

Spring 1927

Crime in San Francisco--A Study of the Police Court Docket--December 1924 through February 1925

Henrietta Heinzen

Rhoda K. Rypins

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

Henrietta Heinzen, Rhoda K. Rypins, Crime in San Francisco--A Study of the Police Court Docket--December 1924 through February 1925, 18 *Am. Inst. Crim. L. & Criminology* 75 (1927-1928)

This Article is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in *Journal of Criminal Law and Criminology* by an authorized editor of Northwestern University School of Law Scholarly Commons.

CRIME IN SAN FRANCISCO

A STUDY OF THE POLICE COURT DOCKET

December, 1924, through February, 1925¹

HENRIETTA HEINZEN AND RHODA K. RYPINS

The work of the Juvenile Protective Association has often led its members into the court room where cases of crime against children by adults were being tried. Experience in certain cases where the association was vitally interested has sometimes led to the belief that crimes are not always properly handled by the court and that persons may commit very serious crimes and yet never suffer any consequence as a result of court decree. Particularly has many a case been "lost" in the police court where the preliminary hearing was held. Such experiences have made members of the association wonder what becomes of most of the cases that are heard in the San Francisco police court. As a result, this study was undertaken with a view to determining the facts.

Place and Period

The study has been strictly limited to the entries on the Police Court docket in the County Clerk's Office. A three month's period was chosen, as near to the current date as was practicable, and during the time of year when the courts are usually under heaviest pressure. The three months' period, December 1924 to February 1925, inclusive, seemed to meet these requirements.

The three months show the enormous number of cases handled by four judges each month. With an average of nearly 1,000 cases per judge in December, and 25 days when court was in session, it appears that each judge attempted to handle an average of 40 cases per day. The court is in session every week day, including Saturday, from 10 o'clock until business is completed. It usually adjourns at 12 o'clock so that the average working day is two hours in length. San Francisco police court judges also maintain private law practices, and are not required to give full time to judicial duties.

Court Procedure in San Francisco

A person caught in the act of committing an offense may be brought into the police court by the officer or complainant without a

¹Made for the Juvenile Protective Association.

warrant. If he is merely suspected of an offense, a warrant is necessary for arrest, except in certain important crimes. The defendant may be tried immediately, or he may be held in the police station a few hours before transfer to the city prison, where he may be released on bail or on his own recognizance until the hearing, or may be detained in the prison adjoining the police court until his case is heard.

The San Francisco Police Court has exclusive jurisdiction: first, of the prosecution of all cases of violations of ordinances of the Board of Supervisors, second, prosecution of all other misdemeanors except high misdemeanors, and third, the examination of all felonies and high misdemeanors committed in the City and County. That is, the court has jurisdiction over all offenses except felonies, which cases are prosecuted by indictment by the Grand Jury and trial in the Superior Court.

According to the Penal Code, "A felony is a crime which is punishable with death or by imprisonment in the state prison. Every other crime is a misdemeanor. When a crime, punishable by imprisonment in the state prison, is also punishable by fine or imprisonment in a county jail, in the discretion of the court, it shall be deemed a misdemeanor for all purposes after a judgment imposing a punishment other than imprisonment in the state prison."²

The police magistrate, then, may hold preliminary hearings on felonies to determine as to the evidence (thus performing the function of the Grand Jury in certain instances), and may dismiss cases if the evidence is insufficient, or he may refer cases to the Superior Court when the evidence is sufficient, but he may never convict. Conviction of a felony is the prerogative of the Superior Court, after indictment by the Grand Jury or "information" by the District Attorney, and all felonies are entitled to jury trial. The police magistrate has full jurisdiction over all misdemeanors; that is, all offenses punishable by fine or imprisonment in the county jail.

