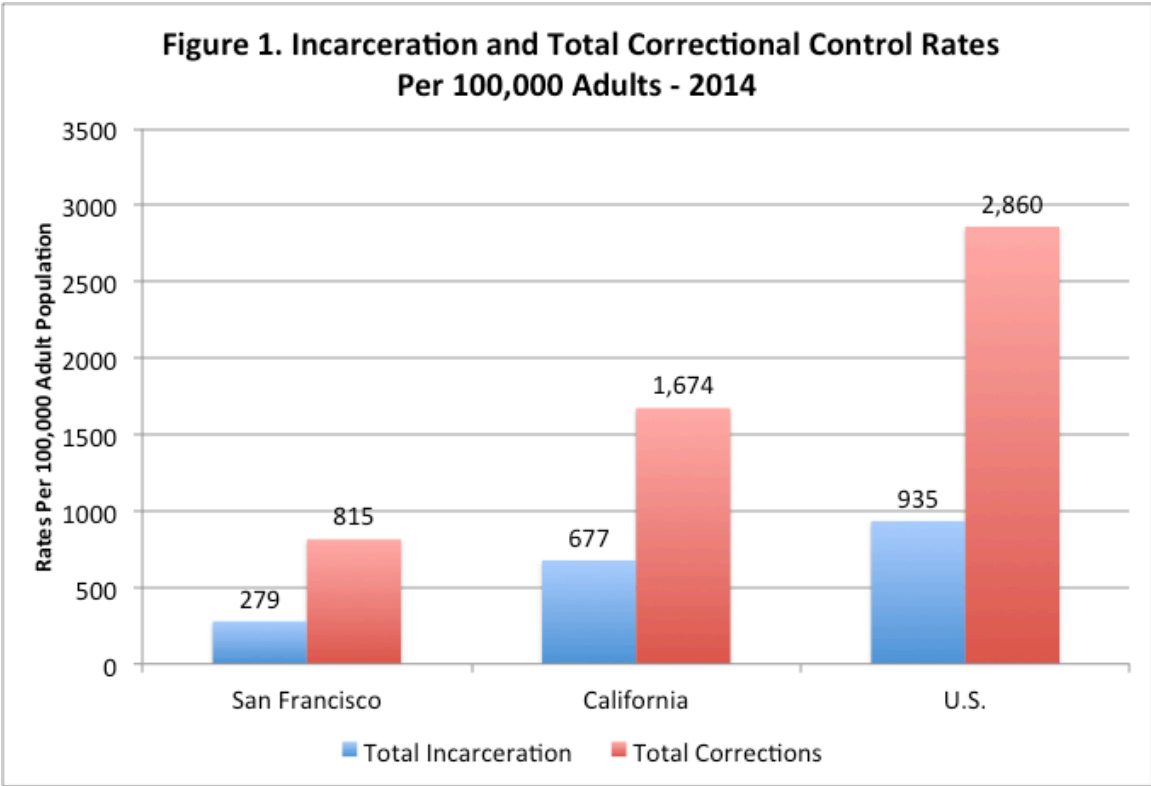


Eliminating Mass Incarceration: How San Francisco Did It

James Austin
JFA Institute



Major Findings

1. Since 2009, California has reduced the size of number of people in prison, jail, felony probation and parole by nearly 150,000. At the same time, the state's crime rate has dramatically declined and is now lower than what was in 1960.
2. San Francisco City and County has been reducing its jail and prison populations at a pace that far exceeds the state and national rates. Its current jail and prison rate of incarceration is 279 per 100,000 population – less than 1/2th the rate for California and less than 1/3rd the national rate.
3. If the rest of the country could match San Francisco's rates, the number of individuals under correctional supervision would plummet from 7 million to 2 million. The nation's 2.3 million prison and jail populations would decline to below 700,000 and "mass incarceration" would be eliminated.
4. There are a number of recent reforms that have been implemented since 2009 that have allowed these reductions in San Francisco's correctional populations. The County took full advantage of two key legislative reforms (SB 678 and Realignment) and more recently Prop 47 to launch the following initiatives:
 - San Francisco Reentry Council;
 - California Risk Assessment Project;
 - Community Corrections Partnership (CCP) and Community Corrections Partnership Executive Committee (CCPEC);
 - San Francisco Sentencing Commission;
 - Justice Re-investment Initiative;
 - Probation Standardized Risk and Needs Assessment;
 - Enhanced Services;
 - Jail Re-entry Pod;
 - Community Assessment and Services Center (CASC); and,
 - A New Approach to Drug Offenses.
5. As declines in the correctional populations have been occurring in San Francisco, its crime rate has also been declining to historic low levels. Juvenile arrests have dropped by over 60%.

Acknowledgments

A number of people contributed to the production of this report. First and foremost I would like to thank Wendy Still, the former Chief Probation Officer of San Francisco who provided access to her staff and data needed for this report. Leah Rothstein, the Research Director for the Adult Probation Department provided a considerable amount of data and background information on the adult probation population and program initiatives implemented by the Department over the past few years.

George Gascón, the former Chief of Police and current District Attorney for San Francisco also provided considerable access to his staff and their data. Maria McKee, who is the Principal Analyst in the Crime Strategies Unit, was especially helpful on providing historical San Francisco court, crime and arrest data.

Trends in Crime and Punishment

Much has been written in recent years about the need to reform our approach to how we respond to crime. In particular, the term “mass incarceration” has become part of the mandate for criminal justice reformers. After three decades of a continual increase in the use of imprisonment (both local jails and state prison), there is now a new direction toward less imprisonment. But talk is cheap, and there are few if any examples where incarceration rates have been significantly reduced.

Fueling the incarceration reduction argument is the significant decline in the crime rate and the public’s fear of crime. With crime rates at their lowest rates since the 1960s, when the incarceration rate was 1/4th of what it is today, it can be argued that our “war on crime” is over, and we can now lower our prison and jail populations.

Countering the argument to lower incarceration rates is the claim that the decline in crime rates is mostly explained by the massive increase in imprisonment. But such a position ignores the well-established body of science that other non-incarceration factors that have a far larger impact on crime rates – especially demographics. Most studies have concluded that while some percentage of the crime rate decline is due to increases in the use of imprisonment, other factors have a greater role in the crime rate decline.

The most recent analysis by the Brennan Justice Center found that state incarceration was responsible for as much as 10% of the drop in crime rates between 1990 and 2000. Since then it has had virtually no impact on crime rates.¹ Other factors that the Brennan Center and other studies found to have had an impact were aging population, decreased alcohol consumption, decreased unemployment, and increased hiring of police officers. And there are other demographic-related factors that are also likely to be suppressing crime rates.

Two of the strongest correlates of crime rates are gender and age – younger males especially those between the ages of 15 and 24 have high rates of arrests.² The

¹ Roeder, Oliver, Lauren Brook-Eisen, and Julia Bowling. February 2015. *What Caused the Crime to Decline?* New York, NY: University School of Law, Brennan Center for Justice.

² Levitt, Steven D. *The Limited Role of Changing Age Structure in Explaining Aggregate Crime Rates*, 37 *Criminology* 581, 583 (1999) (crime offending age peaks between about 15-24, then declines thereafter); Patsy Klaus & Callie Marie Rennison, Bureau of Justice Statistics, *Age Patterns in Violent Victimization, 1976–2000* 1 (2002), available at <http://www.bjs.gov/content/pub/pdf/apvv00.pdf> (showing victimization rates similarly high for age groups between 12 to 24).

proportion of males in this age group has been declining. So too have the size of households, teenage pregnancies and birth rates.³

It is not just the prison population that has increased nationally. As shown in Table 1, all forms of correctional supervision have grown since 1980, although prisons have grown the fastest. By 2014, the total number of people under some form of correctional supervision reached 7 million. This computes to a national rate of “total correctional control and supervision” of 2,860 per 100,000 adult population. This means that one in 34 adults in the United States in 2014 were either on probation or parole, or, are incarcerated in local jails, state and federal prisons.

Table 1. Adult Correctional Populations 1980 versus 2014

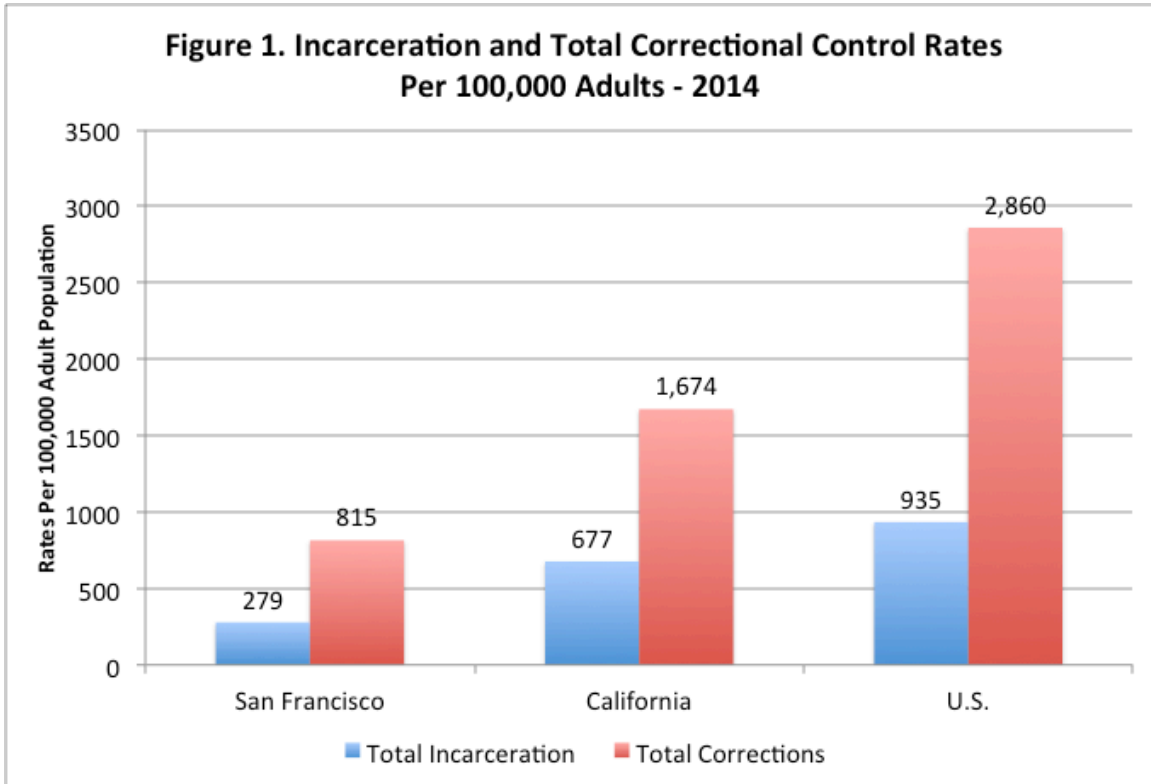
Population	1980	2014	% Change
Prisons	319,598	1,561,525	389%
Probation	1,118,097	3,864,114	246%
Parole	220,438	856,872	289%
Jails	182,288	731,200	301%
Total Corrections	1,840,421	7,013,711	281%
Rate Per 100,000 Adults	1,129	2,860	153%
US Population	227 million	319 million	40%
Adults 18 years & over	163 million	245 million	50%
Males Age 15-24	21 million	22 million	5%
% of Population	9%	7%	-22%
Median Age	30.0 years	37.6 years	25%
Reported Crimes	13.4 million	9.5 million	-29%
Crime Rate per 100,000	5,858	2,972	-49%

Sources: Bureau of Justice Statistics, September and November 2015, UCR, 2015, and U.S. Census, 1980 and 2014. Jail population is for 2013.

