Criminal Division
Quarter III, 2022 Report

SEATTLE CITY ATTORNEY'S OFFICE
ANN DAVISON

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Letter from City Attorney Ann Davison

Dear Councilmember Herbold,

When I took office in January, I was intent on transforming this part of the criminal justice system and delivering on reforms. This third quarterly report on the work of the Criminal Division, continues to provide unprecedented transparency into the work of the City Attorney's Office and our municipal criminal justice system.

As you will see in this report, while much of this data is consistent with previous quarters, staffing shortages in the Criminal Division have impacted our ability to address some of our key performance metrics. In our Q2 report, it took a median of 2 days for attorneys to review and make a filing decision on new referrals – the median is now 18 days. At the same time, our capacity for clearing cases from the backlog has been reduced, meaning that in the past quarter, only 288 referrals were cleared. I have been working closely with Criminal Chief Natalie Walton-Anderson and unit heads throughout the Criminal Division to address barriers to recruiting and retaining staff.

I am incredibly proud of the work that attorneys and support staff in our Review and Filing Unit have done to keep the time to make filing decisions low, even with significant staffing challenges in the Criminal Division. Despite the median time to make a filing decision increasing since last quarter, it remains significantly lower than any quarter from the previous two years. I remain convinced that keeping the time to make a filing decision low is one of the best ways that my office can ensure victims of misdemeanor crime are heard in our City's criminal justice system. We will continue to prioritize this moving forward.

Finally, I would like to highlight another trend that has continued to improve since our previous report, which is the number of cases declined due to issues contacting victims or lack of victims participating in their cases. The Q2 report showed a substantial reduction in the number of cases declined for victim-related issues – 69% down as compared to the previous 5-year average. Victim-related issues have continued to decline and have become a very small barrier to filing.

I continue to be committed to expanding transparency around our municipal criminal justice system. We are beginning to overcome the weak data systems and lack of analytical capability that our office inherited and acknowledge that limitations remain.

I am hopeful, with the partnership of City Council, we may continue to invest in transparency at the City Attorney's Office. I look forward to engaging with you on the information contained in this report.

Sincerely,
City Attorney Ann Davison

Police Referrals

Misdemeanor Referrals
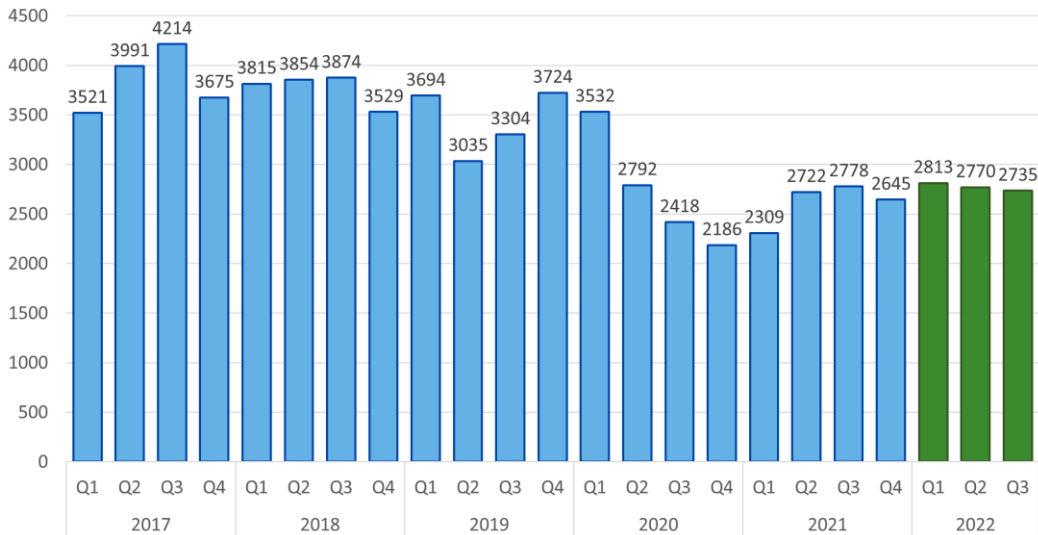
In the third quarter of 2022, the City Attorney's Office received 2,735 referrals from the Seattle Police Department. This represents a 1% decrease from Q2 of 2022 and a 2% decrease from Q3 of 2021. The number of current referrals is below pre-COVID levels and lower than before the loss of a significant number of SPD officers.
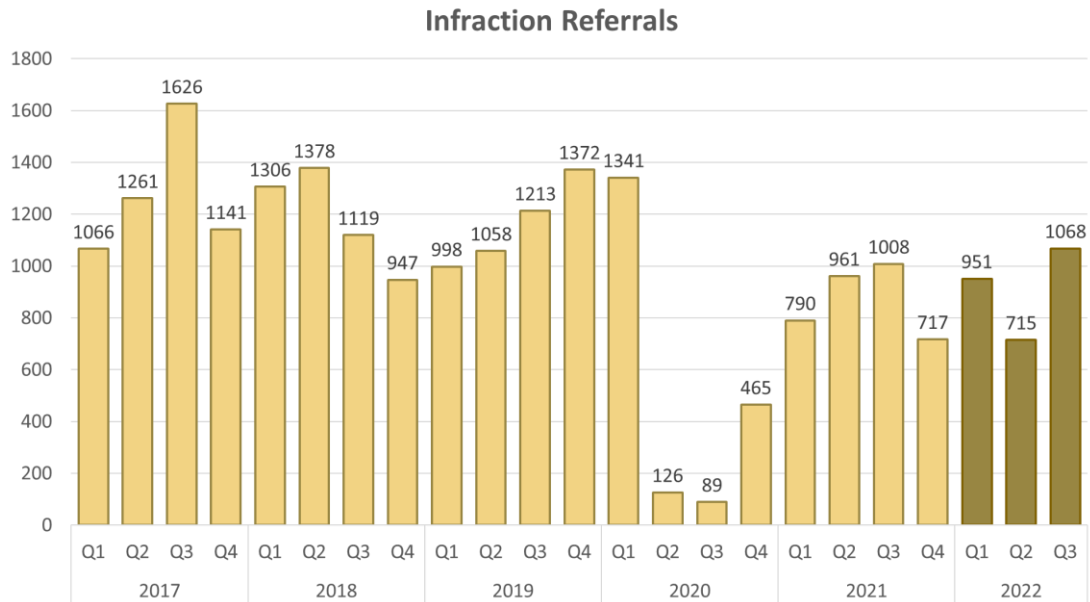
- **Referral:** represents a unique person from an SPD report; a single report with two suspects would be two referrals. This reflects the best measure of law department workload and is used in this analysis.
- **Report:** a single document sent from the Seattle Police Department.
- **Individual:** one, unique person referred to CAO; most individuals will only have a single referral, but some can have dozens like the criteria for the High Utilizer Initiative.
- **Charges:** are the actual criminal offenses. Each report and each individual can have many.

## Referrals vs Reports vs Individuals vs Charges
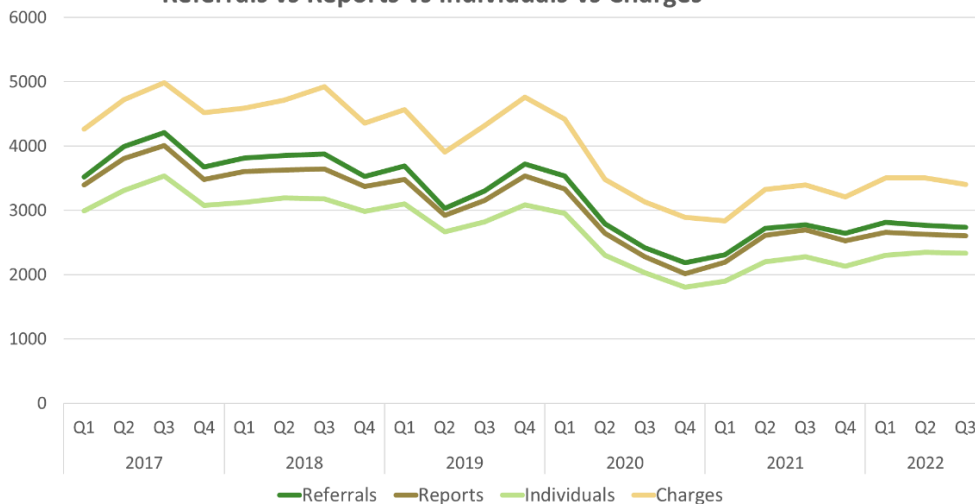
Infractions

When an individual receives a citation for an infraction, it does not go to the City Attorney's Office. If the citation is challenged, also called "contested," then it is referred to the City Attorney's Office by the court. Contested citations are almost always filed the same day they are received at the CAO. Contested citations are not part of the misdemeanor system and therefore are measured separately in the graph below.

Infraction Referrals

| Year	Q1	Q2	Q3	Q4
2017	1066	1261	1626	1141
2018	1306	1378	1119	947
2019	998	1058	1213	1372
2020	1341	126	89	465
2021	790	961	1008	717
2022	951	715	1068	

In Q3 of 2022, the City Attorney's Office received 1068 infractions that were sent from the Seattle Municipal Court. This represents a 49% increase from Q2 of 2022 and a 6% increase from Q3 of 2021.

Case Filing

Referrals can either be filed cases with the Seattle Municipal Court or declined. Diverted referrals turn into declines after successful completion of requirements.

Filed Cases vs Declined Cases
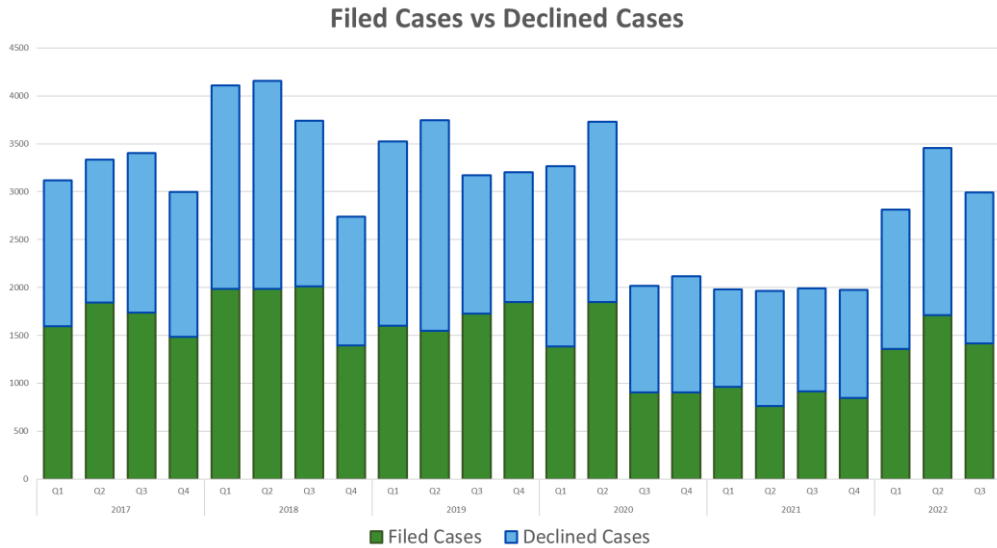
This chart shows the output of filing decisions from the City Attorney's Office. In Q3 of 2022, the City Attorney's Office filed 1415 cases (a decrease of 17% from Q2 2022 but 55% more than Q3, 2021) and declined 1,559 (down 10% from Q2 2022 and up 47% from Q3 2021). Many of the declined cases in Q3 2022 come from the backlog of nearly 5,000 cases that existed at the end of 2021.
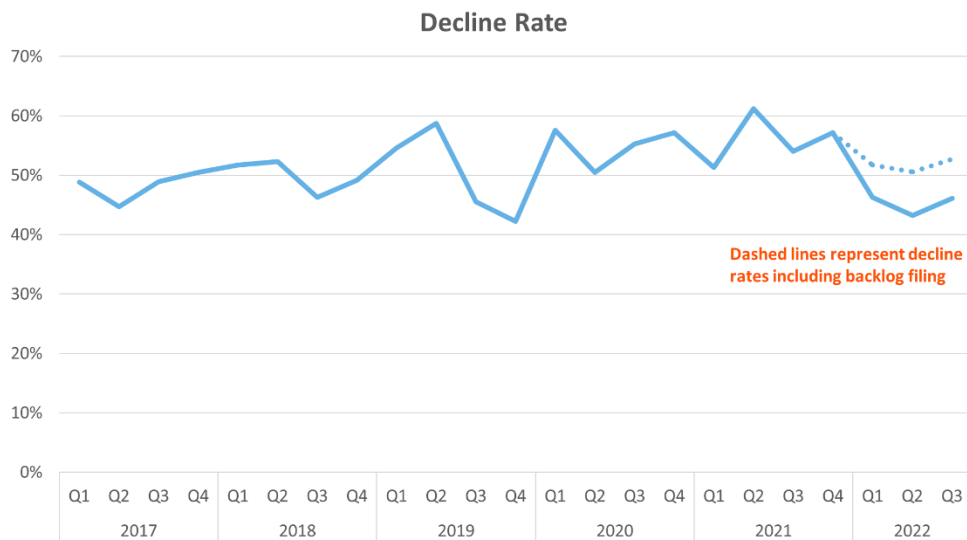
Decline Rate

Decline rates as measured by $\frac{declines}{files+declines}$ were mostly constant with a slight upward trend through the end of 2021. The decline rate for filing decisions made in Q3 2022 was 53%, up slightly from Q2 2022's 51% and down slightly from Q3 2021's 54%. The Q3 2022 decline rate includes declined referrals in the backlog from before 2022. Referrals received in Q3 of 2022 had a decline rate of 46% and referrals received in Q2 of 2022 had a decline rate of 43% *(denoted by the dashed line)*.

Backlog

Referrals awaiting a response are considered part of the backlog.

Referrals-In vs Filed/Declined Cases Out
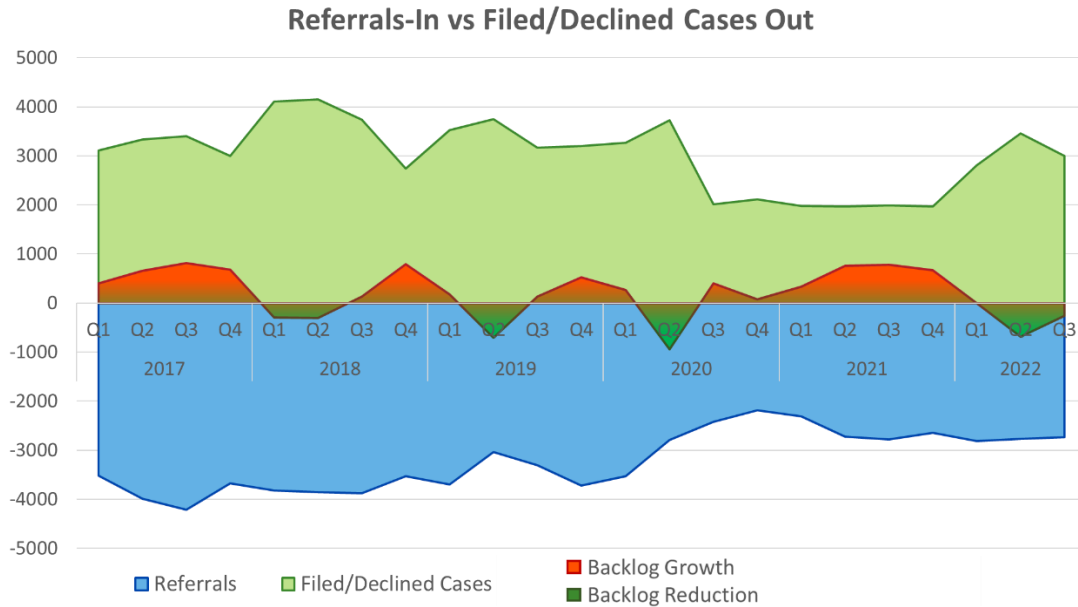
Responses to incoming referrals lagged for years and resulted in a substantial backlog within the Criminal Division. Areas in orange represent times when the backlog grew and areas in green represent times when it was addressed and reduced. The backlog was at 4990 referrals at the start of 2022.

Backlog of Cases Awaiting Review
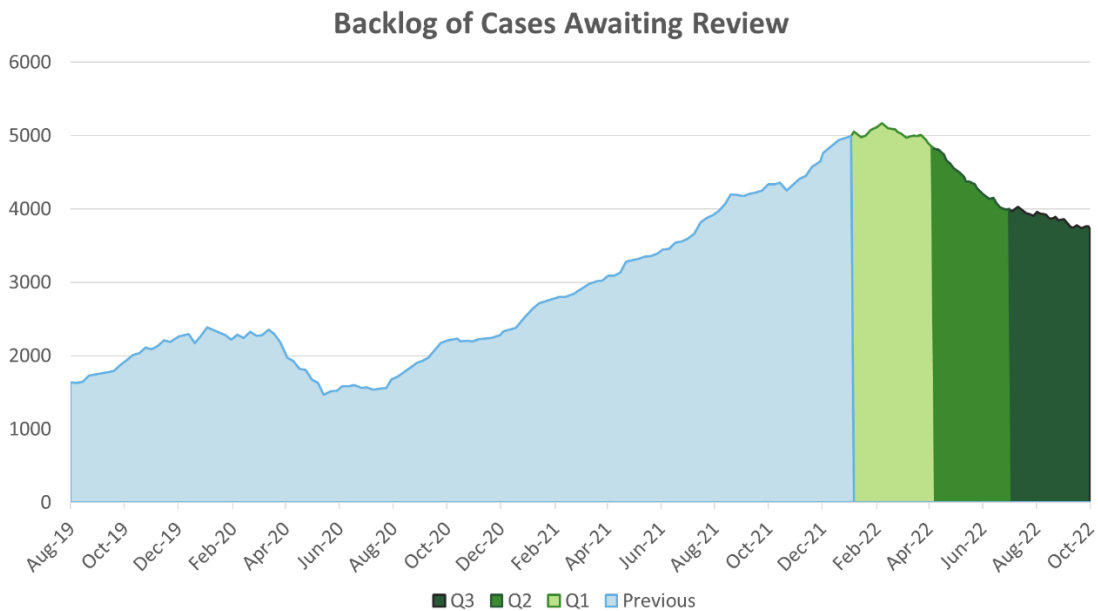
The Review and Filing Unit experienced significant staff shortages and as a result, the backlog reduction slowed to 288 referrals awaiting review in Q3 2022.

Close-in-Time Filing

Median Time to Make a Filing Decision

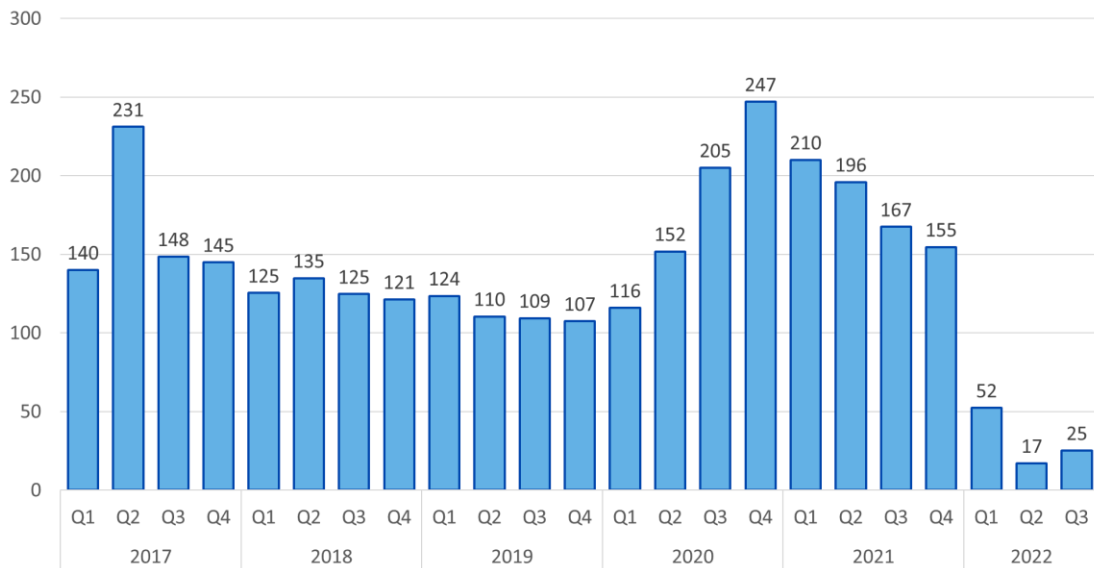|	2017				2018				2019				2020				2021				2022		
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3
	30	61	22	42	18	18	12	29	21	13	25	30	46	42	77	98	90	93	85	109	4	2	18

Mean Time to Make a Filing Decision

	2017				2018				2019				2020				2021				2022		
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3
	140	231	148	145	125	135	125	121	124	110	109	107	116	152	205	247	210	196	167	155	52	17	25
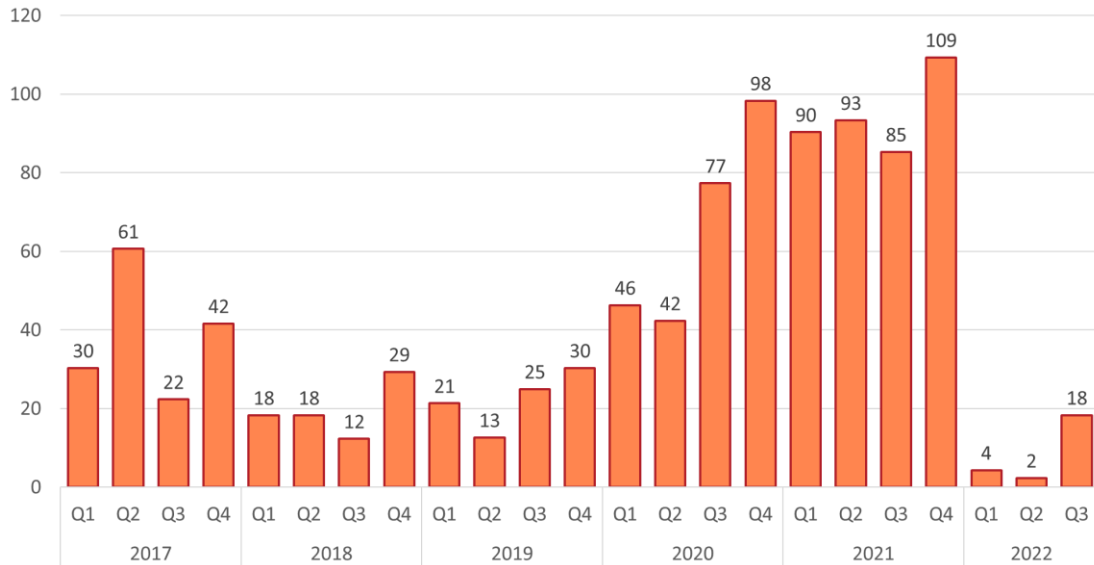
The Close-in-Time filing policy set by City Attorney Davison created the goal of making a filing decision within five business days (seven calendar days). Domestic violence referrals are afforded an additional week to engage in a trauma informed approach, which considers input from the victim on their safety concerns. Referrals involving LEAD clients get 30 days for clients to engage in services. The chart above shows how successful the policy has been as over 80% of referrals now receive a timely filing decision.