The Police Court of San Francisco consists of four judges who must be qualified lawyers and are elected to hold office for four years. The court is divided into four departments, to which the judges are assigned by the presiding judge, chosen from their number to serve for one year.³ Judges stay permanently in the department to which they are assigned. Each department in turn must handle all cases concerning women and children, designated as the women's court, for a period of three months, also the cases concerning traffic viola-

²Penal Code of California, sec. 17.

³Charter of the City and County of San Francisco.

tion, designated as the traffic court, and all other cases are equally distributed to each of the respective departments. If a judge is re-elected, he continues in the department he has previously occupied; if a new judge is elected, he is assigned to the department vacated.

Method of Obtaining Material

The entries in the Police Court docket are copied by the deputy county clerks from the City Prison sheets. As the defendants are imprisoned their cases are entered on sheets at the City Prison, and receive certain numbers, according to whether the offense is a felony or misdemeanor. After the court hearing the County Clerk's Office makes a copy of these sheets, with the dispositions added as received from the court. Since the Police Court is not a court of record, these entries contain all the recorded information about cases disposed of by the police court, except for certain felonies, in regard to which the court stenographer transcribes the testimony, although even in the cases of felonies the proceedings are not always transcribed.⁴ The cases in the docket are entered alphabetically by dates, certain sections being reserved for names beginning with a certain letter. A sample of the pages of the docket appears on next page.

It will be seen that the action number in the second column shows whether the offense is a felony or a misdemeanor, and that the judge handling the offense is designated by department number only. In the column "Offense Charged," the offense, in the case of ordinances and Penal Code, is as a rule entered only by the number of the section violated.

The heading beginning "Defendant in Custody" refers to what happens to the defendant during the period before the court proceedings. The other items are self-explanatory.

It must be noted that owing to the method of entry by number and offense, it is impossible to be certain of the number of persons involved in any given number of cases, or the number of instances in which one person is brought in on more than one count. This could only be found by comparing the names and addresses listed in the City Prison, and also looking up the addresses in the Complaint File, and even then it is doubtful whether an accurate count could be obtained. In copying the entries an attempt has been made, where the same name occurred several times in succession, charged with the same offense, or with offenses which seem to belong together (such as

⁴This obtains, although the Charter provides for stenographers to report all hearings. The County Clerk's Office keeps on file all complaints, but there is little or no additional information on them.

INDEX AND DOCKET OF THE POLICE COURT

In the Police Court Calendar Filed Date	Action Number	Assigned Transferred Department No.	The People of the State of California vs. Names of Defendants	Offense Charged	Defendant in Custody or Released on Own Recognizance Cash Bail Bail Bond	Complaint Filed Date
2 Feb. 18, '26	F - 40849	1	Demenighini, Francisco	Vio. Section 288 P. C.	Cash Bail \$1,000	Jan. 28, '26
3	M-399484	1	Doyle, William	Vagrancy	In custody	Feb. 18, '26
4	M-399514	1	Dahlgren, Ernie	Vio. Ord. 3302	Cash Bail \$10	.....
5 Feb. 18, '26	M-399524	1	Dwyer, Robert	Vio. Ord. 3302	Cash Bail \$10	.....
6 Feb. 18, '26	F - 40856	1	Davis, Harry	Vio. State Poison Law	In custody	.....
7	.....	.....	.....	.....	.....	.....
8	.....	.....	.....	.....	.....	.....
9	.....	.....	.....	.....	.....	.....
10	.....	.....	.....	.....	.....	.....

Plea	Judgment		Names of Defendant's Counsel	Memorandum
	Order Dismissed—Sentence—Held to Answer—Discharged	Entered Date		
1	.....	.....	.....	.....
2	.....	.....	.....	Bail forfeited 2/17/26
3 Not Guilty	Action Dismissed, Defdt. Discharged	Mar. 16, '26	No B. W.	.....
4	Imprisoned in County Jail 90 days	Feb. 18, '26	Bail Cash \$2,000	.....
5	Action Dismissed, Defdt. Discharged	.....	.....	.....
6	Action Dismissed, Defdt. Discharged	.....	.....	.....
7	.....	.....	.....	.....
8	.....	.....	.....	.....
9	.....	.....	.....	.....
10	.....	.....	.....	.....

