

Public Safety Assessment (PSA) Implementation in San Francisco

Preliminary Data from the First Six Months

January 2017

JUSTICE SYSTEM PARTNERS



Jan 2017

Prepared for SF Court, Sheriff, and PSA Work Group

SHF000830

PSA Analysis

» Purpose

- Analyze preliminary data regarding use of PSA and DMF since implementation April 30th through October 31st 2016

» Scope

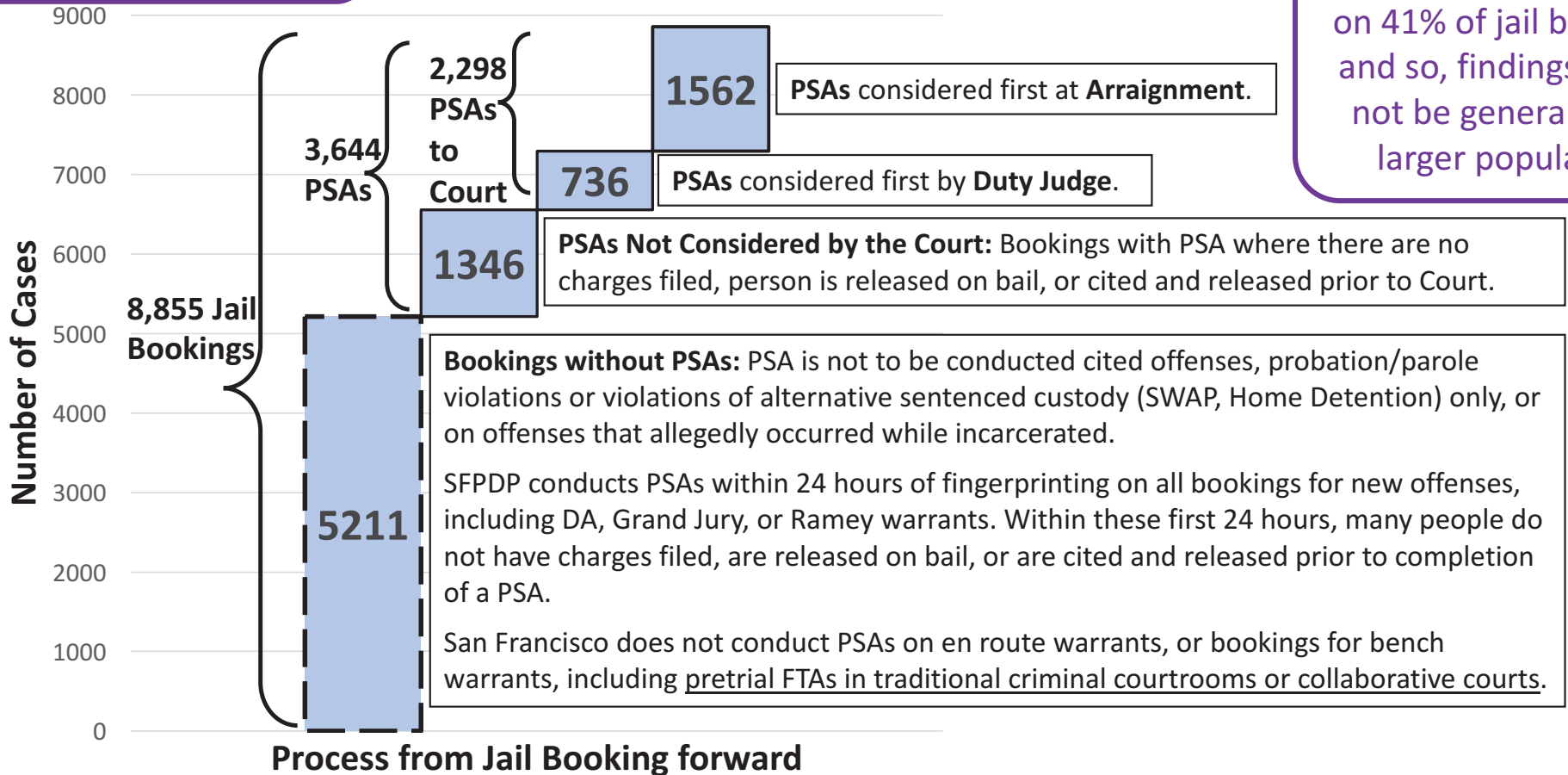
- Reviewed individual case level data files from SF Pretrial Diversion Project and jail release files from SF Sheriff's Department

SFPDP ensures that PSAs are conducted on all appropriate cases.

Jail Bookings and PSAs

April 30th to October 31st 2016 (6 months)

The PSA is conducted on on 41% of jail bookings, and so, findings should not be generalized to larger population.



Process from Jail Booking forward

Jan 2017

Prepared for SF Court, Sheriff, and PSA Work Group

FTA and NCA Scales, NVCA Flag

| | NCA 1 | NCA 2 | NCA 3 | NCA 4 | NCA 5 | NCA 6 |
|-------|-------|-------|-------|-------|-------|-------|
| FTA 1 | | | | | | |
| FTA 2 | | | | | | |
| FTA 3 | | | | | | |
| FTA 4 | | | | | | |
| FTA 5 | | | | | | |
| FTA 6 | | | | | | |

NVCA = No
or
NVCA=Yes

San Francisco's DMF Step 3

| | NCA 1 | NCA 2 | NCA 3 | NCA 4 | NCA 5 | NCA 6 |
|-------|----------|--------------|--------------|---|-------------------------|-------------------------|
| FTA 1 | OR - NAS | OR - NAS | | | | |
| FTA 2 | OR - NAS | OR - NAS | OR - NAS | OR - Minimum | SFPDP - ACM | |
| FTA 3 | | OR - NAS | OR - Minimum | SFPDP - ACM | SFPDP - ACM | Release Not Recommended |
| FTA 4 | | OR - Minimum | SFPDP - ACM | SFPDP - ACM | Release Not Recommended | Release Not Recommended |
| FTA 5 | | SFPDP - ACM | SFPDP - ACM | SFPDP - ACM* Release Not Recommended | Release Not Recommended | Release Not Recommended |
| FTA 6 | | | | Release Not Recommended | Release Not Recommended | Release Not Recommended |

* Release Not Recommended if any booked offense is a felony or violent misdemeanor per PSA Violent Offenses List; SFPDP – ACM if booked offense(s) are non-violent misdemeanors.