The reduced Review and Filing Unit capacity significantly reduced the effectiveness of Close-in-Time filing in Q3. Retention and hiring have been ongoing problems in the department for years and the City Attorney is working with the City Budget Office to make our city prosecutor positions more competitive.

Median Time to Make a Filing Decision by Type
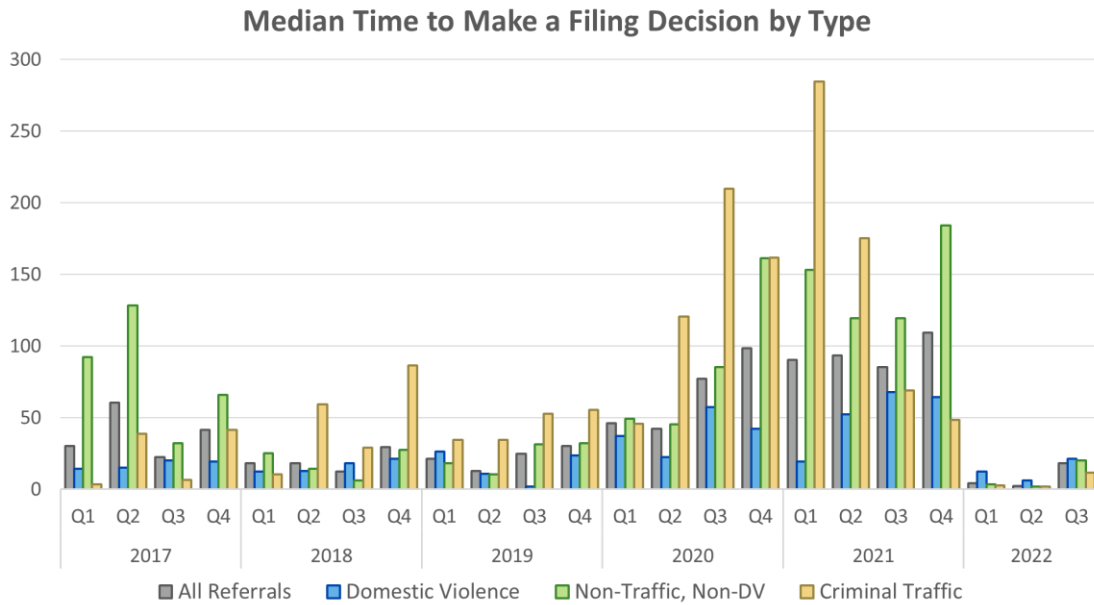
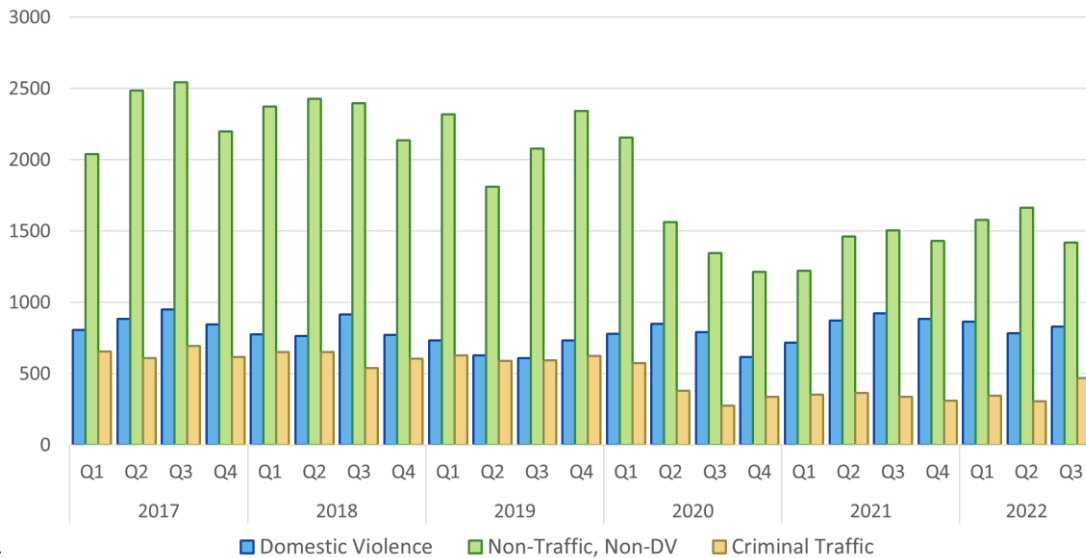Median time to make a filing decision is still lower than historical levels, but it has increased beyond desired goals. While the median times are still under a month, the number that meet policy goals has dropped to pre-policy levels.

Percent of Referrals with a Timely Decision
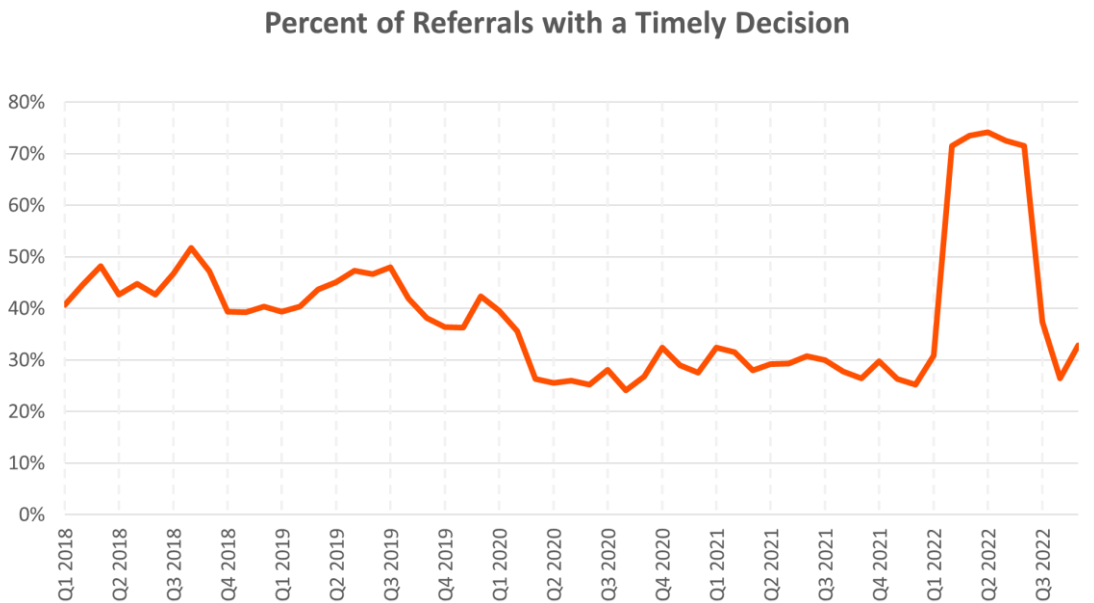
Case Type Specifics

Referrals by Case Type

26

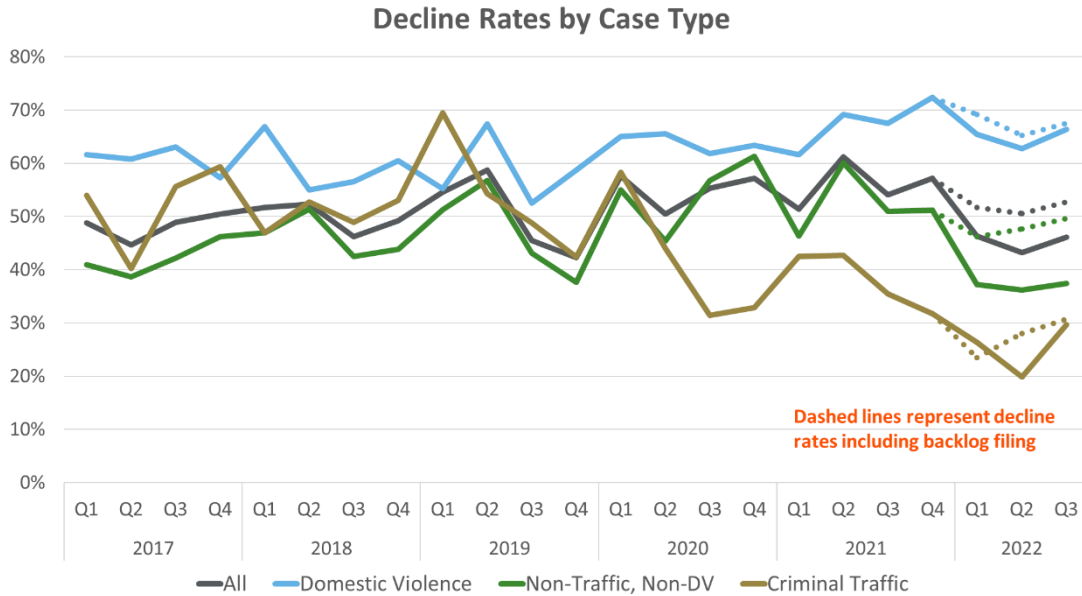Criminal non-traffic referrals saw a noticeable increase while non-traffic, non-domestic violence referrals fell slightly.

Charges per Referral by Case Type
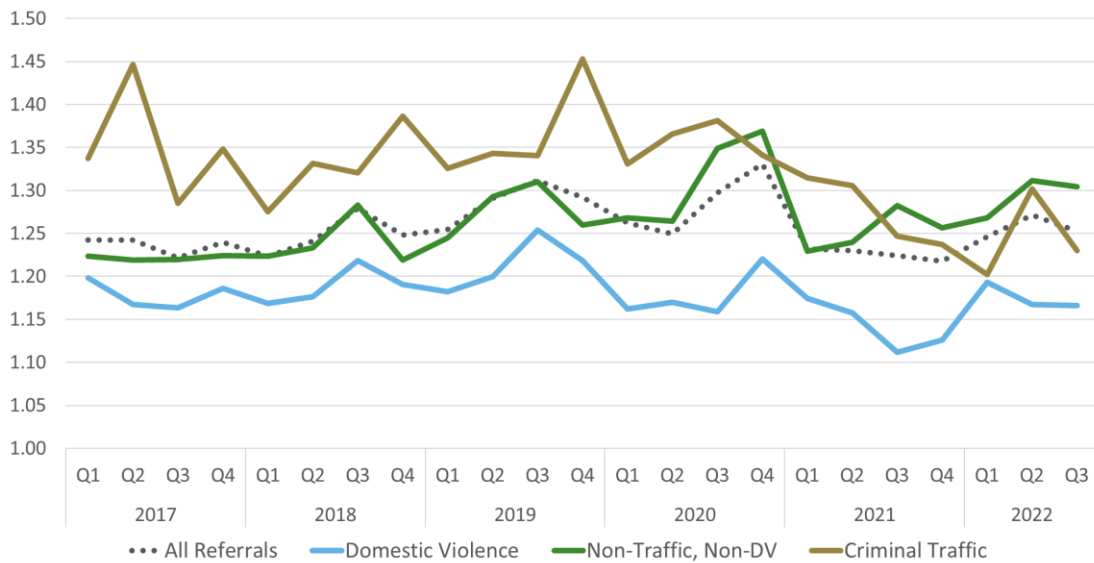
The number of charges on each police referral averages about 5 charges for every 4 referrals (1.25) and does not vary much between quarters. The decrease for Criminal Traffic is likely due to far fewer referrals including driving with a suspended license.

Decline Rates by Case Type

Dashed lines represent decline rates including backlog filing

Legend: —All —Domestic Violence —Non-Traffic, Non-DV —Criminal Traffic

Domestic violence referrals historically have higher decline rates for a variety of reasons. Prosecutors carefully weigh the impact to the victim, the victim's desired outcome, lethality factors, and the nature of past referrals in addition to the evidence. Some referrals are declined as part of a consolidation of cases between other jurisdictions. The reduction in the decline rate for criminal traffic referrals is because a higher percentage of them now include DUIs.

The lines represent the decline rates for decisions made in each quarter. The dashed lines represent the decline rate for referrals that came in during Q1, Q2, and Q3. Backlog decline rates are very high due to the difficulties associated with very old referrals which pull the average decline rates higher.

Domestic Violence

Domestic Violence Referrals
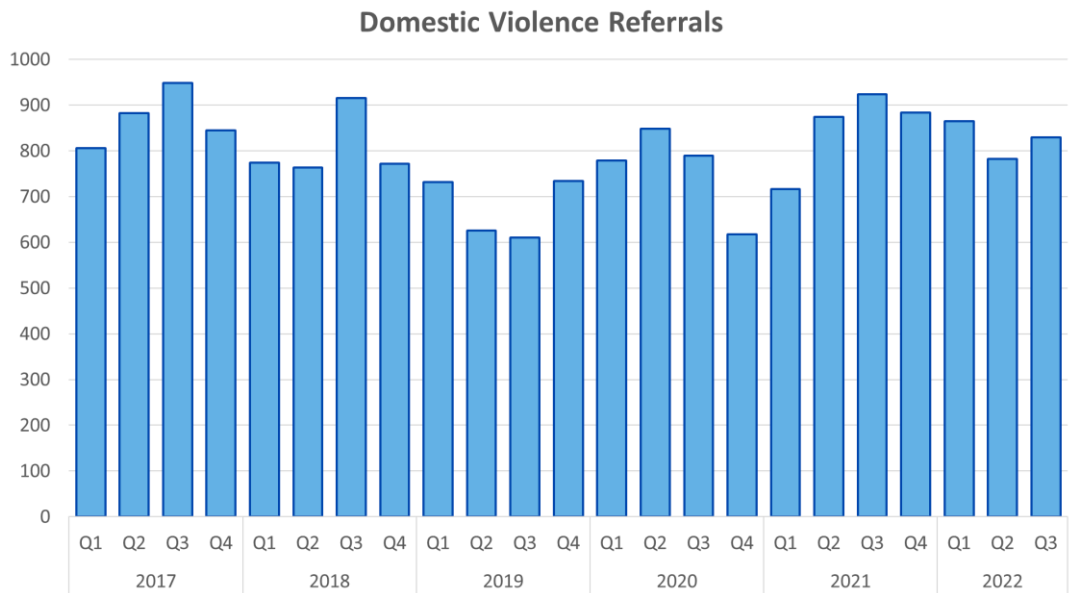
Domestic violence referrals did not see a sharp decrease during the pandemic, unlike other referrals. If Seattle followed the national trend of increased incidents of domestic violence during the pandemic, then these numbers could be under-reported due to SPD under-staffing. They were up slightly in Q3 compared with Q2 but down slightly from 2021 numbers.

Domestic Violence Decline Rates

Dashed lines represent decline rates including backlog filing
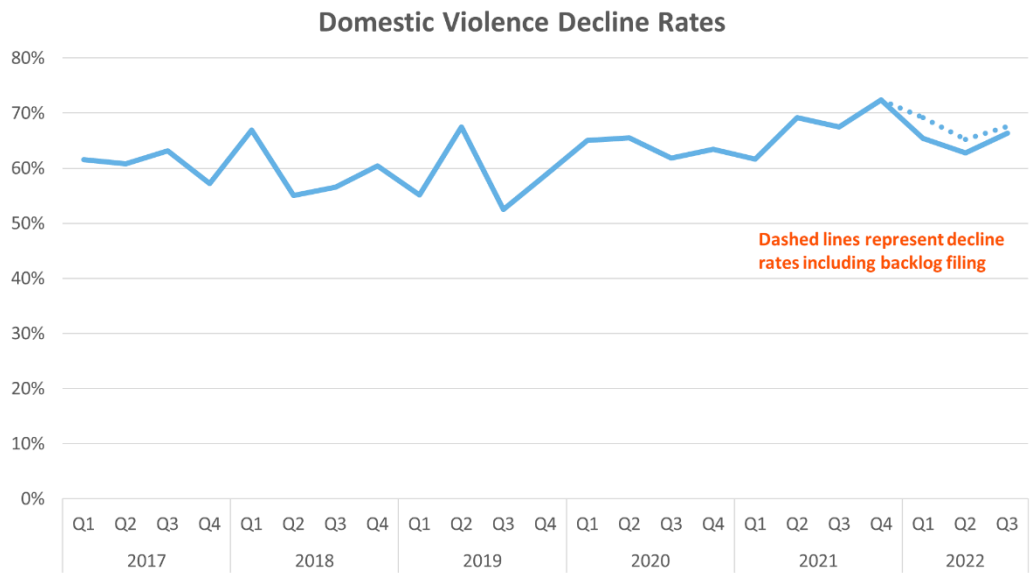
Domestic violence referrals differ because of the impact charges may have on a survivor of intimate partner or family violence. Their ability to assist prosecution varies based on many factors, leading to a

higher decline rate. These rates reflect when the filing decision was made. The decline rate only for referrals that were received in Q3 2022 was 66% *(represented by dashed line)*.

Domestic Violence Referrals by Charge Type
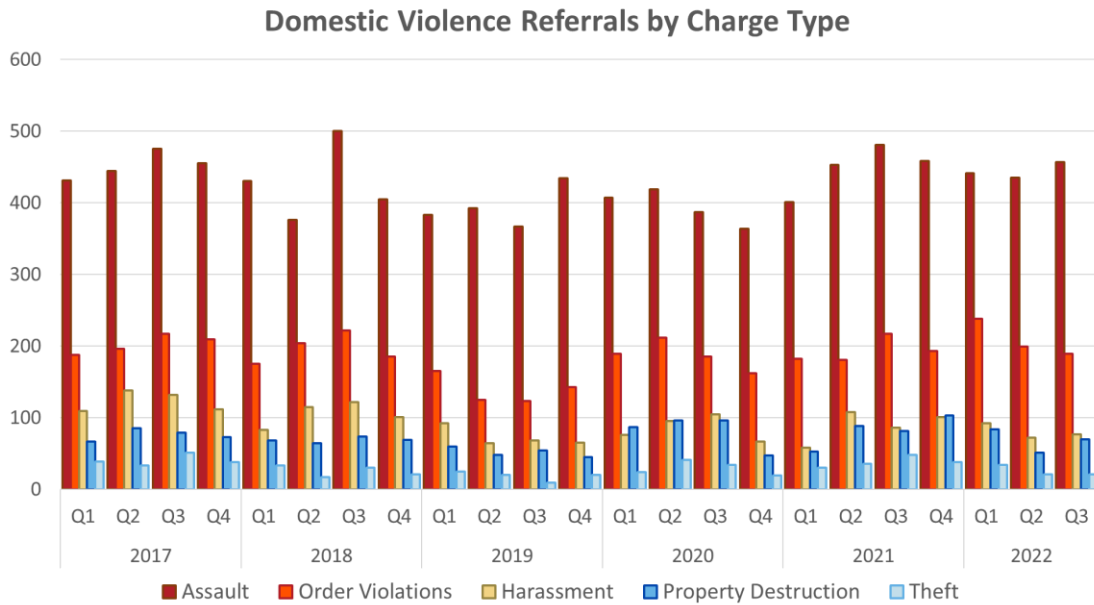
Assaults and protection order violations are the most common types of domestic violence charges. This is not an exhaustive list of domestic violence charges but represents the most common types.
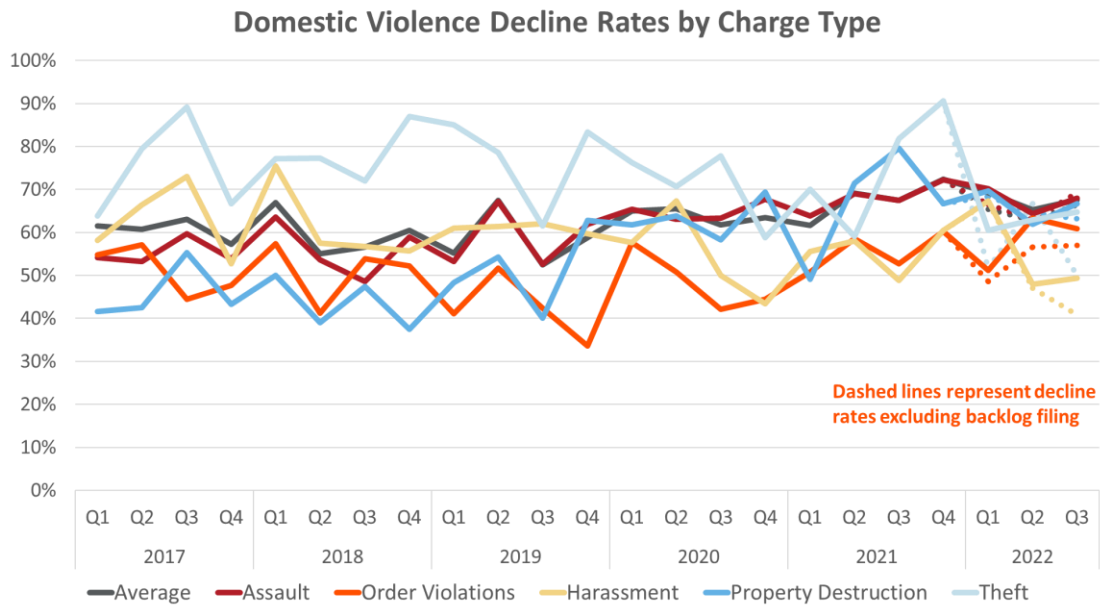
Domestic Violence Decline Rates by Charge Type

Dashed lines represent decline rates excluding backlog filing

Criminal Non-Traffic, Non-Domestic Violence

Non-Traffic, Non-Domestic Violence Referrals

Criminal non-traffic, non-domestic violence referrals include many dozens of offenses and have a large proportion of thefts, trespasses, harassment, and assaults. They also include weapons charges and a myriad of less common offenses like reckless burning or false reporting.

