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Report

Race & Incarceration in San Francisco: Localizing Apartheid

By Chet Hewitt, Ken Kubota, and Vincent Schiraldi

Introduction

The uprising following the decision in the Rodney King case has caused many observers to doubt that sufficient progress is being made in race relations in America. Some have suggested that a whole generation of young African American men is being excluded from meaningful participation in our society.

Nowhere can our nation's failure to provide equal opportunity be better discerned than by examining our jails and prisons. Winston Churchill once said, "the mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilization of any country."
(1)

California, a state which once served as a symbol of opportunity to America and perhaps the world, now has one in three of its young African American men under some form of criminal justice control -- more than are enrolled in college.(2) In San Francisco, which is often considered a beacon for progressive thought nationwide, 90% of those charged with felonies in its "Rodney King" protests were African American, whereas 90% of those arrested were white.(3)

No one study can answer all of the

questions needed to resolve our society's deep and pervasive racial rift. Neither can one report pose all of the solutions required to reduce our justice system's startling racial and ethnic disparities. This report, instead, hopes to shed some statistical light on the problem as it now exists in San Francisco, and offer some important first action steps toward redressing the startling disparities which the data reveal.

Background

California in general, and San Francisco in particular, have recently experienced an explosion in the number of incarcerated citizens. Since 1977, the population of the California Department of Corrections (CDC) - the state's prison system - has gone from 19,000 to over 104,000, a five fold increase in 15 years. The population of San Francisco's county jail system has nearly doubled since 1981, increasing from 1,218 inmates in 1981, to approximately 2,200 inmates today. San Francisco experienced a 9.5% increase in jail inmates between 1990 and 1991 alone, more than twice the increase of the next largest metropolitan county. San Francisco's rate now outpaces the state average, and the average for Los Angeles and Alameda Counties as well.(4)

The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilization of any country.

Despite what one state senator has described as the largest correctional facility construction effort in the history of the world, California's and San Francisco's correctional facilities are more overcrowded today than they were prior to the construction boom. The California Department of Corrections' facilities are currently crowded at 170% of capacity, and 80% of county jail inmates in California are incarcerated in overcrowded jails. This has led many criminologists to conclude that imprisoned populations are "capacity driven" - that is that jail and prison populations rise to, and often beyond, whatever jail and prison capacities are constructed to house them. As such, numerous bodies empaneled to study jail and prison capacities have concluded that the state and counties will be unable to "build their way out of" jail overcrowding, and should therefore look to alternative measures of effecting the ends of justice for a portion of their jail-bound offenders.(5)

The "lock 'em up" approach has made the U.S. the world's leader in incarceration, now surpassing the former Soviet Union and South Africa.(6) According to the California Blue Ribbon Commission on Inmate Population Management, California's vastly increased rate of incarceration has not slowed the crime rate, which has remained steady despite the prison and jail system's dramatic expansion. In a report by John Irwin, San Francisco's crime rate was shown to have remained steady despite the near doubling of the city's jail population.(7)

Incarceration is often the most expensive remedy available to the criminal justice system. Consequently, the practice of over-imprisonment has cost taxpayers dearly. The United States now has 1.1 million Americans behind bars at a cost of 20.3 billion dollars to the taxpayer per year.(8) In California, the

corrections budget has increased at twice the rate of the budgets for education and health and welfare over the past decade. In San Francisco, over the past four years, the budget for jails has increased by 40%, while the city's general fund has increased by 20%.