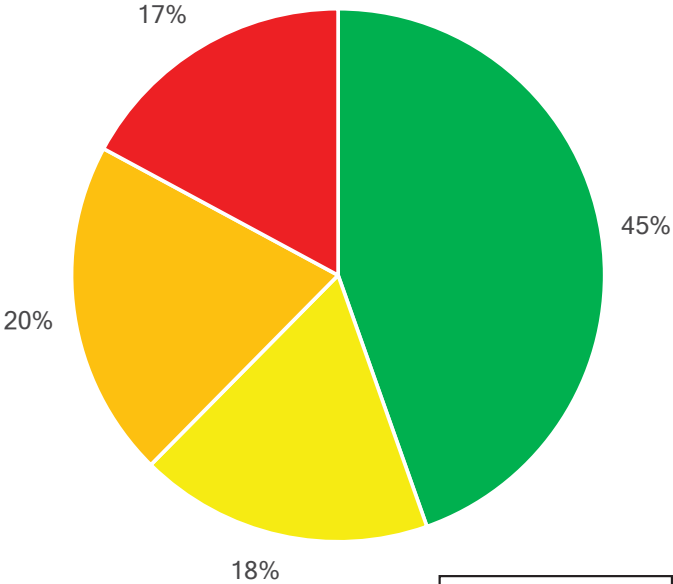
SF Release Types and Levels of Supervision

| Release Type | Level of Supervision | Description | Current Challenges |
|--------------------------------|---------------------------------|--|---|
| OR-NAS | No Active Supervision (NAS) | Release on OR with Court Reminders only. | Consistently getting defendant contact information to SFPDP for those ordered to OR-NAS at arraignment. |
| OR-MS | Minimum Supervision (MS) | Release on OR with Court Reminders, and 2x a week Phone Reporting | Consistently getting defendant contact information to SFPDP for those ordered to OR-MS at arraignment. |
| SFPDP-ACM | Assertive Case Management (ACM) | Release on OR to SFPDP supervision, with Court Reminders, 4x a week Reporting (2 to 4 in person) | Individuals ordered released at arraignment to SFPDP-ACM remain in custody until next day, due to release process time and lack of SFPDP resources. |
| Release Not Recommended | | | |

PSA Risk and DMF Recommendations

Distribution by FTA and NCA Risk

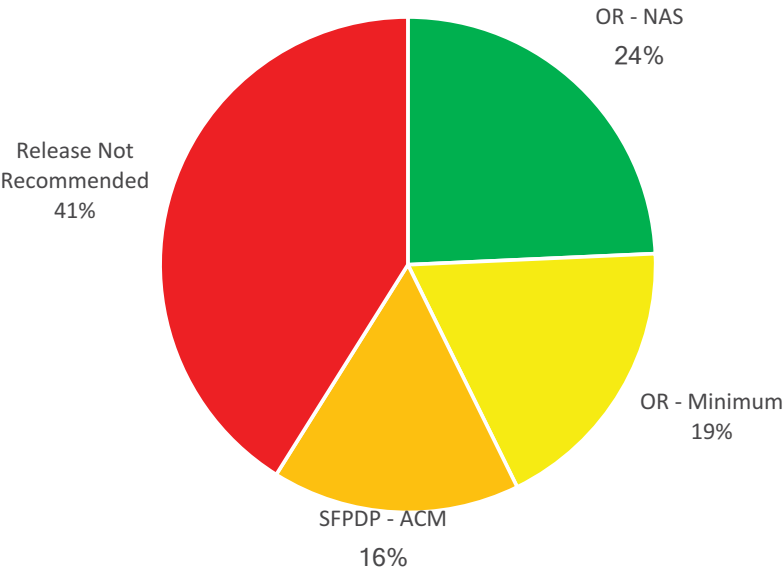
May through October (3,644 Cases)



NVCA Risk
 83% No
 17% Yes

DMF Recommendation

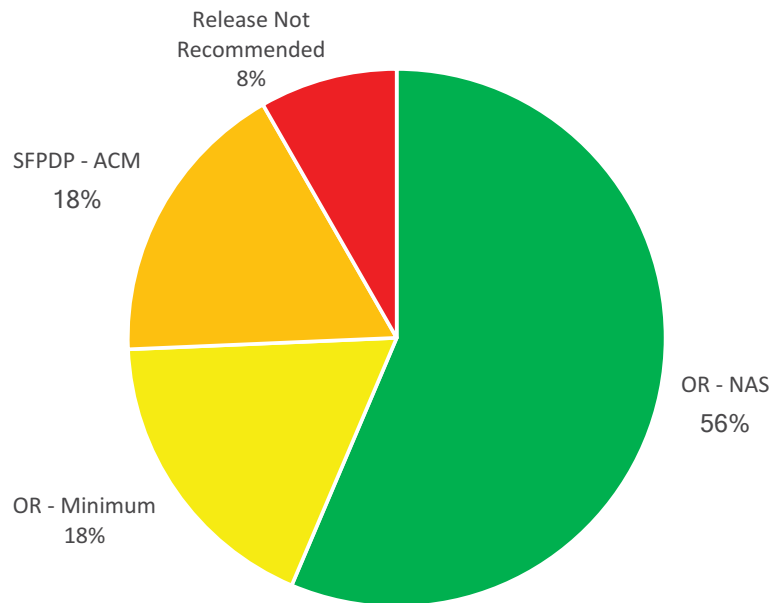
May through October
 (3,644 Cases)



Pre-Arrestment Eligible Cases DMF Recommendations and Duty Judge Decisions

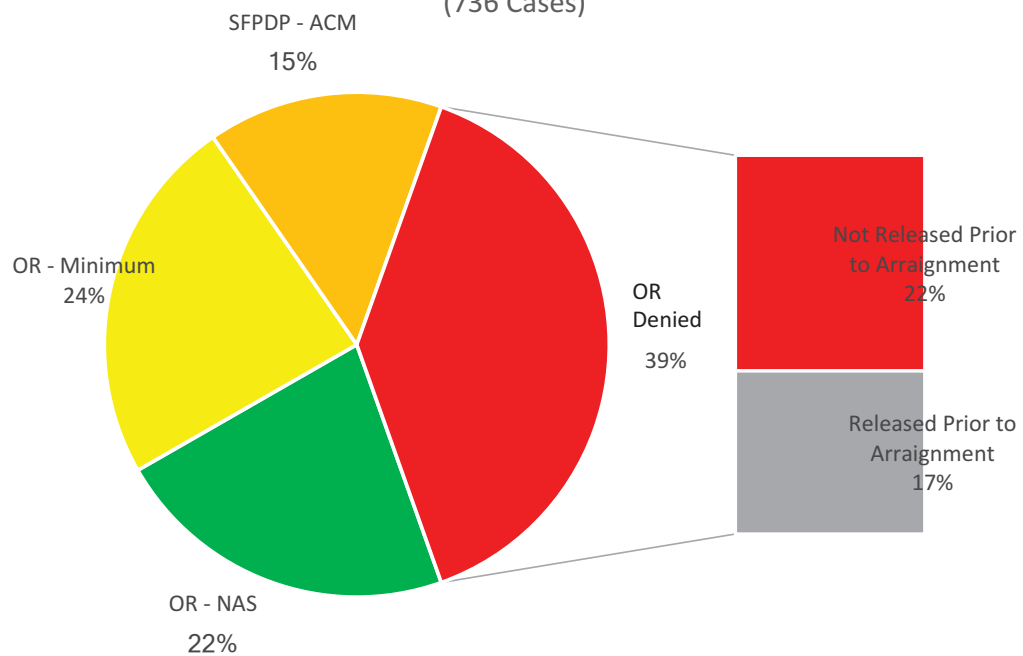
DMF Recommendation

May through October (736 Cases)