By contrast San Francisco City and County in the same year had a total correctional supervision rate of only 815 per 100,000 adult population – less than 1/3rd of the national rate. Its jail and prison rate of incarceration was 279 per 100,000 population – less than 1/2th the rate for California and less than 1/3rd the national rate (Figure 1).

If the rest of the country could match San Francisco’s rate, the number of individuals under correctional supervision would plummet from 7 million to 2 million. The 2.3 million prison and jail populations would decline to below 700,000 and “mass incarceration” would be eliminated.

³ Hamilton, Brady E. and Stephanie J. Ventura. “Birth Rates for U.S. Teenagers Reach Historic Lows for All Age and Ethnic Groups”, NCHS Data Brief, No. 89, April 2012



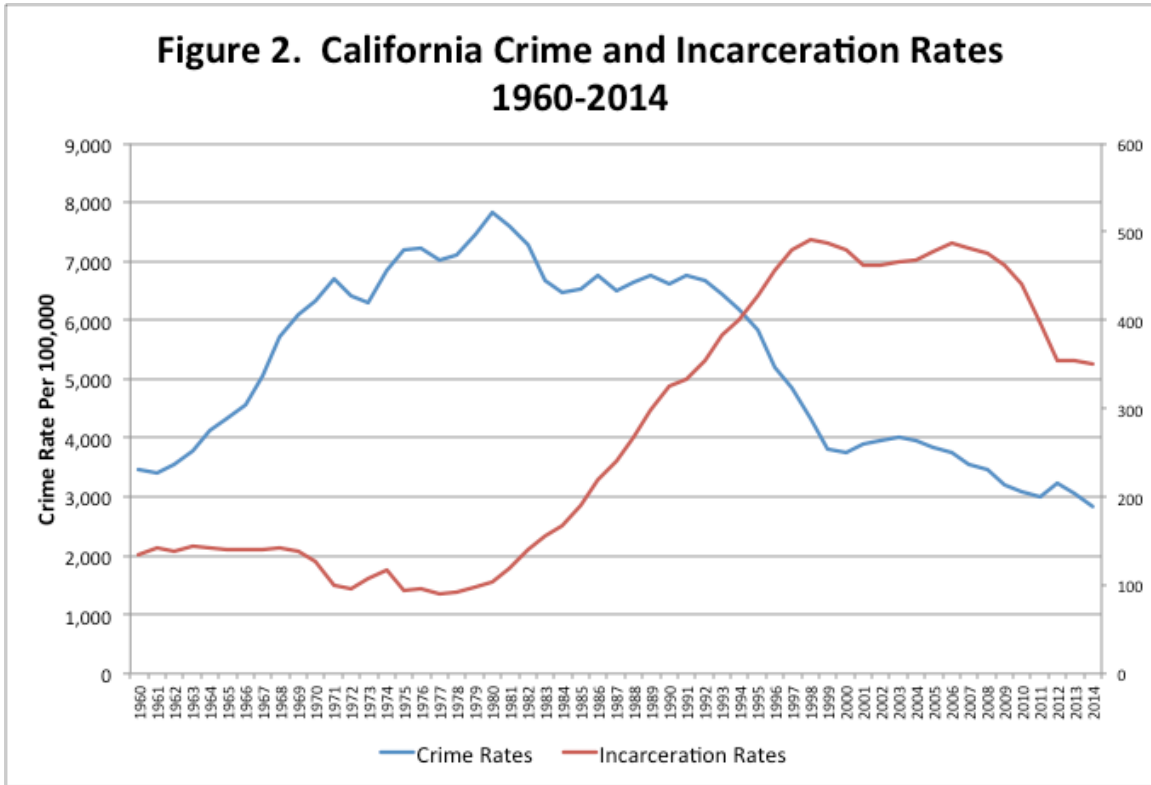
These low rates of incarceration and correctional supervision were achieved over a numbers years due to both legislative and administrative initiatives. As will be shown below, the jail and prison populations in San Francisco (and elsewhere) continue to decline in the wake of Proposition 47, which reduced drug-possession and five other non-violent felonies to misdemeanors. How San Francisco was able to do what few other jurisdictions have to end mass incarceration, and to do so without evidence of increasing crime, is the subject of this report.

Crime and Punishment in California

There have been significant changes in California’s crime rates and the use of imprisonment. Beginning in the early 1960s, California’s crime rate began to steadily increase reaching a peak rate of approximately 8,000 per 100,000 population in 1980. The rate of state imprisonment also expressed as a rate per 100,000 was fairly stable at the 100 level, did not begin to increase until 1980 and reached a peak in 1998 at nearly 500 per 100,000 population.

Beginning in the mid 1980s, California’s crime rate began a dramatic decline reaching a historic low of 2,837 per 100,000 in 2014. Conversely, the incarceration rate did not begin to decline until after 2009. This decline only occurred as a result

of the intervention of the Three Judge Federal Court, Prop 47 and two key pieces of legislation (SB 678 and AB 109).



Significantly, crime rates have continued to decline as the prison population has declined from 175,512 to a current low of 127,947 prisoners. There have been similar declines in other forms of correctional supervision. Since 2007, there has been an overall reduction of nearly 150,000 people who are no longer in prison, jail, probation or parole on any given days. A large proportion of the decline occurred in the state parole population, which occurred as part of the Realignment legislation. (Table 3).

Despite this historic progress in lowering the size of California’s correctional and system as well as its prison population, its incarceration rate remains three times higher than what it was in the 1960s when its crime rate was even higher than it is today. Nonetheless, there are several counties like San Francisco that have significantly lower rates of state imprisonment and other forms of correctional supervision. ⁴**Table 2. Changes in California Correctional Populations**

⁴ Another Bay Area county with very low rates of imprisonment and other forms of correctional supervision is Contra Costa County. See Austin, James and Robin Allen. 2013. *Contra Costa County: A Model for Managing Local Corrections*. Washington, DC: The JFA Institute.

2007-2015

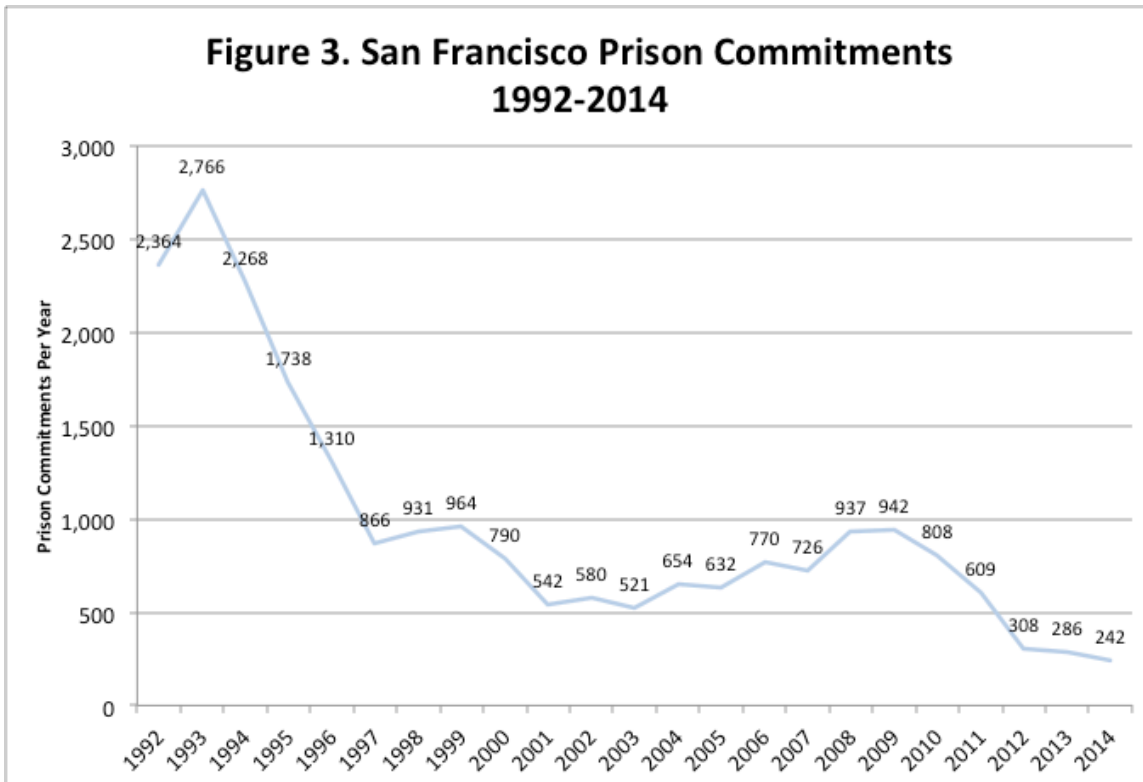
Year	CDCR	Pretrial Jail	Sent Jail	Total Jail	Total Inmates	Parole	Felony Probation	Grand Totals
2007	173,312	56,571	26,613	83,184	256,496	126,330	269,384	652,210
2008	171,085	56,232	26,165	82,397	253,482	125,097	269,023	647,602
2009	168,830	54,589	26,277	80,866	249,696	111,202	266,249	627,147
2010	162,821	52,059	21,386	73,445	236,266	105,117	255,006	596,389
2011	160,774	50,397	20,896	71,293	232,067	102,332	247,770	582,169
2012	133,768	50,309	29,827	80,136	213,904	69,453	249,173	532,530
2013	132,911	51,400	30,619	82,019	214,930	46,742	254,106	515,778
2014	134,433	51,544	31,352	82,527	216,960	44,792	244,122	505,874
2015	127,947	45,580	27,465	72,894	200,841	NA	NA	NA
Change	-45,365	-10,991	852	-10,290	-55,655	-81,538	-15,278	-146,336