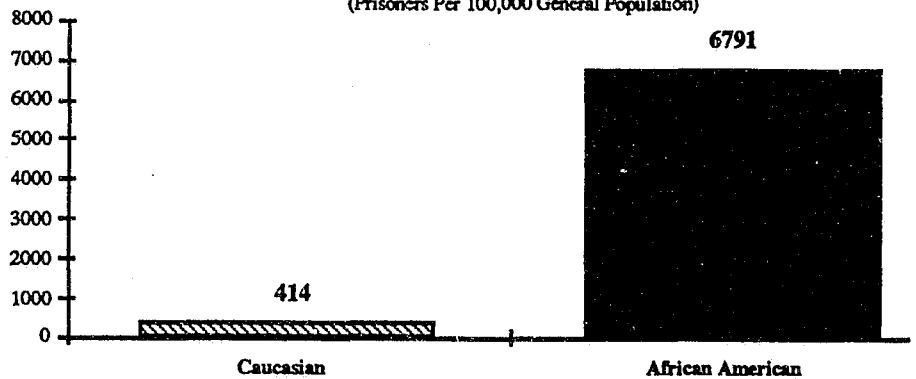
The most disturbing effect of the recent proliferation of jails and prisons is the disproportionate impact it has had on the incarceration of minorities in general, and African American males in particular.(9) The number and percent of African American males under the supervision of the criminal justice system locally and throughout the nation has been well documented. Marc Mauer's Young Black Men and the Criminal Justice System: A Growing National Problem (1990) reported that one in four African American males in the U.S. age 20 - 29 is under some form of criminal justice control. This study spawned a series of follow-up studies in New York State, where those findings were replicated; in California, where one in three African American males in their twenties was found to be under some form of criminal justice control; and in Washington, D.C. and Baltimore, Maryland, where the statistics are progressively worse (42% and 56% of young, African American men under criminal justice control, respectively). (10)

San Francisco's criminal justice system exemplifies this national tragedy. San Francisco Sheriff's Department data indicate that while 11% of San Franciscans are African American, 50% of jail inmates are African American (1992). The overrepresentation of African Americans from San Francisco imprisoned in the California Department of Corrections is even more dramatic, as fully 59% of CDC prisoners from San Francisco are African American.

Purpose and Methodology

This report compares the incarceration rates of African American males in San Francisco to those of African American males in the United States overall and black males in South Africa. San Francisco's rate was obtained by combining the county jail populations with the population of San Franciscans in the CDC and dividing by the number of African American males in San Francisco.(12)

Incarceration Rates for African American and Caucasian Males in San Francisco (Prisoners Per 100,000 General Population)



Source: San Francisco Sheriff's Department, California Department of Corrections, U.S. Census Bureau.

Further, the study examined the representation of African Americans at various stages of the criminal justice process to ascertain if rates of incarceration are a reflection of either rates of criminality or arrest rates.

tion rate of white men. There are 6791 African American men in jail or prison for every 100,000 African American men in San Francisco, and 414 white men in jail or prison for every 100,000 white San Franciscan men (See Chart above).

Finally, an analysis of the racial and ethnic make-up of significant decision making bodies in San Francisco's criminal justice system was undertaken.

- According to a report by the *San Jose Mercury News*, (December 8, 1991) which analyzed nearly 700,000 criminal cases statewide, "At virtually every stage of pretrial negotiations, whites are more successful than non-whites. They do better at getting charges dropped. They're better able to get charges reduced to lesser offenses. They draw more lenient sentences and go to prison less often. They get more chances to wipe their records clean." The *Mercury-News* study also noted that, while six out of ten robberies, assaults and rapes are committed by white offenders, more than six out of ten defendants arrested for these offenses are non-white.

Findings

- San Francisco's incarceration rate for African American males is twice the national average and ten times the rate of South Africa. The incarceration rate per 100,000 black males in San Francisco is 6,791; for the United States is 3,370; and for South Africa is 681 (See Chart I below).

- The incarceration rate of African American males from San Francisco is an astonishing 16 times the incarceration rate of white men.

This statewide phenomenon was

found true in San Francisco as well. African Americans, who make up 9.9% of San Francisco's available labor force, represented 50.2% of felony arrests and received

Chart I: INCARCERTION RATE OF BLACK MALES IN SOUTH AFRICA, UNITED STATES, SAN FRANCISCO

	Black Male Population	Number Incarcerated	Incarceration Rate per 100,000
South Africa *	15,050,642	107,202	681
United States *	14,832,967	499,871	3,370
San Francisco	38,744 †	2,631 ††	6,791

Sources:
 *: Mauer, Marc, Americans Behind Bars: One Year Later, Sentencing Project, 1992.
 †: U.S. Census Bureau.
 ††: San Francisco Sheriff's Department, California Department of Corrections

