to their bail offer than White defendants?
  3. Are defendants of color less likely to post bail?
  4. Do defendants of color have a longer pretrial length of stay than White defendants?
  5. How do lengths of stay differ by release types (i.e. cited out; dismissed; release on bail; release on pretrial services; release with credit for time served)?
  6. Are defendants of color more likely than White defendants to remain in jail during the trial?
- Charging and Sentencing:
  1. Are defendants of color who remain in jail during trial more likely to have more restrictive sentences?
  2. How does race and ethnicity impact charging decisions?
  3. Are people of color more likely to plead guilty? Does the likelihood of a guilty plea increase for defendants who remain in custody pretrial?
- Motions to Revoke Probation (MTR):
  1. Are probation clients ("clients") of color more likely than White clients to have MTRs filed?
  2. Which departments or agencies are filing the MTRs?
  3. Why was the MTR filed? (new arrest, drug use, fail to report, violate stay away order, etc.)
  4. Do clients of color have their probation revoked for different reasons than White clients?
  5. What are the outcomes of MTRs for clients of color (i.e., modification of probation leading to jail? Modification leading to treatment mandate? Revocation leading to state prison?)

(3) Develop a system of reporting key indicators of racial and ethnic disparities on a regular basis; BI recommends quarterly. These reports should be disseminated to key partners and be made publicly available. The reports can be used to both identify where disparities exist and to identify target populations for disparity reduction work. Regular reports may be used to monitor trends and whether system involvement for people of color is increasing or decreasing. Below are examples of basic tables that stakeholders may agree to populate. The tables are included as a starting point for discussion --for each key decision point, there are additional data to consider.

Key Decision Points to Monitor

	White	Black	Latino	Asian	Pacific Islander	Native American	Total
Arrests							
Bookings to Jail							
Filings							
Declinations							
Convictions							

Jail Bookings by Most Serious Offense Category

		White	Black	Latino	Asian	Pacific Islander	Native American	Total
Felony	Person							
	Property							
	Drug							
	Public Order							
	Sex							
	Other							
	Total							
Misdemeanor	Person							
	Property							
	Drug							
	Public Order							
	Sex							
	Other							
	Total							
Technical/ Administrative	Violation of Probation							
	Bench Warrant							
	Other Technical Violation							

Average Daily Population in Jail

	White	Black	Latino	Asian	Pacific Islander	Native American	Total
Average Daily Population (Total)							
ADP Felony Pretrial							
ADP Misdemeanor Pretrial							
ADP Probation Violation							
ADP FTA Warrant Hold							
ADP AWOL Warrant Hold							
ADP ICE Hold							
ADP Sentenced to Jail Misdemeanor							
ADP Sentenced to Jail Felony							

Length of Stay in Jail (Average and Median) by Release Type

	White	Black	Latino	Asian	Pacific Islander	Native American	Total
Cite Out							
Dismiss							
Release on Bail							
Release to Pretrial Services							
Release with Credit for Time Served							

Bail Set and Post

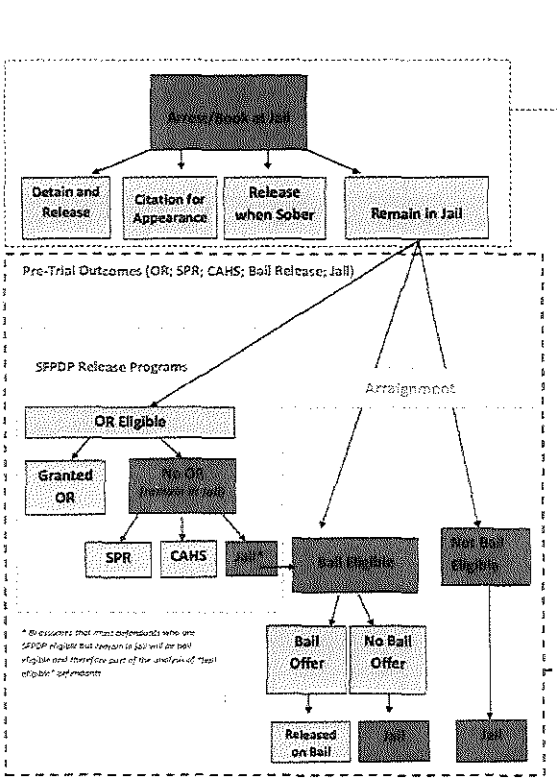
		White	Black	Latino	Asian	Pacific Islander	Native American	Total
$1 -$100	Bail Set							
	Bail Posted							
$101- $500	Bail Set							
	Bail Posted							
$501- $1000	Bail Set							
	Bail Posted							
$1001- $5000	Bail Set							
	Bail Posted							
$5001- $10,000	Bail Set							
	Bail Posted							
$10,001- $20,000	Bail Set							
	Bail Posted							
$20,000+	Bail Set							
	Bail Posted							