Non-Traffic, Non-Domestic Violence Decline Rate

Dashed lines represent decline rates including backlog filing

Decline rates for these misdemeanors had been rising more than any other category through 2021. Part of this can be explained by the backlog in referrals that was increasing until early 2022. These rates
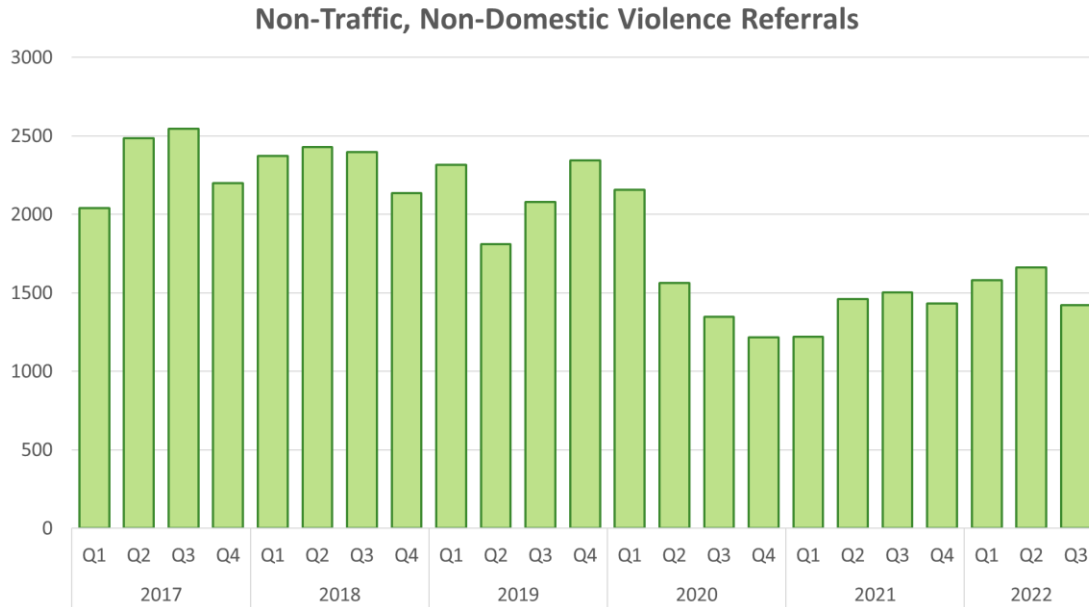
reflect when the filing decision was made. The decline rate only for referrals that were received in Q3 2022 was 37% *(represented by dashed line)*.
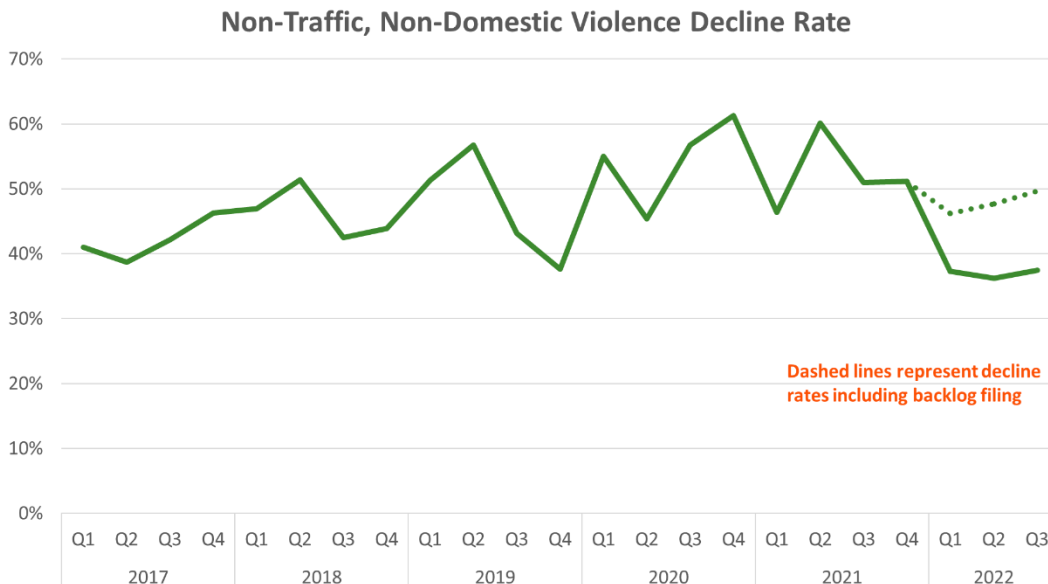
Non-Traffic, Non-DV Referrals by Case Type
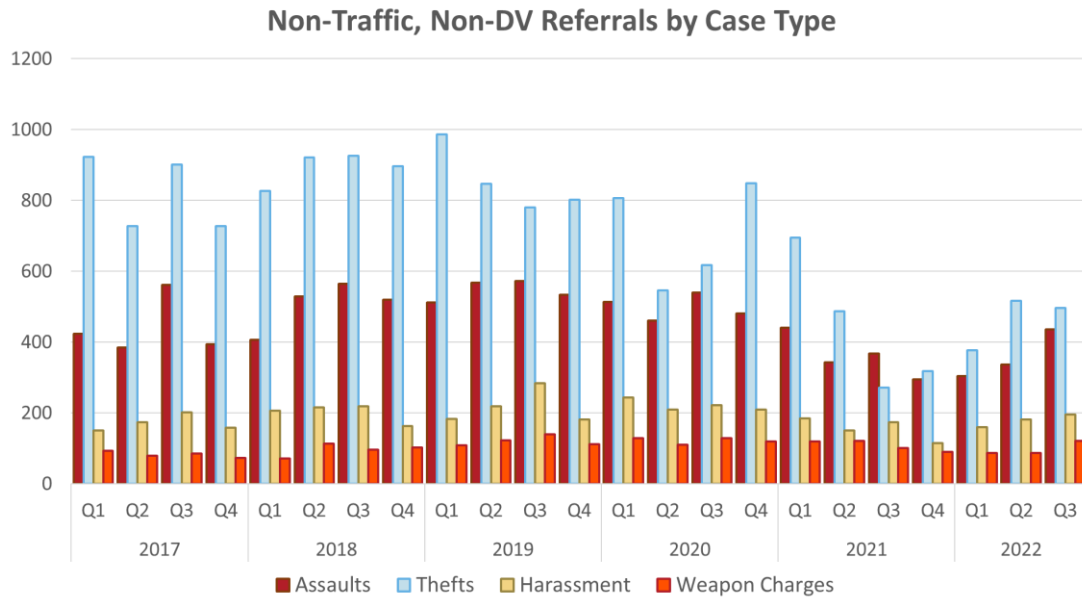
Assault and Theft are the most common non-traffic, non-domestic violence charges. Thefts are likely heavily under reported compared to assaults given the staffing challenges at SPD. Assaults rose in both Q2 and Q3, but that is consistent with more people being outside during the warmer months.

Non-Traffic, Non-DV Decline Rates by Case Type
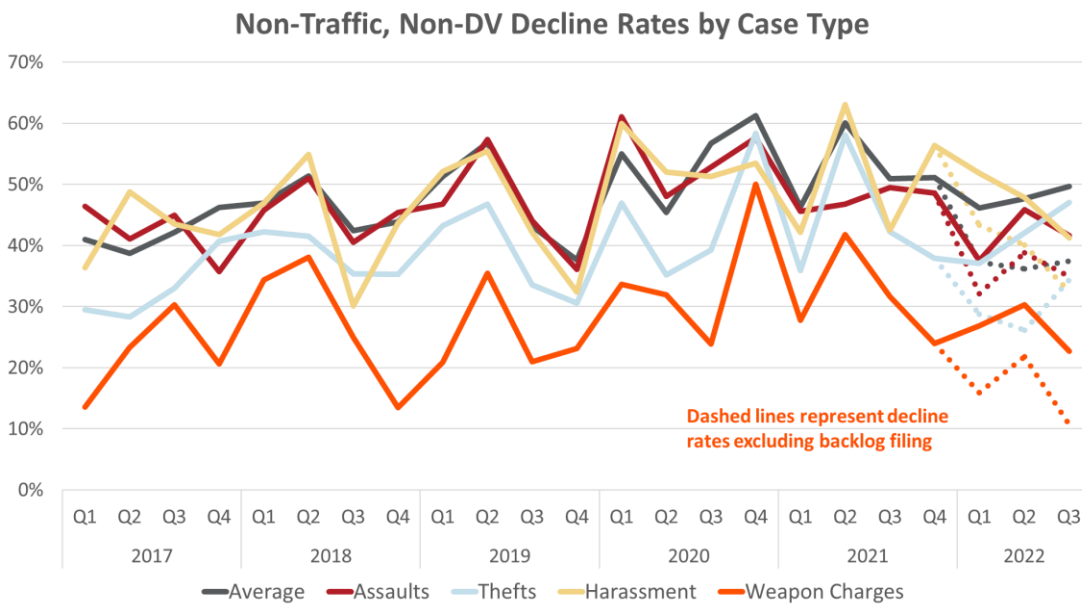
Weapons charges have the lowest decline rates, though their relatively smaller sample sizes lead to more variation.

Criminal Traffic

Criminal Traffic Referrals

Legend: Criminal Traffic, DUI Only
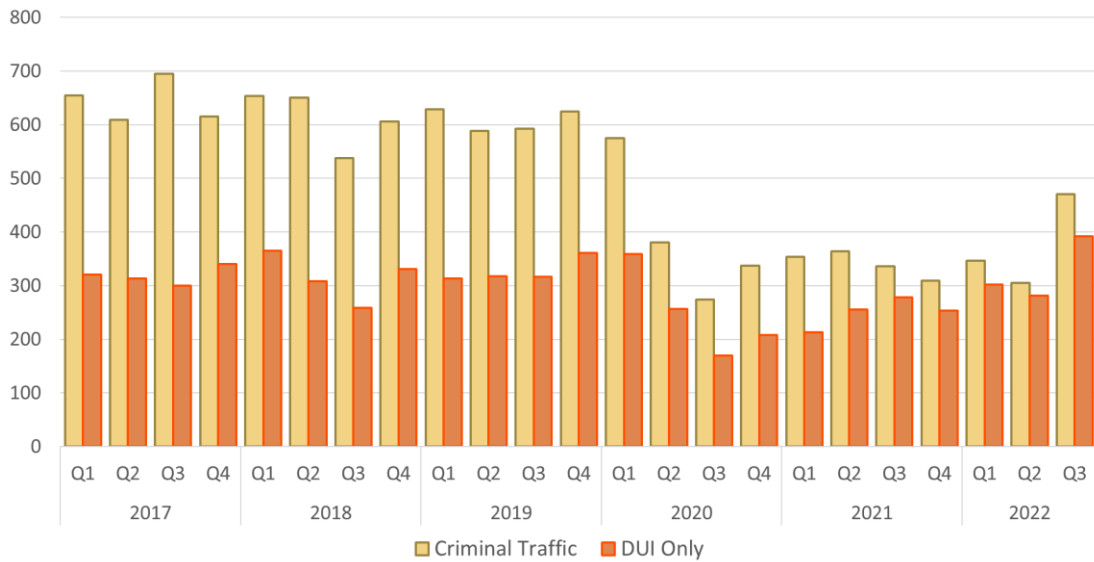
Criminal Traffic Decline Rates

Dashed lines represent decline rates including backlog filing

Legend: Criminal Traffic, DUI Only
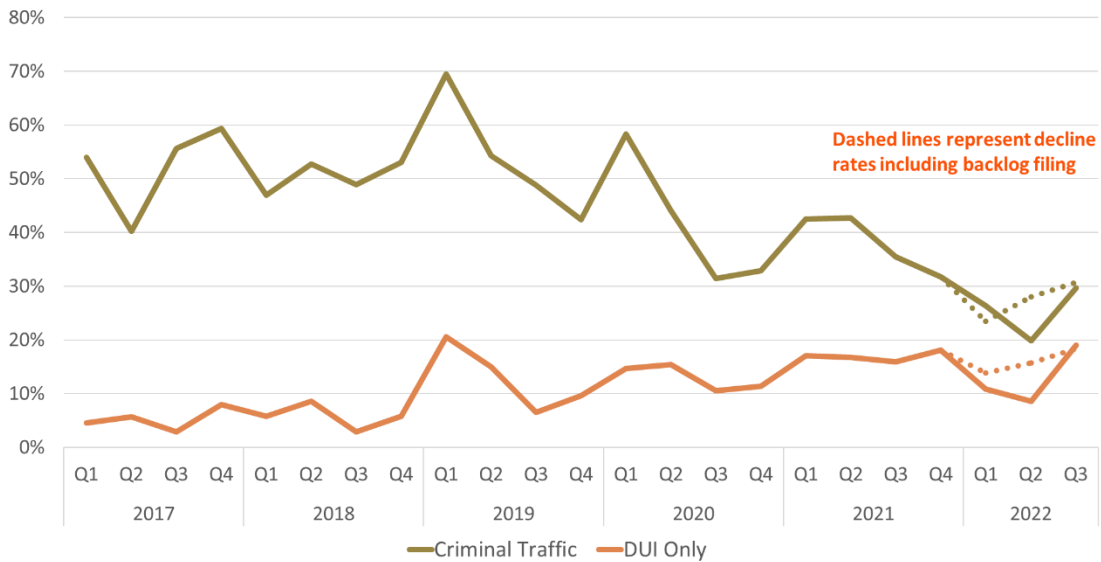
Historically DUIs have had very low decline rates but have been rising lately. This is potentially because of large delays at the state toxicology laboratory that has forced some declines. The overall traffic decline rate has dropped as DUIs have become an increasingly more dominant proportion of all traffic misdemeanors. The overall decline rate for criminal traffic referrals that were received in Q3 2022 was 30% *(represented by the dashed line).*

Alternatives to Traditional Prosecution

Alternatives to Traditional Prosecution Breakdown
Quarterly 2-year average

Category	Value
LEAD	86
Pre-File Diversion	14
Pre-Trial Diversion	1
Community Court	234
Mental Health Court	108
Veterans Court	3
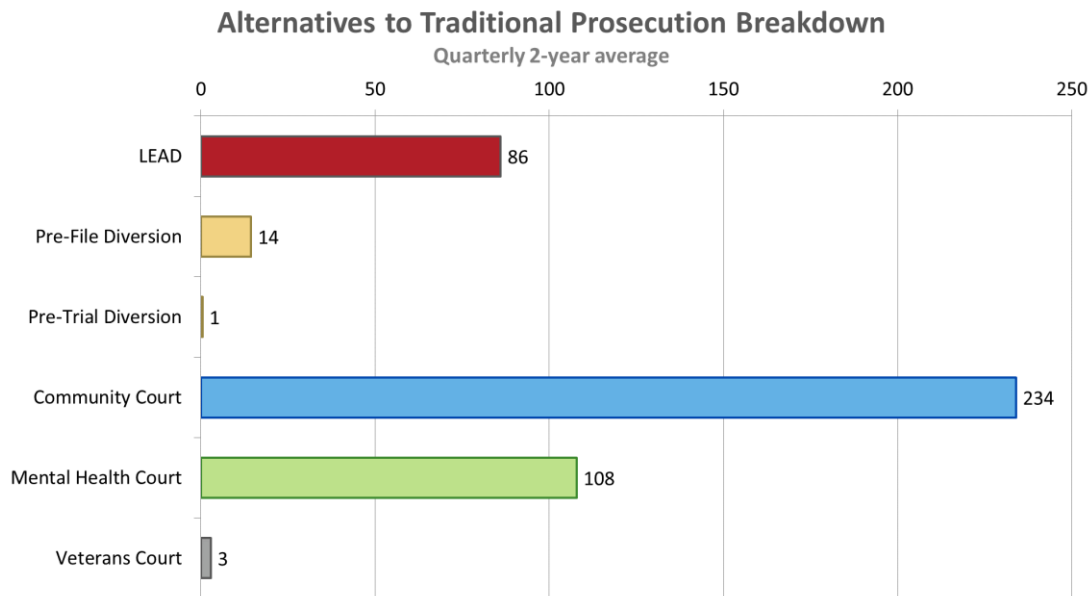
Alternatives to traditional prosecution take many forms that can overlap. Most of the data is shown by the final disposition date to compare each category on equal terms, but it is not a perfect comparison. LEAD interacts with clients throughout the process, Pre-File Diversion ends with a decline to file whereas the others take place after a case has been filed.

Use of Alternatives to Traditional Prosecution

Legend: LEAD, Pre-File Diversion, Pre-Trial Diversion, Community Court, Mental Health Court, Veterans Court (quarterly data from 2017 through 2022 Q3)
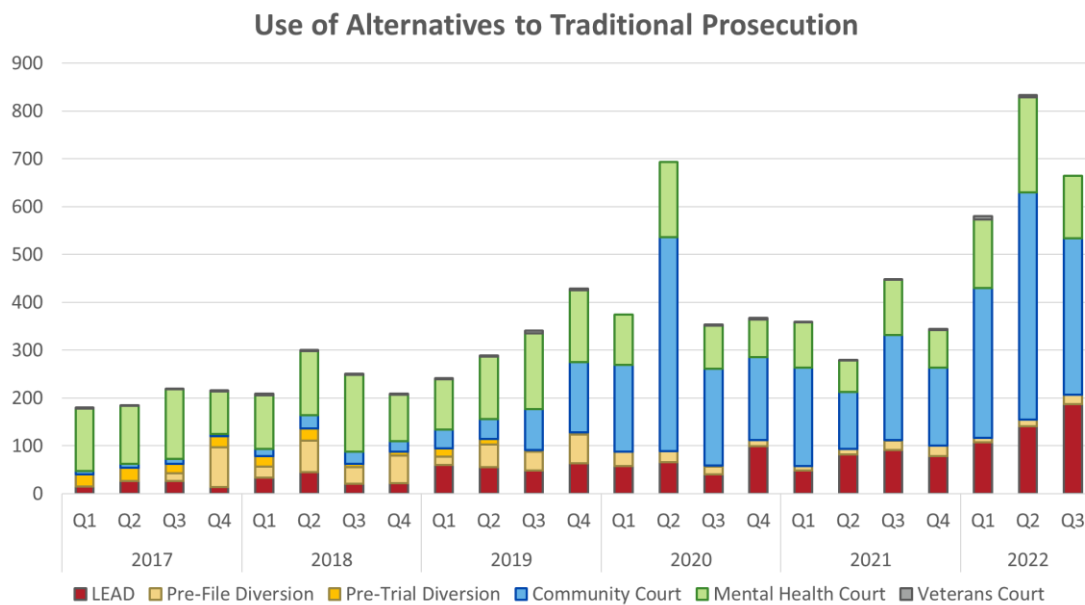
Alternatives have proportionally tracked with overall filing activity in 2022.

LEAD

The Seattle City Attorney's Office LEAD liaisons coordinate legal involvement for LEAD's almost 900 enrolled clients.