Duty Judge Decision

May through October
(736 Cases)



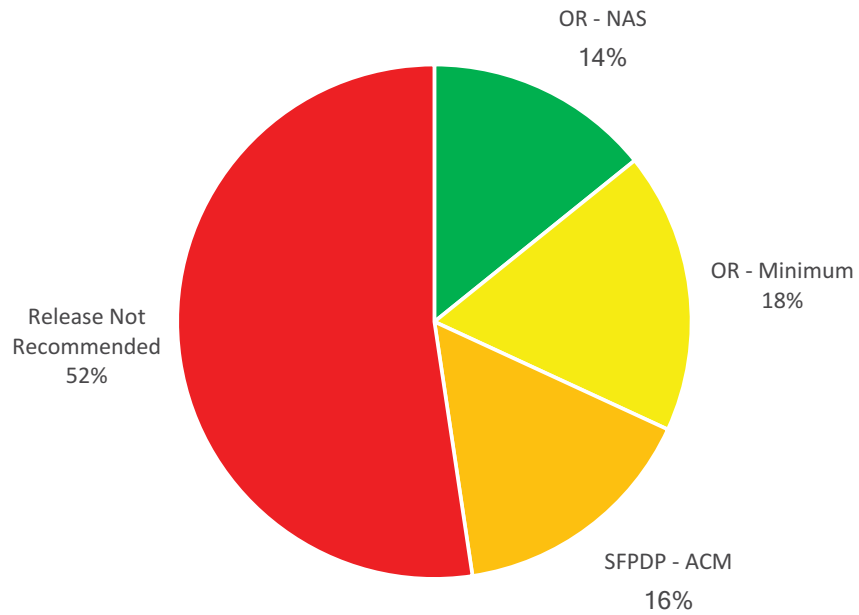
Jan 2017

Prepared for SF Court, Sheriff, and PSA Work Group

Cases where OR Decision must be delayed until Arraignment DMF Recommendation and Arraignment Judge Decision

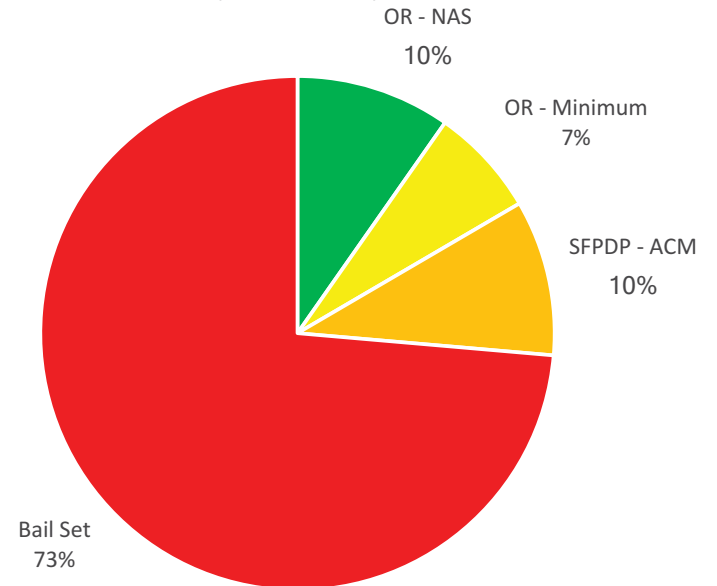
DMF Recommendation

May through October
(1,562 Cases)



Decision at Arraignment

May through October
(1,562 Cases)



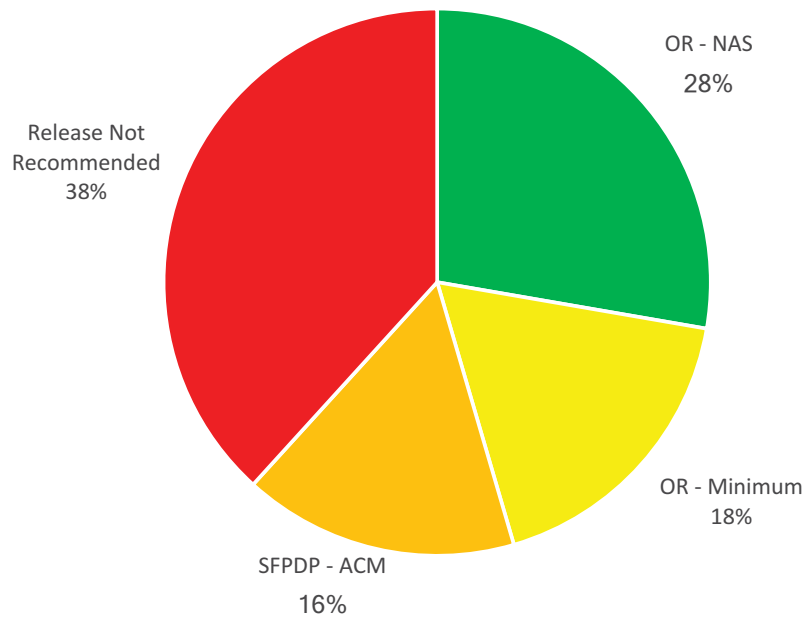
Jan 2017

Prepared for SF Court, Sheriff, and PSA Work Group

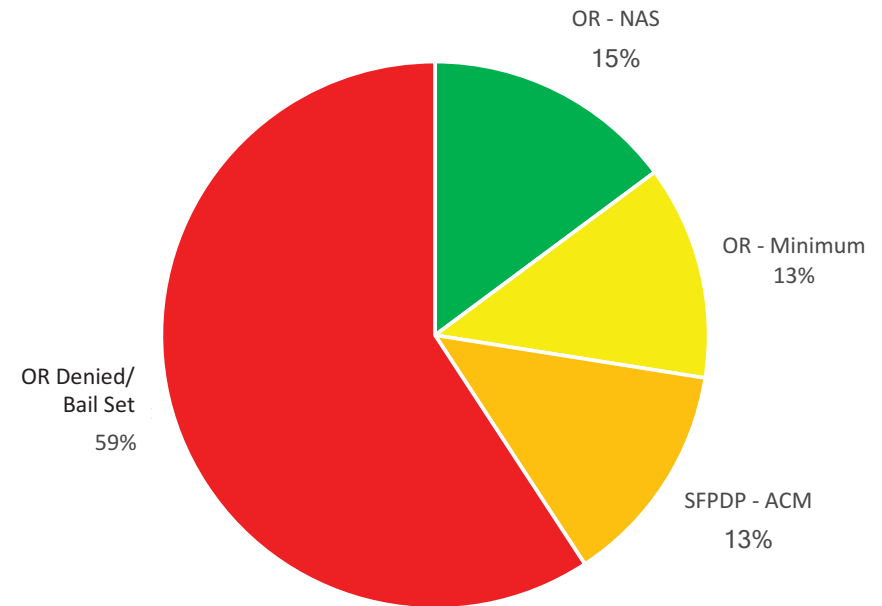
SHF000838

DMF Recommendations and Judicial Decisions before or at Arraignment

DMF Recommendation May through October
(2,298 Cases with a Judicial Decision)