Vagrancy, Soliciting Prostitution, Inmate House of Ill Fame), to note this; but the count cannot be complete. The same person is likely to appear in court the next day after dismissal, or several days after, for the same offense. In fact this was quite discernible in cases where the name was unusual (for such offenses as prostitution, drunkenness, and vagrancy), but it was impossible to check up completely. For this reason the total of 10,651 cases during the three months' period studied includes many persons arrested more than once, and the figures for this study represent cases and not individual persons. The notation shows, as to persons charged on more than one count, that only 944 defendants were involved so that in 2,086 cases; that is, in the 10,651 cases dealt with more than 9,509 persons—or even less—were defendants.

For the purposes of this study the items under "Department," "Offense Charged," "Complaint Filed," "Judgment" and "Memorandum" were transcribed in the order found, by means of a key. The entries were made by months under the names of offenses as they appeared on the docket, which later had to be verified and interpreted by means of the Penal Code, the General Laws, and the City Ordinances. They were then rearranged, both alphabetically and according to felonies and misdemeanors, and transferred to statistical tables.

In classifying the crimes it has not always been possible to be sure whether a state law or an ordinance was in question, but so far as possible these have been kept separate. Where offenses seemed to be the same, but the entries not exactly alike (as for instance, Drunk in Public Place and Ordinance 811; Sodomy and Sec. 286), the two have been put together. As a rule gaming and police ordinances have been grouped with state offenses of the same character, but all other ordinances have been left by themselves, so that they can easily be separated from the more important offenses. It is fully recognized that the classification may not always be quite logical, but this is unavoidable, partly owing to the fact that there was no method of verifying the entries from actual case records.

The column headed "Memorandum" was used only when it threw light on the disposition of the case, as for instance the first entry shown, "Bail forfeited."

In the column called "Judgment" eleven kinds of disposition were distinguished, which will be explained in connection with the tables.

The kindness of the officials in the County Clerk's Office in allowing the use of desk space to copy from the docket, and their unflinching courtesy in explaining the entries have been much appreciated.

Before discussing the disposition of the cases it is necessary to explain of what the dispositions consist:

In the column called "Judgment" the eleven kinds of disposition were distinguished. The term "Dismissed" is self-explanatory, as is "Convicted." No attempt was made to distinguish under convictions between sentence of imprisonment in county jail and sentence of fine.

"Suspended Sentence" implies that the defendant was adjudged guilty, but no sentence was pronounced because of mitigating circumstances. It amounts in actual practice to dismissal, as there is no supervision of the defendant whose sentence is suspended, and if he is brought in again on another charge, effort is rarely made either to trace his previous record or to act upon the basis of it.

"Probation" implies supervision by the probation officer, who is supposed to exercise friendly encouragement and to report to the court if the defendant misbehaves; but it appears to be rarely used in San Francisco (only 48 cases out of 10,651), possibly because of the small number of probation officers.

"Held for Superior Court": The Police Court may hold preliminary hearings on felonies, and may dismiss such cases on insufficient evidence, but it has not the right to convict men charged with a felony. Such cases must be sent to the Superior Court for trial. Where the tables seem to show convictions of a felony the offense has been reduced to a misdemeanor, or adjudged a misdemeanor, for which the punishment is fine or imprisonment in the county jail.