Pretrial Release Decision by Risk Assessment Score

		White	Black	Latino	Asian	Pacific Islander	Native American	Total
Total Booked in Jail	High Risk Score							
	Medium Risk Score							
	Low Risk Score							
	Not assessed for Risk							
Pretrial Release	High Risk Score							
	Medium Risk Score							
	Low Risk Score							
	Not assessed for Risk							
Release on Monetary Bail	High Risk Score							
	Medium Risk Score							
	Low Risk Score							
	Not assessed for Risk							
Remain in Jail	High Risk Score							
	Medium Risk Score							
	Low Risk Score							
	Not assessed for Risk							

(4) Institutionalize a process for deliberating on the data regularly. Importantly, not only should the data be collected and reported, the data must be discussed by a collaborative made up of traditional and non-traditional stakeholders. During these meetings, stakeholders should consider how local policy and practice change could result in reductions in disparities. As data capacity is strengthened, these are the types of focused conversations we encourage San Francisco stakeholders to have.

Appendix A: Initial Questions and Flow Charts[40]



(1) Arrest/Booking

This analysis will explore disparities in arrests, including factors that may be related to arrest outcomes. The analysis will explore questions such as:

1. Are people of color more likely than White people to be arrested in San Francisco?
2. Are people of color more likely than White people to have more restrictive outcome to their arrest? (ie. remain in jail vs. divert or citation for appearance)
3. Are there certain categories of offenses that people of color are more likely to be arrested for?
4. Where are people of color arrested most frequently?
5. What are the top 10 zip codes in which people of color who are arrested reside?
6. How have racial and ethnic disparities in arrest changed from 2011-2013/2014?

Examples of Policy Questions that may be asked: If disparities exist, are there strategies for increasing diversion for eligible Black and Latino residents who are arrested? Are there strategies for increasing the use of non-custodial options at arrest for Black and Latino residents?

What other policy questions should be explored?

(2) San Francisco Pre-Trial Diversion Project

This analysis will explore disparities in the use of pre-trial jail and explore whether there are disparities in the use of each SFPDP option. For example, the analysis will explore questions such as:

1. Are OR eligible defendants of color less likely to be released on OR than eligible White defendants?
2. When OR eligible defendants are denied Project OR, what is the average length of stay in jail pre-trial?
3. What is the likelihood of defendants of color being released on other SFPDP options (SPR and CAHS) compared to White defendants?
4. How have racial and ethnic disparities in SFPDP releases changed from 2011-2013/2014?

Examples of Policy Questions that may be asked: If disparities exist, are there strategies to increase the use of San Francisco Pre-Trial Diversion (SFPDP) and/or other options to reduce the reliance on pre-trial incarceration? How does capacity of SFPDP Programs impact the likelihood of remaining in jail pre-trial for people of color?

What other policy questions should be explored?

(3) Bail Decisions and Pre-Trial Jail

This analysis will explore disparities in the use of bail, including questions such as:

1. Do defendants of color remain in jail pre-trial at higher rates than White defendants?
2. Are bail eligible defendants of color less likely to be offered bail than White defendants?
3. When offered bail, do defendants of color have higher bail amounts attached to their bail offer than White defendants?
4. Are defendants of color who are offered bail less likely to be released on bail?
5. Do defendants of color have a longer pre-trial length of stay than White defendants?
6. What are the top 10 zip codes in which defendants of color who remain in jail reside?
7. How have racial and ethnic disparities in pre-trial decision making changed from 2011-2013/2014?