Judicial Decision May through October
(2,298 Cases with a Judicial Decision)

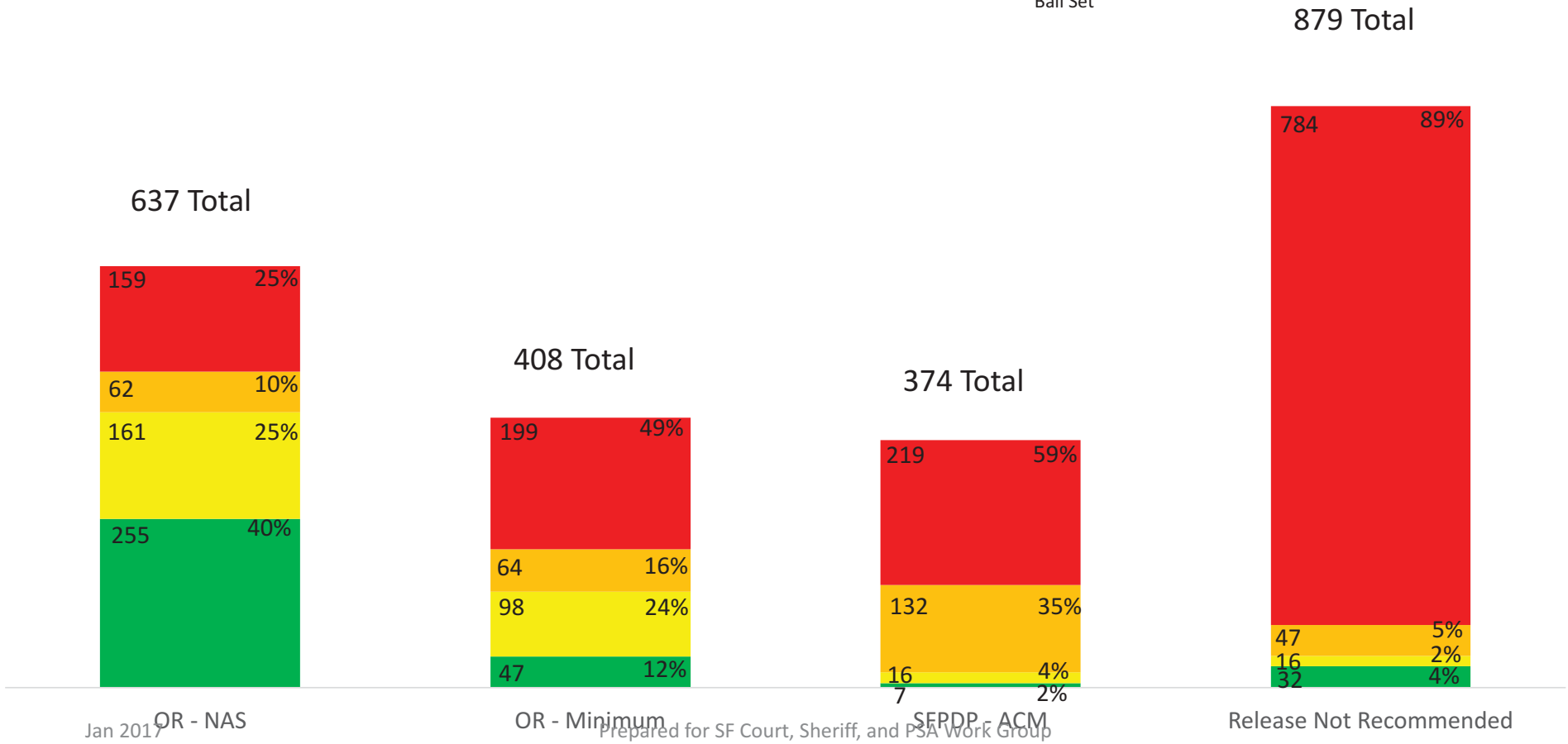


Jan 2017

Prepared for SF Court, Sheriff, and PSA Work Group

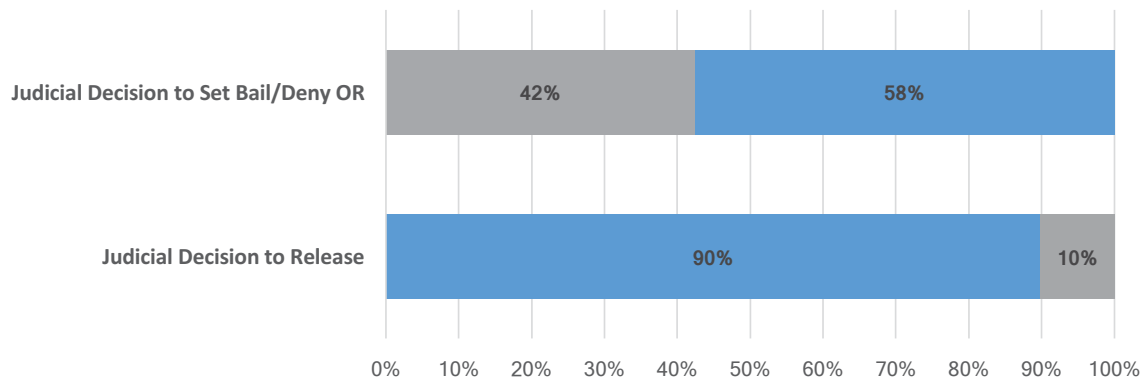
DMF recommendations and Judicial Decisions before or at Arraignment (n=2,298)

■ OR - NAS
 ■ OR - Minimum
 ■ SFPDP - ACM
 ■ OR Denied/
 Bail Set



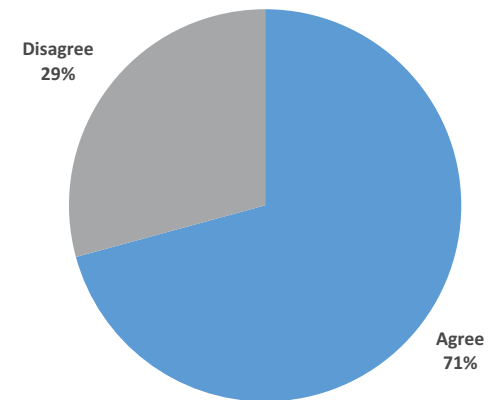
Agreement of Judicial Decisions with DMF Recommendations to Release* or Not Release (n=2,298)

Agreement of Judicial Decisions by DMF
Recommendation to Release or Not Release



| | Judicial Decision to Release | Judicial Decision to Set Bail/Deny OR |
|-------------------------------|------------------------------|---------------------------------------|
| DMF Recommendation to Release | 90% | 42% |
| DMF Release Not Recommended | 10% | 58% |