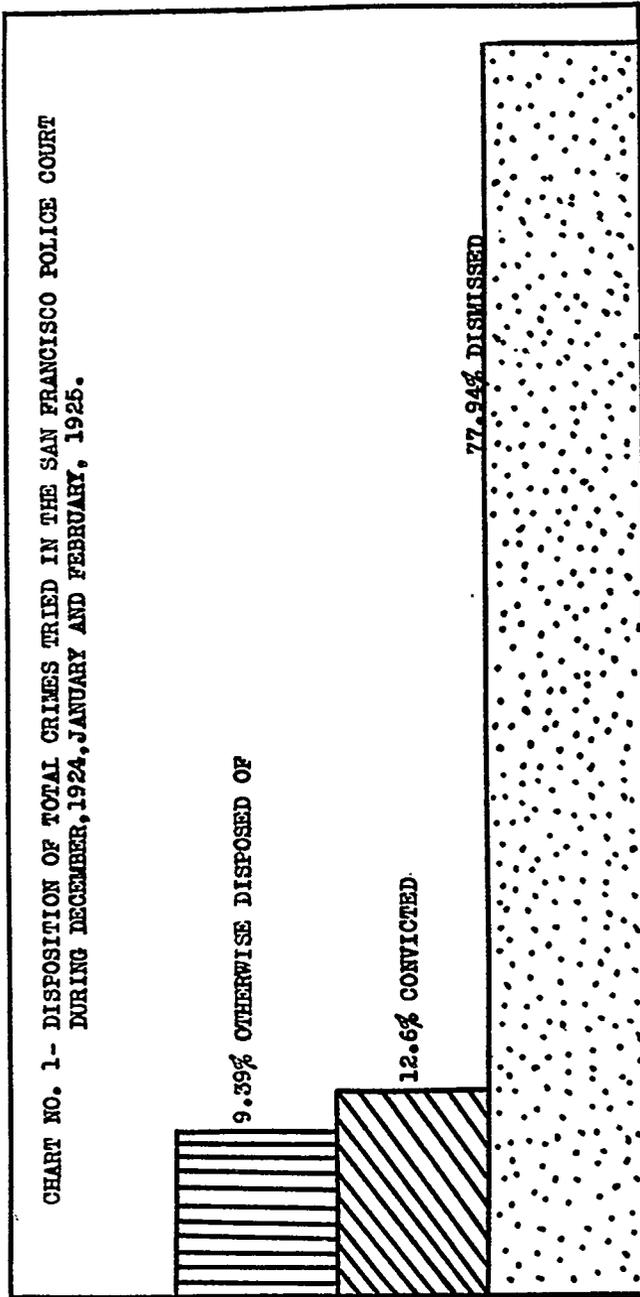
"Transferred to Juvenile Court": The Juvenile Court is a specialized branch of the Superior Court, and all cases of delinquent children are transferred to it. Crimes committed by adults against children, however, are taken up in the Police Court, and all felonies, unless dismissed, are held for the regular Superior Court.

"Released on Recognizance" appears virtually to be dismissal, as there is no supervision, and the defendant is never questioned again.

Under "Pending or No Action Stated" have been entered all cases where the disposition column had no entry. The small figures here show that some action has been taken in most cases.

"Bail Forfeited": Here the defendant did not appear for trial. As a rule no attempt seems to be made to find him, the loss of bail being considered his punishment.

"Transferred to San Francisco Hospital": Prostitutes are transferred to the hospital for treatment, on information from the jail



doctor that they are infected with venereal disease. They are discharged from there and do not report back to the court.

“Transferred to Relief Home”: This home is for old people unable to care for themselves.

The “No Complaint” column shows the number of cases arrested by the police in which no complaint was entered in court by the original complainant.

Disposition of Cases

Of the total 10,651 cases tried in the court for the period under consideration in this report, 1,001, were felonies; 9,650 were misdemeanors. The disposition of the total cases is as follows:

Disposition	No. Cases	Per Cent Distribution
Dismissed	8,301	77.94
Convicted	1,350	12.67
Suspended Sentence.....	300	2.82
Put on Probation.....	48	.45
Held to Superior Court.....	219	2.06
Held to Juvenile Court.....	127	1.19
Released on own recognizance.....	89	.84
Bail forfeited.....	125	1.17
Pending—no action stated.....	72	.68
Transferred to S. F. Hospital or to Relief Home	20	.17
Total	10,651	100