Examples of Policy Questions that may be asked: If disparities exist, how does inability to post bail impact the likelihood of pre-trial jail? Can the use of non-monetary options such as OR be increased?

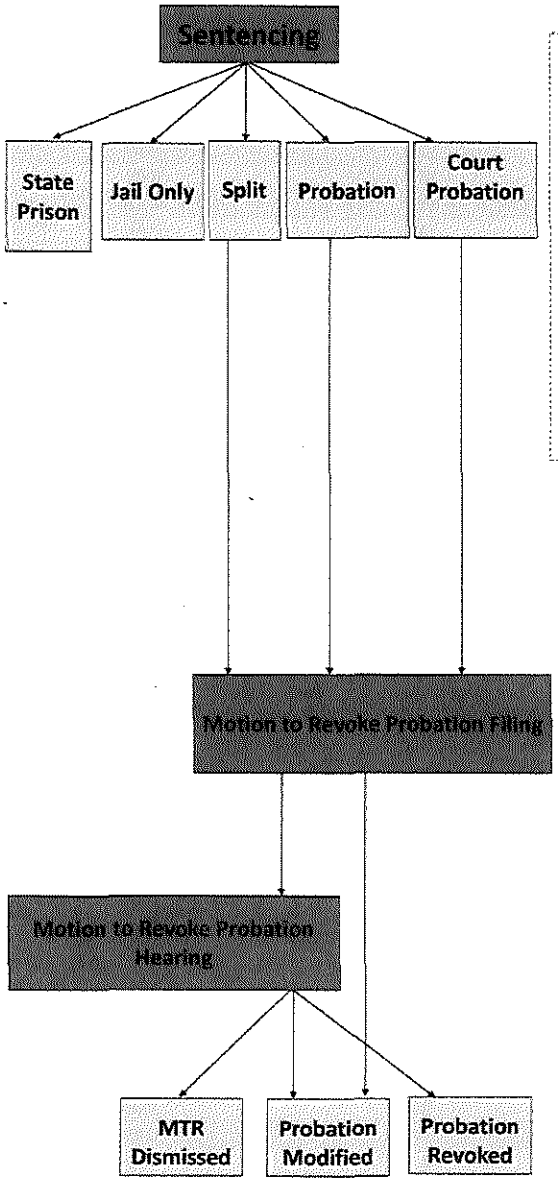
What other policy questions should be explored?

Notes

1. Everywhere that "people of color" are referenced, the following racial and ethnic groups will be used: Black, Latino, Asian, and Native American. If data are available, some of these groups may be broken down further. For instance, "Asian" may be disaggregated into "Asian" and "Pacific Islander". The criminal justice system involvement for each racial/ethnic demographic for whom data are available will be compared to criminal justice system involvement for White adults.
2. This analysis is a first step to determine whether and to what extent disparities exist at key decision making points in the criminal justice system in San Francisco. It is intended to raise questions and start conversations focused on improving outcomes for people of color who are involved with the criminal justice system. As the goal of the analysis is ultimately to improve policy and practice, a few relevant policy questions are included as examples at each decision point. While solutions may not be developed or implemented in the current phase of the project, Reentry Council stakeholders should brainstorm additional policy questions to explore.
3. The charging decision was left out of this analysis because both the District Attorney and the Public Defender are conducting analyses of this decision point which will control for a variety of factors that influence decision making. In addition to these analyses, JRI may conduct a deeper investigation of the charging decision in a later stage of the project.

[40] This initial analysis focus purposefully excluded charging decisions, a key decision point. JRI stakeholders agreed that BI's analysis would not look at charging decisions, as both the Public Defender and District Attorney were already engaged in their own studies of this decision point. Their studies will provide a more in-depth look at charging decisions and will be shared with JRI partners.

