



George Gascón
District Attorney

“An Analysis of Racial and Ethnic Disparities in Case Dispositions and Sentencing Outcomes for Criminal Cases Presented to and Processed by the Office of the San Francisco District Attorney” (Raphael, MacDonald, 2017)

Summary of Findings

Through an analysis of cases presented to the San Francisco District Attorney’s Office for prosecution between 2008 and mid-2016, researchers found that racial and ethnic disparities in case outcomes tend to disfavor African Americans, Asians, and Hispanics relative to White suspects arrested in San Francisco. However, for the most part, these disparities are driven by characteristics determined prior to the District Attorney’s handling of the case. Significantly, the passage and implementation of California Proposition 47 in November of 2014 narrowed racial disparities for nearly all of the outcomes measured.

- Across six out of seven criminal case outcomes measured, African American defendants have the worst outcomes in San Francisco:
 - They are the least likely to be successfully diverted.
 - They are the most likely to be released to another agency or have a motion to revoke supervision filed against them.
 - They are the most likely to have felony charges filed for a felony arrest.
 - They are the most likely to be convicted on a felony arrest.
 - They receive the longest sentences for felony convictions.
 - They are the most likely to be sentenced to state prison.
 - For the seventh outcome measure, the likelihood that the case will be discharged or dismissed, Asian suspects fared the worst.
- Nearly all of the disparities measured are driven by case characteristics determined prior to the presentation of the case to the District Attorney’s Office, including:
 - Arrest charges
 - Criminal history
 - Criminal justice status (e.g. pending case; probation)
 - Pretrial detention (at the point of arrest)
- The passage and implementation of California Proposition 47 in November of 2014 significantly narrowed racial disparities for nearly all of the outcomes measured.
 - Of particular interest, Prop 47 had a disproportionate impact on African American defendants, narrowing the racial gap associated with a criminal history and being detained pretrial, which led to a 50% decrease in the black/white sentence disparity in San Francisco.

- The study finds little evidence of the court dismissing cases filed by the District Attorney's office at different rates across racial and ethnic groups, and those differences become insignificant after Prop 47.
- While the study finds little evidence of overt bias against any one race or ethnic group in the processing of criminal offenses in San Francisco, the results do indicate that factors associated with poverty, and that may have nothing to do with the underlying offense, bear upon disposition and sentencing outcomes in a manner that disfavors African American defendants in particular. Prime among these factors is the observed impact of pretrial detention.
- Even in the post-Prop 47 era, pretrial detention and criminal history continue to drive disparities in outcomes between defendants in San Francisco. To the extent that prosecutors can maximize opportunities to safely release appropriate defendants from custody pretrial and maximize diversion opportunities that avoid conviction, these disparities may be further reduced.