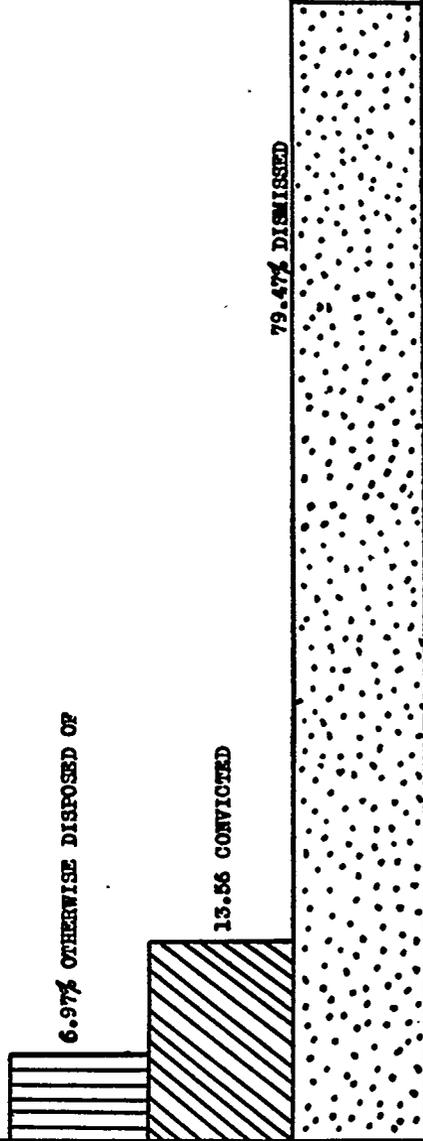
If these cases are grouped according to the classification of Hugh Lester we have the following:

Total Cases	Classification	Dis-missed	Con- victed	Otherwise Dis- posed of
260	Crimes against the person.....	198	18	44
231	Crimes against property with violence....	108	20	103
551	Crimes against property without violence	333	61	157
65	Malicious injury to property.....	51	4	10
745	Offenses against chastity	594	30	121
63	Offenses against administration of govt.	59	1	3
8,569	Offenses against society	6,835	1,215	519
167	Other offenses.....	123	1	43

Dividing the cases according to felonies and misdemeanors, it is seen from Chart 2 that the 9,650 misdemeanors were disposed of as follows:

Disposition	Number Cases	Per Cent
Dismissed	7,669	79.47
Convicted	1,309	13.56
Otherwise disposed of.....	672	6.97
Total	9,650	100

CHART NO. 2- DISPOSITION OF TOTAL MISDEMEANORS IN THE SAN FRANCISCO POLICE COURT DURING
DECEMBER, 1924, JANUARY AND FEBRUARY, 1925



In 45 classifications of misdemeanors, including 8,723 cases, over 50% of the cases under each type were dismissed, including:

Classification	Total Cases	No. Dismissed	Per Cent Dismissed
Drunk in public place.....	2,070	2,058	99.4
Visiting disorderly house.....	225	221	98.2
Gaming	1,053	997	94.6
Vagrancy	2,152	1,822	84.7
Disturbing the Peace.....	394	310	78.6
Resisting Officer.....	30	28	93.3
Traffic ordinances.....	171	158	92.4
Wages—non-payment of.....	25	20	80
Keeping disorderly house.....	58	52	89.7
Keeping house of ill-fame.....	91	77	84.6
Embezzlement	27	16	59.3

The notation on the records of 3,119 cases that no complaint was filed explains a certain number of dismissals as follows: 1994 of the 2,070 cases of drunkenness; 894 of all other charges, or 4,880 misdemeanors.