Appendix A: Initial Questions and Flow Charts



(4) Sentencing

This analysis will explore disparities in sentencing outcomes, including factors that may be related to sentencing outcomes. For example, the analysis will explore questions such as:

1. Are defendants of color more likely to receive more restrictive sentences (sentence type and length of sentence) than White defendants?
2. Are defendants of color more likely than White defendants to remain in jail during the trial?
3. Are defendants who remain in jail during trial more likely to have more restrictive sentences?
4. Are defendants of color who remain in jail during trial more likely than White defendants who remain in jail during trial to have more restrictive sentences?
5. How have racial and ethnic disparities in sentencing changed from 2011-2013/2014?

Examples of Policy Questions that may be asked: If disparities exist, are there strategies to reduce our reliance on jail and prison as sentencing outcomes for people of color?

What other policy questions should be explored?

(5) Motion to Revoke Probation (MTR)

This analysis will explore disparities in MTRs, including factors that are related to probation revocation. The analysis will answer the following questions:

1. Are Probation Clients ("clients") of color more likely than White clients to have MTRs filed?
2. Which departments or agencies are filing the MTRs?
3. Why was the MTR filed? (new arrest, drug use, fail to report, violate stay away order, etc.)
4. What are the outcomes of MTRs for clients of color (i.e., modification of probation leading to a violation in jail? Modification leading to treatment mandate? Revocation to state prison?)
5. Do clients of color have their probation revoked for different reasons than White clients?

Examples of Policy Questions that may be asked: If disparities exist, are there strategies to reduce MTRs and improve successful completion of probation for people of color?

What other policy questions should be explored?

* Every where that "people of color" are referenced, the following racial and ethnic groups will be used: Black, Latino, Asian, and Native American. If data are available, some of these groups may be broken down further. For instance, "Asian" may be disaggregated into "Asian" and "Pacific Islander". The criminal justice system involvement for each racial/ethnic demographic for whom data are available will be compared to criminal justice system involvement for White adults.

Appendix B: Disparity Gap in Arrests (2013)

	Disparity Gap (Times More Likely Than White)	White Arrest Rate (per 1000)	Black Arrest Rate (per 1000)
Kidnapping (F)	62.9	0.003	0.19
Lewd or Lascivious (F)	23.6	0.003	0.07
Robbery (F)	17.0	0.34	5.77
Other Sex Law Violations (F)	15.7	0.05	0.73
Checks / Access Cards (M)	15.7	0.003	0.05
Narcotics (F)	14.5	0.69	10.04
Sex Offenses (F)	14.4	0.06	0.80
Other Drugs (M)	13.9	0.28	3.90
Weapons (M)	11.8	0.03	0.36
Weapons (F)	11.7	0.22	2.52
Forgery / Checks / Access Cards (F)	11.3	0.10	1.19
Other Felonies (F)	11.3	4.06	45.78
Other Offenses (F)	10.9	4.45	48.55
Burglary (F)	9.9	0.75	7.42
Homicide (F)	9.6	0.03	0.27
All Felony	9.4	10.56	98.82
Property Offenses (F)	9.0	1.81	16.34
Drug Offenses (F)	9.0	1.72	15.52
Other Misdemeanors (M)	8.9	1.33	11.91
Theft (F)	8.8	0.62	5.46
Failure to Appear Non-Traffic (M)	8.7	2.48	21.53
Other Drugs (F)	7.9	0.01	0.07
Disturbing the Peace (M)	7.4	0.06	0.41
Selected Traffic Violations (M)	7.2	2.86	20.59
Motor Vehicle Theft (F)	7.1	0.29	2.04
Violent Offenses (F)	7.0	2.52	17.61
Malicious Mischief (M)	6.9	0.02	0.17
Marijuana (F)	6.8	0.35	2.38
Trespassing (M)	6.0	0.57	3.40
Liquor Laws (M)	6.0	0.11	0.68
All Misdemeanor	5.7	16.68	95.84
Prostitution (M)	5.6	0.40	2.26
Other Theft (M)	5.3	0.09	0.46
Assault (F)	5.3	2.12	11.23
Forcible Rape (F)	5.2	0.03	0.15
Burglary Tools (M)	5.2	0.06	0.29
Assault and Battery (M)	5.2	1.98	10.23
Arson (F)	4.9	0.05	0.24
Dangerous Drugs (F)	4.5	0.67	3.03
Marijuana (M)	3.9	0.01	0.02
Petty Theft (M)	3.9	0.69	2.72
Drunk (M)	3.4	3.31	11.20
Lewd Conduct (M)	2.8	0.04	0.12
Dangerous Drugs	2.6	0.06	0.15
Hit and Run (M)	2.6	0.05	0.12
Manslaughter Vehicular (F)	2.6	0.01	0.02
Annoying Children (M)	2.6	0.01	0.02
City / County Ordinances (M)	2.6	0.01	0.02
Disorderly Conduct (M)	2.6	0.16	0.41
Driving Under the Influence (M)	2.3	1.80	4.20
Vandalism (M)	2.0	0.23	0.46
Indecent Exposure (M)	2.0	0.01	0.02
Hit and Run (F)	1.7	0.04	0.07
Obscene Matter (M)	1.3	0.02	0.02
Driving Under the Influence (F)	1.2	0.12	0.15

