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POLICY BRIEF

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High Users of San Francisco's Criminal Justice System

The top one percent of arrestees in San Francisco (“high users”) account for approximately seven percent of all arrests. Property crimes, both felony and misdemeanor, are the most frequent charge in both high user arrests and cases filed by the District Attorney. High users are predominantly male and fall between 30 and 50 years old. African Americans, though 6% of San Francisco’s population, constitute almost 50% of the high user cohort. San Francisco’s high user cohort also faces significant economic insecurity: more than half accessed safety-net benefits from the Human Services Agency during the study period.

Context

San Francisco has reduced its correctional population at a pace that exceeds state and national rates. Despite this progress, a subset of individuals comes into frequent contact with the county’s criminal justice system. These high users of the criminal justice system (“high users”) absorb significant human and financial capital from multiple agencies. Furthermore, the continual churning in and out of the justice system can exacerbate mental illness and may increase the likelihood of addiction, homelessness, and recidivism. This research brief provides an empirical profile of San Francisco’s high users and contributes to ongoing discussions about how to safely reduce the number of individuals with mental health and/or substance abuse disorders in the county’s criminal justice system.

Methodology

A San Francisco high user is defined as an individual who falls into the top one percent of

arrestees between November 5, 2014 and July 31, 2016.ⁱ The analysis is restricted to arrests occurring after Proposition 47 took effect, which reclassified select property and drug crimes as misdemeanors.

Descriptive Statistics

The San Francisco high user cohort consists of 234 individuals who collectively account for an average of 1,198 arrests per year.ⁱⁱ This one percent of arrestees account for seven percent of all arrests.

Who are the 234 High Users?

The high user cohort is predominately male (89%), African American (49%), and between 30 and 50 years of age (56%). African Americans, which comprise 6% of San Francisco’s population, are greatly overrepresented in the high user cohort. This finding is particularly salient, as San Francisco works to reduce racial and ethnic disparities.

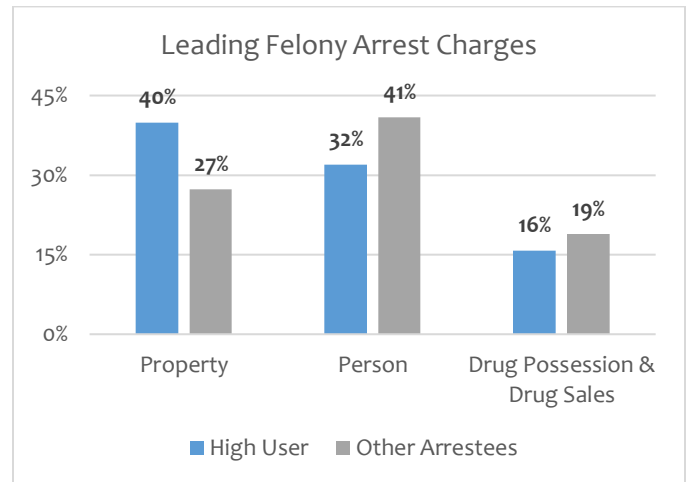
Individuals classified as high users are generally living on the margins, facing extreme housing and

economic challenges. More than 50% of high users enrolled in Medi-Cal, CalWORKs, and/or County Adult Assistance Programs (CAAP) during the study period. Medi-Cal, California’s Medicaid program, was the most frequently accessed human services program (53%). Approximately 13% of high users received assistance through CAAP, a safety net program that provides financial support to extremely low-income San Franciscans with no dependent children.

Arrest Chargesⁱⁱⁱ

San Francisco’s high users were predominantly arrested for misdemeanor crimes (60%).^{iv} Property crimes were the leading charge in 24% of misdemeanor arrests.^v High users were also almost six times more likely than other misdemeanor arrestees (those outside the top one percent) to have their leading arrest offense be a contempt of court charge.^{vi}

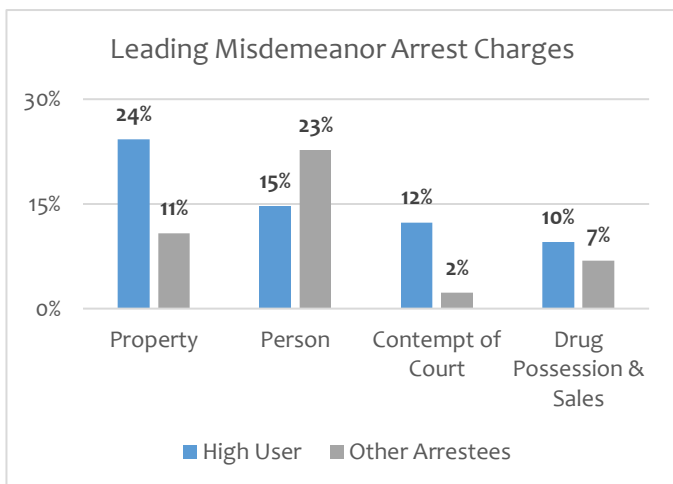
Property crimes were the leading charge in 40% of felony high user arrests. Burglary was the most common property crime charge (43%), followed by receipt of stolen property (36%).^{vii} Crimes against a person, though the second most common high user felony arrest reason, were 1.3 times more likely for all other felony arrestees.