At the order of the judges of the police court there is an understanding that in the case of "drunks" there shall be no complaint filed by the police, as dismissal of drunk cases is the accepted procedure. Therefore, the fact that no complaint was made does not mean an unjust arrest. The names of drunk defendants are entered in court on the calendar, but as a rule the defendants do not come into court at all, but are released from the prison at 5 a. m. and never appear. The exception is in the case of Ordinance 811 (being drunk in a public place), where the defendant does appear in court because he has violated a city ordinance. Included in the 2,070 cases of "drunks" are 221 cases of violation of Ordinance 811, but they have received no different disposition from the rest. Apparently an intoxicated man in San Francisco stands about two chances in one thousand of being convicted after arrest, and even then it is uncertain whether he will ever pay the penalty imposed.

Taking together the two offenses, "Drunk" and "Vagrancy," which two types of offense make a total of 4,222 cases, or nearly 40 per cent of all those handled during the three months' period, it is seen that 3,880 were dismissed, 244 were convicted and 98 received some other disposition. Adding 976 cases which include "visiting Disorderly House," "Gambling House Visiting" and "Gambling on Races" (of which 970 were dismissed, 1 was convicted, and 5 received other disposition), it will be seen that in this group of five offenses, including 5,198 cases, or 48.79 per cent of the total cases for the three months under consideration, only 245 cases were convicted; whereas 4,850 were dismissed, and 103 received some other disposition. These

CHART NO. 3- DISPOSITION OF TOTAL FELONIES IN THE SAN FRANCISCO POLICE COURT
DECEMBER, 1924, JANUARY AND FEBRUARY, 1925.