Appendix C: Description of SFPDP Process Diagram and Terminology

"Eligible for Pretrial Release" is the largest and most inclusive category in the SFPDP system. It includes all individuals in the entire SFPDP data set. Eligible for Pretrial Release is not a term used in the SFPDP database, but rather a term BI created, after discussions with Reentry Staff, to label everyone in the SFPDP database. "Eligible for Pretrial Release" is the base of comparison for much of the analysis conducted with regard to pretrial release.

"Interviewed," indicates an individual was interviewed to determine eligibility for presentation to the duty commissioner. "Not Interviewed" is a term BI created to include all individuals that did not, for whatever reason, get interviewed to determine if they could be presented to the duty commissioner.

"Other: Bailed, Cited, or Dismissed" is represents individuals that are cited out, bailed out, or have their case dismissed at some stage in the process, but not at arraignment or by the duty commissioner. Within this category "Bailed," "Cited," and "Dismissed", some dispositions are distinguished within the SFPDP database as "Before Presentation" (BP), i.e., before presentation to the duty commissioner. These individuals were denoted by a BP prefix to their disposition in the SFPDP Rebooking Status variable. For example, both of these are dispositions within the SFPDP system: "Bailed" and "BP Bailed." These distinctions are not relevant for this analysis and were therefore omitted.

"Presented to Duty Commissioner" means that an individual was interviewed for eligibility and then presented to the duty judge. BI focused on two types of dispositions: "Granted OR by Commissioner" and "Denied OR by Commissioner." "Granted OR by Commissioner" indicates that an individual who was interviewed and presented to the duty commissioner was then released on their Own Recognizance (OR) by the duty judge. This can happen in two ways, either regular ORPJ or Supervised-ORPJ (terminology used within the SFPDP database), the only difference being the reporting requirements. Correspondingly "Denied OR by Commissioner" means that the individual was not granted ORPJ or Supervised-ORPJ. Another disposition at the Duty Commissioner stage is ORNF stands for "Own Recognizance Not Filed." ORNF is a designation within the SFPDP system that means the staff did not file the case for a variety of reasons, for example a person would have been presented to the duty judge, but they paid bail before their case was concluded or their case was dismissed. These individuals were not counted in the "Granted OR by Commissioner" category. Persons who were considered "ineligible" (SFPDP database terminology) for a duty commissioner outcome were subtracted from the total number of individuals presented for a given quarter, i.e., the denominator, for each analysis conducted. These individuals are only included in the totals listed, for example at the top of the SFPDP System Flow, and are not part of the rate (percentage) calculations. An individual is considered "ineligible" because of a hold on their file that precludes a duty judge from releasing that individual, for example, an ICE hold. This applies to the entire three and a half year duty commissioner outcome trends.

"Presented at Arraignment" includes all individuals that were actually arraigned. There are several paths through the SFPDP process for a person to end in the "Presented at Arraignment" category. BI focused on whether a person was granted or denied "Pretrial Release at Arraignment." Persons who had an arraignment status of "Hold" (SFPDP database terminology) were subtracted from the total number of individuals presented for a given quarter, i.e., the denominator. These individuals are only included in the totals listed, for example at the top of the SFPDP System Flow, and are not part of the rate (percentage) calculations. An individual with a hold is not eligible for release at arraignment due to, for example, an ICE hold. This applies to the entire three and a half year arraignment outcome trends.