Sources: CDCR, BSCC, and California Attorney General

Key Criminal Justice Reforms in San Francisco

San Francisco City and County has traditionally been a center for progressive criminal justice reform. For several decades the rate at which people were convicted and sentenced to state prison has been among the lowest among California’s counties. As shown in Figure 3, the number of people sentenced to state prison has dropped dramatically since 1992 (from nearly 3,000 per year to under 250 per year)

Even prior to state level initiatives that began in 2009, San Francisco’s criminal justice leadership had begun reform efforts in 2005 when it established two ad-hoc re-entry councils (Safe Communities Re-entry Council and the San Francisco Re-Entry Council). Both councils were later unified and formed the Re-entry Council of San Francisco in 2008 that focused on the risk factors and service needs of people being released from the County Jail, state prison and federal prison. This early work helped pave the way to maximize the potential effects of three major state initiatives that provided funding and judicial discretion to modify traditional criminal justice practices.



Source: San Francisco Superior Court

State Level Initiatives.

Since 2009, California has implemented three statewide reforms that collectively have had a major impact on reducing the state's correctional populations. These three initiatives provided new discretionary authority and resources to manage offenders who previously were being sent to California's badly crowded and unconstitutional prison system.

1. SB678 – Community Corrections Performance Incentive Act

The initial reform was the passage in 2009 of SB678 also known as the Adult Probation Community Corrections Performance Incentive Act. Like the other economic models, SB 678 rewarded counties that used probation in lieu of a state prison sentence. In this case, the target was probation violators who were being sent to prison due to a technical violation(s).

Economic incentives were created to award counties that lowered their commitments to state prison for technical probation violations. California's Department of Finance (DOF) determined probation failure rates to see how much a county should be financially rewarded each year. A baseline rate was established

for each county by the DOF using revocations sent to state prison divided by the average probation population. Counties whose failure rates are below the 2006-2008 baseline rate are eligible for a performance incentive grant. A marginal cost savings number of approximately \$29,000 is used to calculate the state savings from reduced prison revocations. Counties with failure rates that are more than 50 percent below the statewide average are also eligible for a high-performance grant.

The most recent report from the California Administrative Office of the Courts claims that the legislation has succeeded in diverting a sufficient number of probation violators that has averted a prison population of 9,500 inmates. Using a marginal cost factor, the total statewide estimated savings to the state per year is \$278 million.⁵

2. AB109 - Realignment

The next major reform was Public Safety Realignment (AB109) that took effect on October 1, 2011. AB109, which shifted responsibility for people convicted of certain non-serious, nonviolent or non-sex felony offenses from state prisons and parole to county jail and probation, was designed, in part, to reduce the state prison population to meet the 137.5 percent of design capacity as ordered by the Three-Judge Court and affirmed by the U.S. Supreme Court by June 27, 2013. The original estimates of the likely impact of AB 109 showed the legislation would reduce the state prison population by over 40,000 inmates allowing the CDCR to reach compliance with federal court order.⁶ As such it was the key component to resolving the on-going litigation in the consolidated *Coleman, Plato v. Brown* cases.⁷

The immediate fear among counties was that 40,000 state prisoners would swamp their county jails. As an effort to temper the effect on local jails, the legislation provided local judges to “split” the sentences of the AB109 inmates so that the impact on local jail populations could be tempered. This provision of Section 1170(h) of the Penal Code, allows the Court to determine if a person will serve their full sentence in jail with no post-release supervision or to “split” the sentence between jail custody and a separate period of Mandatory Supervision (MS).

There are other aspects of the law that impact community supervision. Inmates currently imprisoned in the CDCR as of October 1, 2011 and who were convicted of “non-serious, non-violent, or non-high-risk sex offenses” (regardless of prior convictions) prior to realignment would be supervised by county probation departments upon their release from state prison. This population, known as Post-

⁵ Administrative Office of the Courts, July 2012. *SB 678 Year 2 Report: Implementation of the California Community Corrections Performance Incentives Act of 2009*. San Francisco, CA: Administrative Office of the Courts, Criminal Justice Court Services Office

⁶ California Department of Corrections and Rehabilitation. 2011. *Fall 2011 Adult Population Projections*. Sacramento, CA: CDCR.

⁷ *Brown v. Plata*, 131 S. Ct. 1910, 1947 (2011).

Release Community Supervision (PRCS), was formerly supervised by state parole officers.

3. Proposition 47 – Converting Wobblers to Misdemeanor Level Crimes

Unlike the two previous reforms, Proposition 47 was a ballot initiative that was voted in by the public in the 2014 statewide election. Its primary intent was to redefine seven offenses that had been labeled as “wobblers” as misdemeanors. There are several hundred crimes in the California penal code that are called wobblers, meaning that the prosecutor has the choice of prosecuting the defendant as either a felony or misdemeanor. By charging the defendant with a felony, the court can sentence the person to state prison or felony probation. People charged with felonies also have a reduced likelihood of being cited by police when arrested or being released on pretrial status.

The seven crimes that were redefined as misdemeanors were as follows:

- Shoplifting, where the value of property stolen does not exceed \$950;
- Grand theft, where the value of the stolen property does not exceed \$950;
- Receiving stolen property, where the value of the property does not exceed \$950;
- Forgery, where the value of forged check, bond or bill does not exceed \$950;
- Fraud, where the value of the fraudulent check, draft or order does not exceed \$950;
- Writing a bad check, where the value of the check does not exceed \$950, and
- Personal use of most illegal drugs.

Prior to its passage, it was projected that Prop 47 would reduce the state prison population by approximately 6,000 inmates and lower the state’s jail populations by as much as 10%. What was not acknowledged is that the new law would also lower felony probation caseloads.

Since its passage, there already are early indications that it is having its intended effects. The CDCR prison population has already declined by nearly 8,000 inmates, which has allowed the state to meet the population cap ordered by the 3-Judge Panel. The Bureau of State and Community Corrections’ (BSCC) jail survey shows that since Prop 47 passed, the county jail population has declined by 10,000. Several counties have reported declines in their probation populations as well, but the long-term effects remain unknown.

Administrative Reforms that Facilitated the Impact of State Level Reforms

It is important to note that SB678 and AB109 offered discretion to each county to take full advantage of the opportunities embedded in the laws to exploit the financial incentives that were being offered. In SB678 a county was not required to

lower its probation violation numbers. Under AB109 county judges were not required to offer split sentences to locally sentenced felons. Proposition 47 offered no such discretion, but counties could launch administrative reforms that would accommodate the number of people now being detained or sentenced for misdemeanor crimes.

Not only did San Francisco take full advantage of the tools provided by these three State Level Reforms to reduce its correctional population, in some cases, the City and County's administrative reforms preceded the State's.

Additional funding provided by the state via SB678 and AB109 could be used to implement two critical components of a community-base supervision system – 1) risk and needs assessment and 2) effective service delivery systems. If properly deployed both of these components would serve to diminish the effects of fewer people being sent to prison and larger numbers being supervised in the community. What follows is a summary of how San Francisco implemented a number of “best practices” improve local criminal justice practices.⁸

a) Leadership and Coordination

Clearly, reform of the magnitude accomplished in San Francisco required the support of the major criminal justice administrators. This was accomplished by the formation of a number of key committees and working groups that shared the overall mission of reducing the use of state and local incarceration while increasing the level of offender supervision and services. Some of the key policy groups that were formed are listed below.

San Francisco Reentry Council

As noted earlier, in 2008, San Francisco unified two ad-hoc reentry councils with the formal creation of Reentry Council for the City and County of San Francisco. The purpose of the Council is to coordinate local efforts to support adults exiting San Francisco County Jail, San Francisco juvenile justice system out-of-home placements, the California Department of Corrections and Rehabilitation facilities, and the United States Federal Bureau of Prison facilities. The Council has served as a venue to advocate for evidence-based criminal justice reform.

California Risk Assessment Project

Beginning in 2009 the Administrative Office of the Courts (AOC) and the Chief Probation Officers of California began working in San Francisco and three other counties (Napa, Santa Cruz and Yolo) to implement evidence based risk and

⁸ On January 1, 2010, Wendy Still, a former executive with the California Department of Corrections and Rehabilitation, assumed the position of Chief Probation Officer for the San Francisco Adult Probation Department (APD). She and her APD colleagues quickly launched many of the major administrative reforms described in this report.

needs assessment systems. Known as the California Risk Assessment Pilot Project (CalRAPP), it required that each county form a work group that consisted of members from the Superior Court, probation department, public defender, and the district attorney, and other justice system partners.

Community Corrections Partnership (CCP) and Community Corrections Partnership Executive Committee (CCPEC)

Both of these two committees were required as part of SB678, AB109 and AB117 for the purpose of ensuring that each county receiving state funds to divert people from state prison were developing and executing plans on how best to allocate those funds. In San Francisco, formal plans were developed and approved by the Board of Supervisors and then forwarded to the state for its review approval.

San Francisco Sentencing Commission

Unique to San Francisco was the creation of its own sentencing commission in 2013. The Commission is chaired by the District Attorney and is charged with the development of criminal sentencing policies that will “reduce recidivism, prioritize public safety and victim protection, emphasize fairness, employ evidence-based best practices, and efficiently use San Francisco’s criminal justice resources”. It also analyzes sentencing trends and makes recommendations for altering current court practices.