Referrals Involving LEAD Clients
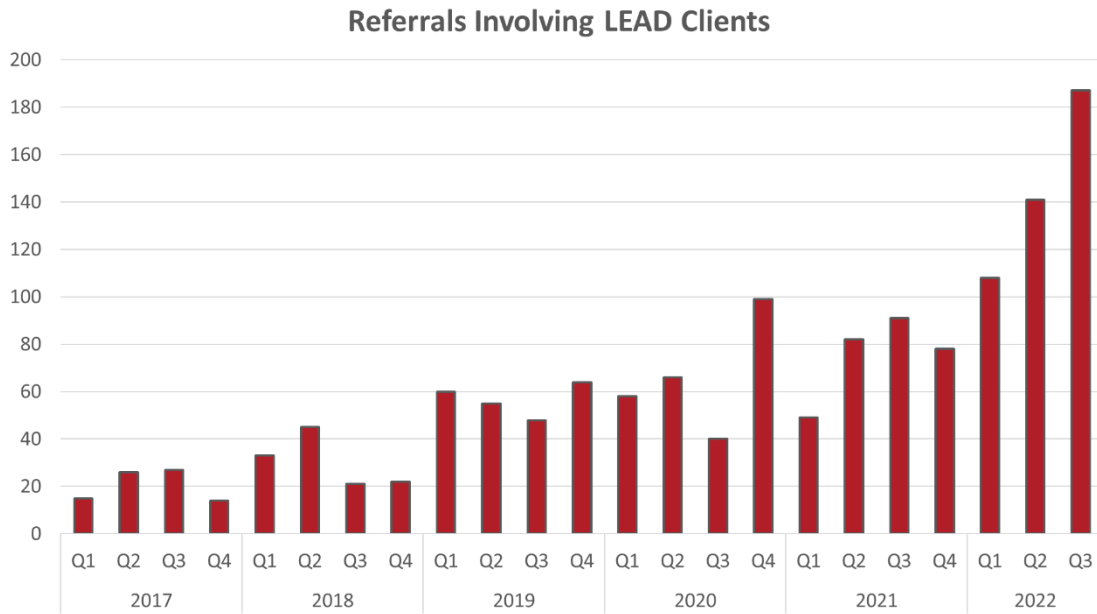
The City Attorney's Office has started to track LEAD clients with much greater detail. The department has integrated better client tracking as to overcome shortcomings in the current criminal case management system (DAMION). However, some of the older activity might not be included for clients that left LEAD prior to 2022.

Breakdown of Charges on Referrals Involving LEAD Clients

15%	Assaults
37%	Thefts
12%	Trespassing
6%	Harassment
3%	Weapon Charges
28%	Other Charges
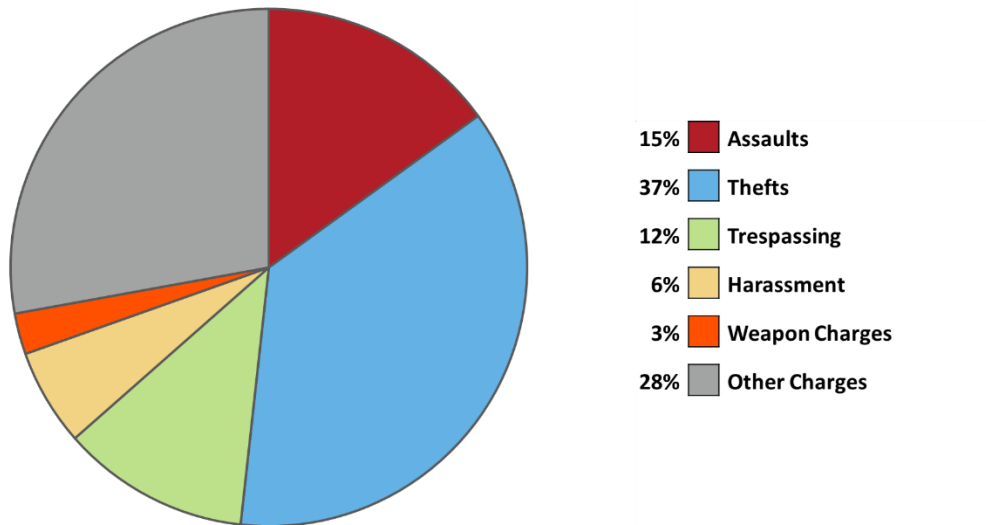
Pre-File Diversion

Referrals Declined After Sucessful Pre-File Diversion
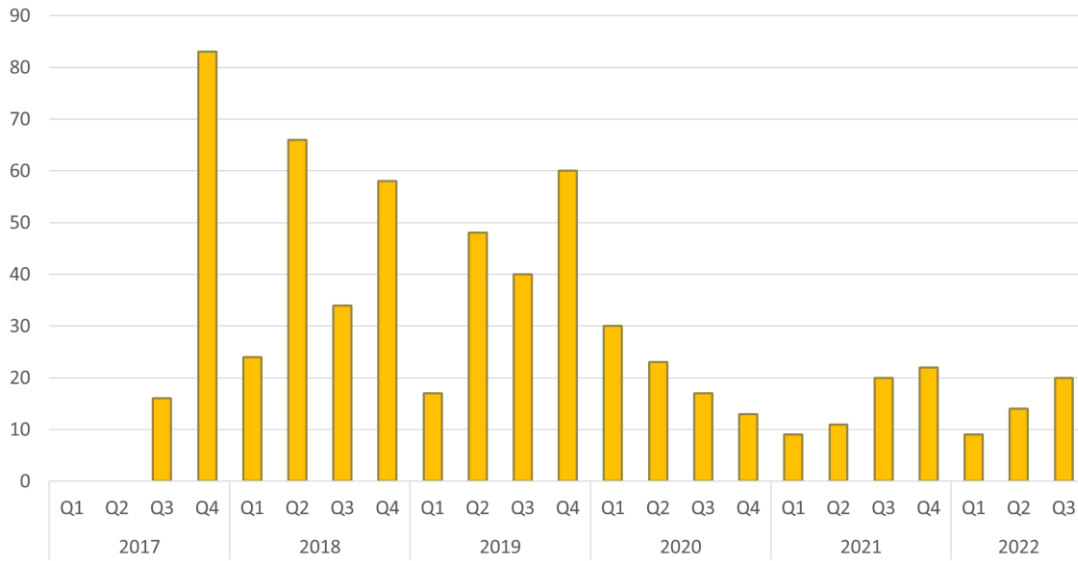
Pre-File Diversion numbers are tracking similarly to 2021 quarters.

Breakdown of Charges in Pre-File Diversion Declines

%	Charge
17%	Assaults
24%	Thefts
8%	Trespassing
1%	Harassment
3%	Weapon Charges
47%	Other Charges

Court Based Alternatives
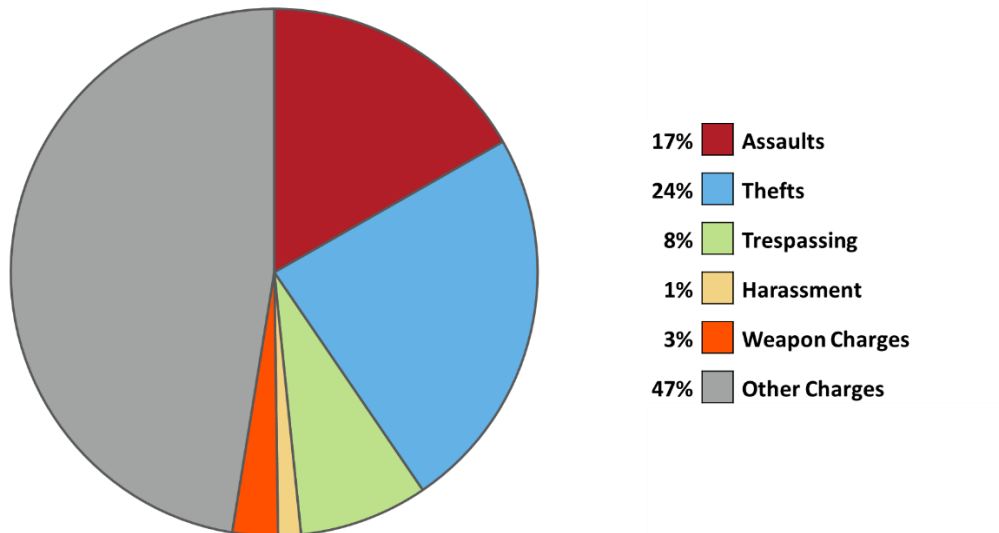
Court Based Alternatives
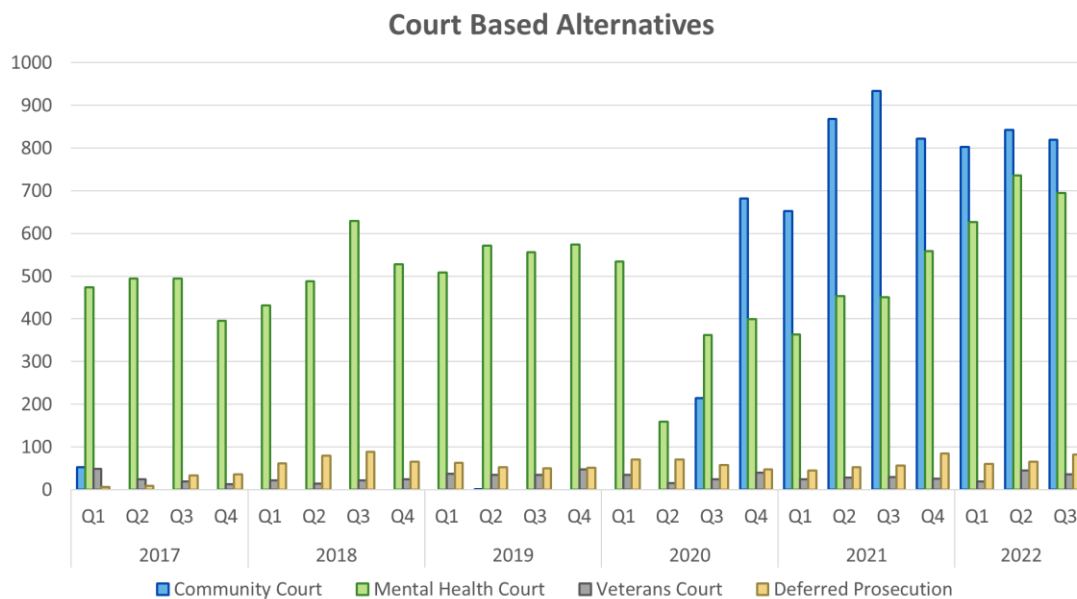
To compare between alternatives, the rest of the charts use the disposition date, but this one uses the date of court hearings. The gap in community court represents the time in which it was closed between its second and third iterations.

Referrals Involving Community Court
(by filing date)
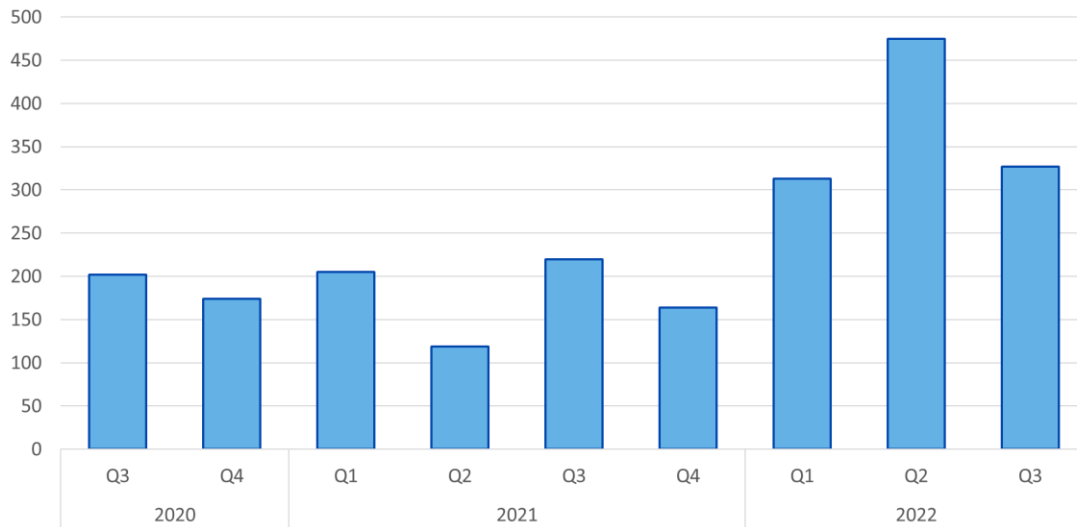
The drop in filed cases going to community court are consistent with the drop in overall filing decisions between Q2 and Q3.

Breakdown of Charges in Community Court

1%	Assaults
47%	Thefts
23%	Trespassing
1%	Harassment
4%	Weapon Charges
25%	Other Charges
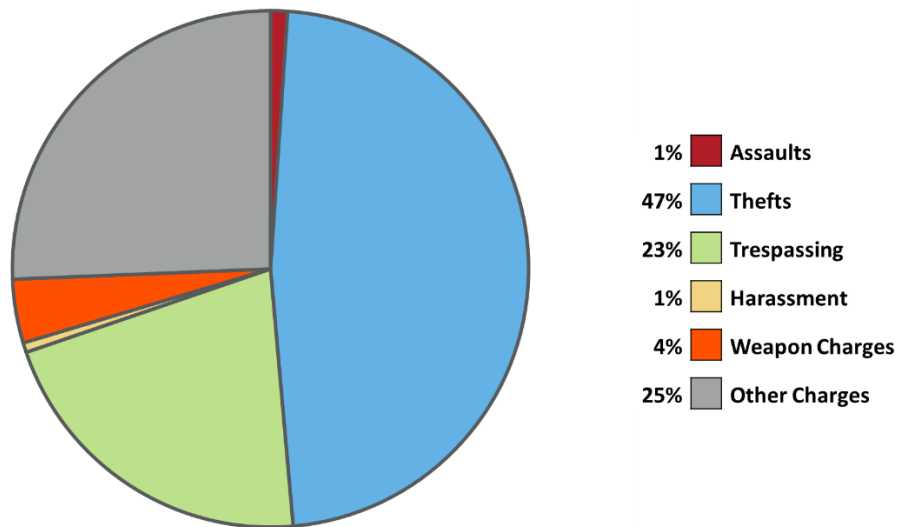
Referrals Involving Mental Health Court
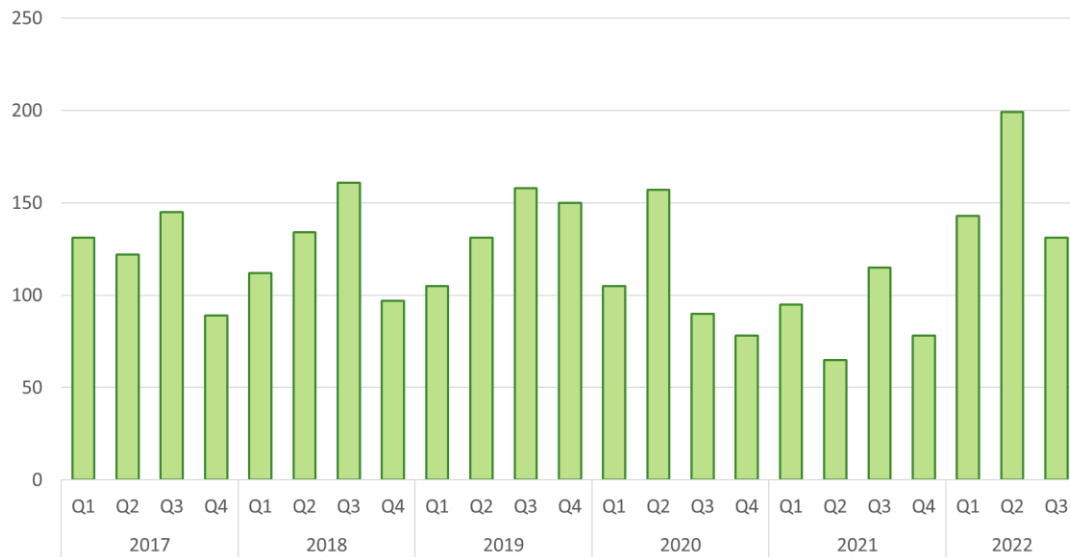
Breakdown of Charges in Mental Health Court
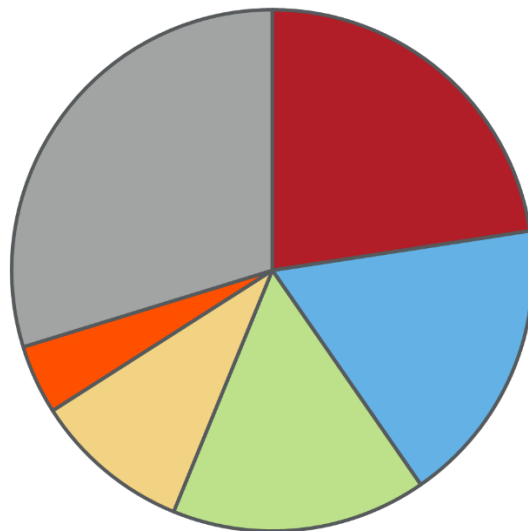
23%	Assaults
17%	Thefts
15%	Trespassing
11%	Harassment
5%	Weapon Charges
30%	Other Charges

Veterans Treatment Court

Referrals Involving Veterans Treatment Court
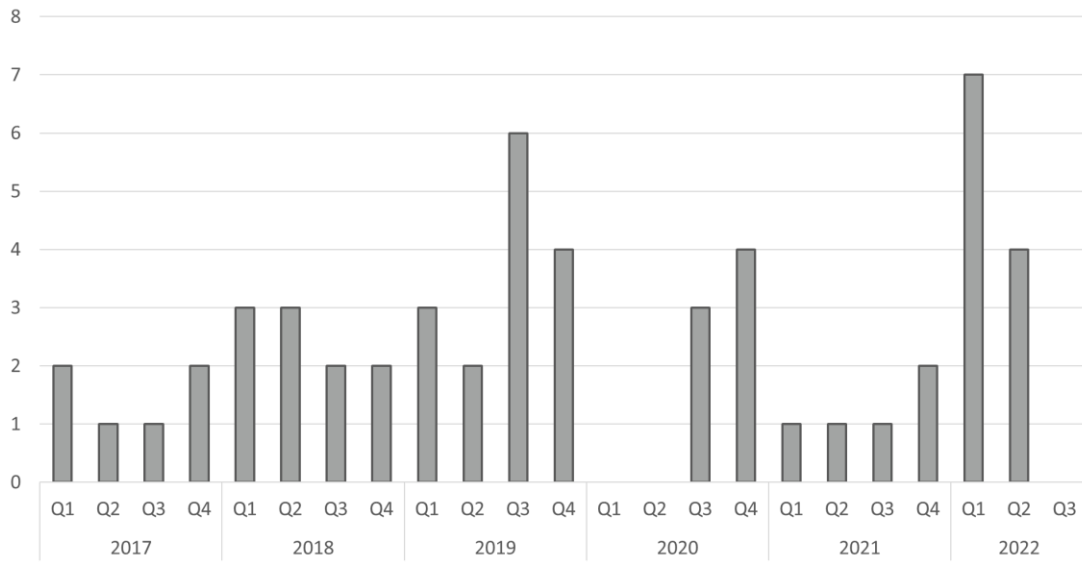
Decline Reasons

Breakdown of Historical Decline Reasons
(2-year averages)

Detailed

Simplified

Detailed legend:
- Victim not participating
- Unable to Prove Beyond Reasonable Doubt
- Policy based
- Felony Filing
- Bargained
- Unable to Contact Victim
- Diversion related
- Technical Issues
- Recent incompetent finding
- Other

Simplified legend:
- Victim not participating
- Unable to Contact Victim
- Unable to Prove Beyond Reasonable Doubt
- Diversion/Policy related
- Other

There are many reasons that the City Attorney's office may decline to file a case. The major ones are listed above. The simplified one is used for reporting ease. These are based on 5-year averages.

Timeline of Declines by Reason Category
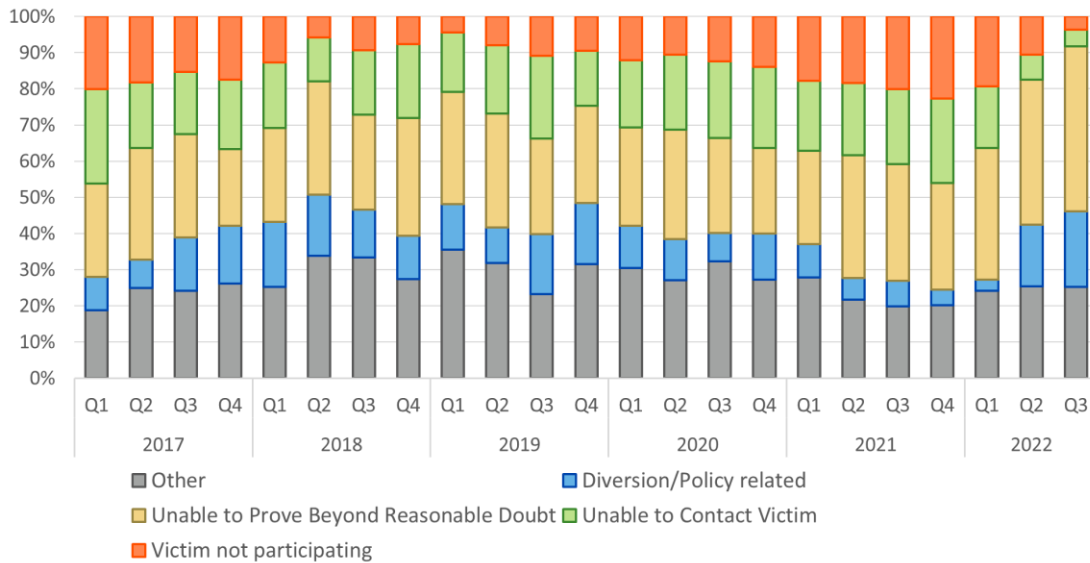
Legend:
- Other
- Unable to Prove Beyond Reasonable Doubt
- Victim not participating
- Diversion/Policy related
- Unable to Contact Victim

Victim related issues have continued to decline and have become a very small barrier to filing. This is partly due to better contact outcomes from the Close-In-Time policy as well as a concerted effort to look at the merits of cases beyond relying only on victim assistance. Policy based declines are higher in Q2 and Q3 due to backlog-based policy declines.

