

San Francisco Alternative Sentencing Program Case
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BACKGROUND

In the Spring of 2021, The Center on Civility and Democratic Engagement supported an advanced policy analysis (APA) project that evaluated a first-of-its-kind alternative sentencing program at the San Francisco District Attorney's Office. Launched in 2012 by then District Attorney George Gascon, the Sentencing Planner Program became the first prosecutorial program in the state to provide community-based alternative sentences to certain defendants facing serious misdemeanor and felony charges. The program is based on the premise that incarceration is not the most effective public safety response to crimes that involve mitigating circumstances, such as situations where defendants are facing acute poverty, mental and behavioral health issues, substance abuse, and/or housing insecurity. Instead, the Sentencing Planner Program employs social work professionals with experience in need and risk assessments to meet with defendants and propose community-based sentences that address the root causes of crime. What makes this program particularly unique and relevant to civility and democratic engagement is the fact that defendants in this program are generally placed back in the community with support from community-run programs that provide social services and treatment. These community programs provide services in areas such as adult education, housing support, mental health and substance abuse treatment, mentorship, and many others.

EVALUATION APPROACH

In order to understand the effectiveness of this approach to sentencing, the APA conducted on the Sentencing Planner Program involved both qualitative and quantitative methods. First, a round of stakeholder conversations were organized in order to understand the processes and perspectives of all of the individuals and organizations involved in the program's execution. This included conversations with prosecutors, defense attorneys, criminal justice experts, and leaders of the community groups that provide rehabilitative and supportive services. Additionally, eight years of administrative data on the program and broader criminal justice population was analyzed in order to develop estimates of the association between program participation and rates of reoffending. A comparison group of defendants that had received traditional sentences was created and a linear regression model was used to look at the likelihood of new arrests and convictions while controlling for differences in age, race, sex, year of arrest, crime type, and number of prior arrests and convictions between program defendants and the comparison group of traditional defendants.

KEY FINDINGS

The analysis found that the sentencing planner program was valued by all stakeholders because it provided prosecutors with added flexibility in cases where alternatives to incarceration was a shared interest. Additionally, the data showed that participation in the program was associated with a reduced likelihood of reoffending. However, due to non-random selection into the program and the existence of confounding factors, this association cannot be considered casual. Some of the key findings are outlined below.

- Between 2012 and 2020, the San Francisco District Attorney’s Office filed charges against approximately 39,572 defendants, 5.2 percent of which received a referral to the Sentencing Planner Program
- Sentencing Planner cases tended to include more felony cases, more recent arrests, younger defendants, a higher share of males, and a higher share of Black defendants, than traditional cases
- Through stakeholder interviews it was learned that the program was viewed by prosecutors as an invaluable vehicle for reaching fairer sentences in cases involving mitigating circumstances
- Before controls, it was observed that Sentencing Planner Program defendants reoffended, on average, at a lower rate than traditional defendants (see Table A)
- After controls, referral to the Sentencing Planner Program was found to be associated with a 3-percentage point reduction in likelihood of new arrest, and a 4-percentage point reduction in likelihood of a new conviction (see Table B)
- Regression analysis on subgroups, including Black defendants aged 18-29, defendants with 2 or more prior arrests, and defendants with more recent case dispositions, found that the program was associated with reduced likelihood of reoffending for all of these groups

Table A Rates of subsequent arrests and convictions (percent)

		Sentencing Planner	Traditional
Share with at least one new arrest	1 year after disposition	40	44
	2 years after disposition	43	47
	3 years after disposition	48	48
	4 years after disposition	49	48
Share with at least one new conviction	1 year after disposition	23	30
	2 years after disposition	27	33
	3 years after disposition	33	35
	4 years after disposition	35	35

Note: Cases are restricted to people whose cases closed at least 1, 2, 3, and 4 years prior to the end of the analysis window, December 31, 2020. To allow for fairer comparison, a restricted sample excluding misdemeanors and homicide/manslaughter cases was used.

Table B Regression output

	Model 1: New Arrest	Model 2: New Arrest	Model 3: New Conviction	Model 4: New Conviction
Sentencing Planner	-0.0427**	-0.0298*	-0.0569***	-0.0410***
	(-3.14)	(-2.20)	(-4.56)	(-3.33)
Age at arrest		-0.00329***		-0.00341***
Male		0.0913***		0.0794***
Black		0.0916***		0.0794***
Latino		0.0580**		0.0268
Other		0.0310		0.0165
White		0.0384*		0.0407**
Year of arrest (2013)		0.0223*		0.00105
Year of arrest (2014)		0.000309		-0.0112
Year of arrest (2015)		-0.0274*		-0.0644***
Year of arrest (2016)		-0.0708***		-0.102***
Year of arrest (2017)		-0.0782***		-0.125***
Year of arrest (2018)		-0.160***		-0.228***
Year of arrest (2019)		-0.257***		-0.341***
Felony Drug Sales		-0.0708***		-0.0535***
Felony Other		0.0242		0.0432***
Felony Person		-0.0404***		-0.00103
Felony Property		0.0416***		0.0831***
Number of prior arrests		0.0457***		0.0303***
Number of prior convictions		0.00898*		0.0204***
Constant	0.457***	0.384***	0.306***	0.281***
R-squared	0	0.138	0.001	0.142

t statistics in parentheses = **p<0.05 *p<0.01 *** p<0.001"

To avoid collinearity, one level for each set of categorical variables is automatically excluded from the model and takes on the base level (reference group) to which all other levels are compared. The reference groups for each set of variables are as follows: sex (female); race (Asian); year (2012); crime type (felony drug possession).