Overall Agreement of Judicial Decisions with
DMF Recommendation to Release or Not
Release



* "Release" combines OR-NAS, OR-Minimum, and SFPDP-ACM

Judicial decisions were made on 2,298 cases with a PSA from May through October 2016

- **937 (41%)** were released at or before arraignment
 - 448 released by Duty Judge stayed an average of **1.3 days in jail**
 - 489 released by Judge at arraignment stayed an average of **4.3 days in jail**
- **1,361 (59%)** were denied release at or before arraignment
 - **1,236 (54%)** were rebooked and then denied release at arraignment.
 - Of these 1,236 people, **869 (70%)** were later released.

| DMF Recommendation | All | Those Still in Jail | Those Released | Average LOS in jail for those released |
|-------------------------|-------------|---------------------|----------------|--|
| OR - NAS | 108 | 24 | 84 | 25.5 days |
| OR - Minimum | 174 | 45 | 129 | 29.6 days |
| SFPDP - ACM | 190 | 40 | 150 | 37.3 days |
| Release Not Recommended | 764 | 258 | 506 | 36.1 days |
| Grand Total | 1236 | 367 | 869 | 34.3 days |

*367 were still in jail so this average will increase.

DMF Step 2 automatic “Release not Recommended”

- a) Extradited for the current booked offense; or**
- b) A current booked offense is any of the following offenses, or a FTA, Solicitation, Conspiracy or Attempt for any of these offenses:**
 - **Murder**
 - **Voluntary Manslaughter**
 - **Aggravated Mayhem**
 - **Torture**
 - **Felony Sexual Assault (forcible rape or forcible sexual assault)**
 - **Robbery**
 - **Carjacking**
 - **Kidnapping**
 - **Felony Domestic Violence**
 - **Felony Stalking**
 - **Violation of a Domestic Violence Protective Order**
 - **Escape; or**
- c) If the PSA resulted in a NVCA flag and a current booked offense is violent.**

DMF Step 2b and 2c Summary

- Of the 2,298 cases with a judicial decision, **560 (24%) cases** were either Step 2b (Booked Offense) or Step 2c (NVCA and Current Violent Offense)
 - Of the 560 cases, **480 (21% of the total)** shifted from release to Release Not Recommended.
 - Of these 480, 211 were step 2b only, 131 were step 2c only, and 138 were both step 2b and step 2c.

| Bumped up From | To | N | % |
|--------------------|-------------------------|------------|---------------|
| OR - NAS | Release Not Recommended | 233 | 48.5% |
| OR - Minimum | Release Not Recommended | 107 | 22.3% |
| SFPDP - ACM | Release Not Recommended | 140 | 29.2% |
| Grand Total | | 480 | 100.0% |

Jan 2017

Prepared for SF Court, Sheriff, and PSA Work Group

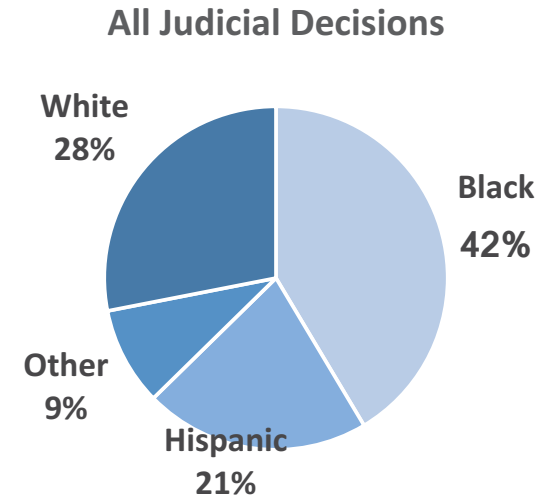
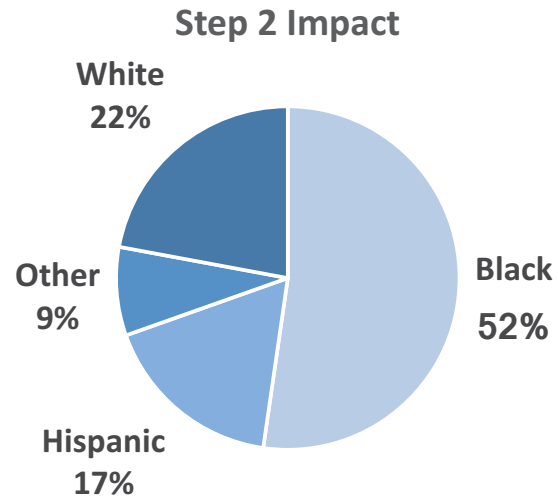
SHF000844

DMF Step 2b automatic “Release not Recommended”

| DMF Step 2b Offense (includes attempts, conspiracy, solicitation, or FTA) | Top Offenses | % of Total |
|---|---------------------|-------------------|
| Murder | 52 | 13.0% |
| Voluntary Manslaughter | 1 | 0.2% |
| Aggravated Mayhem | 2 | 0.5% |
| Torture | 0 | 0.0% |
| Felony Sexual Assault | 13 | 3.2% |
| Robbery | 221 | 55.1% |
| Carjacking | 9 | 2.2% |
| Kidnapping | 8 | 2.0% |
| Felony Domestic Violence | 68 | 17.0% |
| Felony Stalking | 25 | 6.2% |
| Violation of Domestic Violence Protective Order | 2 | .5% |
| Escape | 0 | 0% |
| Total Cases where Step 2b applied | 401 | 100% |

342 of these had DMF Recommendation shift from release to Release Not Recommended.

DMF Step 2 Impact by Race/Ethnicity



| | Black | | Hispanic | | White | | Other | | Total |
|-------------------------------------|-------|-----|----------|-----|-------|-----|-------|-----|-------|
| | N | % | N | % | N | % | N | % | |
| Step 2b Offense | | | | | | | | | |
| Robbery | 102 | 58% | 32 | 18% | 32 | 18% | 11 | 6% | 177 |
| Felony Domestic Violence & Stalking | 6 | 25% | 4 | 17% | 13 | 54% | 1 | 4% | 24 |
| Step 2c | 69 | 53% | 13 | 10% | 35 | 27% | 14 | 11% | 131 |

DMF Step 4 automatic “bump up”

- a) A current booked offense is any of the following offenses, or a FTA, Solicitation, Conspiracy or Attempt for any of these offenses:
- Violation of other Protective Orders
 - Person to Person Sex Crime
 - Arson
 - Involved Use of a Weapon, Caustic Chemical, Flammable Substance or Explosive
 - Felony inflicting Great Bodily Injury
 - Misdemeanor Domestic Violence
 - Misdemeanor Stalking
- b) If the PSA resulted in a NVCA flag and a current booked offense is not violent.