Breakdown of Historical Decline Reason Proportions
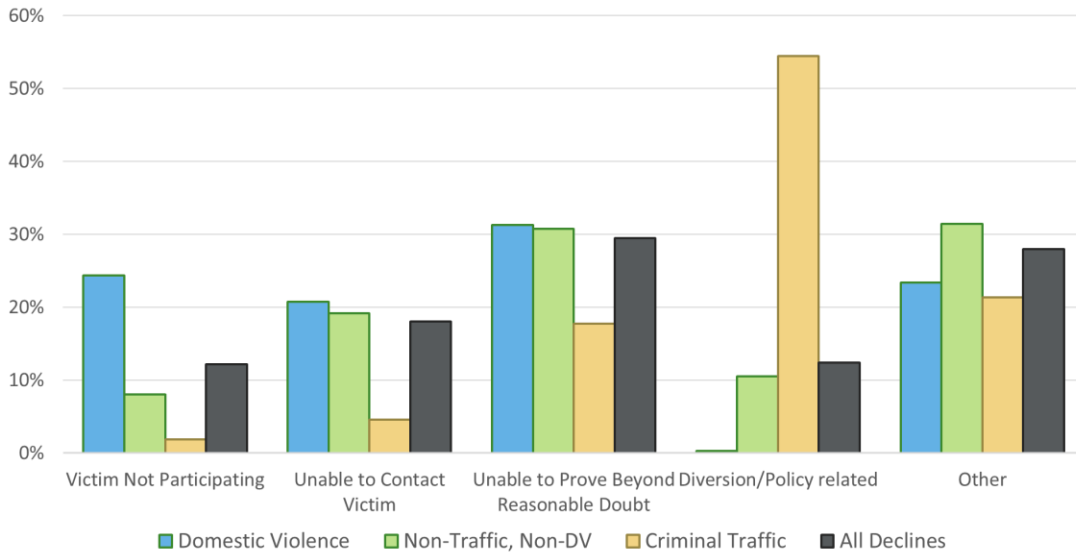
Over the past five years, a large proportion of domestic violence declines are related to the victim not wanting or being able to assist the prosecution. This is the primary reasons that domestic violence decline rates are higher than for other crime types. The large percent of declines in criminal traffic referrals come from the policy of not pursuing charges on driving while license suspended charges. As these referrals are currently rare, this does not reflect the current state in 2022. The chart above shows the relative proportions of each type of decline for each crime type. The chart below shows the five-year average number of quarterly declines. The charts on the following pages give greater detail to these.

Breakdown of Historical Decline Reason Averages
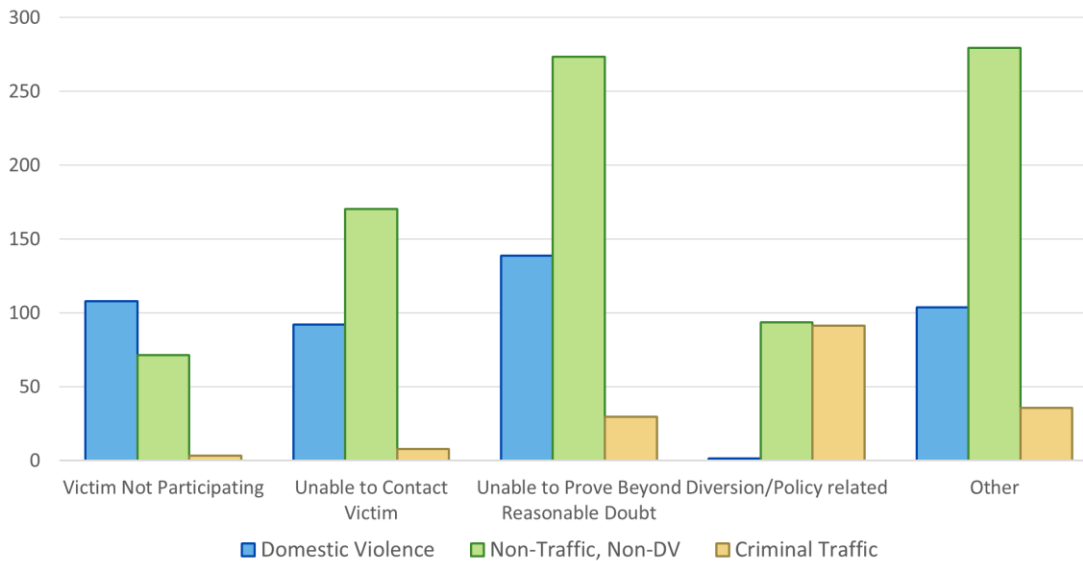
Final Dispositions

Select Final Dispositions
(part 1)

Legend: ■ Found Guilty ■ Plead Guilty ■ Alternatives ■ Other

Select Final Dispositions
(part 2)

Legend: ■ Found Not Guilty ■ Dismissal for Proof ■ Witness Related Dismissal ■ Other
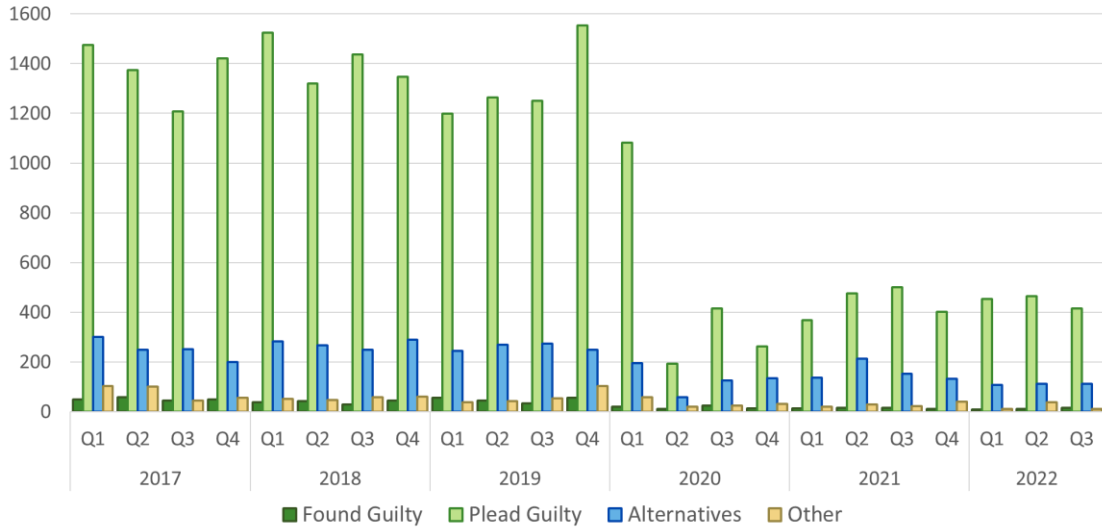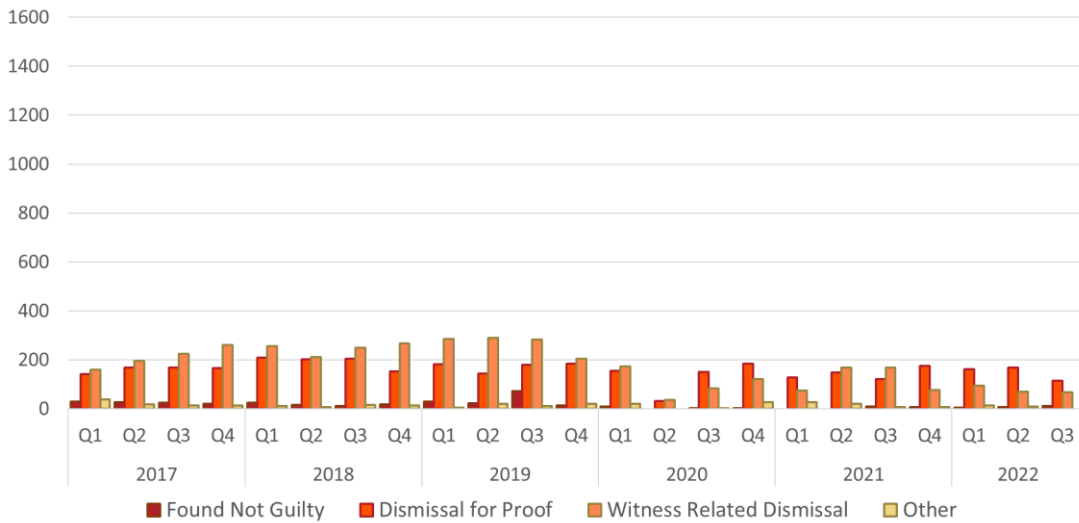
The most common final dispositions are guilty pleas. Dismissials related to sucessful completion of alternatives to traditional prosecution, proof issues, and victim or witness related dismissials are also common. Guilty and not guilty findings via jury verdict are rare due to the decreased number of jury trials. Major capcitiy issues that originated with the pandemic still exist within the Seattle Municipal Court resulting in decresed levels of all final dispositions.

Suspects Found Guilty vs Not Guilty After a Jury Trial
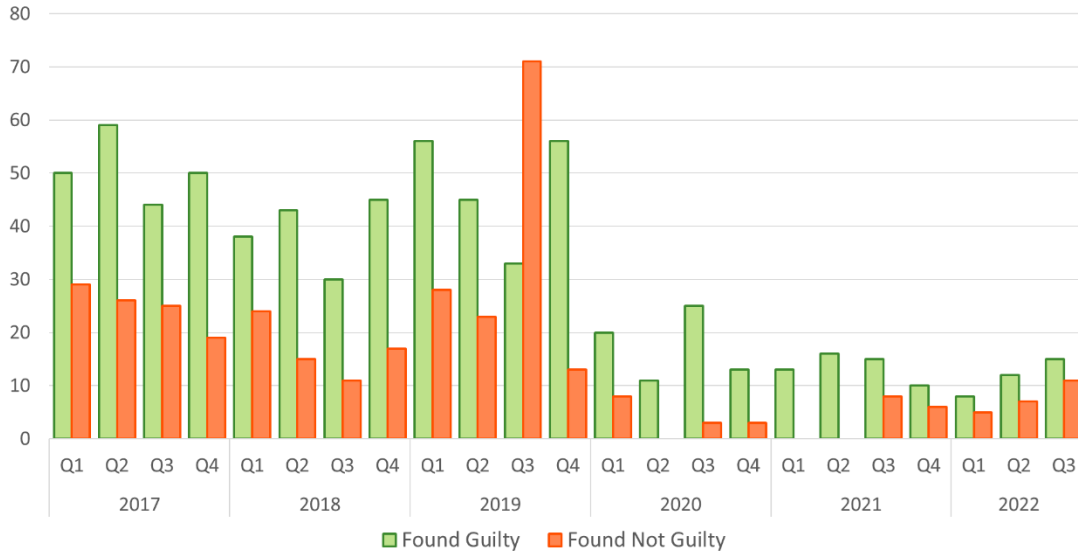
Findings of guilty and not guilty after a jury trial make up a very small proportion of outcomes. Findings of either kind have been rare since the courts shut down for the COVID-19 Pandemic. As a result, the found guilty vs not guilty rate is not reliable.

Percent of Suspects Found Guilty vs Not Guilty After a Jury Trial

District Specifics
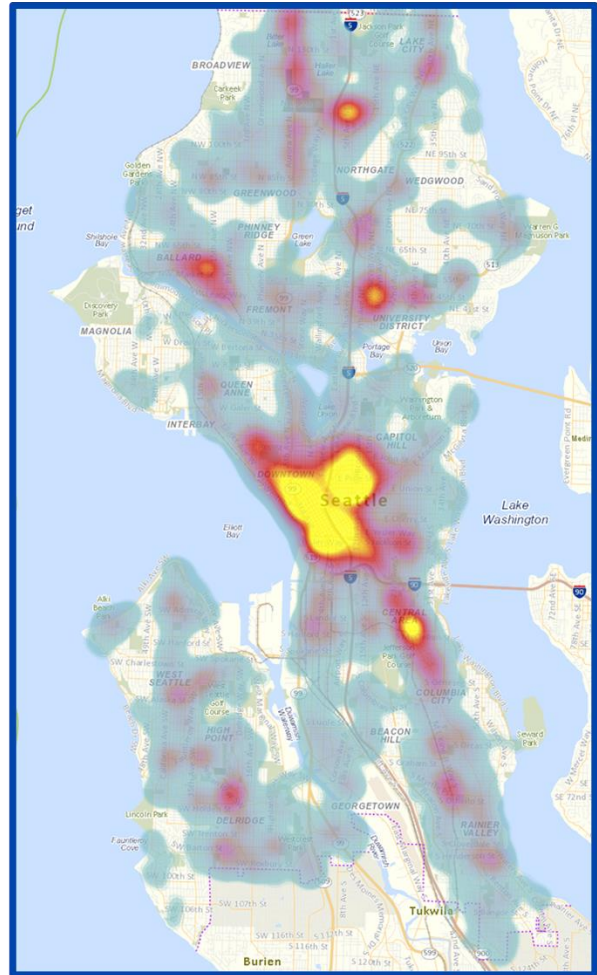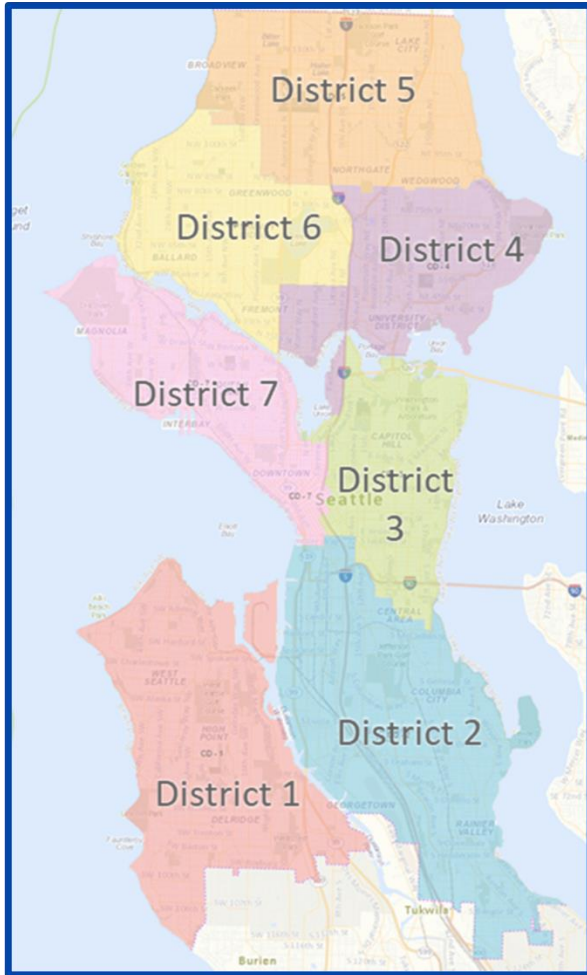
Mapping Accuracy

Mapping a police referral relies on the accuracy of the information on a report. Even after manually correcting addresses, some either do not have enough information or are not tied to a physical address in the city's GIS database. The most common of these are DUIs that occur on grade-separated roads.

	Domestic Violence	Court Order Violations	Assault	Weapons Charges	Harassment	Theft	DUI	Total Referrals
Mapped	817	200	890	141	305	412	370	2629
UnMapped	11	1	6	0	2	0	20	85
Mapped %	99%	100%	99%	100%	99%	100%	95%	97%

Maps

Domestic Violence	Non-Traffic, Non-DV	Criminal Traffic
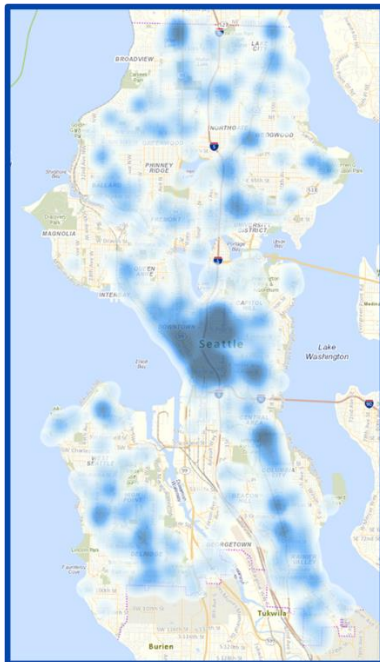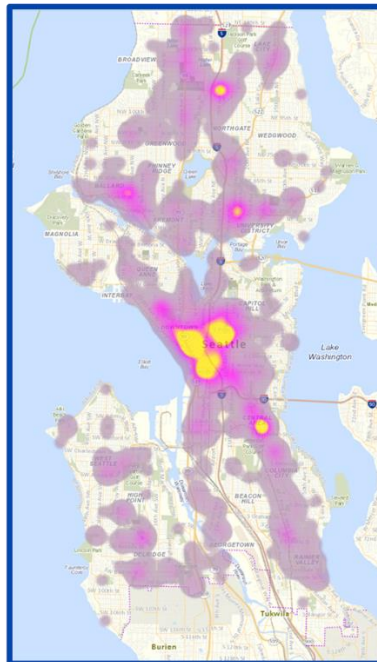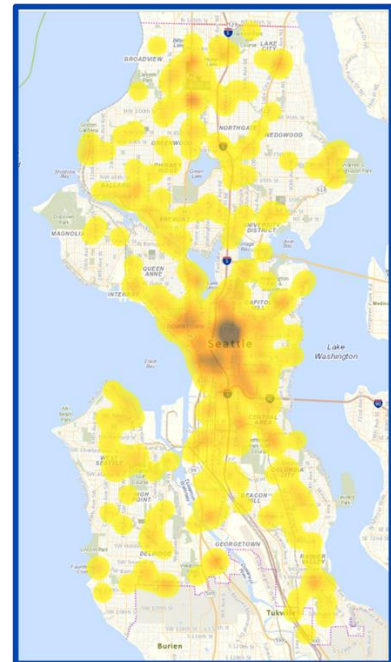
Domestic Violence

Domestic Violence Referrals concentrate in any part of the city that has a higher density of housing. In addition to the city's core, higher rates of domestic violence follow the light rail down the rainier valley and the denser portions of the Lake City Way and Aurora corridors. It can also be found in higher levels in West Seattle, Ballard, and Sand Point.

Criminal Non-Traffic, Non-Domestic Violence

Misdemeanors that are neither traffic nor domestic violence related concentrate around commercial areas like Downtown, Capitol Hill, Northgate, The U District, Mount Baker, and Ballard.

Criminal Traffic

Unlike the other categories, criminal traffic misdemeanors do not have the highest concentration downtown. Rather they have the highest concentration in capitol. The downtown areas with the most are Pioneer Square and Belltown and are likely related to bar activity. North Aurora, Freemont, Ballard, Georgetown, and South Park also have higher incidents of criminal traffic referrals.