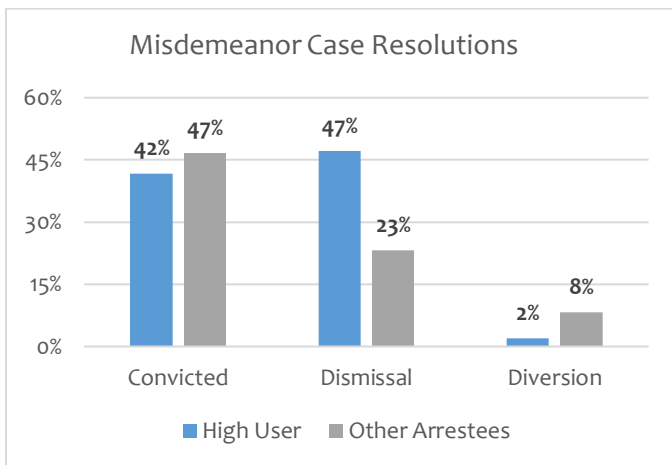
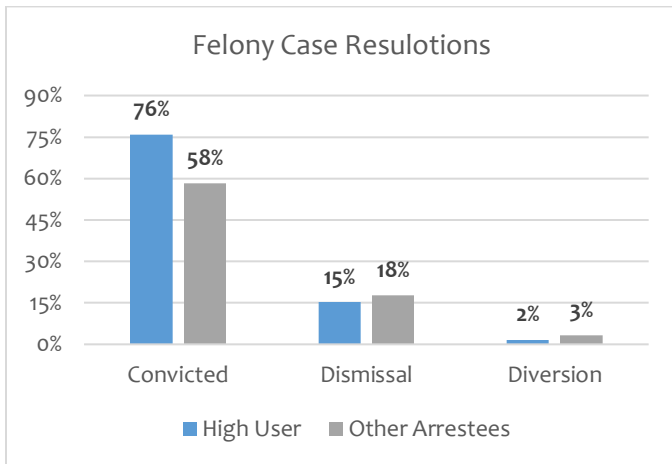


SFDA Filing Trends and Sentencing Outcomes^{viii}

The SFDA filed charges in 58% of all felony arrests presented involving a high user, a rate consistent with that for all other arrestees. Of the felony cases filed, property crimes were the most common (48%), followed by crimes against a person (31%), and drug possession and drug sales (11%). When compared to all other arrestees charged with a felony, high users were 1.3 times more likely to be convicted.^{ix} County jail with a probation condition was the most frequent sentence in high user felony convictions (68%).

The SFDA filed charges in 31% of all high user misdemeanor arrests, compared with 25% of all other misdemeanor arrestees. Of the misdemeanor cases filed, property crimes were the most common leading charge (50%), followed by crimes against a person (17%). Slightly more misdemeanor cases resulted in a conviction for all other arrestees than for high users, 47% compared to 42%.^x However, many high user cases were dismissed in favor of prosecuting one (or more) other cases open at that time. Theft under \$950 was the most frequent charge for high user misdemeanor convictions (40%), followed by contempt of court violations and battery (both 9%).^{xi} Contempt of court violations and theft under \$950 were also the most frequent charges in dismissed high user misdemeanor cases (59%).





The case resolution results also show that high users are less likely to successfully complete pretrial diversion than all other arrestees.^{xii}

Further Research

These results provide new insights into the arrest, charging, and sentencing patterns of the top percentile of arrestees in San Francisco. Integrating data from the jail, public health, and human services sectors can help policymakers better understand the drivers of this population’s frequent criminal justice contact and elucidate opportunities for evidence-based interventions. In ongoing research, CPL will explore outcomes for high users referred to pretrial diversion programs and Collaborative Courts.

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i An “arrest” refers to citations and custodial arrests for new criminal activity that are presented to the SFDA for charging. Many arrests do not warrant review by the SFDA, and therefore are excluded. Arrests in which the only charge was a hold from another jurisdiction or violation of supervision conditions are excluded.

ii All descriptive statistics about justice system usage are annualized based on a 21-month study period.

iii Arrest charges refer to the most serious offense on an arrest. For example, 13% of felony property arrests also included a drug possession or sales charge, but are listed only as felony property.

iv The majority of high user misdemeanor arrests were street citations (57%), which do not result in a jail booking.

v These were primarily charges of theft under \$950.

vi Contempt of court offenses refer to 166(a)(4), Other Offenses Against Public Justice.

vii Burglary charges refer to 459; receipt of stolen property charges refer to 496(a), 496(d), and 496(d)(A).

viii The filing statistics reference only cases for which a complaint is filed, and do not include cases that were discharged for any reason prior to filing.

ix Case outcomes include cases resolved by December 31, 2016. 13% of high user and 30% of other cases were still open at this date.

x These charts represent resolutions as a percent of all cases in which a charge was filed, therefore the denominator includes pending cases and other case results that are not traditionally included in the conviction rate. The actual conviction rate is 86% for high users and 82% for other arrestees.

xi Theft under \$950 refers to 490.2(a) and battery to 242.

xii Pretrial diversion includes misdemeanor diversion and special proceedings for drug cases (governing penal codes 1001.5, 100.3, 100.17, and 100.9). Individuals who have not completed, nor been terminated from pretrial diversion ('active') are not reflected in this chart as their case is still considered open.