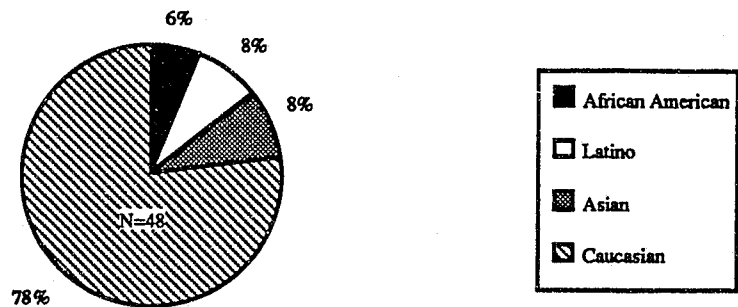
61.7% of jail sentences. Whites, who make up 57.5% of San Francisco's available labor force, represented 40.1% of felony arrests and received 29.5% of jail sentences.(13) Furthermore, according to the San Jose Mercury News study, for San Francisco

County, 4% of first time defendants who were white were sentenced to state prison, compared to 7% of first time defendants who were African American, and 11% of first time defendants who are Latino.

- *African Americans are underrepresented in key decision-making positions in the San Francisco's criminal justice system.* The Criminal Justice Administrator's Group (CJAG) is a 20-member body which meets regularly to discuss solutions to the problems reflected by San Francisco's justice system. Only one (5%) of CJAG's members is African American, one (5%) member is Asian, and there are no Latino members. The remaining 18 members (90%) are white (See chart below).

The underrepresentation of African Americans in criminal justice decision-making positions also holds true for San Francisco's courts. Six percent of San Francisco's judges are African Ameri-

Racial/Ethnic Make-up of San Francisco Municipal and Superior Court Judges



can, 78% are white, 8% are Latino, and 8% are Asian (See chart above).

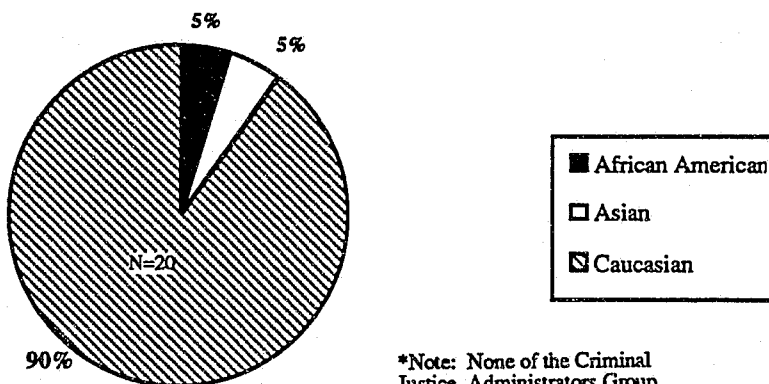
Policy Implications

With such a large portion of African American men incarcerated at increasingly disparate rates, the prospects for a whole generation of African Americans grow dimmer. The dramatic over-incarceration of African American men means that, not only are these men not available to help support their families financially and emotionally, but a whole cadre of African American men are returning to the community every day "schooled" by the prison and jail subculture. This "education" will doubtless leave them less prepared for life in the community and more likely to return to jail or prison in the future.

These findings require swift and dramatic action. The following are some recommendations that are essential to address the deep and pervasive over-incarceration of African American men in San Francisco.

- *Institute a moratorium on the expansion of jails or the renting of jail beds from other jurisdictions.* It is clear that San Francisco has been unable to build or rent its way out of its jail space problems. It is equally clear that monies which could be used to improve the opportunities of African Americans and all San Franciscans are being funnelled into the law enforcement and correctional

Racial/Ethnic Make-up of San Francisco's Criminal Justice Administrators Group



*Note: None of the Criminal Justice Administrators Group are Latino.

bureaucracies. During the course of policy formulation, any jail expansion should cease so that San Francisco does not find itself in the position of other counties in California, laden with jails it cannot afford to operate without cutting deeply into social services.

- *Implement a broad continuum of programs to serve as safe, rehabilitative, and cost-effective alternatives to incarceration.*

Over the past five years, San Francisco's city government has spent thousands of dollars purchasing consultant studies of the city's jail overcrowding dilemma. These studies, one by the National Council on Crime and Delinquency and one the Institute for Law and Policy Planning, have gone under-utilized and untouched, respectively. Meanwhile, the city has continued to construct, rent, and plan new jail space. Until the city makes a meaningful commitment to utilize alternatives to incarceration, jails will continue to be the backbone, and not the backstop, of the criminal justice system, and racial and ethnic disparities will continue unabated.

