

Race & Incarceration In San Francisco: Two Years Later

By Chet Hewitt, Andrea D. Shorter, and Michael Godfrey

Introduction

Two years ago, the Center on Juvenile and Criminal Justice released a study entitled *Race and Incarceration In San Francisco: Localizing Apartheid*. The data contained in the report revealed that African-Americans in San Francisco suffered some of the highest incarceration rates in the nation. Studies conducted in many of America's major urban centers in the early 90's had revealed similar findings; grossly disproportionate numbers of males of color, particularly African-Americans, incarcerated in county jail and state prison systems.(1) Prior to the study's release, it was presumed by many that San Francisco's history of progressive politics would forestall the occurrence of such racial disparities. That presumption proved wrong. The initial report presented several disturbing findings, revealing a growing crisis.

The initial response to the report's findings were encouraging. The San Francisco Human Rights Commission convened a series of special investigatory hearings culminating in the adoption of a resolution authored by the African-American Ad Hoc Criminal Justice Committee, a body organized after the report's release. The resolution, which proposed that the city embark on a four point plan to address the system's racial imbalance, was supported by local criminal justice experts. Most

importantly, however, was the increase in public awareness regarding the state of the city's criminal justice system and the identification of viable alternatives to "simple" system expansion.

It is timely and important that we revisit San Francisco's justice systems. It is clear that recent policy initiatives will significantly impact the local administration of criminal and juvenile justice, exacerbating the system's racial disparities. The following study does not purport to cover every issue of concern, nor offer definitive solutions to rectify the justice system's racial imbalance. However, it is intended to explore where we were then; what has or has not changed; and make reasonable projections for possibilities in the "not so distant future".

Background

The population of San Francisco's county jail system doubled between 1981 and 1992, to approximately 2,400 inmates today. San Francisco experienced a 9.5% increase in jail inmates between 1990-1991 alone, more than twice the increase of any other of California's large metropolitan counties. In July of 1993, San Francisco's Office of the Sheriff released a press statement marking a disturbing event. For the first time in the city's history, the number of African-Americans incarcerated had surpassed the

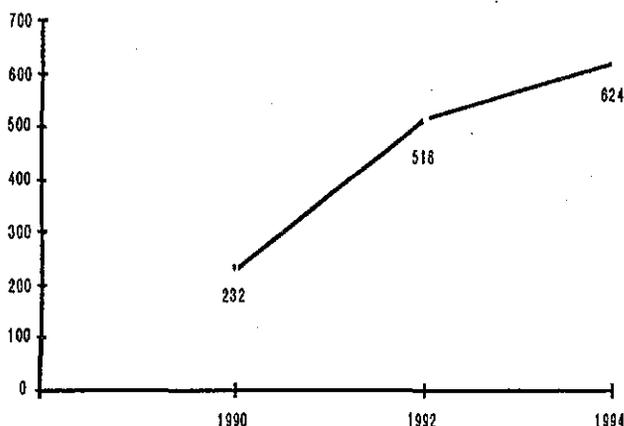
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1000 person mark. Currently, African-Americans comprise 11% of the county's general adult population while 48% of the county's inmates are of African-American descent.

Latino Americans, who represent the county's fastest growing ethnic group are also the fastest growing ethnic group within the county jail system. Latinos, who comprise 15% of the general adult population account for 29% of the county jail population. The population of Latino Males in San Francisco County jails has increased from 232 to 624 from 1992 to 1994. (See Graph I).

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GRAPH I
Population of Male Latinos
in San Francisco County Jails



Source: San Francisco Sheriff's Department

African-American and Latino adults combined comprise 26% of San Francisco's adult population, yet account for 77% of county jail inmates. 57% of the female inmate population were African-American women, a figure seven times higher than their representation in the general population.(2)

Many criminologist believe that escalating prison populations are the result of irrational, yet politically palatable criminal justice policies designed to assuage public concern. Currently, California Department of Corrections facilities are operating at

177% of capacity, despite the 5 billion dollar prison building investment of the early eighties. In San Francisco, from 1986-1993 the budget for jails has increased 128%, to 53.5 million dollars, while the city's general fund has increased by a comparatively meager 28%. When the newly constructed downtown facility opens in January 1995, the number of county jail beds will have increased by 50% since 1989- from 1400 to 2100- the largest jail bed expansion for a seven year period in the city's history.

This "lock'em up" approach has made California the world leader in incarceration surpassing the former Soviet Union and pre-constituent South Africa.(3) 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.