District 1
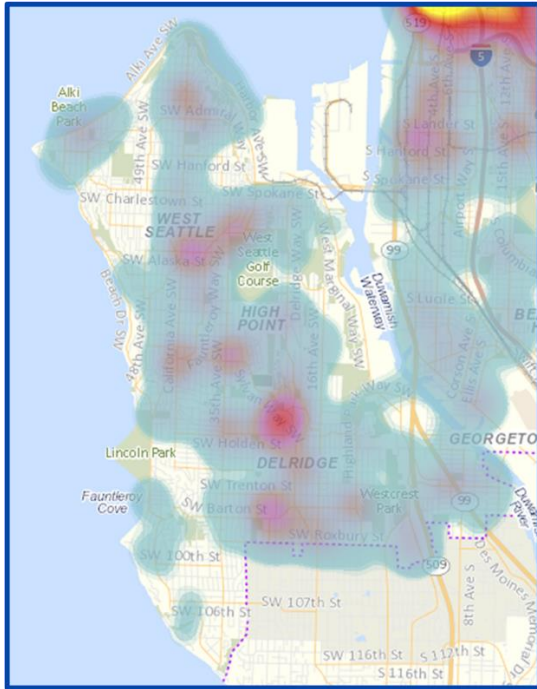
District 1, Q3-2022		
	Count	% of Seattle
Domestic Violence	126	15%
Court Order Violations	30	15%
Assault	100	11%
Weapons Charges	8	6%
Harassment	28	9%
Theft	33	8%
DUI	33	9%
Total Referrals	264	10%

District 2
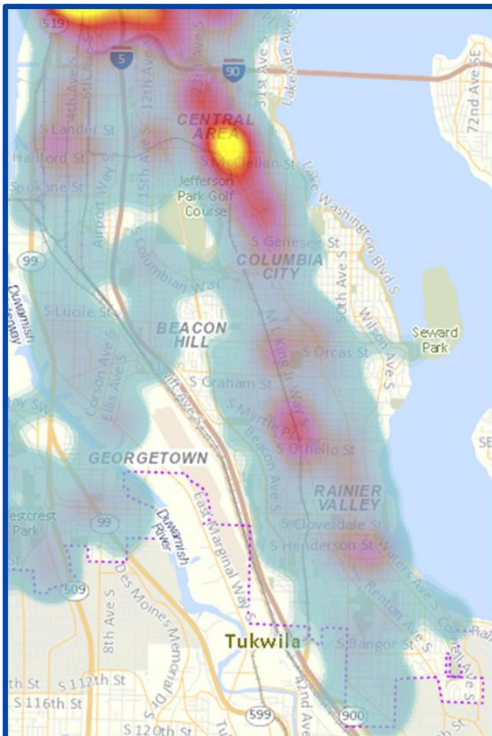
District 2, Q3-2022		
	Count	% of Seattle
Domestic Violence	173	21%
Court Order Violations	47	24%
Assault	160	18%
Weapons Charges	24	17%
Harassment	69	23%
Theft	88	21%
DUI	75	20%
Total Referrals	506	19%

District 3
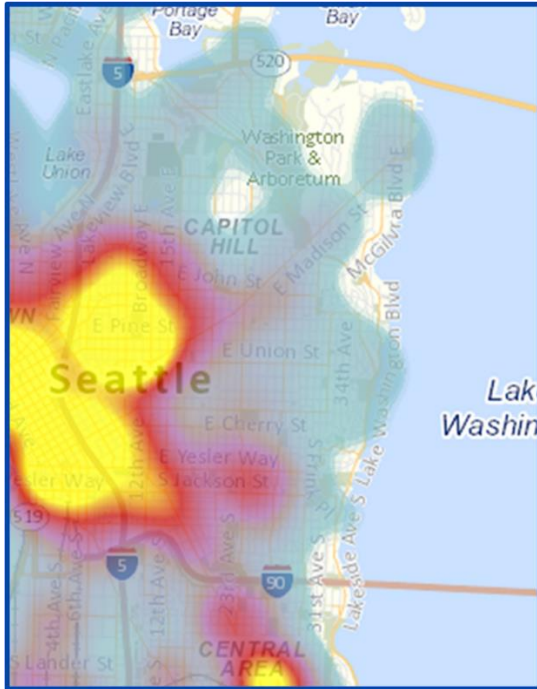
District 3, Q3-2022		
	Count	% of Seattle
Domestic Violence	155	19%
Court Order Violations	30	15%
Assault	204	23%
Weapons Charges	33	23%
Harassment	51	17%
Theft	48	12%
DUI	122	33%
Total Referrals	564	21%

District 4
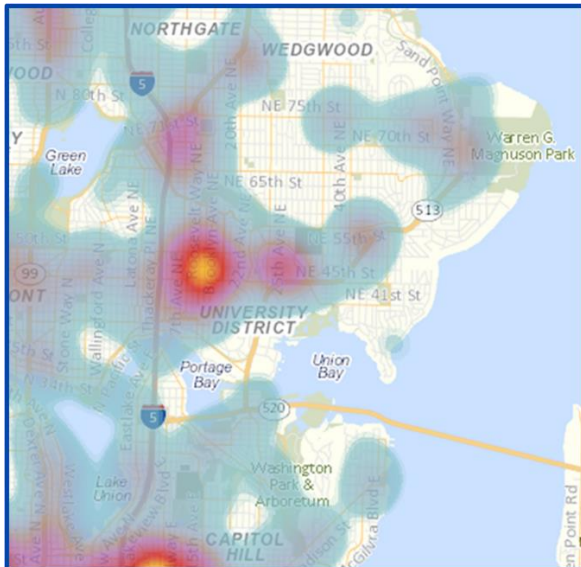
District 4, Q3-2022		
	Count	% of Seattle
Domestic Violence	64	8%
Court Order Violations	15	8%
Assault	63	7%
Weapons Charges	9	6%
Harassment	29	10%
Theft	51	12%
DUI	18	5%
Total Referrals	214	8%

District 5
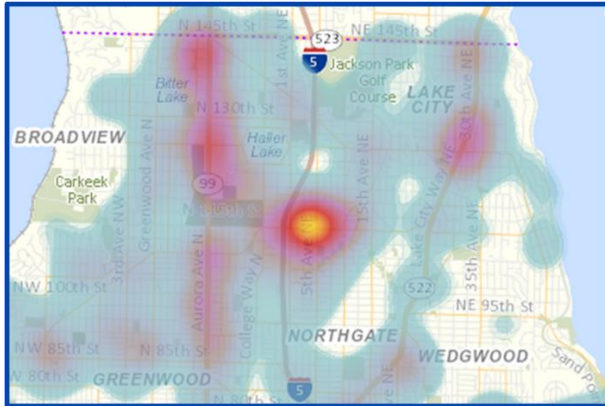
District 5, Q3-2022		
	Count	% of Seattle
Domestic Violence	99	12%
Court Order Violations	25	13%
Assault	93	10%
Weapons Charges	10	7%
Harassment	35	11%
Theft	58	14%
DUI	38	10%
Total Referrals	307	12%

District 6
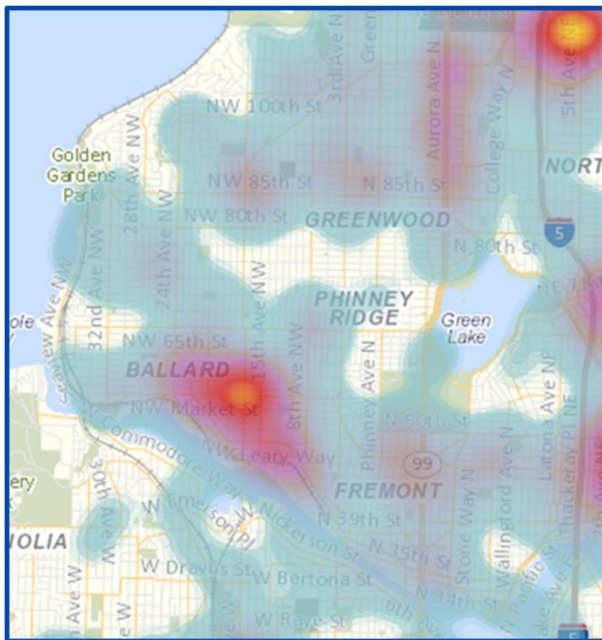
District 6, Q3-2022		
	Count	% of Seattle
Domestic Violence	61	7%
Court Order Violations	24	12%
Assault	52	6%
Weapons Charges	10	7%
Harassment	28	9%
Theft	36	9%
DUI	28	8%
Total Referrals	214	8%

District 7
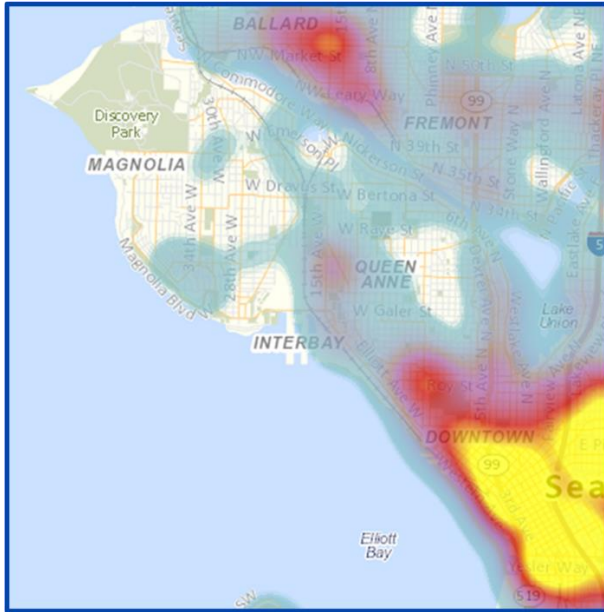
District 7, Q3-2022		
	Count	% of Seattle
Domestic Violence	139	17%
Court Order Violations	29	15%
Assault	218	24%
Weapons Charges	47	33%
Harassment	65	21%
Theft	98	24%
DUI	56	15%
Total Referrals	560	21%

Gender Specifics

Demographic information originates with police reports and are updated by SCAO staff.

Incoming Referrals by Gender for Victims and Suspects
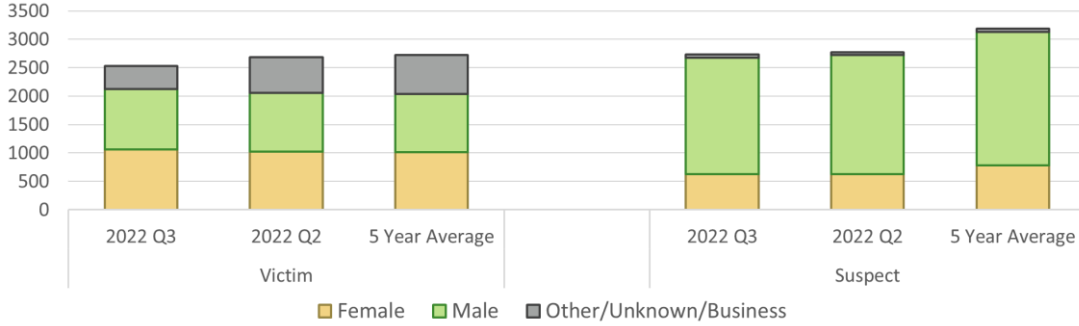
Proportion of Incoming Referrals by Gender for Victims/Suspects
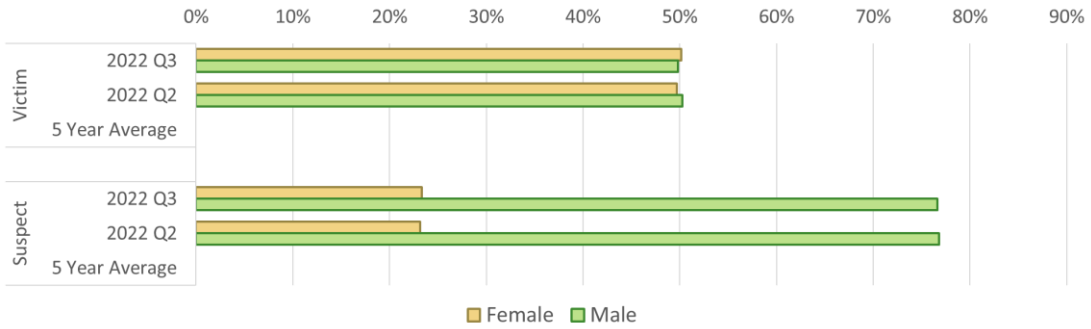
While males make up about three quarters of police referrals, crime victims are more proportional to the population with businesses making up a large proportion of the "other/unknown/business" category. Gender diverse individuals are less than one percent of victims and of suspects.

Decline Rates by Gender for Victims and Suspects
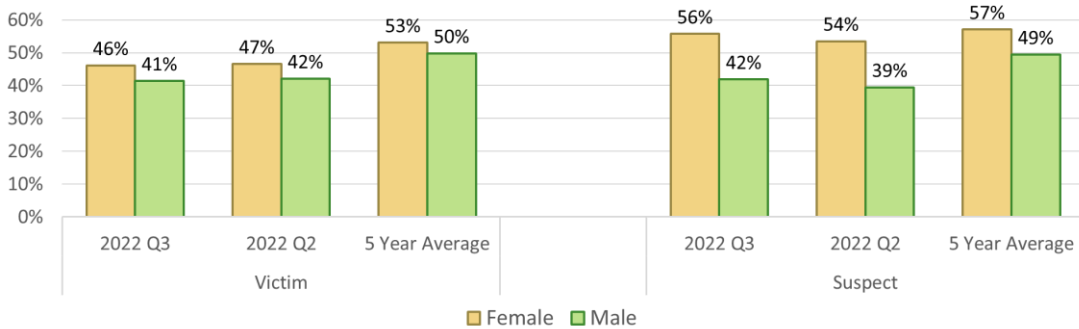
Tables

These tables provide the information on the next several pages in a condensed form. Blank sections refer to data that has too small of a sample size to be relevant.

Referrals by Gender

		Q3 2022				5-year Average				Change			
		Overall	DV	Non-Traffic	Traffic	Overall	DV	Non-Traffic	Traffic	Overall	DV	Non-Traffic	Traffic
Female	Victims	1064	586	435	43	1014	562	412	40	5%	4%	6%	8%
	Suspects	625	212	308	97	778	197	455	123	-20%	7%	-32%	-21%
Male	Victims	1057	279	690	88	1022	254	707	60	3%	10%	-2%	47%
	Suspects	2053	602	1080	365	2349	581	1404	360	-13%	4%	-23%	1%

Decline Rates by Gender

		Q3 2022				5-year Average				Change			
		Overall	DV	Non-Traffic	Traffic	Overall	DV	Non-Traffic	Traffic	Overall	DV	Non-Traffic	Traffic
Female	Victims	46%	58%	34%	-	53%	58%	50%	-	-7%	1%	-16%	-
	Suspects	56%	79%	44%	22%	57%	75%	52%	47%	-1%	4%	-8%	-26%
Male	Victims	41%	71%	32%	11%	50%	67%	46%	19%	-8%	4%	-13%	-7%
	Suspects	42%	61%	34%	31%	49%	58%	47%	46%	-8%	2%	-12%	-15%

Final Dispositions by Gender

		Q3 2022			5 Year Average			Change		
		% Guilty Pleas	% Jury Trials w/ Findings	% Found Guilty	% Guilty Pleas	% Jury Trials w/ Findings	% Found Guilty	% Guilty Pleas	% Jury Trials w/ Findings	% Found Guilty
Female	Victims	-	0%	-	50%	3%	66%	-	-3%	-
	Suspects	54%	23%	67%	56%	7%	79%	-2%	16%	-12%
Male	Victims	74%	0%	-	59%	3%	45%	15%	-3%	-
	Suspects	56%	6%	50%	61%	7%	65%	-5%	-1%	-15%

Female

Referrals by Category Involving Female Victims and Suspects

Victim:
- 2022 Q3: Overall 1064, DV 586, Non-Traffic 435, Traffic 43
- 2022 Q2: Overall 1024, DV 551, Non-Traffic 437, Traffic 36
- 5 Year Average: Overall 1014, DV 562, Non-Traffic 412, Traffic 40

Suspect:
- 2022 Q3: Overall 625, DV 212, Non-Traffic 308, Traffic 97
- 2022 Q2: Overall 632, DV 180, Non-Traffic 365, Traffic 87
- 5 Year Average: Overall 778, DV 197, Non-Traffic 455, Traffic 123

Legend: ■ Overall ■ DV ■ Non-Traffic ■ Traffic

Crime Type Proportions for Female Victims and Suspects

Legend: ■ DV ■ Non-Traffic ■ Traffic
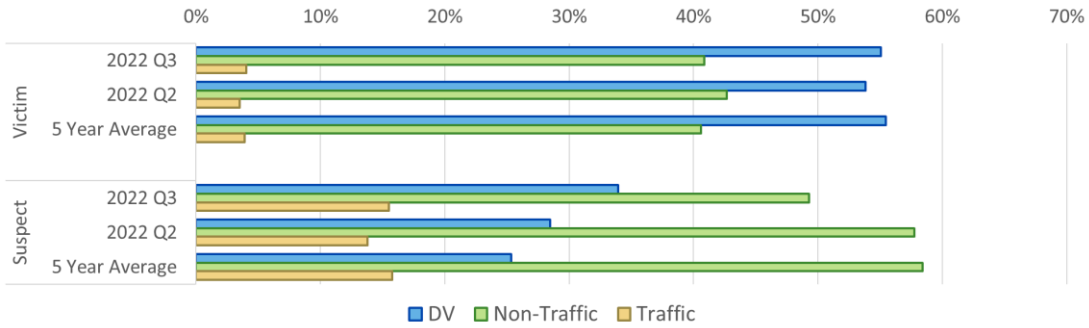
Decline Rates for Referrals Involving Female Victims and Suspects

Victim:
- 2022 Q3: Overall 46%, DV 58%, Non-Traffic 34%
- 2022 Q2: Overall 47%, DV 54%, Non-Traffic 39%
- 5 Year Average: Overall 53%, DV 58%, Non-Traffic 50%, Traffic 18%

Suspect:
- 2022 Q3: Overall 56%, DV 79%, Non-Traffic 44%, Traffic 22%
- 2022 Q2: Overall 54%, DV 82%, Non-Traffic 44%, Traffic 14%
- 5 Year Average: Overall 57%, DV 75%, Non-Traffic 52%, Traffic 47%

Legend: ■ Overall ■ DV ■ Non-Traffic ■ Traffic
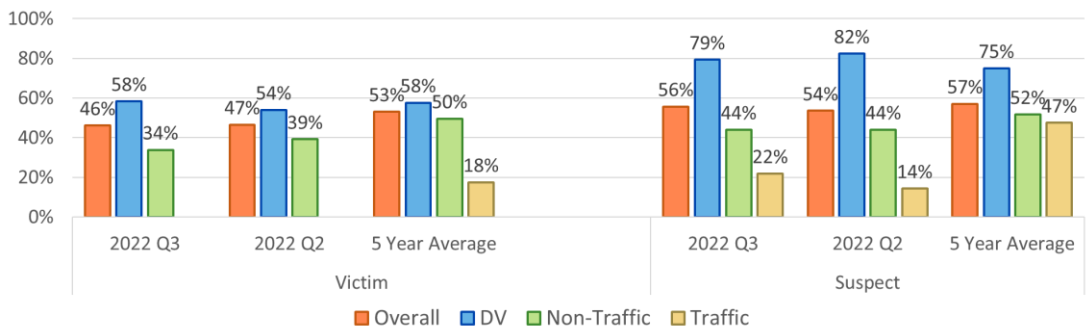
Male

Referrals by Category Involving Male Victims and Suspects

Victim
- 2022 Q3: Overall 1057, DV 279, Non-Traffic 690, Traffic 88
- 2022 Q2: Overall 1036, DV 260, Non-Traffic 707, Traffic 69
- 5 Year Average: Overall 1022, DV 254, Non-Traffic 707, Traffic 60

Suspect
- 2022 Q3: Overall 2053, DV 602, Non-Traffic 1080, Traffic 365
- 2022 Q2: Overall 2095, DV 596, Non-Traffic 1276, Traffic 215
- 5 Year Average: Overall 2349, DV 581, Non-Traffic 1404, Traffic 360

Legend: Overall, DV, Non-Traffic, Traffic

Crime Type Proportions for Male Victims and Suspects

Legend: DV, Non-Traffic, Traffic

Decline Rates for Referrals Involving Male Victims and Suspects

Victim
- 2022 Q3: Overall 41%, DV 71%, Non-Traffic 32%, Traffic 11%
- 2022 Q2: Overall 42%, DV 71%, Non-Traffic 33%, Traffic 12%
- 5 Year Average: Overall 50%, DV 67%, Non-Traffic 46%, Traffic 19%

Suspect
- 2022 Q3: Overall 42%, DV 61%, Non-Traffic 34%, Traffic 31%
- 2022 Q2: Overall 39%, DV 56%, Non-Traffic 33%, Traffic 22%
- 5 Year Average: Overall 49%, DV 58%, Non-Traffic 47%, Traffic 46%

Legend: Overall, DV, Non-Traffic, Traffic
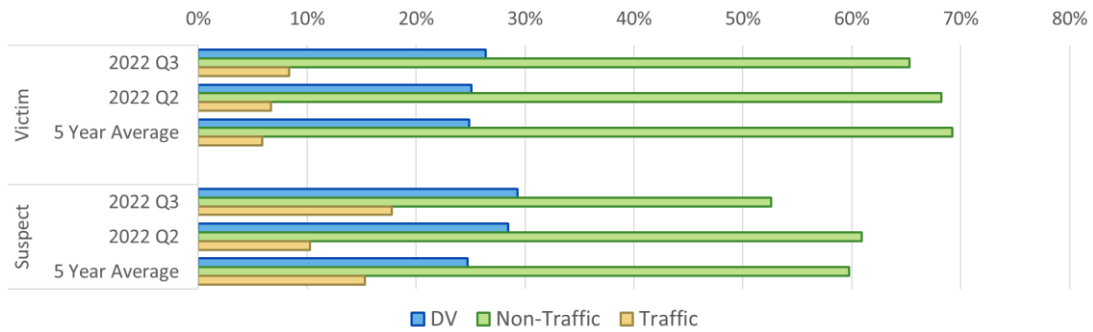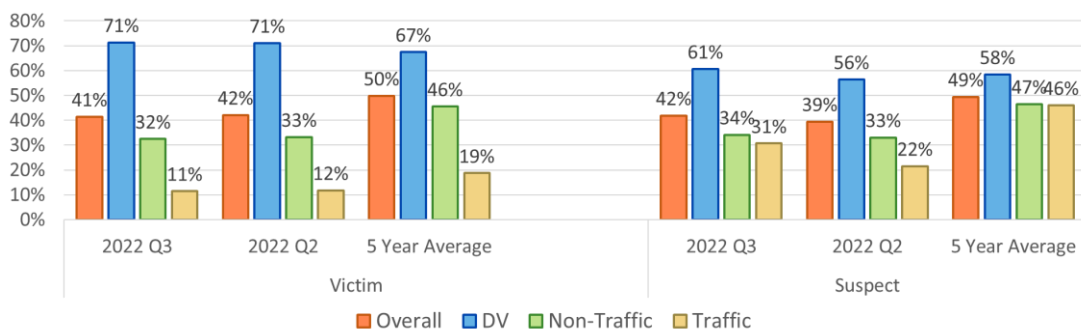
Race Specifics

Demographic information originates with police reports and are updated by SCAO staff. Small sample sizes for Asian and Indigenous peoples may reduce statistical relevance.