Justice Re-investment Initiative

In 2011, San Francisco was selected to participate with two other jurisdictions (Santa Cruz and New York City), in the U.S. Department of Justice’s Local Justice Re-investment pilot program. Consultants retained by the DOJ’s Bureau of Justice conducted a comprehensive analysis of the County’s criminal justice process from arrest through release from the local jail and probation.

b) Standardized Risk and Needs Assessment

One of the essential components of a “best practice” system is the use of a standardized reliable and validated risk instrument. Such a system is essential for ensuring that people with the highest risk to recidivate received the highest levels of supervision and services. Conversely, those with the lowest risk and needs would receive minimal supervision and services.

To meet that objective, the Adult Probation Department (APD) first adopted a risk and needs system in 2009 that was developed by the National Council on Crime and Delinquency (NCCD). Known as the Correctional Assessment and Intervention System (CAIS), this system is well-known and established risk and needs assessment system for adult probationers and parolees.

In 2010, the APD decided to adopt the COMPAS risk and needs system that is also a well-established system that has been validated in a number of jurisdictions. The

CDCR uses the COMPAS so continuity with the state prison risk system would be a positive change. By 2011 the entire APD was using the COMPAS.

As the COMPAS risk and needs assessment system was implemented, the APD turned its attention to establishing standardized treatment plans for each person under supervision. The COMPAS system produces an automated treatment plan that is consistent with the risk and needs data. All of the COMPAS data (risk, needs and treatment plan) were then integrated into Pre Sentence Investigation report.

c) Enhanced Services

There have been a number of innovative services that have been implemented by the City since 2010. Collectively, all of them have served to enhance both the level of supervision and services by better coordination and additional funding. What follows are brief listings of some of these new and innovative services:

Jail Re-entry Pod

This is a 56-bed unit within the County Jail that houses inmates who will be released to either mandatory supervision, PRCS, or is a probation violator who has been assessed as medium to high risk. The concept is to better prepare these people for their return to the community by coordinating contacts with community service providers prior to release.

Community Assessment and Services Center (CASC)

The CASC was established in June 2013 as a one-stop service center for people under the supervision of the probation department. At the CASC, probationers can get information and referrals to a wide variety of service providers.

d) A New Approach to Drug Offenses

External to these administrative reforms was the abrupt emergence of a major scandal within the San Francisco Police Department that had an immediate and long-term impact on law enforcement's response to drug crimes. The scandal emerged in 2010 when a veteran lab technician (Deborah Madden) was caught stealing cocaine from the lab. Thereafter, close to one thousand pending and recent drug prosecutions and convictions were dismissed and vacated. The SFPD drug lab stopped testing narcotics for more than a year; instead, seized drugs were sent to other counties' drug labs, which slowed down any new prosecutions.

One year later, two of SFPD's plainclothes narcotics units -- by far the most prolific and productive on the force in terms of drug arrests -- were caught on video conducting illegal searches and stealing. All of SFPD's narcotics units were immediately disbanded, many officers were benched, and hundreds of pending cases were dismissed.

As will be shown in the next section, these two unanticipated events greatly reduced felony arrests and court filings for drug crimes. In another jurisdiction, business may have returned to normal, but then Police Chief George Gascón (who is now the District Attorney), and the current Police Chief Greg Suhr have refocused law enforcement resources on violent versus drug crimes.

Impact on Correctional Populations

The culminative effects of these statewide and administrative reforms on the correctional populations for San Francisco have been dramatic. The year 2007 marked the highpoint for the state level correctional populations of state prison, jail and probation. Since then there has been a 24% decline in the total correctional system with most of the declines occurring in the state prison (excluding the AB109 sentenced inmates) and state parole populations (Table 3).

Table 3. Adult Correctional Populations 2007 versus 2015

Indicator	2007	2015	% Decline
Prison			
California	171,987	127,947	-26%
San Francisco	1,667	921	-45%
Jails			
California	82,662	72,894	-12%
San Francisco	2,025	1,138	-44%
Adult Felony Probation- 2014			
California	269,023	244,122	-9%
San Francisco	7,811	3,368	-57%
Adult Parole			
California	126,330	51,271	-59%
San Francisco	2,094	593	-72%
Total Correctional Populations			
California	650,002	496,234	-24%
San Francisco	13,597	6,020	-56%

Sources: California Attorney General, CDCR, and Bureau of State and Community Corrections

San Francisco's reductions are even more dramatic because it not only lowered its prison and parole populations, but also its local jail and probation populations. Reductions in jail and probation populations are more remarkable given Realignment's mandate to locally house and/or supervise the AB109 sentenced inmates and former CDCR parolee population (Figures 4 and 5). The recent passage of Prop 47 has served to further lower the jail and prison populations.

Figure 4. San Francisco Jail Population by Sentence Status

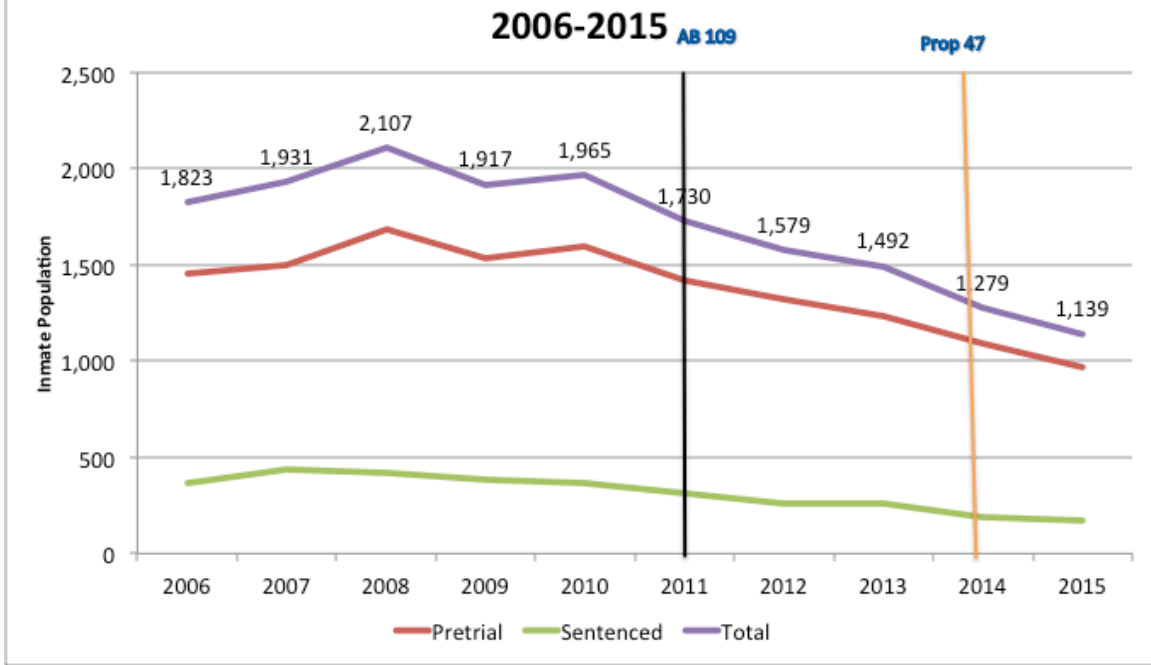
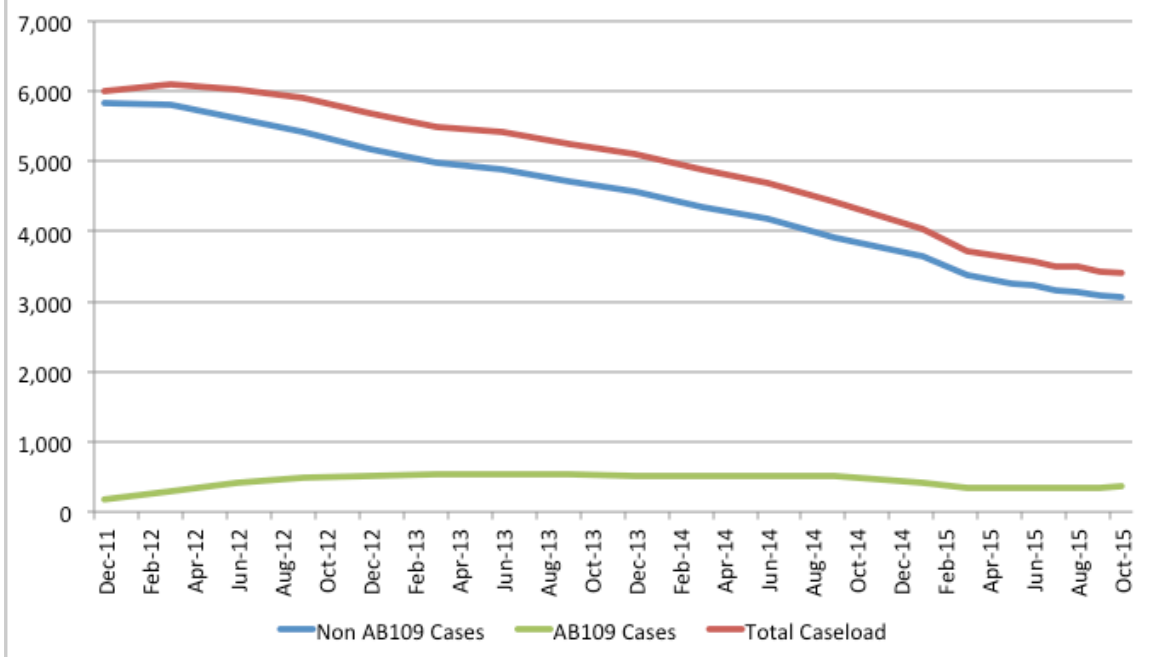
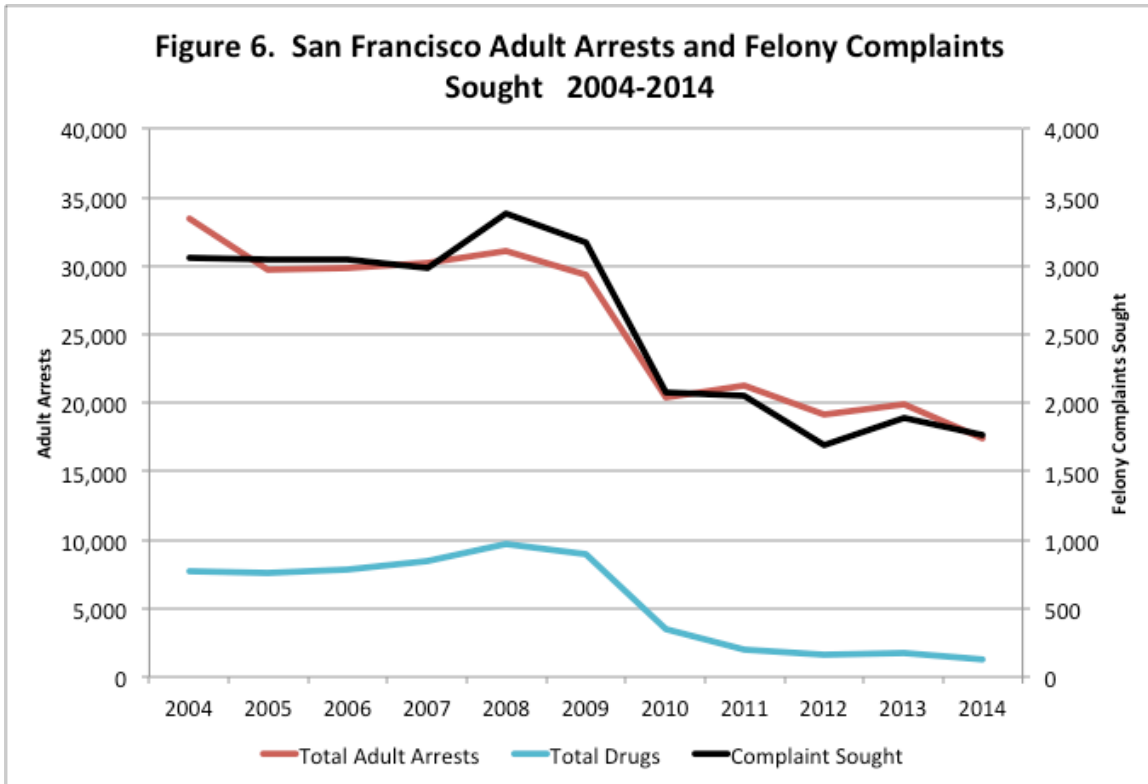