DMF Step 4 Summary

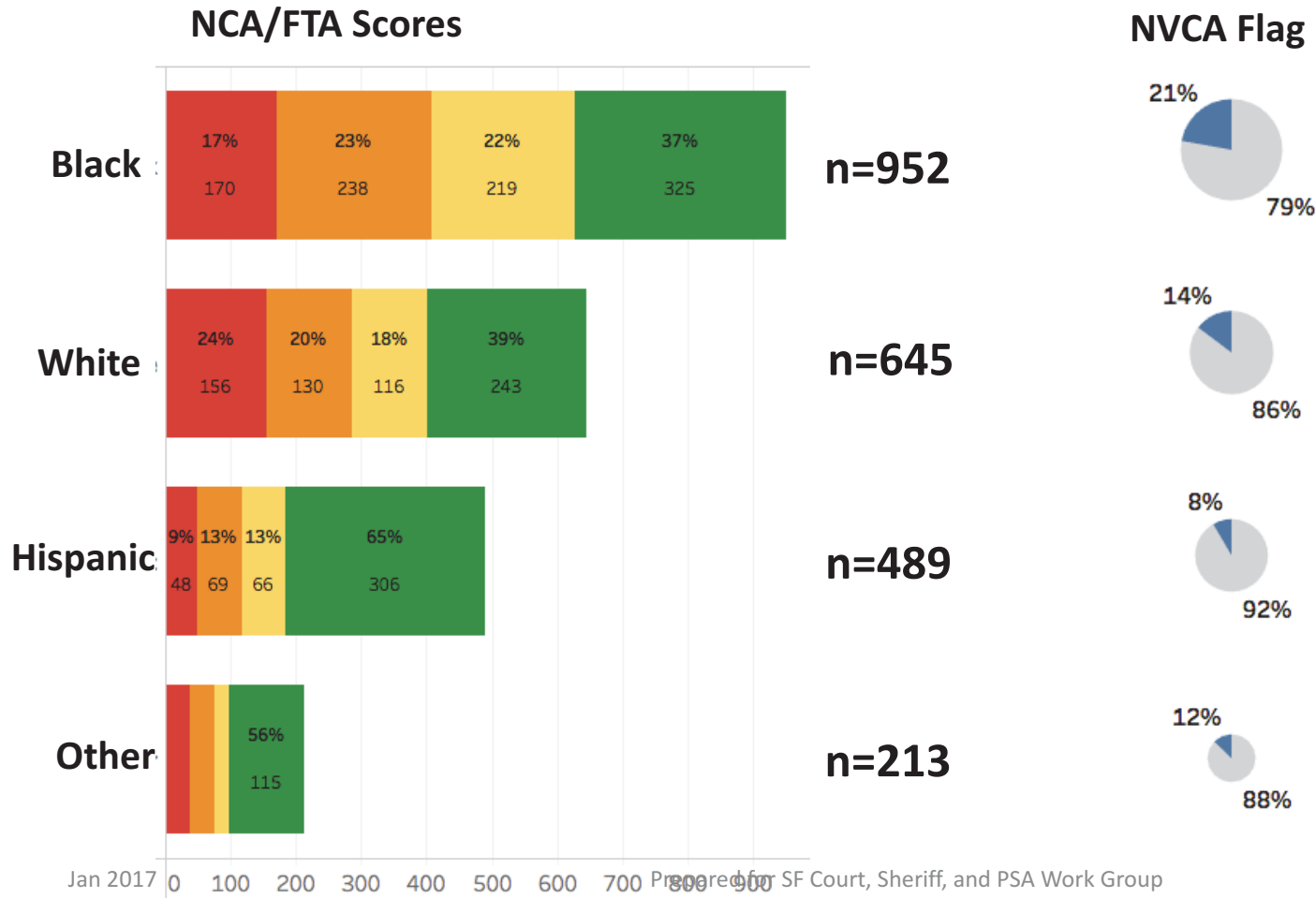
- Of the 2,298 cases with a judicial decision, **209 (9%)** were Step 4.
- Of the 209 Step 4 cases, **167 (7%)** had their DMF recommendation “bumped up”. All of these were due to Step 4a.

| Bumped up From | To | N | % |
|--------------------|-------------------------|------------|---------------|
| OR - NAS | OR-Minimum | 119 | 71.2% |
| OR - Minimum | SFPDP-ACM | 28 | 16.8% |
| SFPDP - ACM | Release Not Recommended | 20 | 12.0% |
| Grand Total | | 167 | 100.0% |

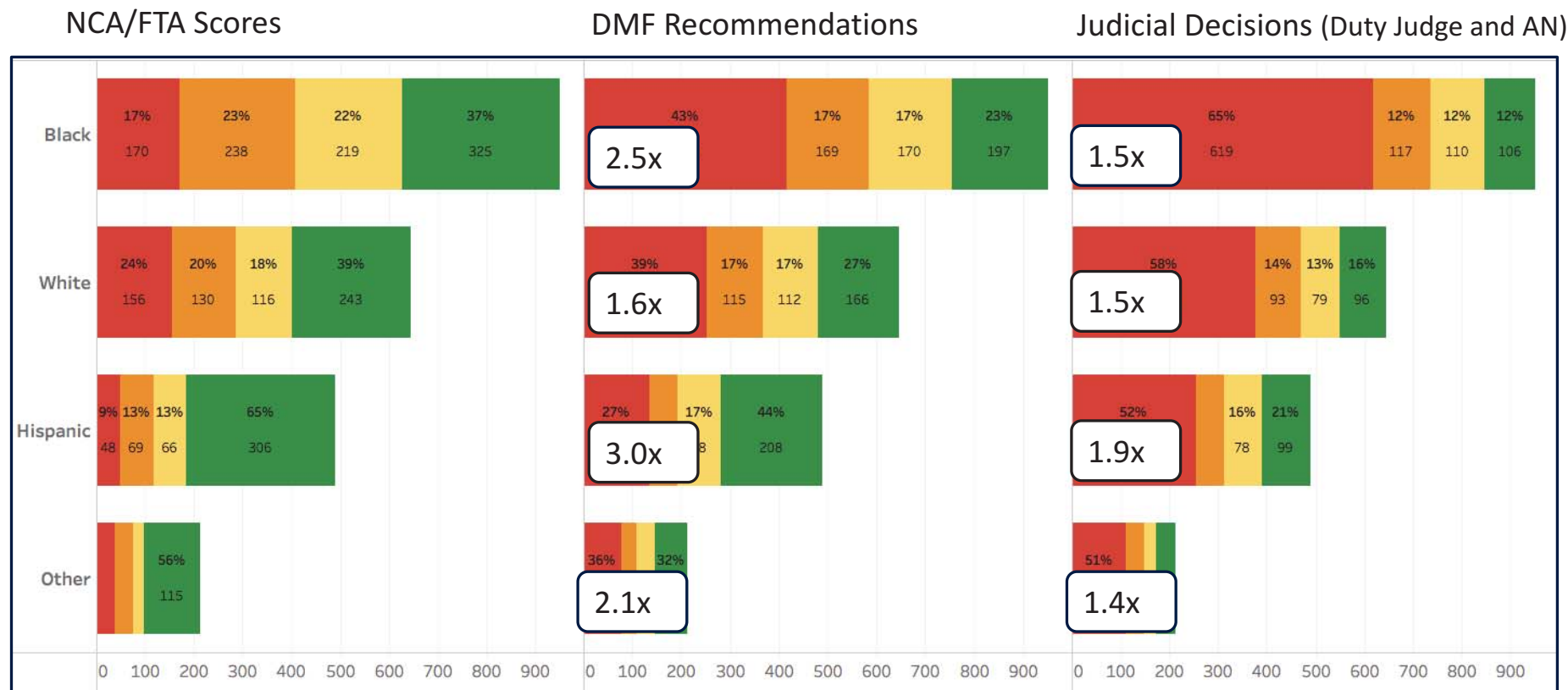
DMF Step 4a automatic “bump up”