"Granted Pretrial Release at Arraignment" is a category that means that a person at arraignment was released by the court either on CTOR or Supervised-CTOR (terminology in the SFPDP database), the only difference being reporting requirements. "Denied Pretrial Release at Arraignment" means that once an individual was arraigned, he or she was denied CTOR.

All the relevant information regarding this process is stored in four separate columns of data in the SFPDP data base: interview status (whether an individual was interviewed or not), rebooking status (whether an individual was released before presentation to the duty commissioner or before presentation at arraignment), duty judge[41] outcome (whether an individual was released or denied release by the duty commissioner), and arraignment outcome (whether an individual was released or denied). Due to the fact that within the base of all individuals various conclusions could occur leading to a lack of contiguity and because of a lack of a non-variable base (for example, all arrested), the only basis for comparison in most cases was whether an individual was eligible for an interview (defined above).

[41] The term "judge" is used in the SFPDP database and not "commissioner" which is the more appropriate term, according to staff.

Appendix D: Conviction/Sentencing Data

Conviction Numbers Broken Down by Gender and Race/Ethnicity for Each Year

TOTAL	White	Black	Latino	API	Nat. Am.	Other	Total
2011	1352	1877	235	261	9	168	3902
2012	1588	1544	426	370	6	230	4164
2013	1355	1769	711	406	24	161	4426
2014	668	840	359	173	7	79	2126
Total	**4963**	**6030**	**1731**	**1210**	**46**	**638**	**14618**

MALE	White	Black	Latino	API	Nat. Am.	Other	Total
2011	1155	1563	209	225	8	155	3315
2012	1291	1281	388	300	5	191	3456
2013	1126	1438	619	338	18	138	3677
2014	539	696	326	140	7	74	1782
Total	**4111**	**4978**	**1542**	**1003**	**38**	**558**	**12230**

FEMALE	White	Black	Latino	API	Nat. Am.	Other	Total
2011	197	314	26	36	1	13	587
2012	297	263	38	70	1	39	708
2013	229	331	92	68	6	23	749
2014	129	144	33	33	0	5	344
Total	**852**	**1052**	**189**	**207**	**8**	**80**	**2388**

Top 25 Charges Resulting In Conviction (2011 through Q2 2014)

	White	Black	Latino	API	Native American	Other	Total
DUI (M) *[23152(B)VC]*	900	278	393	280	4	178	2033
Burglary (F) *[459PC]*	249	412	47	38	2	22	770
Reckless Driving (M) *[23103VC]*	244	72	70	120	2	55	563
Burglary (M) *[459PC]*	200	256	37	47	3	11	554
Sale or Transport of Controlled Substance (F) *[11352(A)HS]*	71	361	43	13	0	16	504
DUI (M) *[23152(A)VC]*	205	73	59	67	1	49	454
"SOLICIT SPECIF H AND S ACTS" (M) *[653F(D)PC]*	150	206	31	13	0	11	411
Battery (M) *[242PC]*	120	101	54	31	1	21	328
Receiving Stolen Property (M) *[496(A)PC]*	103	147	34	19	0	13	316
Possession of Controlled Substance (M) *[11350(B)HS]*	53	189	19	8	0	9	278
Grand Theft (F) *[487(C)PC]*	32	201	28	10	0	7	278
Possession of Controlled Substance (F) *[11350(A)HS]*	50	195	16	7	0	6	274
Theft (M) *[484A4905PC]*	131	94	19	25	1	4	274
Possession of Methamphetamines (M) *[11377(A)HS]*	150	61	27	14	0	6	258
Robbery (F) *[211PC]*	27	176	32	14	0	6	255
Receiving Stolen Property (F) [496(A)PC]	64	98	30	15	0	5	212
ADW (F) *[245(A)1PC]*	58	98	29	12	2	10	209
Assault GBI (F) *[245(A)4PC]*	48	95	37	15	0	1	196
Possession for Sales (F) *[11351HS]*	19	141	13	4	1	6	184
Possession of Concentrated Cannibis (M) *[11357(C)HS]*	101	48	13	7	1	6	176
Drug Possession for Sale (F) *[11351,5HS]*	8	129	10	2	0	1	150
Possession of Methamphetamines for Sale (F) *[11378HS]*	78	35	18	14	1	4	150
Domestic Battery (M) *[243(E)1PC]*	46	58	29	8	0	6	147
Vandalism (M) *[594(B)1PC]*	63	51	20	7	1	5	147
Accessory After the Fact (M) [32PC]	32	64	20	14	0	2	132
All Other	1706	2236	584	397	21	177	5121
Total	**4963**	**6030**	**1731**	**1210**	**46**	**638**	**14618**