- *Establish a task force to oversee the implementation of a network of alternatives to assure that these programs do not exacerbate the system's racial disparity; to further examine the racial and ethnic disparities evident in the system; and to develop further policy and procedural recommendations to address the serious over-incarceration of African Americans in San Francisco.*

A task force of this sort is long overdue in San Francisco and could serve as a model for the nation. Any task force which is established should have broad representation from the community as well as from "system players." Unlike the Criminal Justice Administrator's Group, whose

meetings are closed to the public, the task force should have open meetings which the public is encouraged to attend, and its findings and materials should be open to public inspection. Further, the task force should have paid staff as is befitting an important city commission, and should have access to data from the appropriate city departments.

Discussion

San Francisco has long considered itself a bastion of progressive thought and broad participation in addressing to social ills. With respect to criminal justice, this report suggests that San Francisco's reputation is ill-founded.

This year, the entire country learned the cost of its not-so-benign neglect of Americans who are underemployed and undereducated when we witnessed the uprising following the decision in the Rodney King case. San Francisco's over-incarceration of African American men is but a part of the broader system which relies heavily on deterrence and punishment at the expense of opportunity and encouragement. It is these policies which foment the type of reaction we witnessed on national television, not overly-permissive social policies as some would suggest.

Over the past decade, California in general, and San Francisco in particular, have engaged in an experiment of a proportion not often seen in public policy circles. That experiment -- the imprisonment experiment -- has been an abject failure, costing us much financially and in human lives, by further polarizing our society. As Albert Einstein said "Insanity is doing the same thing over and over again and expecting a different result." Based upon the findings of this research, it is imperative that San Francisco explore new policies in the area of criminal justice.

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Footnotes

- (1) Winston Churchill, written when he was Home Secretary and responsible for the administration of Britain's prisons, 1911.
- (2) Young African American Men and the Criminal Justice System in California, Susan Fry and Vincent Schiraldi, National Center on Institutions and Alternatives, October, 1990.
- (3) Informational pamphlet released by "No Justice: No Peace", 1992.
- (4) State of California, Board of Corrections, Report to the Legislature, 1992.
- (5) See, for example, California Blue Ribbon Commission on Inmate Population Management, Final Report, (1990) and Jailhouse Blues: Hard Times for County Taxpayers, California Counties Foundation, (1991).
- (6) Marc Mauer, Americans Behind Bars: A Comparison of International Rates of Incarceration, The Sentencing Project, Washington, D.C., 1989.
- (7) John Irwin, "Jail Overcrowding", 1992.
- (8) Marc Mauer, Young Black Men and The Criminal Justice System A Growing National Problem, The Sentencing Project, February 1990.
- (9) Reporting of statistics on Latino prisoners is inconsistent and often non-existent across correctional systems. The California Department of Corrections, for example, has a category for "Mexicans" and places other Latino inmates into the "Other" category. Data from the Attorney General's office for San Francisco law enforcement practices (i.e. arrests, convictions, dispositions) indicate that Latino populations are either completely unreported or grossly underreported. This remains a serious problem in any analysis of the disparate impact of the criminal justice system on Latinos, and needs to be addressed as a data reporting issue. Unfortunately, the more labor intensive hand tabulation that would be required as a result of these inadequate data rendered an analysis of the overrepresentation of Latinos beyond the scope of this study.
- (10) New York findings contained in Imprisoned Generation, Correctional Association of New York and New York State Coalition for Criminal Justice, October 1990; California data from Fry and Schiraldi, 1990; Washington, D.C, data from Hobbling a Generation: Young African American Males in D.C.'s Criminal Justice System, Jerome G. Miller, 1992; Baltimore findings from Hobbling a Generation: Young African American Males in the Criminal Justice System of America's Cities: Baltimore, Maryland, Jerome G. Miller, National Center on Institutions and Alternatives, 1992.
- (11) Special computer analysis performed by the California Department of Corrections for prisoners from San Francisco housed in the CDC as of July 31, 1992.
- (12) The number of San Franciscans incarcerated in the federal prison system was not included in this study because it was not available. As such, the reported incarceration rates should be considered conservative. Data for the United States and South Africa were obtained from Marc Mauer's report Americans Behind Bars: One Year Later, The Sentencing Project, 1992.
- (13) California Department of Justice, California Criminal Justice Profile, San Francisco County, 1990.

The Center on Juvenile and Criminal Justice is a public policy organization which engages in research and provides technical assistance on criminal and juvenile justice issues.

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