| DMF Step 4a Offense (includes attempts, conspiracy, solicitation, or FTA) | Total Offenses | % of Total |
|---|-----------------------|-------------------|
| Violation of other Protective Orders | 39 | 23% |
| Person to Person Sex Crime | 2 | 1% |
| Arson | 4 | 4% |
| Involved <u>Use</u> of Weapon, Caustic Chemical, Flammable Substance, or Explosive | 51 | 31% |
| Felony inflicting Great Bodily Injury | 58 | 35% |
| Misdemeanor Domestic Violence | 11 | 7% |
| Misdemeanor Stalking | 0 | 0% |
| Total Defendants impacted by Step 4a | 167 | 100% |

PSA Risk Scores by Race/Ethnicity (n=2,298 with Judicial Decision)



DMF Recommendations and Judicial Decisions by Race/Ethnicity (n=2,298 with Judicial Decision)



Jan 2017

Prepared for SF Court, Sheriff, and PSA Work Group

Outcomes of 918 active SFPDP cases

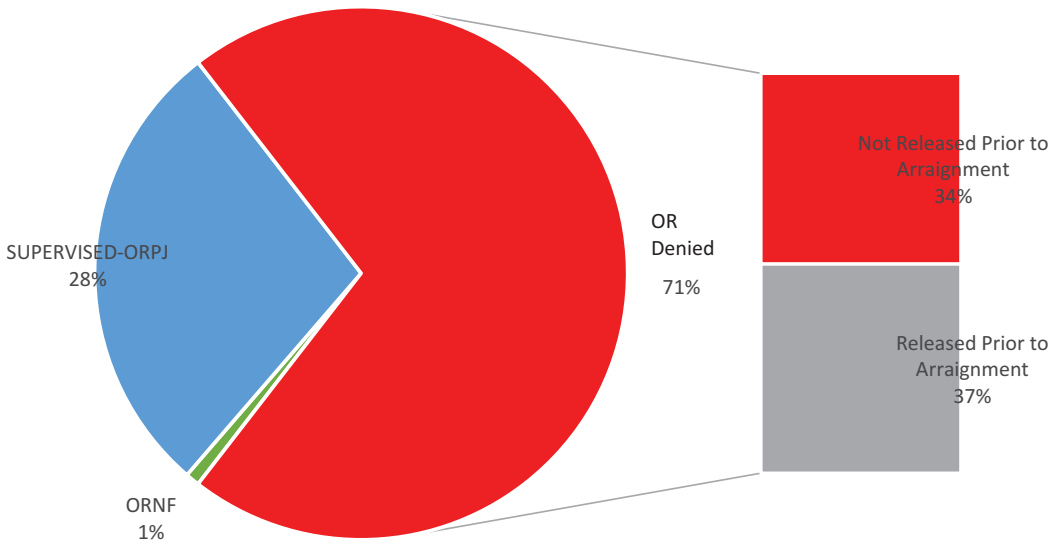
- During these 6 months, there were 918 active pretrial cases with a PSA assessment and judicial decision of release before/at arraignment
 - **258 (28%)** were terminated due to Failure to Appear
 - **86 (9%)** were booked into the jail on a new booked offense
 - Of the 86 new bookings, **18 (or 2.0%)** were for a violent offense
 - Overall, **320 cases (35%)** with an FTA or new booked offense
 - 302 (33%) cases were still active as of 10/31/16.

| Judicial Decision | FTA | % FTA | New Booking | % New Booking | Total Active |
|--------------------|------------|--------------|-------------|---------------|--------------|
| OR - NAS | 76 | 23.1% | 16 | 4.9% | 329 |
| OR - Minimum | 76 | 26.2% | 18 | 6.2% | 290 |
| SFPDP - ACM | 106 | 35.5% | 52 | 17.4% | 299 |
| Grand Total | 258 | 28.1% | 86 | 9.4% | 918 |