Incoming Referrals by Race for Victims and Suspects
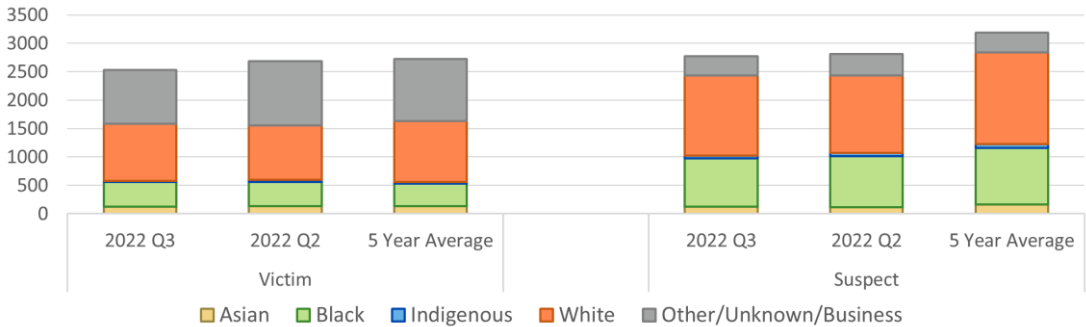
Proportion of Incoming Referrals by Race for Victims/Suspects
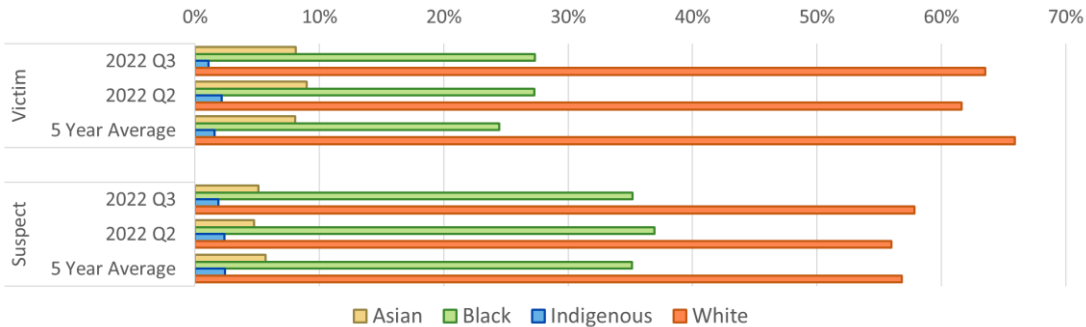
Decline Rates by Race for Victims and Suspects
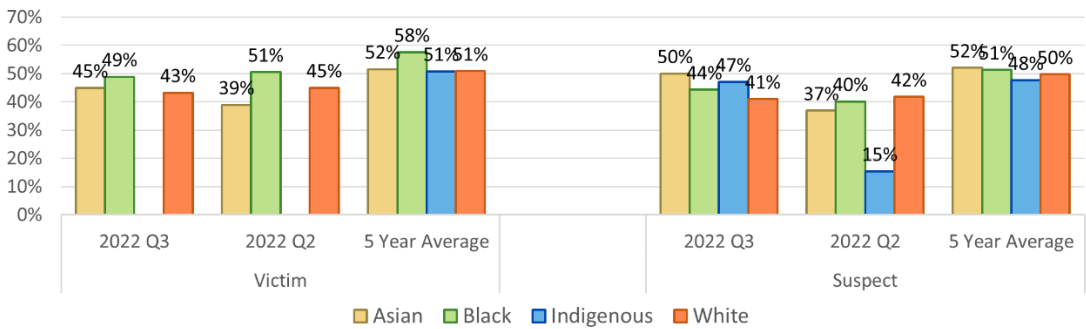
Tables

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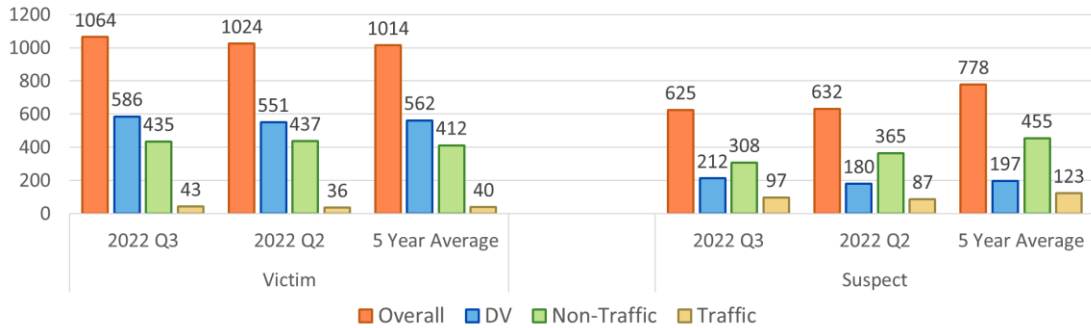
Referrals by Race

		Q3 2022				5-year Average				Change			
		Overall	DV	Non-Traffic	Traffic	Overall	DV	Non-Traffic	Traffic	Overall	DV	Non-Traffic	Traffic
Asian	Victims	128	51	64	13	131	50	76	6	-3%	3%	-15%	-
	Suspects	137	45	51	37	161	44	85	31	-15%	1%	-40%	18%
Black	Victims	433	231	185	17	400	208	183	9	8%	11%	1%	-
	Suspects	914	297	505	111	998	254	599	144	-8%	17%	-16%	-23%
Indigenous	Victims	17	12	5	0	26	16	9	0	-	-	-	-
	Suspects	137	45	51	37	161	44	85	31	-15%	1%	-40%	18%
White	Victims	1007	398	563	46	1077	419	625	33	-6%	-5%	-10%	40%
	Suspects	1270	344	667	255	1615	366	997	246	-21%	-6%	-33%	4%

Decline Rates by Race

		Q3 2022				5-year Average				Change			
		Overall	DV	Non-Traffic	Traffic	Overall	DV	Non-Traffic	Traffic	Overall	DV	Non-Traffic	Traffic
Asian	Victims	45%	67%	32%	-	52%	61%	47%	-	-7%	6%	-15%	-
	Suspects	50%	71%	33%	-	52%	62%	48%	-	-2%	9%	-16%	-
Black	Victims	49%	62%	38%	-	58%	63%	53%	-	-9%	-1%	-15%	-
	Suspects	44%	64%	34%	-	51%	61%	47%	53%	-7%	4%	-13%	-
Indigenous	Victims	-	-	-	-	-	-	-	-	-	-	-	-
	Suspects	47%	-	-	-	48%	-	46%	-	-1%	-	-	-
White	Victims	43%	64%	30%	-	51%	60%	46%	-	-8%	4%	-16%	-
	Suspects	41%	65%	33%	22%	50%	62%	47%	40%	-9%	3%	-14%	-18%

Final Dispositions by Race

|		Q3 2022			5 Year Average			Change		
		% Guilty Pleas	% Jury Trials w/ Findings	% Found Guilty	% Guilty Pleas	% Jury Trials w/ Findings	% Found Guilty	% Guilty Pleas	% Jury Trials w/ Findings	% Found Guilty
Asian	Victims	-	0%	-	-	2%	-	-	-2%	-
	Suspects	-	6%	-	55%	6%	69%	-	-1%	-
Black	Victims	-	0%	-	40%	4%	50%	-	-4%	-
	Suspects	54%	11%	58%	60%	6%	56%	-6%	4%	3%
Indigenous	Victims	-	0%	-	-	4%	-	-	-4%	-
	Suspects	-	22%	-	68%	6%	-	-	16%	-
White	Victims	-	0%	-	47%	3%	57%	-	-3%	-
	Suspects	58%	7%	63%	61%	7%	73%	-4%	0%	-11%

Asian

Referrals by Category Involving Asian Victims and Suspects

Victim
- 2022 Q3: Overall 128, DV 51, Non-Traffic 64, Traffic 13
- 2022 Q2: Overall 139, DV 54, Non-Traffic 74, Traffic 11
- 5 Year Average: Overall 131, DV 50, Non-Traffic 76, Traffic 6

Suspect
- 2022 Q3: Overall 137, DV 45, Non-Traffic 51, Traffic 37
- 2022 Q2: Overall 124, DV 33, Non-Traffic 76, Traffic 15
- 5 Year Average: Overall 161, DV 44, Non-Traffic 85, Traffic 31

Legend: ■ Overall ■ DV ■ Non-Traffic ■ Traffic

Crime Type Proportions for Asian Victims and Suspects

Legend: ■ DV ■ Non-Traffic ■ Traffic

Decline Rates for Referrals Involving Asian Victims and Suspects

Victim
- 2022 Q3: Overall 45%, DV 67%, Non-Traffic 32%
- 2022 Q2: Overall 39%, DV 48%, Non-Traffic 35%
- 5 Year Average: Overall 52%, DV 61%, Non-Traffic 47%

Suspect
- 2022 Q3: Overall 50%, DV 71%, Non-Traffic 33%
- 2022 Q2: Overall 37%, DV 61%, Non-Traffic 26%
- 5 Year Average: Overall 52%, DV 62%, Non-Traffic 48%, Traffic 47%

Legend: ■ Overall ■ DV ■ Non-Traffic ■ Traffic
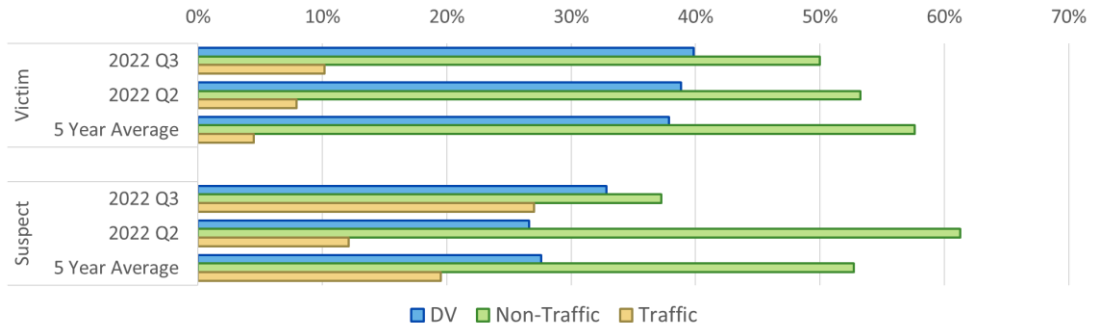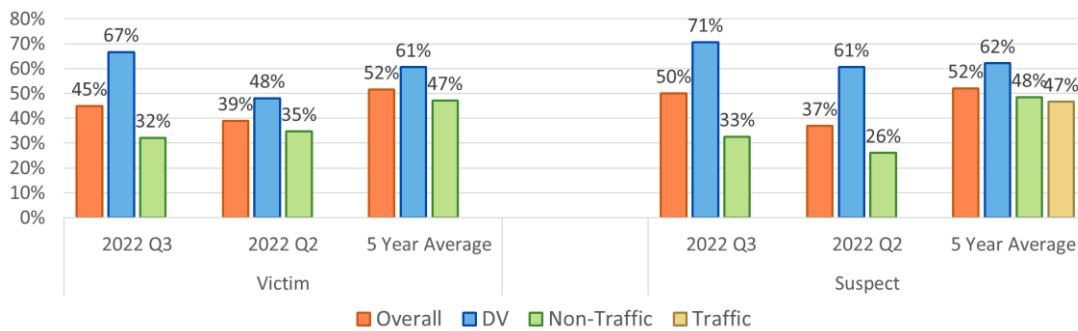
Black

Referrals by Category Involving Black Victims and Suspects

Victim
- 2022 Q3: Overall 433, DV 231, Non-Traffic 58, Traffic 94
- 2022 Q2: Overall 423, DV 222, Non-Traffic 74, Traffic 114
- 5 Year Average: Overall 400, DV 208, Non-Traffic 72, Traffic 84

Suspect
- 2022 Q3: Overall 914, DV 297, Non-Traffic 73, Traffic 260
- 2022 Q2: Overall 855, DV 288, Non-Traffic 104, Traffic 314
- 5 Year Average: Overall 998, DV 254, Non-Traffic 94, Traffic 312

Legend: Overall, DV, Non-Traffic, Traffic
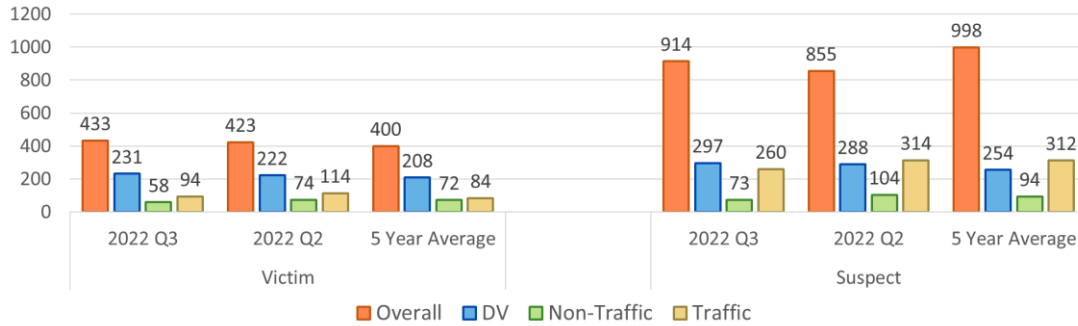
Crime Type Proportions for Black Victims and Suspects

(Horizontal bar chart with axis 0% to 60%)

Victim: 2022 Q3, 2022 Q2, 5 Year Average
Suspect: 2022 Q3, 2022 Q2, 5 Year Average

Legend: DV, Non-Traffic, Traffic
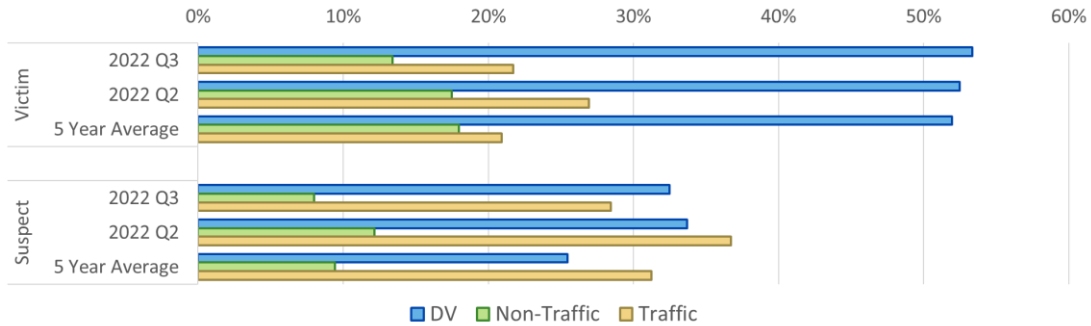
Decline Rates for Referrals Involving Black Victims and Suspects

Victim
- 2022 Q3: Overall 49%, DV 62%, Non-Traffic 38%
- 2022 Q2: Overall 51%, DV 63%, Non-Traffic 37%
- 5 Year Average: Overall 58%, DV 63%, Non-Traffic 53%, Traffic 19%

Suspect
- 2022 Q3: Overall 44%, DV 64%, Non-Traffic 34%
- 2022 Q2: Overall 40%, DV 60%, Non-Traffic 30%, Traffic 18%
- 5 Year Average: Overall 51%, DV 61%, Non-Traffic 47%, Traffic 53%

Legend: Overall, DV, Non-Traffic, Traffic
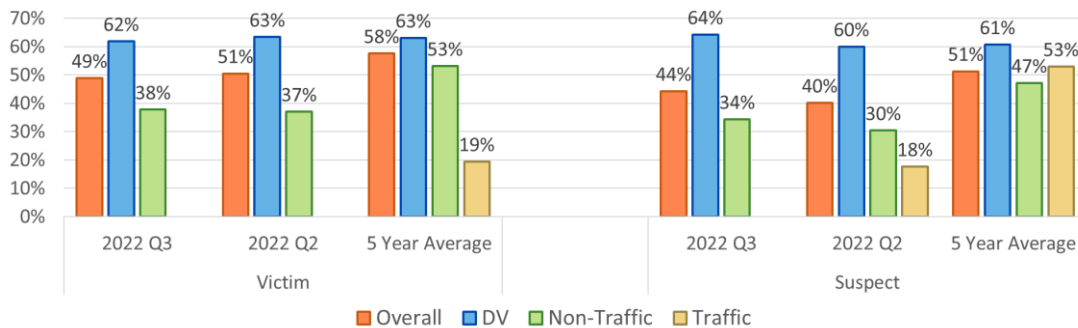
Indigenous

Referrals by Category Involving Indigenous Victims and Suspects

Victim
- 2022 Q3: Overall 17, DV 12, Non-Traffic 4, Traffic 3
- 2022 Q2: Overall 33, DV 18, Non-Traffic 10, Traffic 6
- 5 Year Average: Overall 26, DV 16, Non-Traffic 7, Traffic 5

Suspect
- 2022 Q3: Overall 51, DV 17, Non-Traffic 3, Traffic 14
- 2022 Q2: Overall 46, DV 6, Non-Traffic 3, Traffic 26
- 5 Year Average: Overall 68, DV 17, Non-Traffic 7, Traffic 26

Legend: ■ Overall ■ DV ■ Non-Traffic ■ Traffic
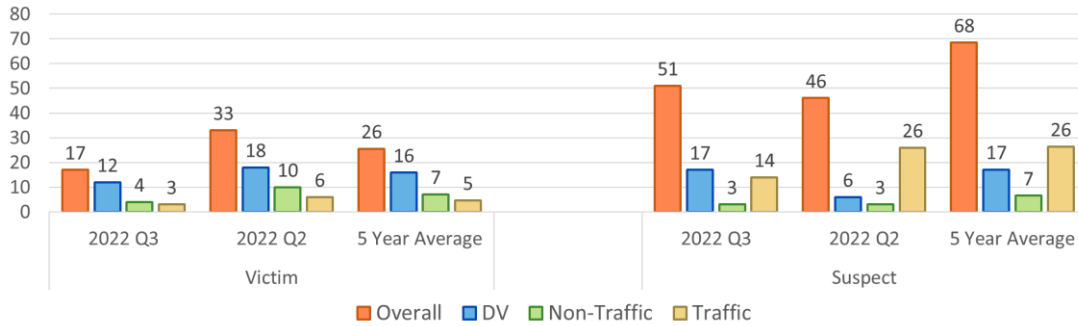
Crime Type Proportions for Indigenous Victims and Suspects

Legend: ■ DV ■ Non-Traffic ■ Traffic
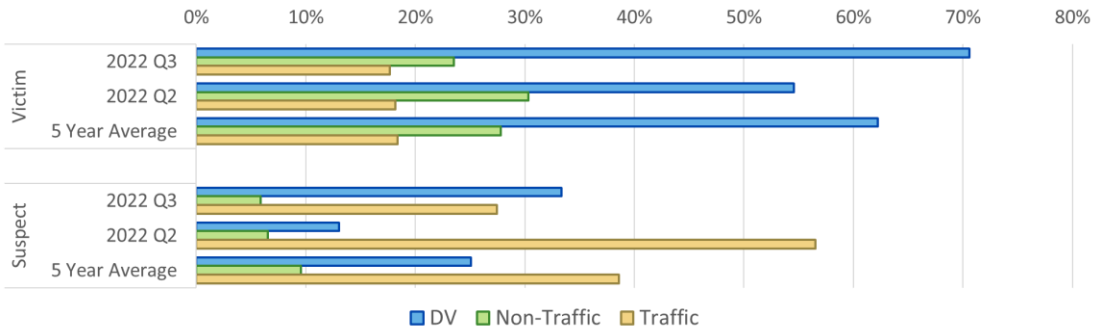
Decline Rates for Referrals Involving Indigenous Victims and Suspects

Victim
- 5 Year Average: Overall 51%, DV 53%, Non-Traffic 48%

Suspect
- 2022 Q3: Overall 47%
- 2022 Q2: Overall 15%
- 5 Year Average: Overall 48%, DV 58%, Non-Traffic 46%

Legend: ■ Overall ■ DV ■ Non-Traffic ■ Traffic
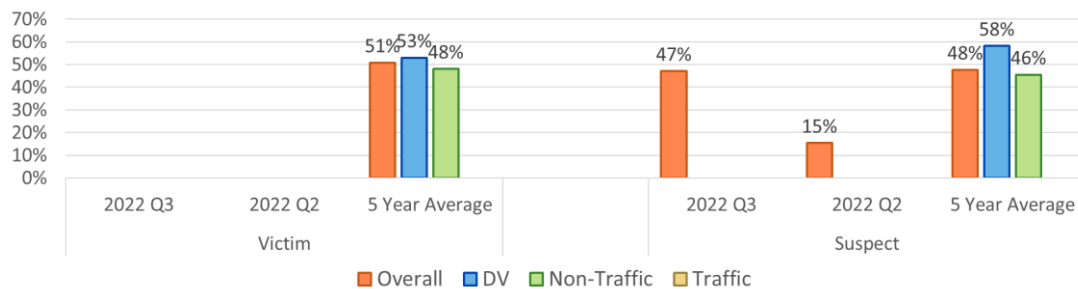
Other than overall rates, there were too few Indigenous victims and suspects that had filed or declined referrals for any meaningful decline rates in Q2 or Q3 2022. The 15% for indigenous suspects is still a very small number which is the likely cause of its variation.