Figure 5. Adult Probation Caseload by Sentence Status - Post Realignment



What factors and policies contributed to these downward trends? One of the most significant factors was a dramatic decline in adult arrests, with virtually all of the declines being attributed to an equally dramatic decline in drug arrests (Figure 6). While some of these drug arrests are for misdemeanor level crimes, the vast majority were felony drug arrests, which in turn lowered the overall number of felony level arrests.



This decline was directly related to the aforementioned San Francisco Police scandals on drug arrests. As felony drug arrests declined, so also did felony court filings, which in turn lowered jail bookings and people sentenced to probation (Figure 6). Furthermore, the District Attorney’s Office undertook a concerted effort to reduce felony drug filings where possible, in effect, implementing Prop 47 before it was State Law. In 2009, drug prosecutions represented 63% of the District Attorney’s felony caseload. By 2014, drug filings were reduced to 24% of the felony caseload. As felony arrests, filings and convictions were all declining the Courts were sentencing a greater proportion of convicted felons to probation rather than state prison.

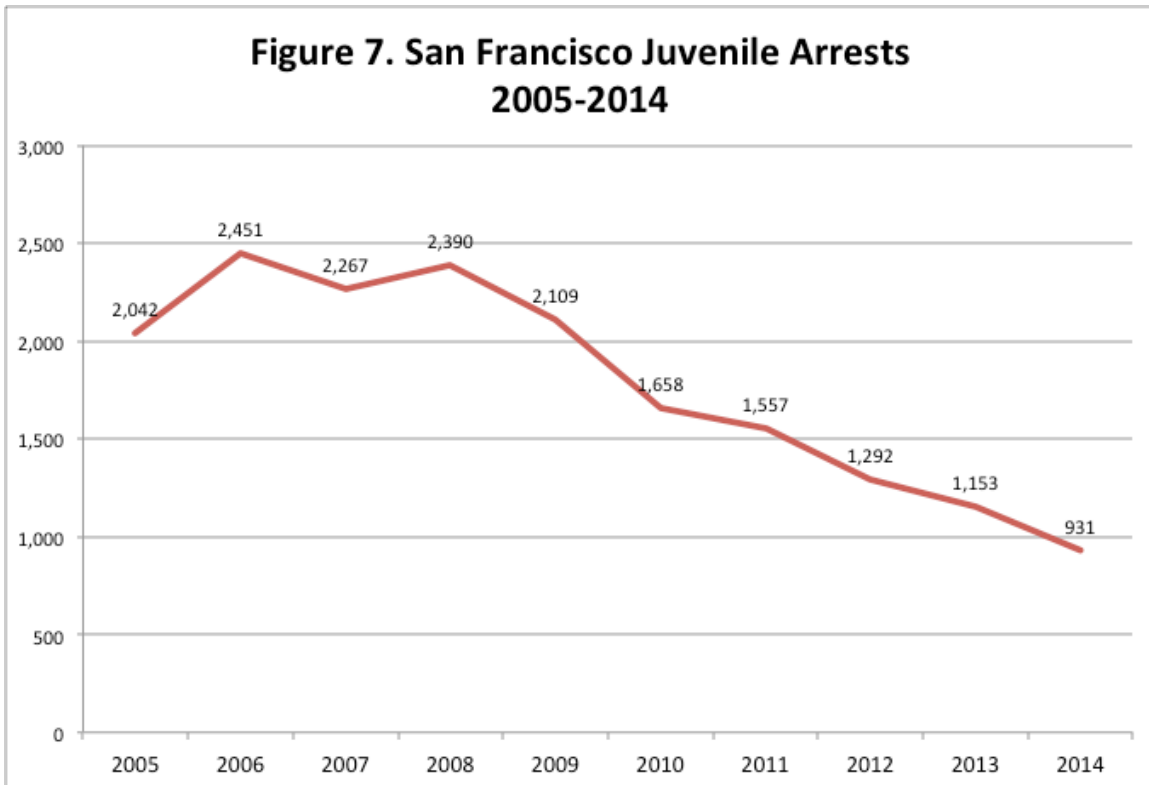
At the same time, the number of probationers successfully completing their probationer terms was quite high. In 2014 86% of felony probationers had successfully completed their probation terms.

The courts were also making use of the split sentencing option for their AB109 cases. Over time the rate of split sentences has increased from 39% in the fall of the 2011 to 72% by September 2014. In so doing, the time people spent in jail under AB109 has been reduced.

In 2012, District Attorney George Gascón launched two approaches that may also be reducing San Francisco's correctional population: Neighborhood Courts and the Sentencing Planner. Neighborhood Courts keep low-level offenders from entering the criminal justice system. Non-violent misdemeanor cases that would otherwise be prosecuted in the traditional system are diverted from pre-charging by the SFDA into ten Neighborhood Courts across the City, where trained neighborhood volunteers hear the matters, speak with the participants (e.g., defendants) about the harm caused by their actions, and issue "directives" designed to repair that harm and address risk factors. Once the participant completes his/her directives, the case is discharged. Cases that do not resolve in Neighborhood Court are returned to the SFDA for prosecution. Since its inception, Neighborhood Courts has handled approximately 2,000 cases.

The Sentencing Planner is a social worker that works with prosecutors to craft dispositions that address criminogenic needs and reduce recidivism. This model fundamentally shifts the prosecutorial mandate and approach, moving from the traditional metrics of conviction rates and prison terms to recidivism reduction and public safety. A UC Berkeley evaluation of the program estimated a 6 to 19 percent decrease in recidivism (defined as a new filing) for defendants that received this intervention, compared to a statistically matched control group.

Finally, it is also worth noting that juvenile arrests (and by association juvenile crime) have plummeted. This drop in juvenile arrests is a national trend that bodes well for the future. One of the strongest predictors of adult criminality is being arrested as a juvenile. In San Francisco a much larger proportion of the youth population is advancing to adulthood without a juvenile record.



Impact on Crime

To what extent have the major reforms implemented by San Francisco (and within the state as well) impacted crime rates? Relative to realignment, people are serving less time incarcerated via the split sentencing option that was made available to the counties and elimination of the required parole supervision. For Proposition 47, the lowering of the felony status to misdemeanor only status reduces pretrial, local sentenced and state incarceration populations. It may also have impacted the adult probation populations.

Clearly reducing the level of incarceration increases the risk for higher crime rates. However, since it is well known that other factors have a more powerful impact on crime rates the question is whether reducing incapacitation and deterrence effects have a significant negative effect on public safety?

Trends in San Francisco Crime Rates

The amount of crime that is occurring in San Francisco and other jurisdictions is measured by what is referred to as the Uniform Crime Report (UCR), which was

established by the Federal Bureau of Investigation (FBI) in 1930. Part 1 Crimes are defined by the UCR as the following eight serious crimes:⁹

1. Murder
2. Robbery
3. Aggravated Assault
4. Rape
5. Burglary
6. Larceny Theft
7. Arson
8. Motor Vehicle Theft

The number of these crimes reported to the police either by victims, law enforcement or third parties are tabulated each year and then converted into rates per 100,000 population. On a national basis, the vast majority (88%) of the UCR crimes reported to law enforcement are property crimes, with the larceny-theft category comprising 61% of the total UCR crime rate.

It is also instructive to point out that the conversion to rates per 100,000 population is done solely to take into account yearly changes in the size of the resident population. What is often lost in the use of crime rates is that the percentage of the population that is involved in serious crimes each year is quite low. For example, the 2014 national crime rate is 2,972 per 100,000 population, which can also be interpreted as about 3% of the nation's population reporting a serious crime in a given year. Actually, that percentage is a bit misleading since a single person can report multiple crimes in a year and the number of people who experience some time in a jurisdiction is much higher than the resident population (e.g., workers who do not reside in the City, tourists).

Further, when making year-to-year comparisons in crime rates analysts use what researchers would define as a relative rate increase rather than an absolute rate increase. The former statistic serves to amplify the actual rate of change that is occurring as opposed to using an absolute percentage change.