Top 25 Convicted Charges Resulting In Sentence to Jail/Probation (2011 through Q2 2014)

	White	Black	Latino	API	Native American	Other	Total
DUI (M) *[23152(B)VC]*	888	268	384	276	3	177	1996
Reckless Driving (M) *[23103VC]*	239	67	65	119	2	50	542
Burglary (F) *[459PC]*	138	249	30	27	1	13	458
DUI (M) *[23152(A)VC]*	202	68	56	67	0	47	440
Burglary (M) *[459PC]*	143	184	29	43	1	10	410
Sale or Transport of Controlled Substance (F) *[11352(A)HS]*	64	238	33	4	0	13	352
"SOLICIT SPECIF H AND S ACTS" (M) *[653F(D)PC]*	126	158	25	10	0	9	328
Battery (M) *[242PC]*	99	80	45	25	0	19	268
Possession of Controlled Substance (F) *[11350(A)HS]*	42	170	14	7	0	5	238
Receiving Stolen Property (M) *[496(A)PC]*	76	107	26	18	0	10	237
Possession of Controlled Substance (M) *[11350(B)HS]*	46	144	14	3	0	6	213
Grand Theft (F) *[487(C)PC]*	21	143	18	9	0	7	198
Possession of Methamphetamines (M) *[11377(A)HS]*	107	46	19	11	0	5	188
Theft (M) *[484A4905PC]*	83	57	12	15	0	2	169
Assault GBI (F) *[245(A)4PC]*	40	74	34	14	0	1	163
Possession of Concentrated Cannabis (M) *[11357(C)HS]*	91	35	11	6	1	6	150
Receiving Stolen Property (F) [496(A)PC]	44	68	24	8	0	4	148
Robbery (F) *[211PC]*	14	89	18	7	0	2	130
ADW (F) *[245(A)1PC]*	36	53	15	9	0	8	121
Vandalism (M) *[594(B)1PC]*	51	41	17	6	1	5	121
Domestic Battery (M) *[243(E)1PC]*	41	43	24	6	0	5	119
Drug Possession for Sale (F) *[11351,5HS]*	8	84	7	1	0	0	100
Possession of Methamphetamines for Sale (F) *[11378HS]*	54	21	12	8	0	3	98
Possession for Sales (F) *[11351HS]*	12	71	7	2	1	4	97
Assault (M) *[245(A)1PC]*	41	39	6	6	0	2	94
All Other	1219	1410	414	309	12	129	3493
Total	**3925**	**4007**	**1359**	**1016**	**22**	**542**	**10871**

Top 25 Convicted Charges Resulting In Sentence to County Jail (2011 through Q2 2014)