Social Implications

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 adolescent and adult African-American and Latino males in particular. The number and percent of African-Americans under

some form of criminal justice control has been well documented while studies regarding Latino representation have been hampered by antiquated and inaccurate data collection systems. (4)

Two studies regarding African-American males warrant mention: Marc Mauer's Young Black Men and The Criminal Justice System: A Growing National Problem (1990), which reported that one in four African-American Males in the U.S. age 20 - 29 is under some form of criminal justice control; and African-American Men and The Criminal Justice System in California, which

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found that California had *one in three* of its young African-American male population under some form of criminal justice control.

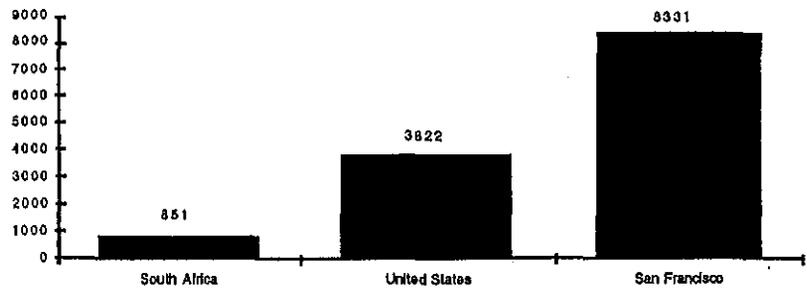
Purpose and Methodology

This report compares the incarceration rates of African-American males in San Francisco to the incarceration rate of white males in San Francisco. The incarceration rates of African-Americans in San Francisco, is also compared to that of African-American males nationally, and Black males in South Africa.

San Francisco's incarceration rates were obtained by adding the number of adult males in their respective racial groups in state prison, county jail, and in the California Youth Authority over age 18. Rates per 100,000 were then obtained by dividing the number of incarcerated African-Americans and white males by their numbers in the general population.(5) The rates were then compared to U.S. and South Africa rates recently published by the Sentencing Project.(6) Rates for Latinos were impossible to obtain because they are not uniformly recorded by the California Department of Corrections. (7)

Further, the study looks at the representation of African-Americans and Latinos at various stages of the criminal justice process to

GRAPH III
Incarceration Rate of Black Males in South Africa, United States, San Francisco
Prisoners per 100,000 in Population



**Sources: See below.

ascertain if rates of incarceration are a reflection of either rates of criminality or arrest rates.

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

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 8331, up 22 percent from two years ago (6791). The rate for the U.S. is 3822; and South Africa, 851. (See Graph II and III).

• *The incarceration rate for African-American males from San Francisco is an astonishing 14 times the incarceration rate of white males.* There are 8331 African-American males in jail or prison for every 100,000 African-American men in San Francisco, and 603 white

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GRAPH II
Incarceration Rates for African American Males in San Francisco from 1992 to 1994
Prisoners per 100,000 Population

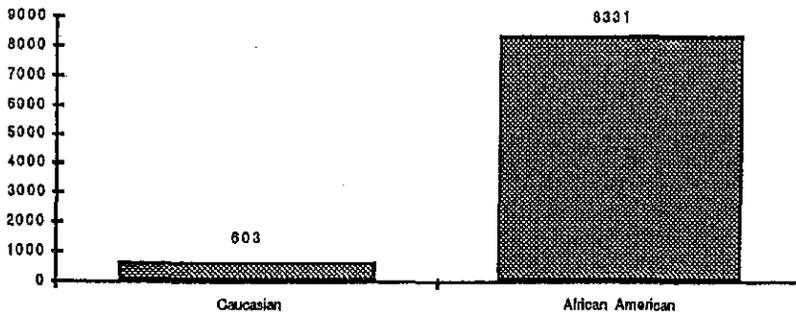


**Sources: See below.

*Sources: State Department of Finance; S.F. Sheriff's Department; CA Department of Corrections; CA Youth Authority

** Sources: State Department of Finance; S.F. Sheriff's Department; CA Department of Corrections; Mauer, Mark, *America Behind Bars: The International Use of Incarceration, 1992-1993*; CA Youth Authority.

GRAPH IV
Incarceration Rates for African American Males
and Caucasian Males in San Francisco
Prisoners per 100,000 Population



***Sources: See below.

males in jail or prison for every 100,000 white San Franciscan men. For incarceration rates see Graph IV. For methodology of incarceration rates see Chart below.