In general, crime rates have been declining for some time in virtually all jurisdictions in the U.S. and California. This is also true for San Francisco. Figure 8 shows the crime rates for the City since 1986. Consistent with the rest of the country and California, the City's crime rate began to drop in the early 1990s and is about half of what it was in the 1980s.

San Francisco's crime rate has been consistently above the state's rate. One will note that in Figure 8 (and Figures 9 and 10) the year 2001 has been deleted. When first analyzed, it appeared there was a sharp decline in the City's crime rate. Based

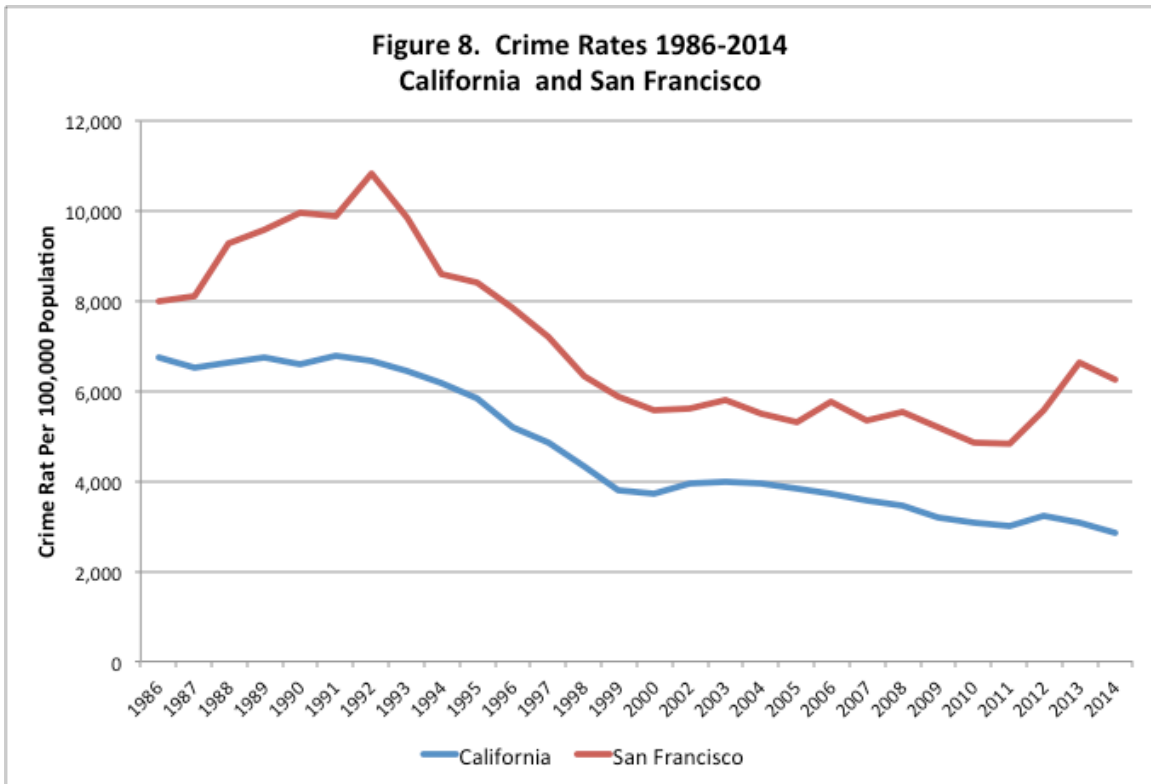
⁹ The Part 2 UCR crimes are far less serious and consist of low level felony and misdemeanor crimes. Only the number of people arrested are contained in the Part 2 crimes.

on information provided by a well-respected criminologist who has been studying California crime rates for many years, the 2001 decline was simply a reporting anomaly. In that year the San Francisco Police Department only reported nine months of crime data thus skewing the annual estimates. This highlights the need to not overly interpret year-to-year fluctuations in the UCR and uncritically link them to whatever policies took place that year.

A Closer Look at the San Francisco Crime Rates

Since there was no increase in crime rates after SB678 it would appear that it has not been associated with any increase in crime. Of greater interest is the uptick in crime rates for both the state and San Francisco after 2011 in which the same year that Realignment was implemented. However, many across the media and law enforcement have argued that Realignment has increased crime in California. This fails to account for the fact that California’s property and violent crime rates were lower in 2014 and 2013 than prior to Realignment, and have reached historic lows not seen in over 30 years. But some initially have interpreted the increase in 2012 as being directly caused by Realignment.

This is exactly what the researchers at the Public Policy Institute of California (PPIC) did. Their analysis was limited to a comparison between California’s 2011 and 2012 crime rates, which showed only an uptick in property crime rates. The PPIC quickly concluded that Realignment was causing the property crimes rates to go up.



Source: California Attorney General, Department of Justice

“...we find robust evidence that (Realignment) is related to increased property crime. In terms of overall property crime, we estimate an additional one to two property crimes per year on average for each offender who is not incarcerated as a result of.”¹⁰

This conclusion failed to address the fact that the California 2012 crime rate uptick was well within the normal historic fluctuations for year-to-year crime rate changes. Further, other counties had experienced either reductions or no significant change in their crime rates, so one would have to explain why Realignment had not impacted all counties and not just some.

More importantly, if these researchers had been more patient, they would have had to contend with the most recent 2014 crime rate report from the California Attorney General showing *declines* in both property and violent crime rates. But for San Francisco there was the issue that unlike the state’s decline in 2013, its rate had continued to increase (until 2014 when it declined).

Figure 9 provides a more detailed breakdown of San Francisco’s crime rate by the three discrete categories – violent crime, property crime (including larceny- theft) and larceny –theft alone. It also adds the recently tabulated 2014 crime rate.

With respect to violent crime, the rates have declined since 1986 and have remained low even after 2011. It’s clear that Realignment has not had an impact on the violent crime rate. Relative to the far larger property crime category, it increased in 2012 and 2013 before declining in 2014. The vast majority of that increase was limited to the larceny-theft category. Figure 10 shows the City’s crime rate with the larceny-theft category removed. While the increases in 2012 and 2013 persist, they are far less apparent once larceny-theft crimes are excluded

Finally, one can also use the metric of percentage of San Francisco’s population *not* reporting, and therefore, likely not experiencing or witnessing, any of these crimes (mostly larceny-theft). As noted earlier, this measurement is based on the percentage or ratio of total reported crimes to the overall population rather than the rate per 100,000 population. So while San Francisco’s crime rate per 100,000 population increased from 5,574 in 2011 to 6,258 by 2014 (a 12% increase in the rate), the percentage of San Francisco residents reporting a serious crime has increased by only one percent (from 5% to 6%). Put differently, the percentage not reporting a serious crime has always been high and has remained in the 95% range since 2011 (Figure 11).

¹⁰ Lofstrom, Magnus and Steven Raphael. December 2013. *Public Safety and Crime Rates in California*. San Francisco, CA: Public Policy Institute, p. 2.