White

Referrals by Category Involving White Victims and Suspects

Victim:
- 2022 Q3: Overall 1007, DV 398, Non-Traffic 103, Traffic 300
- 2022 Q2: Overall 956, DV 360, Non-Traffic 133, Traffic 350
- 5 Year Average: Overall 1077, DV 419, Non-Traffic 159, Traffic 332

Suspect:
- 2022 Q3: Overall 1270, DV 344, Non-Traffic 85, Traffic 340
- 2022 Q2: Overall 1407, DV 325, Non-Traffic 113, Traffic 544
- 5 Year Average: Overall 1615, DV 366, Non-Traffic 134, Traffic 534

Legend: Overall, DV, Non-Traffic, Traffic
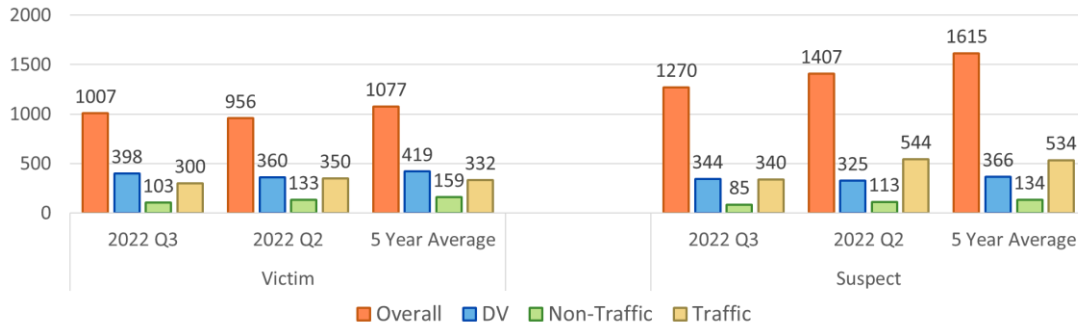
Crime Type Proportions for White Victims and Suspects

Legend: DV, Non-Traffic, Traffic
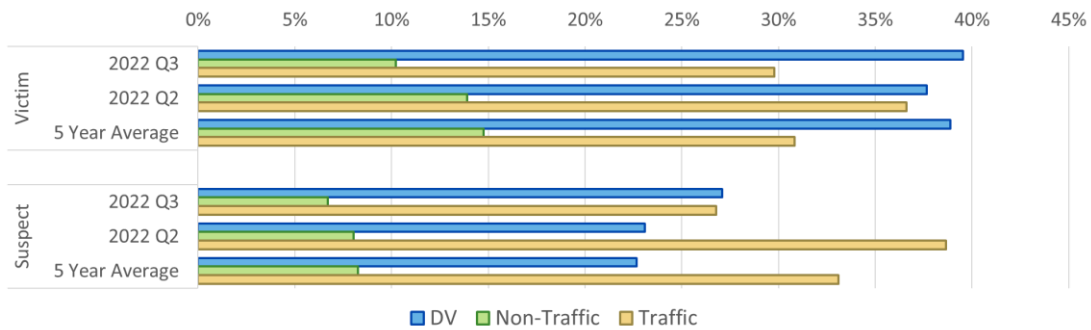
Decline Rates for Referrals Involving White Victims and Suspects

Victim:
- 2022 Q3: Overall 43%, DV 64%, Non-Traffic 30%, Traffic 0%
- 2022 Q2: Overall 45%, DV 60%, Non-Traffic 37%, Traffic 0%
- 5 Year Average: Overall 51%, DV 60%, Non-Traffic 46%, Traffic 19%

Suspect:
- 2022 Q3: Overall 41%, DV 65%, Non-Traffic 33%, Traffic 22%
- 2022 Q2: Overall 42%, DV 63%, Non-Traffic 36%, Traffic 21%
- 5 Year Average: Overall 50%, DV 62%, Non-Traffic 47%, Traffic 40%

Legend: Overall, DV, Non-Traffic, Traffic
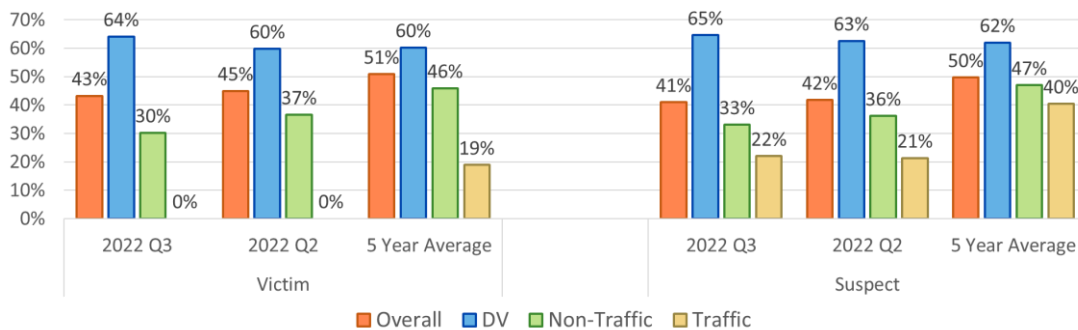
Policy Changes

With respect to SMC 3.46.020D, there have been no changes to the relevant scope of work for attorneys working on pre-booking diversion programming.

Reporting Challenges

DAMION

The criminal case management system currently used by the City Attorney's Office is the District Attorney Management Information Office Network (DAMION.) It is very complex and archaic. It was introduced at a similar time to the idea of Windows, and it still reflects its time origination by using icons from contemporary video games. Below is what the program looks like.
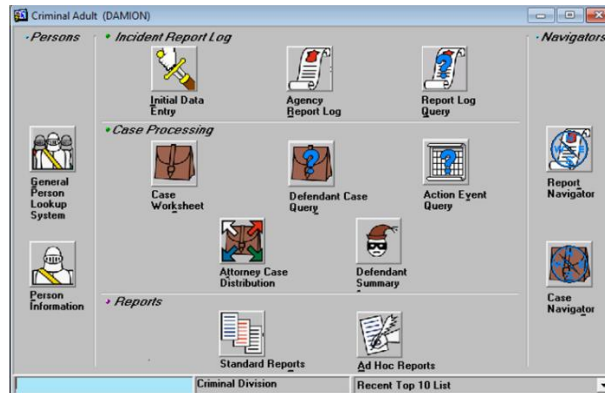

The database that is housed within DAMION uses a hierarchical relationship model which means that data from different sections can only be viewed together if they have a direct link and are not on the same level. For instance, it is not possible to view information from the Victim and Suspect sections at the same time. Extracting any sort of aggregate data from the database requires writing a custom "Ad Hoc Report." Below is a visual map of the data within the DAMION database that was created by this CAO Administration.
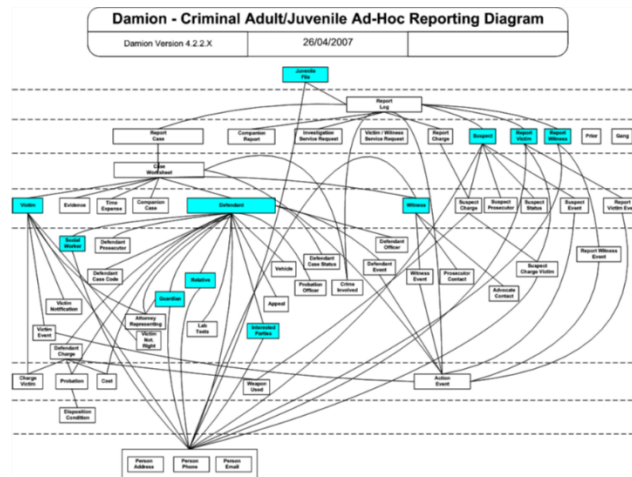
The City Attorney's Office has been aware of data issues with DAMION and has been trying to replace it for 5 years. After a lengthy RFP process, the city settled on Justice Nexus and has spent millions of dollars over the past three years working on a new system. That process is still ongoing.

The Statistics of Prosecution & Analysis Report (SPAR) was coded decades ago to query the DAMION database and return a digital "ticker tape" of values. It was not created to handle any form of demographics that are now required by council ordinance, nor does it look at historical context. Prior reports relied on copying this information into an excel sheet to display that period's data alongside the previous period's data. Below is an example of this report as it was delivered in years past.

Criminal Division Overall: 1st Qtr. 2021**	Q1 2021 compared to same period 2020
2020 Reports Rec'd	3,314
2021 Reports Rec'd	2,718
DIFF 2021-2020	(596)
% Change	-18%
2020 Cases Filed	1,471
2021 Cases Filed	888
DIFF 2021-2020	(583)
% Change	-40%
2020 Reports Declined	1,887
2021 Reports Declined	1,017
DIFF 2021-2020	(870)
% Change	-46%
2020 % Reports Received were Declined	57%
2021 % Reports Received were Declined	37%
2020 Avg. # Days From Date Rec'd to Dispo	399
2021 Avg. # Days From Date Rec'd to Dispo	392
2020 In Custody Arrg.	1,573
2021 In Custody Arrg.	996
DIFF 2021-2020	(577)
% Change	-37%
2020 Total # Bookings	2,017
2021 Total # Bookings	709
DIFF 2021-2020	(1,308)
% Change	-65%
2020 Total Booked w/Case Declined at ICA	338
2021 Total Booked w/Case Declined at ICA	201
DIFF 2020-2019	(137)
% Change	-41%
2020 % of Total Booked W/Case Declined	17%
2021 % of Total Booked W/Case Declined	28%
2020 Intake	848
2021 Intake	429
DIFF 2021-2020	(419)
% Change	-49%
2020 Motion Setting	178
2021 Motion Setting	77
DIFF 2021-2020	(101)
% Change	-57%
2020 PTH Setting	3,497
2021 PTH Setting	2,712
DIFF 2021-2020	(785)
% Change	-22%
2020 Jury Trial Settings	286
2021 Jury Trial Settings	0
DIFF 2021-2020	(286)
% Change	-100%
2020 Jury Trials with Finding	22
2021 Jury Trials with Finding	0
DIFF 2020-2019	(22)
% Change	-100%

Q1 2021 Overall

	2020	2021
Reports	3314	2718
Cases	1471	888
Decline	1887	1017
ICA	1573	996
Intake	848	429
PTH	3497	2712
Motions	178	77
Jury Sets	286	0
JT Findings	22	0

Q1 2021 Overall Avg Days to Dispo

	2020	2021
Completed	448	821
Pending*	399	392

*Pending dispo = start date of PTD, DP, SOC and DC

**Effective 3/16/20 SMC began limited operations in response to COVID-19.
SCAO also operated with some reduced capacity late Q1 2020 as a result of office cl

Because the data in the department contains relatively high variability between quarters, a comparison to just one other period does not provide contextually accurate information to policy makers. It also lacked analysis to describe potential causes for high variance from previous periods in most instances or descriptions that would benefit readers from the general public.

The reports also contained information on outcomes provided by a companion query program. This was also copied into a spreadsheet most quarters and it showed counts of 20 "favorable" outcomes, 7 "unfavorable" and 2 others. An example is shown at the start of the following page.
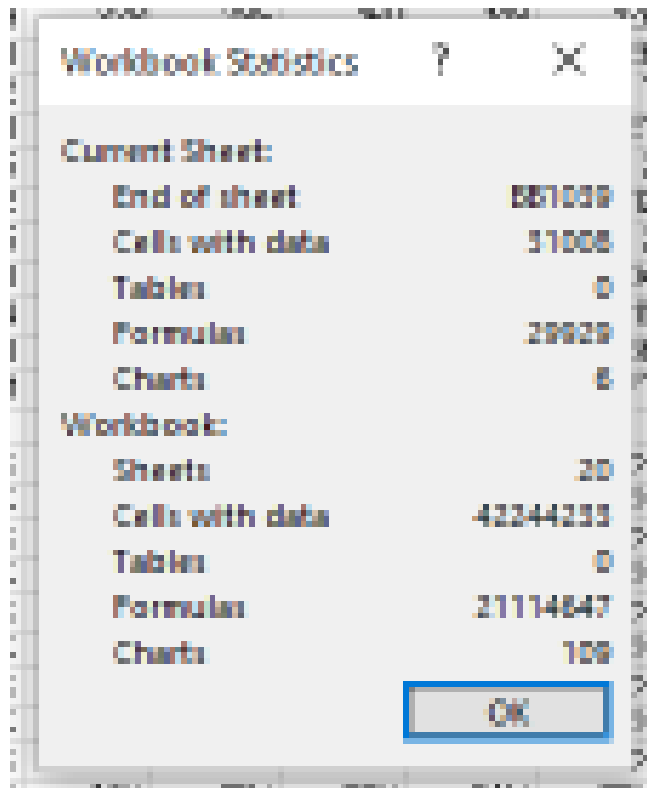
OUTCOME MEASURES SUMMARY REPORT

2019 JANUARY - SEPT (FAVORABLE)		2018 JANUARY - SEPT (FAVORABLE)		2018 JANUARY - DECEMBER (FAVORABLE)	
Count	Description	Count	Description	Count	Description
122	Deferred Prosecution	116	Deferred Prosecution	158	Deferred Prosecution
10	Dismiss - Prison	21	Dismiss - Prison	25	Dismiss - Prison
120	Dismiss DP - Successful	138	Dismiss DP - Successful	176	Dismiss DP - Successful
46	Dismiss Pre-Trial Diversion	60	Dismiss Pre-Trial Diversion	76	Dismiss Pre-Trial Diversion
481	Dismiss- Dispo. Cont. Successful	437	Dismiss- Dispo. Cont. Successful	583	Dismiss- Dispo. Cont. Successful
171	Dismiss-SOC successful	151	Dismiss-SOC successful	193	Dismiss-SOC successful
1,596	Dismissed - Negotiated Plea	1,680	Dismissed - Negotiated Plea	2,146	Dismissed - Negotiated Plea
40	First Time Offender DWLS*	1	First Time Offender DWLS*	2	First Time Offender DWLS*
56	Dispositional Continuance - Red.	67	Dispositional Continuance - Red.	94	Dispositional Continuance - Red.
415	Dispositional Continuance	478	Dispositional Continuance	547	Dispositional Continuance
28	FG - Unsuccessful DP	16	FG - Unsuccessful DP	28	FG - Unsuccessful DP
2	FG - Unsuccessful DC	6	FG - Unsuccessful DC	8	FG - Unsuccessful DC
6	FG - Unsuccessful PTD	9	FG - Unsuccessful PTD	12	FG - Unsuccessful PTD
171	FG - Unsuccessful SOC	24	FG - Unsuccessful SOC	26	FG - Unsuccessful SOC
120	Found Guilty	89	Found Guilty	107	Found Guilty
2,262	Plead Guilty	2,579	Plead Guilty	3,173	Plead Guilty
437	Plead Guilty Reduced	312	Plead Guilty Reduced	388	Plead Guilty Reduced
21	Pre-Trial Diversion	38	Pre-Trial Diversion	31	Pre-Trial Diversion
181	Stipulated Order of Cont.	189	Stipulated Order of Cont.	258	Stipulated Order of Cont.
41	Dismissed - Felony Filing	47	Dismissed - Felony Filing	60	Dismissed - Felony Filing
6,325	Total Favorable	6,458	Total Favorable	8,091	Total Favorable
JANUARY - SEPT 2019 Unfavorable		JANUARY - SEPT 2018 Unfavorable		JANUARY - DECEMBER 2018 Unfavorable	
580	Dismissed Proof Problem	639	Dismissed Proof Problem	771	Dismissed Proof Problem
888	Dismissed - No Civilian Witness	731	Dismissed - No Civilian Witness	966	Dismissed - No Civilian Witness
6	Dismissed - No Non-Civilian	2	Dismissed - No Non-Civilian	2	Dismissed - No Non-Civilian
0	Hung Jury	0	Hung Jury	0	Hung Jury
130	Not Guilty	55	Not Guilty	68	Not Guilty
0	Stricken	0	Stricken	0	Stricken
0	Reduced Charge - No Officer	0	Reduced Charge - No Officer	0	Reduced Charge - No Officer
1,604	Total Unfavorable	1,427	Total Unfavorable	1,807	Total Unfavorable
3	Dismissed - Court Error	3	Dismissed - Court Error	3	Dismissed - Court Error
420	Dismissed - Age	11	Dismissed - Age	11	Dismissed - Age
Summary JANUARY - SEPT 2019		Summary JANUARY - SEPT 2018		Summary JANUARY - DECEMBER 2018	
7,929	Total Dispositions	7,885	Total Dispositions	9,898	Total Dispositions
80%	Favorable Dispositions	82%	Favorable Dispositions	82%	Favorable Dispositions
20%	Unfavorable Dispositions	18%	Unfavorable Dispositions	18%	Unfavorable Dispositions

While this example provides context of the entire previous year, it is for a different timeframe, so it is difficult to use the data for comparison. The graphic below also points out that sometimes the data can vary wildly from report to report. The two examples side by side are from Q2 and Q3 of 2021. One states that 2020 had zero cases dismissed due to no civilian witness and the other has over 1000 listed.

2021 Q2 Report		2021 Q3 Report	
2020		2020	
JANUARY - DECEMBER (FAVORABLE)		JANUARY - DECEMBER (FAVORABLE)	
Count	Description	Count	Description
73	Deferred Prosecution	137	Deferred Prosecution
12	Dismiss - Prison	13	Dismiss - Prison
101	Dismiss DP - Successful	144	Dismiss DP - Successful
5	Dismiss Pre-Trial Diversion	53	Dismiss Pre-Trial Diversion
204	Dismiss- Dispo. Cont. Successful	576	Dismiss- Dispo. Cont. Successful
127	Dismiss-SOC successful	199	Dismiss-SOC successful
786	Dismissed - Negotiated Plea	1,970	Dismissed - Negotiated Plea
81	First Time Offender DWLS	53	First Time Offender DWLS
22	Dispositional Continuance - Red.	69	Dispositional Continuance - Red.
169	Dispositional Continuance	449	Dispositional Continuance
8	FG - Unsuccessful DP	32	FG - Unsuccessful DP
4	FG - Unsuccessful DC	2	FG - Unsuccessful DC
1	FG - Unsuccessful PTD	6	FG - Unsuccessful PTD
15	FG - Unsuccessful SOC	42	FG - Unsuccessful SOC
48	Found Guilty	140	Found Guilty
1016	Plead Guilty	2,753	Plead Guilty
171	Plead Guilty Reduced	622	Plead Guilty Reduced
5	Pre-Trial Diversion	25	Pre-Trial Diversion
132	Stipulated Order of Cont.	216	Stipulated Order of Cont.
57	Dismissed - Felony Filing	47	Dismissed - Felony Filing
3,037	Total Favorable	7,548	Total Favorable
JANUARY - DECEMBER 2020 Unfavorable		JANUARY - DECEMBER 2020 Unfavorable	
518	Dismissed Proof Problem	690	Dismissed Proof Problem
0	Dismissed - No Civilian Witness	1022	Dismissed - No Civilian Witness
0	Dismissed - No Non-Civilian	10	Dismissed - No Non-Civilian
0	Hung Jury	0	Hung Jury
14	Not Guilty	138	Not Guilty
0	Stricken	0	Stricken
0	Reduced Charge - No Officer	0	Reduced Charge - No Officer
532	Total Unfavorable	1,860	Total Unfavorable
0	Dismissed - Court Error	3	Dismissed - Court Error
40	Dismissed - Age	432	Dismissed - Age
Summary JANUARY - DECEMBER 2020		Summary JANUARY - DECEMBER 2020	
3,569	Total Dispositions	9,408	Total Dispositions
85%	Favorable Dispositions	80%	Favorable Dispositions
15%	Unfavorable Dispositions	20%	Unfavorable Dispositions

DAMION Workaround

To overcome the limitations of the DAMION criminal case management system, the City Attorney's Office built a program that recreates the relevant sections of the DAMION database then runs analysis on that data. This should expedite the release of future reports while DAMION is still in use. This program has evolved to include additional functionality and now has over 20 million formulas spread across 20 sheets. Below is a screenshot of the number of calculations it requires to stitch the disparate sections of the DAMION database together and pull-out useful information:

Data Caveats

DAMION
Running the same report on different days can yield slightly different results as an automatic process can update a field. While specific values might change on the margins, overall data is consistent with itself and none of the marginal changes are enough to influence important trends or statistics.

Decline Rates
The decline rate used in the overview and the breakdown of case types is based on filing decisions made in the report quarter. Demographic breakdowns, however, use decline rates for referrals that came in during the quarter. This was done to maintain consistency with the rest of the section that focuses on incoming referrals. Referrals from past quarters with a filing decision from the current quarter will have higher decline rates, but they should be consistent across gender and racial categories.

Small Sample Sizes
Many categories, especially within demographic breakdowns represent very small quantities of data and are not useful for comparison or statistical analysis. For example, if there is one person that fits a set of criteria, then a decline rate can only be 0% or 100%. Similarly, a single event can have an unusably strong effect on the data. Even a sample of 20 that adds another data point will sway the aggregate by nearly 5%. Often, areas of data with too low of a sample size are not included.

LEAD Data
While LEAD data is improving, some of the historical clients are likely missed as a secondary database to track entry and exit is being worked on.

Alternatives to Traditional Prosecution
The nature of alternatives is that they are very individualized and come in many forms. For this reason, it is difficult to compare one to the other and one person can be involved in many or none. In general, the information in this report refers to individuals who have successfully completed alternatives and not people who have not been successful.