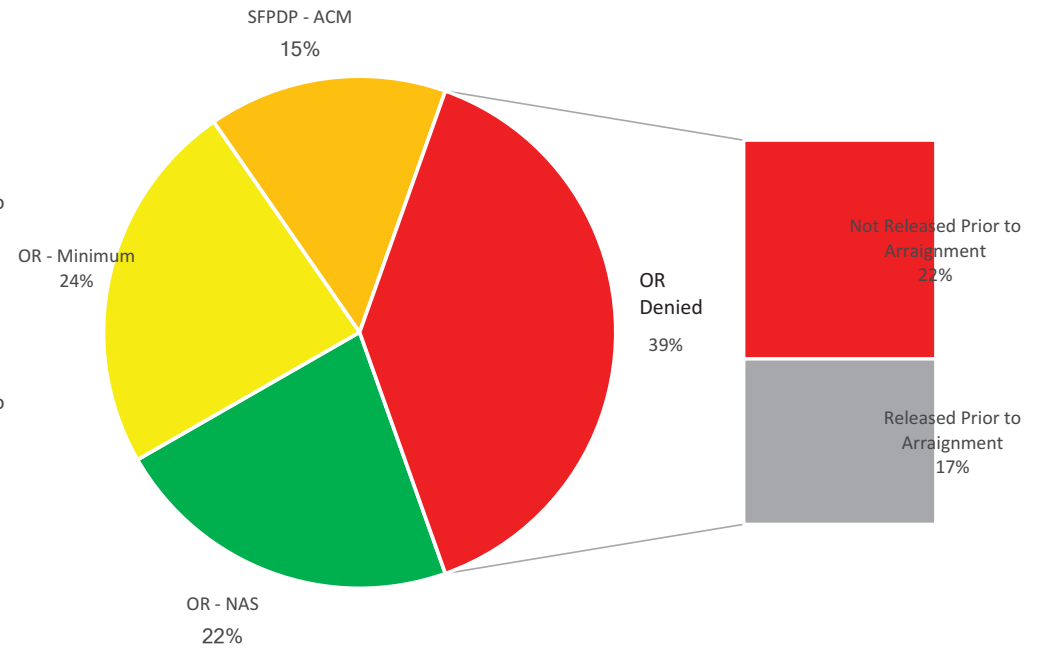
Jan 2017

Prepared for SF Court, Sheriff, and PSA Work Group

**Duty Judge Decision Nov 2015 through April 2016
(582 Cases)**



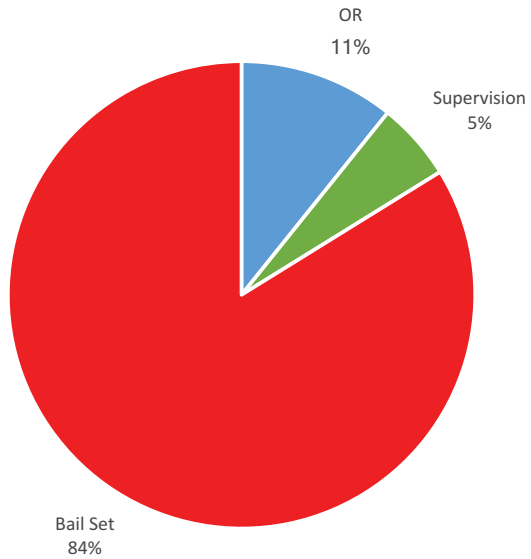
**Duty Judge Decision May through October
(736 Cases)**



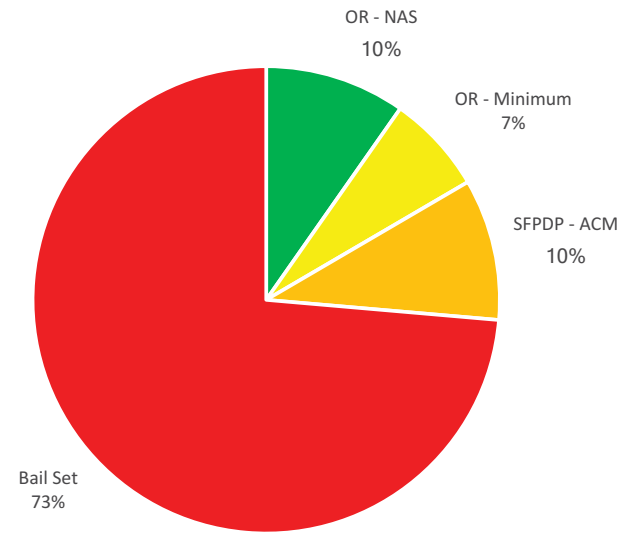
Jan 2017

Prepared for SF Court, Sheriff, and PSA Work Group

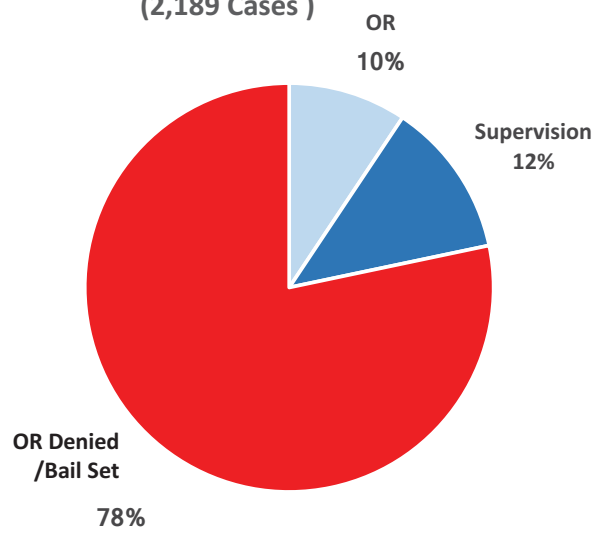
Cases where OR Decision must be Delayed until Arraignment
 Nov 2015 through April 2016
 (1,607 Cases)



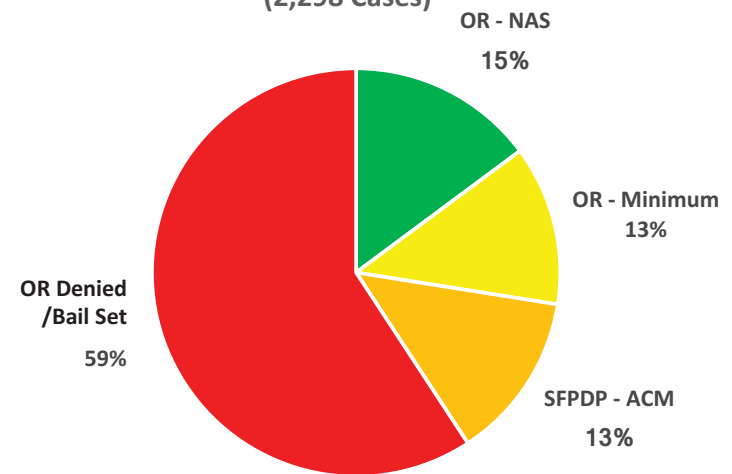
Cases where OR Decision must be delayed until Arraignment
 May through October
 (1,562 Cases)



**Judicial Decisions through Arraignment
Nov 2015 through April 2016
(2,189 Cases)**



**Judicial Decision through Arraignment
May 2016 through October 2016
(2,298 Cases)**



Summary of Findings in San Francisco

- PSA was conducted on on 41% of jail bookings, and so, findings cannot be generalized to broader population of people booked into San Francisco jail.
- 45% of assessed cases are low risk for FTA and NCA. 24% have DMF Recommendation of OR-NAS.
- Release is recommended on 92% of pre-Arraignment OR cases, and 61% are ordered released by Duty Judge.
- Release is recommended on 48% of arraignment cases, and 27% are ordered released by Judge at arraignment.
- The Court decides to Deny OR/Set Bail for more people than the DMF recommends across racial/ethnic groups, setting Bail 1.5x more often than the DMF recommends for each the black and white defendant groups.

Summary of Findings in San Francisco

- DMF Step 2b booked offense of Robbery, and Step 2c Current Violent Offense and NVCA Flag are the primary reasons Step 2 applied.
- The DMF Steps 2 and 4 together put 43% African American defendants into Release Not Recommended as compared with 17% who are assessed as high risk for FTA/NCA. This compares to a shift to 39% from 24% for white defendants.
- While a smaller portion of Hispanic defendants are impacted by the DMF Step 2, the DMF Steps 2 and 4 together put 27% of Hispanic defendants into Release Not Recommended as compared with 9% who are assessed as high risk for FTA/NCA.

Summary of Findings in San Francisco

- 28% of defendants on SFPDP supervision were terminated for FTA.
- Only 9% of SFPDP clients have been booked on a new offense, with just 2% of these clients being booked in on a violent offense.
- Since implementation of the PSA:
 - Duty Judge decisions to release defendants has increased from 29% to 61%.
 - Arraignment decisions to release defendants has increased from 17% to 27%.
 - We did not report on Post-Arraignment decisions, **but see already that overall, portion of defendants being released has increased.**
- In implementing the PSA, SF eliminated interview requirement and made available an intensive supervision option to the Court earlier in its consideration.

Discussion

Jan 2017

Prepared for SF Court, Sheriff, and PSA Work Group

SHF000859