Figure 9. San Francisco Crime Rates Per 100,000 Population 1986-2014

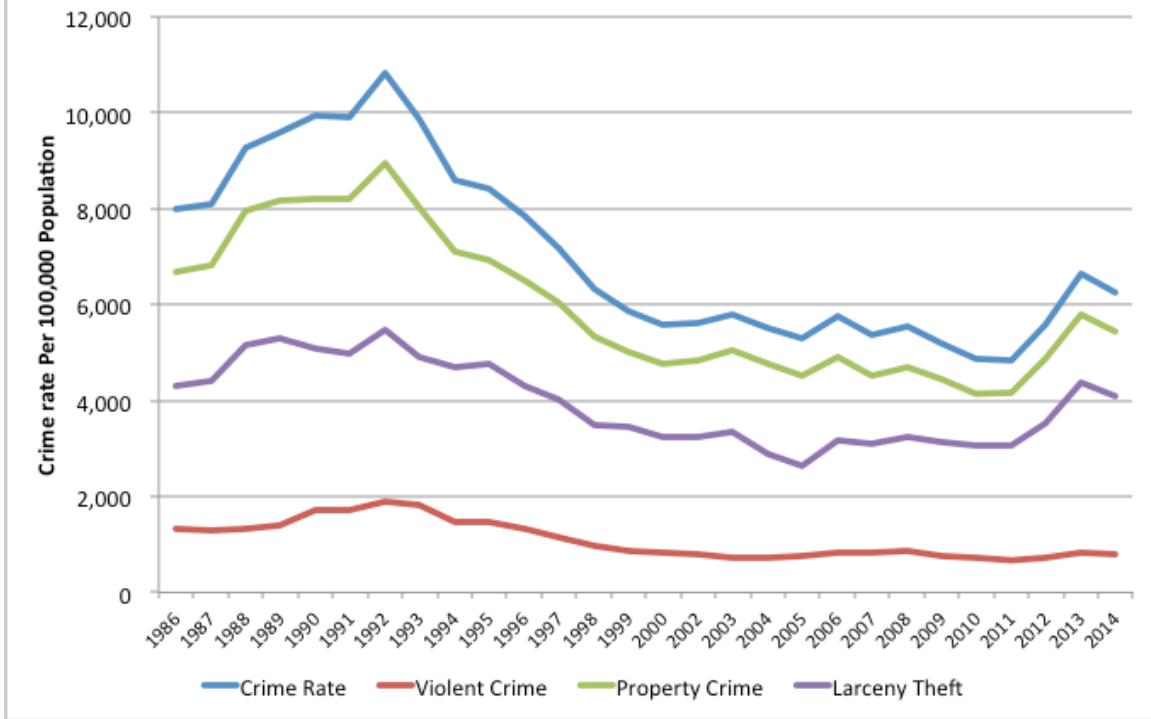
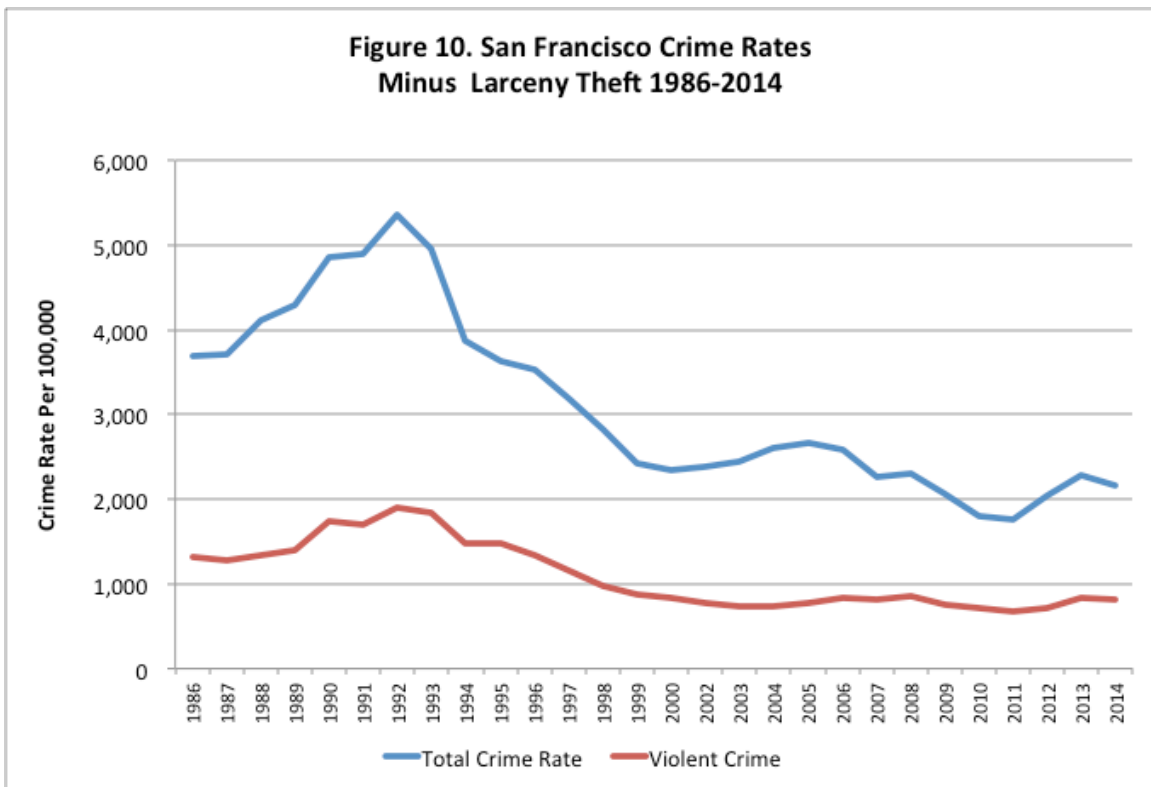
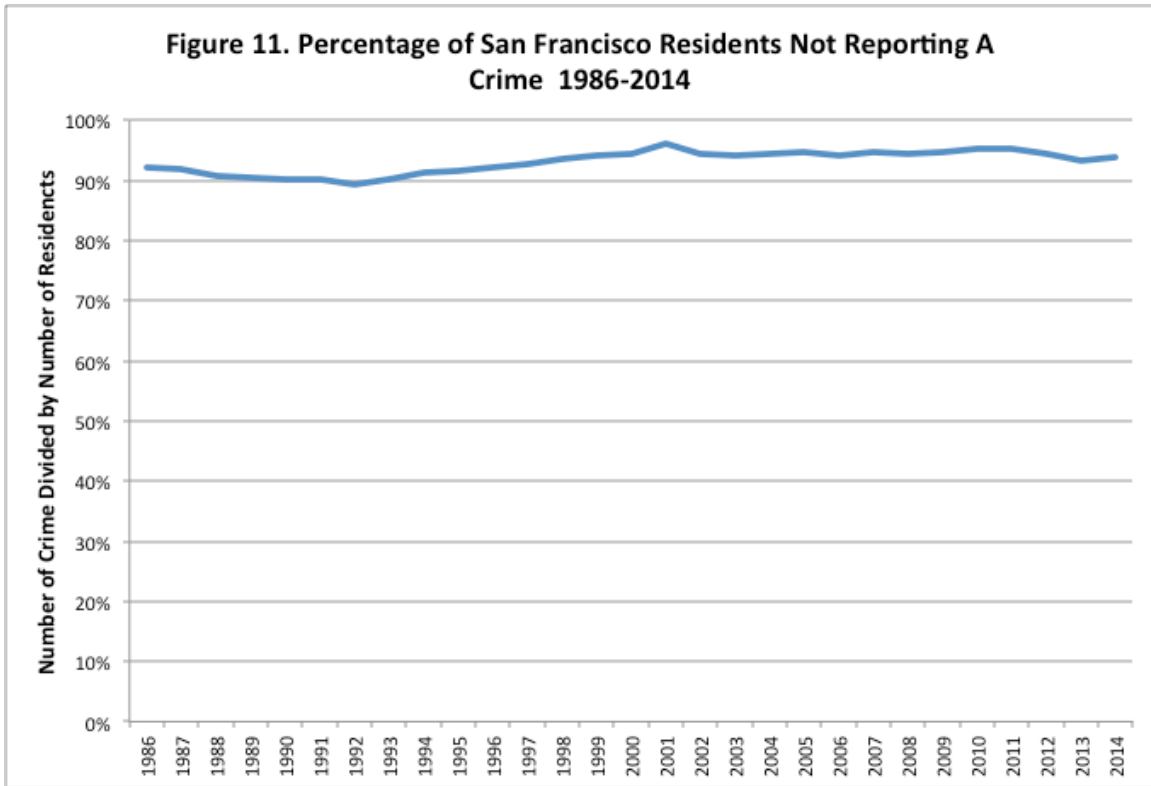


Figure 10. San Francisco Crime Rates Minus Larceny Theft 1986-2014





This figure is actually conservative as it does not take into account 1) the large number of tourists who visit San Francisco, 2) the large number of workers who commute to San Francisco each day and 3) the fact that a person can report a crime to the police more than once in a given year.

A Closer Look at Larceny-Theft

By definition these types of crimes are not assaultive and often fall in to the misdemeanor category. They also constitute 2/3^{rds} of the total crime rate. To get a better perspective from the victim's point of view, Table 4 shows some of the relevant attributes that surround these crimes.

The largest percentage (58%) stems from theft of valuables from a car or other motor vehicle with the other largest category being "Other" or unknown. In terms of the value of the loss to the victim 90% of these crimes had a value of less than \$50, meaning that virtually all of these crimes are misdemeanor offenses.

Table 4. Attributes of Larceny Theft – San Francisco County 2014

Item	Number	%
Total Crimes	53,000	100%
Larceny Theft	34,462	65%
From Motor Vehicle	19,862	58%
From Building	3,028	9%
Shoplifting	2,023	6%
Pocket-Picking	868	3%
Bicycles	849	2%
Other	8,003	23%
Victim Losses		0%
Over \$400	2,782	8%
\$200 through \$400	538	2%
\$50 through \$199	230	1%
Under \$50	30,912	90%

Note: % under larceny-theft is % of larceny theft crimes and not the total San Francisco crimes for 2014.

Source: California Attorney General, Department of Justice

Can Realignment Be Reasonably Linked to Increases in San Francisco's Crime Rate?

To answer this question one must understand the impact of Realignment on offenders. As noted earlier, the only direct incarceration effect of Realignment was in the use of split sentencing and the reductions of parole violations from 12 months to six months. For San Francisco, the number of felons who receive such a sentence is quite small, due to the City's historically low prison disposition rate, which restricts the number of convicted felons receiving prison terms. Only 369 felons received a split sentence between October 2011 and September 2014 for an average of 10 per month or 120 a year. The other 279 sentenced offenders have served their full sentences less good time credits – just as they did in the state prison system prior to Realignment.

Relying on the estimated increase of crime due to Realignment previously cited by the Public Policy Institute, one can see how little impact Realignment could possibly have on San Francisco's crime rate. Table 5 summarizes the total number of reported crimes between the base year 2010 and the following four years. As noted before, there have been increases in the numbers of reported crimes in San Francisco since Realignment began, with the largest increase in the larceny theft group. But even assuming the split-sentenced offenders were contributing an additional 1-2 additional property crimes, the increase in the overall crime rate would be insignificant (no more than 0.3% of the total reported number of crimes, much less than the percent increase the City has experience). Table 4 summarizes the total number of reported crimes between the base year 2010 and the four years.

If Realignment is not the cause of the increase in the crime rate in San Francisco, then what is? The FBI in its annual report on crime identifies the following factors that can explain changes in crime rates of which only one is related to incarceration rates:

- Population density and degree of urbanization.
- Variations in composition of the population, particularly youth concentration.
- Stability of the population with respect to residents' mobility, commuting patterns, and transient factors.
- Modes of transportation and highway system.
- Economic conditions, including median income, poverty level, and job availability.
- Cultural factors and educational, recreational, and religious characteristics.
- Family conditions with respect to divorce and family cohesiveness.
- Climate.
- Effective strength of law enforcement agencies.
- Administrative and investigative emphases of law enforcement.
- Policies of other components of the criminal justice system (i.e., prosecutorial, judicial, correctional, and probational).
- Citizens' attitudes toward crime.
- Crime reporting practices of the citizenry.¹¹

There are several of these factors that could explain the rise since 2011 in San Francisco. Demographically, San Francisco is one of the fastest growing cities in California, increasing its already high-level of population density.

As noted earlier, there is large and growing number of commuters that serve to swell the daytime population by an estimated 162,455 people during the work week.¹² This large flux of people necessarily increases the number of crimes being reported as a simple function of population size. If San Francisco's crime rate were based on the estimated day-time population of 951,627 people, its crime rate would decline by 11%.

There have also been reports of increasing income inequality within the San Francisco metropolitan area. San Francisco has the nation's highest level of income inequality.¹³

¹¹ Crime in the United States. 2009. *Variables Affecting Crime*. Washington, DC: U.S. Department of Justice, Federal Bureau of Investigation.

¹² U.S Census, American Community <http://www.census.gov/acs/www>.

¹³ Florida, Richard, Zara Matheson, Patrick Adler & Taylor Brydges. September 2014. [The Divided City: And the Shape of the New Metropolis](#). Toronto, Canada: [The University of Toronto, Martin Prosperity Institute](#).

