



Racial Disparity Study

In San Francisco, African Americans accounted for **41%** of those arrested between 2008 and 2014, and **43%** of those booked into jail **despite** only accounting for **6%** of the population of the county.

The study was conducted by two independent researchers, Professor Steven Raphael of the Goldman School Public Policy and Professor John MacDonald of the University of Pennsylvania

Researchers analyzed data from all the criminal justice actors in San Francisco and conducted an analysis of prosecutorial decisions and outcomes for criminal cases

Relative to their portion of the population, racial and ethnic minorities are overrepresented among the individuals involved in the criminal justice system. In the City and County of San Francisco, African Americans accounted for 41 percent of those arrested between 2008 and 2014, 43 percent of those booked into jail, 38 percent of cases filed by the San Francisco District Attorney's Office, and 39 percent of new convictions despite only accounting for 6 percent of the population of the county.

Race, whether conscious or unconscious, affects every point in the criminal justice system where a decision is made. Even race-neutral policies can yield differential treatments and outcomes for justice-involved individuals.

As a district attorney's office, our decisions greatly impact the lives of those who are involved in the criminal justice system. We, as an office, must fully understand the effects, intentional or not, of our work and the causes behind them. The critical steps for accomplishing this require collecting data for all the criminal justice actors in San Francisco from arrest through sentencing, and collaborating with an

Understanding Our Impact Better

Supported by a grant from the Frank and Denise Quattrone Foundation, the San Francisco District Attorney's Office commissioned a report by Steven Raphael, Professor of Public Policy at the UC Berkeley Goldman School of Public Policy and Professor John MacDonald, Professor of Criminology and Sociology at the University of Pennsylvania, to better understand the effects of our policies and practices in two key ways: to identify the different decision-making points within the office where racial disparities exist, and explore the causes of such racial disparities in outcomes for criminal cases presented to and/or prosecuted by the office.

Causes of Racial Disparities: Case Characteristics or Case Processing?

Academic researches shows that racial disparities within the criminal justice system can be the result of many factors: differences in offending patterns within racial and ethnic minority groups; differences in treatment by law enforcement and other agents of the criminal justice system; disparate impacts across groups of policies and practices applied in a race-neutral manner; or, some combination of each.

In exploring the causes of racial disparities within San Francisco's criminal justice system, the study compared two sets of factors. It studied the degree to which observed racial disparities are attributable to "case characteristics". This set of factors refers to the pre-determined characteristics specific to a case—for example, the arrest charge, whether the suspect has an open case or is on probation at the time of arrest, the extensiveness of the suspect's criminal history, if any, and whether the suspect is being detained—that are already determined when a case is presented to the office.

The study then compared these case characteristics against aspects of case processing—policies and procedures—within the office that result in racially disparate impacts, and then explored the extent to which racial disparities remained after statistical adjustment for case characteristics and specific case processing aspects.

Racial Disparities are Driven by Case Characteristics

The study's principal finding indicates that racial disparities in criminal case outcomes in San Francisco are driven mostly by the seriousness of the arresting offense, prior criminal history, and pretrial detention.

In terms of racial disparities, the study found:

- African American suspects are less likely to have their cases dropped or dismissed
- African American suspects are less likely to be successfully diverted
- African American suspects are more likely to be released to another criminal justice agency or have other prosecutorial action taken against them
- African American suspects receive the longest incarceration sentences
- Asian suspects also face a much lower likelihood that their case is dismissed, and a higher likelihood of conviction

Importantly, the independent researchers concluded that *nearly all* of these disparities can be attributed to *case characteristics* that are determined prior to a case being presented to the SFDA's Office. The researches expressed:

“There is substantial variation across cases presented to the SFDA in the arrest charges, criminal justice status of individuals at the time of arrest (e.g., whether they have another open case or are on probation), criminal history, and whether the suspect is being detained. These pre-determined factors are all strongly related to case disposition outcomes. Moreover, there are large racial and ethnic disparities in these factors.”

Prop 47 has Narrowed Racial Disparities

The passage of Proposition 47 has narrowed many disparities by minimizing the impact of pre-trial detention and criminal history in influencing court dispositions.

Since Prop. 47:

- The percent of cases, in which the suspect is African American, declines from approximately 43 to 38 percent
- The percent of cases involving African American defendants involved in felony drug arrests has declined from 23 percent to 9 percent
- The booking rates for African American, Hispanic, and White suspects has declined by 14.8 percent, 10 percent, and 6 percent, respectively
- The average number of detention days for White suspects has dropped to approximately 12 days, and to 18 days for African American suspects
- Booking rates and pre-trial detention disparities between African American, Hispanic, and White suspects has narrowed greatly
- The unadjusted African American-White disparities has dropped by half, with the remaining disparity fully explained by differences in arrest charges, status at time of arrest, and criminal history