



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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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 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. This study was funded by the Bureau of Justice Assistance through the Justice Reinvestment Initiative grant (JRI). The Crime and Justice Institute provided technical assistance to the Reentry Council throughout implementation of JRI and engaged BI for the disparities analysis.

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

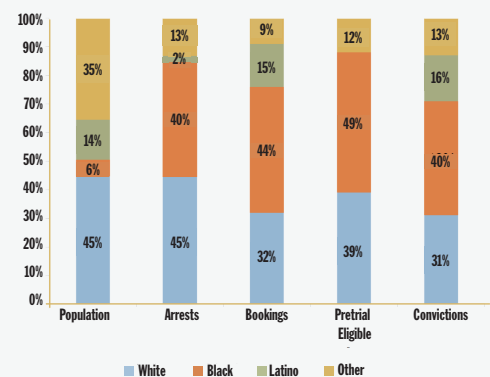
- In 2013, there were a disproportionate number of Black adults represented at every stage of the criminal justice process. While Black adults represent only 6% of the adult population, they represent 40% of people arrested, 44% of people booked in County Jail, and 40% of people convicted.
- When looking 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 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

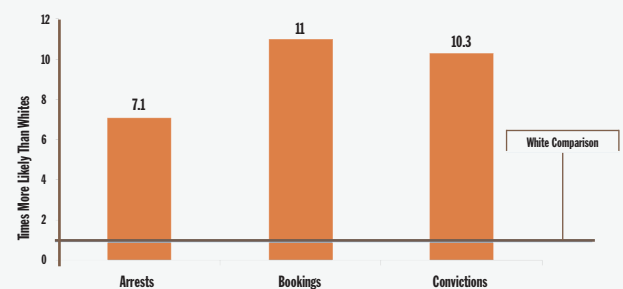
- Data required to answer several key questions regarding racial and ethnic disparities were unavailable. As stakeholders move forward to more fully understand the disparities highlighted in the report, they will need to build capacity for a more comprehensive and system-wide approach to reporting data 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 adults¹, and an underestimation of the disparity gap between White and Black adults.

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

2013 DATA: SAN FRANCISCO

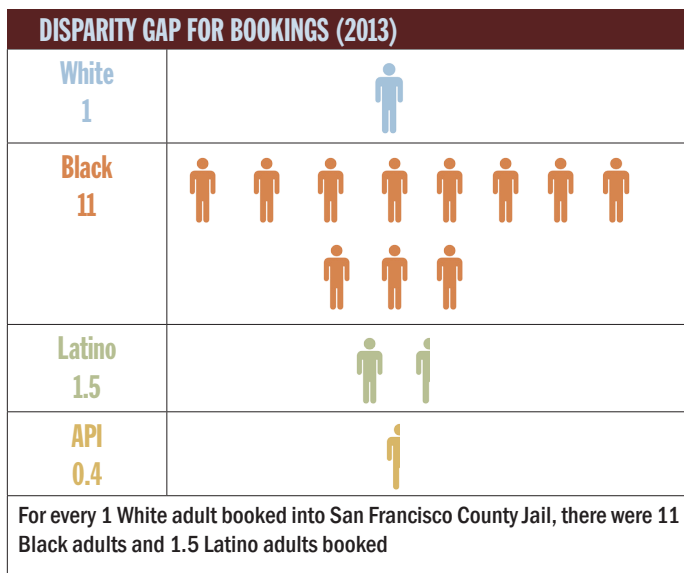
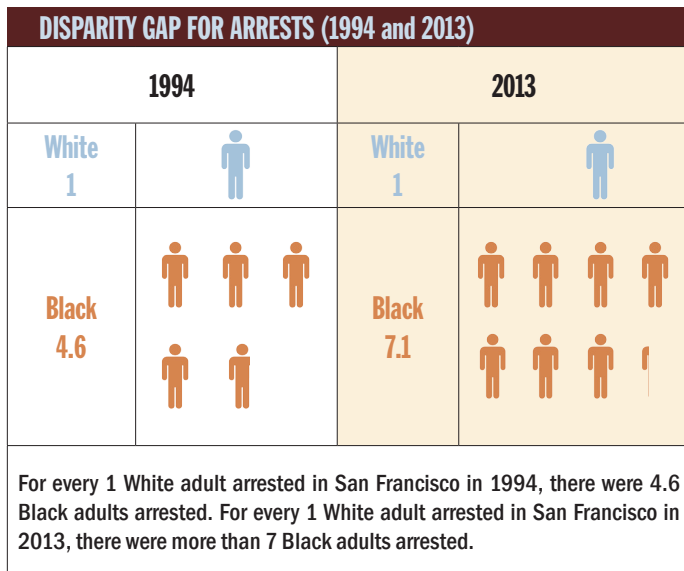


2013: DISPARITY GAP FOR BLACK ADULTS AT KEY DECISION POINTS



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.



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;

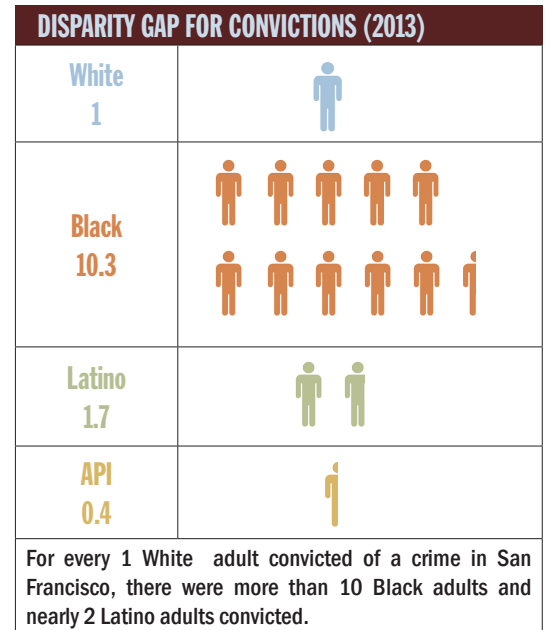
² Data regarding the homeless population were unavailable. Of the total 19,273 bookings in 2013, there were 3,973 (21%) that did not include a zip code. Some of these missing zip codes may be homeless adults who reside in San Francisco.

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.
- 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.



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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