**Table 5. Reported Crimes 2010-2014
and Estimated Impact of Split Sentences on Reported Crimes**

Item	2010	2011	2012	2013	2014
San Francisco Population	804,989	815,016	827,420	837,442	843,003
Reported Crimes					
Homicide	50	50	69	48	46
Rape	147	131	108	161	317
Robbery	3,180	3,088	3,484	4,202	3,267
Aggravated Assault	2,386	2,105	2,116	2,653	3,116
Total Violent	5,763	5,374	5,777	7,064	6,746
Burglary	4,557	4,408	5,317	5,931	5,291
Larceny/Theft	23,905	24,304	28,242	36,527	34,284
Auto Theft	3,903	4,174	5,339	5,866	6,175
Arson	156	161	207	227	241
Total Property	32,521	33,047	39,105	48,551	45,991
Total Part 1	38,284	38,421	44,883	55,615	52,737
Sentenced 1170h	0	77	250	188	156
Split Sentences	0	31	129	114	100
Estimated Crime Increase @ 1.5 property crimes per split sentence	0	47	194	171	150
% of Crimes Reported	0.0%	0.1%	0.4%	0.3%	0.3%

Note: 2014 1170h sentences are estimated based on first nine months of 2014.

Sources: California Attorney General, Department of Justice and San Francisco Adult Probation Department

Inequality over a sustained period of time has been linked to crime rates by several studies although the strength of such a relationship has varied.¹⁴

There is also the possibility of simple random fluctuations in crime rates that have existed since crime rates have been computed. Just as crime rates went up for two years, they have once again declined.

In summary, crime rates are much lower in San Francisco and have been so for some time. Each year the vast majority (95%) of residents are not victimized by serious crimes, and the recent implementation of several reforms designed to reduce mass incarceration that began in 2009 has not served to increase these low crime rates.

¹⁴ For a summary of these studies see www.financesonline.com/how-income-inequality-affects-crime-rates.

Post Prop 47

Relative to Prop 47 what do we know about crime and the City's response to crimes? One thing is certain: Enough time has not past since Prop 47 was passed to make any credible study on its impact on crime rates. It will not be until after 2016 before such analysis can be undertaken.

Further, the number of people who were incarcerated at the time Prop 47 passed for the six crimes was miniscule. According to the San Francisco District Attorney, there were only four people in state prison and 15 people in jail who have been released due to Prop 47. With such a low number of people affected by the ballot initiative, it's simply not feasible for them to have any impact on crime or crime rates.

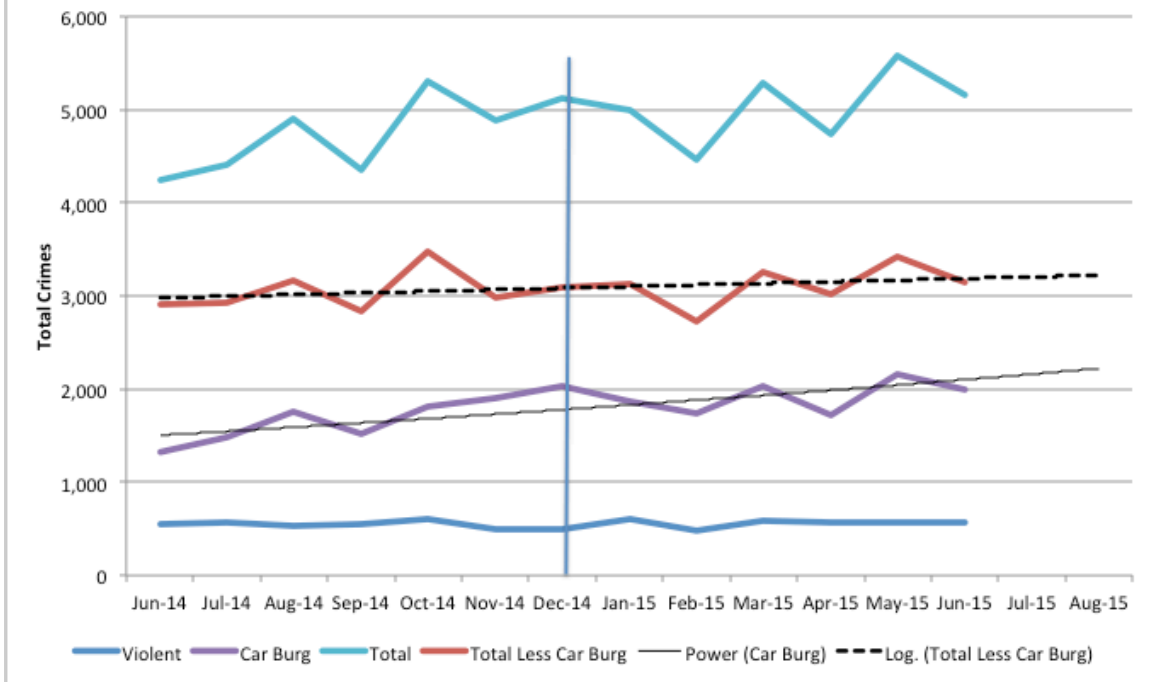
This low number of impacted prisoners for San Francisco is due to the other reforms noted above that served to lower the use of incarceration for sentenced felons. Counties that had not implemented such reforms reported much higher numbers of prisoners released from state prison and local jails due to Prop 47.¹⁵ For example, Los Angeles County reported 1,600 state prisoners released from custody since Prop 47 has been passed.

That said, since November 2014, there has been a slight increase in the number of crimes reported to police (Figure 12). However, much of that increase began prior to Prop 47, and is largely linked to a trend of stealing items out of cars that began in the summer of 2014. If one removes the increase in this crime the overall number of crimes is virtually flat – especially for violent crimes.

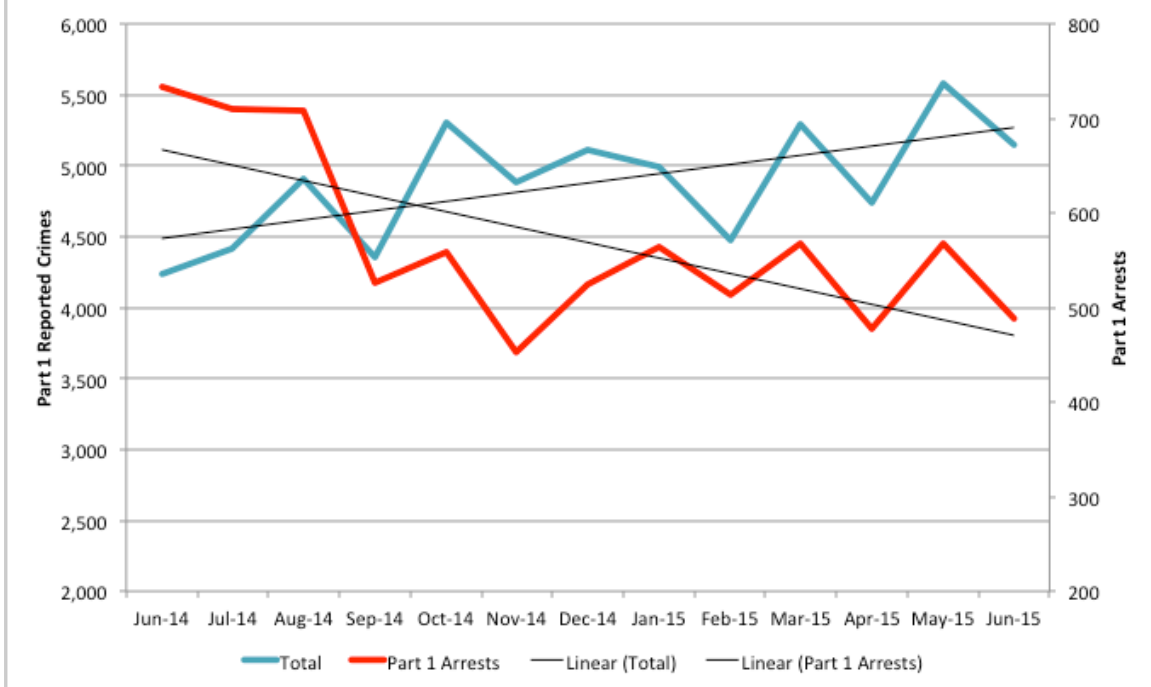
It is also noteworthy that Part 1 arrests by the SFPD have declined sharply since Prop 47 was passed. Why this is occurring is somewhat of a mystery given the higher number of reported crimes. It may be linked to a perception that police can no longer arrest people suspected of a Prop 47 crime, which is not correct. Or it may be the nature of the crime that has increased (stealing property out of cars) which has a low arrest rate.

¹⁵ Stanford Justice Advocacy Project. October 2015. *Proposition 47 Progress Report: Year One Implementation*. Palo Alto, CA: Stanford Law School.

**Figure 12. San Francisco Reported Crime By Crime Type
June 2014 - June 2015**



**Figure 13. San Francisco Reported Part 1 Crimes and Arrests
June 2014 - June 2015**



Policy Implications

San Francisco becomes the third major jurisdiction in the United States that JFA has recently reported on that has significantly lowered not only their use of incarceration, but all other forms of correctional supervision and control. New York City and the Bay Area suburban Contra Costa County are also places where the rates of incarceration, probation, and parole are at the levels that predate our national imprisonment binge that began in the 1970s. In all three jurisdictions different approaches were used to eliminate mass incarceration.

In New York City it was changes in police practices that reduced the number of people being arrested, especially for felony cases. Contra Costa and San Francisco counties also relied upon criminal justice policy officials to make a firm and longstanding commitment to lower the use of imprisonment, and especially state-level incarceration. And it must be noted that litigation against the California prison system “encouraged” state officials to develop a series of economic incentives via SB678 and AB109 that allowed counties like Contra Costa and San Francisco to maximize efforts to reduce incarceration rates.

Proposition 47 represents another model for change. Litigation and ballot initiatives can be powerful sticks to force change on reluctant criminal justice policy officials. Unlike litigation and legislation, the ballot initiative via Prop 47 triggered one of the largest reductions in incarceration in a very short time period (8,000 reduction in just a few months). And, there is no evidence that the elimination of mass incarceration in San Francisco has jeopardized public safety.