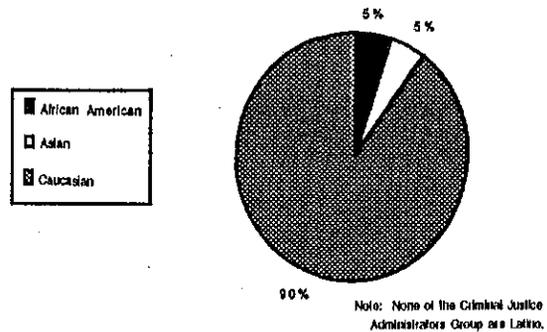
| Methodology of Incarceration Rate for African American and Caucasian Males in San Francisco | | |
|---|----------------------------------|-----------------------|
| | African American Male Population | White Male Population |
| California Department of Corrections | 2250 | 658 |
| San Francisco County Jails | 955 | 364 |
| California Youth Authority | 43 | 3 |
| Total Incarcerated | 3248 | 1025 |
| San Francisco Male Population | 38,985 | 169,883 |
| Incarceration Rate per 100,000 | 8331 | 603 |

Sources: Same as GRAPH II

• **African-Americans and Latinos are under-represented in key decision making positions in the San Francisco criminal justice system.** The Criminal Justice Administrators Group (CJAG) was a 20 member body which met regularly to discuss solutions to the problems reflected by the San Francisco's justice system. Only one (5%) member of CJAG is African-American, one (5%) is Asian and there are no Latino members. The remaining 18 (90%) members are white. (See pie chart). The group which exists on paper, hasn't convened a meeting in over one year.

The under-representation of minorities in criminal justice decision-making positions continues to hold true for San Francisco's courts. In 1992, data revealed that 6% of San Francisco judges were African-Americans, 78% were white, 8% were Latino, and 8% were Asian. Minority decision-makers continue to remain under-represented.

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



Juveniles

In recent years, there have been numerous studies that chronicle the plight of California's youthful offenders. In 1992, the State's Office of Criminal Justice Planning, concerned about the level of minority representation in detention facilities, selected the National Council on Crime and Delinquency to conduct a study on the causes of the racial disparities. The report entitled "The Over-Representation of Minority Youth in California Juvenile Justice Systems" focused on four counties: Sacramento, Los Angeles, Merced, and San Francisco.

The findings revealed a system - not unlike the adult system - which overly relied on "family dysfunction, social and environmental factors; including poverty and unemployment, which are prevalent in minority communities."(8)

While African-American and Latino youth comprise 36% of San Francisco's county

***Sources: State Department of Finance; S.F. Sheriff's Department; CA Department of Corrections; CA Youth Authority

child and youth population age 10-17, they account for approximately 70% of the YGC daily detention population. The disproportionate incarceration of minority youth, particularly African-American males, in San Francisco was first noted in a 1988 analysis of the Youth Guidance Center population which concluded:

More than half of all referrals (63.2%) were black youth, well in excess of the proportion black youth represent in the City and County of San Francisco. We can offer no explanation for the fact that black youth are so over-represented in the San Francisco juvenile justice system...

According to Juvenile Probation Department reports, detainees suffer high rates of poverty, academic failure, learning disabilities, child abuse, substance abuse and sexually transmitted diseases. The department's study concluded that "without comprehensive, coordinated interventions, the potential for positive, long-term outcomes for this population is poor".(9)

A clear example of the stratification of San Francisco's youth populations is shown in education. While San Francisco ranks 53rd of California's 57 counties in dropout rates, it is 2nd in preparing youth for college. Youths in the lower strata are in serious trouble and programs to address their issues have been curtailed.

If youth beginning their descent into unproductive lifestyles are to free themselves from hopelessness, poverty and under-achievement, they must have resources and programs. Recent state and local policy initiatives which impact youthful offender populations, such as "Three Strikes", focus solely on prison expansion. These initiatives represent disturbing investments at a time when California has become the most diverse state, the first and only in the nation with a majority of its children (56%) from Asian, African-American, Latino and Native American families.(10)

In August, four months after signing the

draconian "Three Strikes" bill which is expected to double the California Department of Corrections' annual operating budget, Governor Wilson signed legislation which froze the state's educational expenditure for primary education at 4217 dollars per student. This represents one of the lowest per child K-12 educational allotments in the nation.

Policy Implications

The dramatic disproportionate incarceration of adolescent and adult African-Americans and Latinos means that they will be unavailable to help support their families financially and emotionally. They are returning to their respective communities "schooled" by the prison and jail subculture. This education will leave them less prepared to begin a productive life, and more likely to return to, or move on to prison.

The following are some recommendations that are essential to address the disproportionate incarceration of African-Americans and Latinos in San Francisco.

- *Institute a moratorium on the expansion of jails, detention facilities and the renting of jail beds from other jurisdictions.*

It is clear that San Francisco will be unable to build its way out of its jail space problems. Resources to expand the jail-building industry could be redirected toward improving economic opportunities for all San Franciscans. During the course of policy formulation, all criminal and juvenile system expansion should cease so that San Francisco does not find itself in the position of other counties in California, laden with jails and detention facilities it cannot afford, while cutting prevention and social services programs.