	White	Black	Latino	API	Native American	Other	Total
Burglary (M) *[459PC]*	57	71	8	4	2	1	143
Burglary (F) *[459PC]*	62	64	5	5	0	4	140
Theft (M) [484A4905PC]	46	36	6	10	1	2	101
"SOLICIT SPECIF H AND S ACTS" (M) [653F(D)PC]	23	47	6	3	0	2	81
Receiving Stolen Property (M) *[496(A)PC]*	27	40	8	1	0	3	79
Possession of Methamphetamines (M) *[11377(A)HS]*	43	15	8	3	0	1	70
Sale or Transport of Controlled Substance (F) *[11352(A)HS]*	6	53	3	4	0	1	67
Possession of Controlled Substance (M) *[11350(B)HS]*	7	43	5	5	0	3	63
Parole Revocation (F) *[3455(A)PC]*	8	42	7	3	1	1	62
Battery (M) *[242PC]*	20	21	9	5	1	2	58
Accessory After the Fact (M) *[32PC]*	4	27	5	3	0	0	39
Contempt of Court (M) *[166(A)4PC]*	13	17	1	4	1	0	36
Grand Theft (F) *[487(C)PC]*	6	22	6	0	0	0	34
DUI (M) *[23152(B)VC]*	11	10	9	1	1	1	33
Possession for Sales (F) *[11351HS]*	5	23	3	0	0	0	31
Possession of Methamphetamines for Sale (F) *[11378HS]*	17	8	4	2	0	0	31
Receiving Stolen Property (F) *[496(A)PC]*	11	13	5	1	0	0	30
Unlawful Taking of Vehicle (M) *[10851(A)VC]*	9	11	6	1	0	1	28
Drug Possession for Sale (F) *[11351,5HS]*	0	25	2	0	0	1	28
Domestic Battery (M) *[243(E)1PC]*	5	15	5	2	0	1	28
Vandalism (M) *[594(B)1PC]*	12	10	3	1	0	0	26
Driving Without License (M) *[12500(A)VC]*	5	15	5	0	0	0	25
Possession of Controlled Substance (F) *[11350(A)HS]*	5	17	1	0	0	1	24
Resisting Arrest (M) *[148(A)1PC]*	3	13	6	2	0	0	24
Possession of Concentrated Cannabis (M) [11357(C)HS]	7	13	2	1	0	0	23
All Other	279	398	98	50	6	22	853
Total	**746**	**1224**	**245**	**120**	**18**	**48**	**2401**

Top 25 Convicted Charges Resulting In Sentence to State Prison (2011 through Q2 2014)

	White	Black	Latino	API	Native American	Other	Total
Burglary (F) [459PC]	37	72	12	6	1	4	132
Robbery (F) [211PC]	9	63	10	6	0	3	91
ADW (F) [245(A)1PC]	21	37	13	0	2	2	75
Possession for Sales (F) [11351HS]	2	41	3	2	0	2	50
Sale or Transport of Controlled Substance (F) [11352(A)HS]	1	38	7	2	0	2	50
Inflict Corporal Injury on Spouse (F) *[273,5(A)PC]*	9	29	4	1	0	0	43
Grand Theft (F) [487(C)PC]	5	26	3	1	0	0	35
Felon/Addict in Possession of Weapon (F) *[12021A1PC]*	4	26	2	2	0	0	34
Receiving Stolen Property (F) [496(A)PC]	7	14	1	6	0	1	29
Assault GBI (F) *[245(A)4PC]*	5	15	3	0	0	0	23
Felon in Possession of Weapon (F) *[29800A1PC]*	2	17	1	1	0	1	22
Possession of Methamphetamines for Sale (F) [11378HS]	6	6	1	4	0	1	18
Reckless Evading of Police Officer (F) *[2800,2AVC]*	4	9	2	0	1	2	18
Drug Possession for Sale (F) *[11351,5HS]*	0	14	1	1	0	0	16
Elder Abuse (F) *[368(B)1PC]*	3	7	0	2	0	0	12
Unlawful Taking of Vehicle (F) [10851(A)VC]	4	4	1	1	0	1	11
Grand Theft (F) [487(A)PC]	2	5	2	1	0	0	10
Attempted Robbery (F) *[664,211PC]*	4	6	0	0	0	0	10
Possession of Controlled Substance (F) [11350(A)HS]	1	7	1	0	0	0	9
Possession of Methamphetamines (F) [11377(A)HS]	1	3	3	1	0	1	9
Criminal Threat (F) *[422PC]*	3	5	1	0	0	0	9
Possession of Marijuana for Sales (F) *[11359HS]*	0	5	2	1	0	0	8
Assault with Firearm (F) *[245(A)2PC]*	0	6	2	0	0	0	8
Voluntary Manslaughter (F) *[192(A)PC]*	0	4	1	1	0	1	7
Indecent Exposure (F) *[314,1PC]*	2	5	0	0	0	0	7
All Other	47	107	25	10	1	10	200
Total	**179**	**571**	**101**	**49**	**5**	**31**	**936**

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