Over the course of the past five years, San Francisco has debated the building of a 200 bed juvenile detention facility. If approved, the new and expanded facility will increase the Juvenile Probation Department's

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capacity by 58%.

On November 8, 1994 San Franciscans will again be asked to consider a jail expansion bond. Passage of the proposition, which would authorize the county to raise funds to tear down, replace and dramatically expand the crumbling San Bruno #3 adult facility, will require single family homeowners and renters to finance the estimated 323 million dollar replacement cost. The San Bruno facility, designed for 440 inmates currently houses 750 inmates. The proposed facility which will have 750 doubled bunked cells will "expand" the facilities capacity to 1500.

• Broaden and expand the continuum of programs which serve as rehabilitative, cost effective and safe alternatives to incarceration for both adolescents and adults.

Over the past seven years, San Francisco's city government has spent tens of thousand of dollars purchasing consultant studies of the city's jail overcrowding. With their recommendations to vigorously expand incarceration alternatives, these studies, one by the National Council on Crime Delinquency and one by the Institute on Law and Policy Planning, were ignored. Instead, the city continued to construct, rent and plan new jail space. Until the city commits to creating an continuum of alternatives to incarceration, escalating justice system costs and racial and ethnic disparities will continue unabated.

A Sheriff's Department report released in October stated that San Francisco was a "national leader" in developing and utilizing alternatives to incarceration. The same report offered as reason to support the building of an expanded replacement facility in San Bruno that "many of the inmates released early commit new crimes within the period they would be normally have been incarcerated." In actuality, 71% of early release inmates commit no new offenses during the early release period. In total, only 3.5% committed violent offenses, even though they had been released without

services. If those inmates were released into an appropriate continuum of services, their already low recidivism rates would be further reduced.

• Establish a taskforce to oversee and implement a network of alternatives in the adult and juvenile systems to ensure that new programs do not exacerbate the system's existing 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 and Latinos in San Francisco.

A task force of this sort was suggested two years ago and is long overdue. The creation of such an entity could serve as a model for the nation. Any task force which is established should have broad representation from the community as well as "system players". The Criminal Justice Administrators Group, discussed earlier, represented an opportunity for system reform through improved cross-system communication and the development of a continuum of alternatives able to respond to chronic jail overcrowding. CJAG should be revived and expanded. The new CJAG should represent San Francisco's diversity and meetings should be public. CJAG should be charged with coordinating strategies for restructuring San Francisco's criminal and juvenile justice systems.

Discussion

San Francisco is a city that prides itself on its treatment of its disadvantaged and in-need citizens. Whether the issue was creating effective responses to traditional ills, such as improved access to health and child care for the poor, or responding to emerging crises such as AIDS, San Francisco's response has always been drive by compassion and reason.

San Francisco needs to replace rhetoric with reason, and create opportunities to address the disparities evident in our juvenile and

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criminal justice systems. Failure to act decisively will ultimately turn justice system reform issues into human rights issues.

In the words of Sheriff Hennessey, "the lopsided numbers of minority men and women in the county jail, and in jails and prisons throughout the nation, are an indictment of our society's priorities and its inability to create equal justice under the law."

Footnotes

- (1) Marc Mauer, Young Black Men and The Criminal Justice System: A Growing National Problem, The Sentencing Project, February 1990.
- (2) San Francisco Sheriff's Department, Number of African-American Inmates in S.F. Jail Passes 1,000 Mark, July 1993.
- (3) Marc Mauer, Americans Behind Bars: A Comparison of International Rates of Incarceration, The Sentencing Project, Washington, D.C., 1989.
- (4) 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. Nevertheless, some Latino population data is included in this report with respect to the various inconsistencies that occur within a correctional or population system.
- (5) General population findings were obtained from the State Department of Finance.
- (6) Marc Mauer, Americans Behind Bars: The International Use of Incarceration, The Sentencing Project, September 1994.
- (7) 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: The International Use of Incarceration, The Sentencing Project, 1994. State of California, Board of Corrections, Report to the Legislature, 1992.
- (8) A study by the National Council on Crime and Delinquency, The Overrepresentation of Minority Youth In California Juvenile Justice Systems, 1992.
- (9) Juvenile Probation Department Annual Report. A Plan To Revolutionize the Treatment of Troubled Youth and Restructure Juvenile Justice, 1992.
- (10) Children Now Report titled, "Three Strikes": A State Proposition: A Children Now Position Sheet, 1994.

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