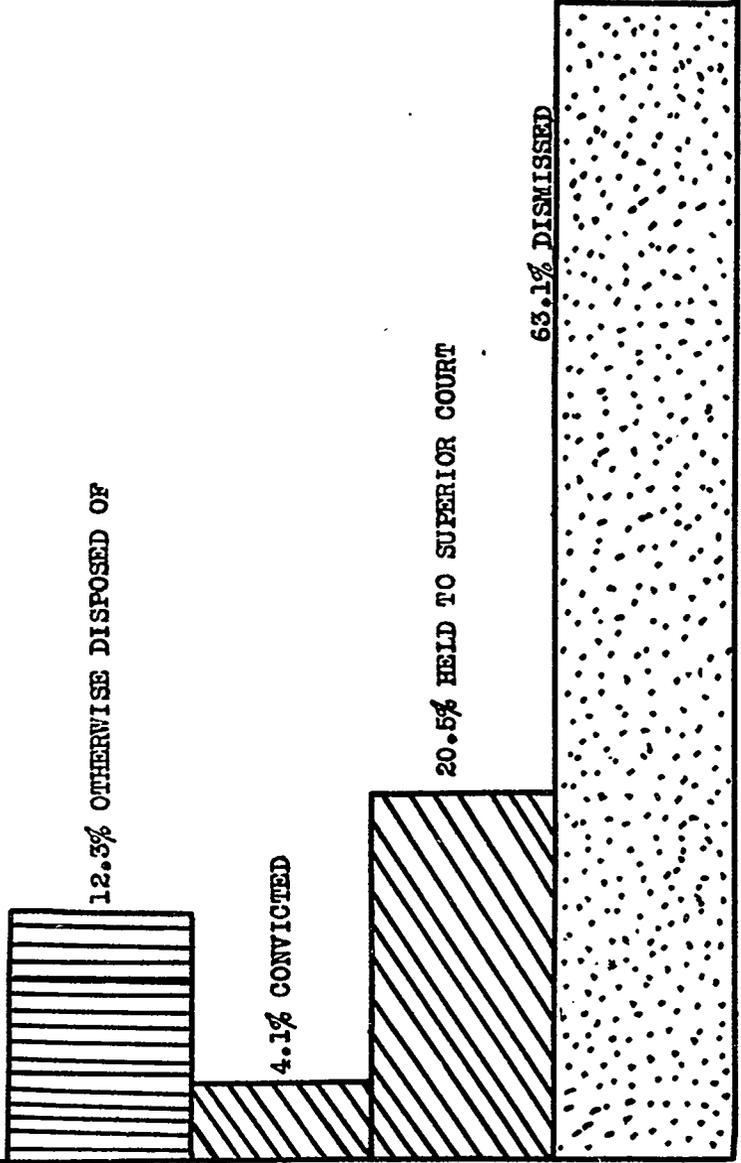
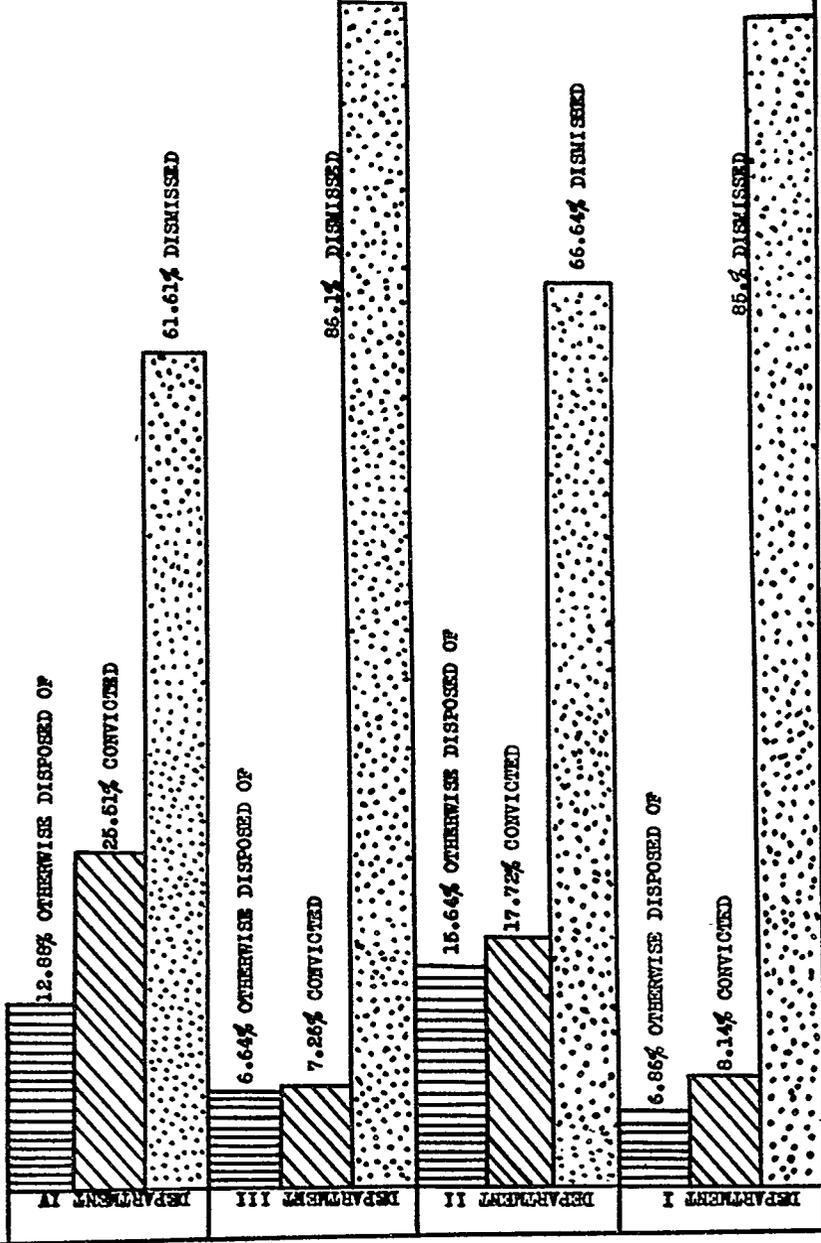


CHART NO. 4-- DISPOSITION BY DEPARTMENTS OF TOTAL CRIMES TRIED IN THE SAN FRANCISCO POLICE COURT DURING DECEMBER, 1924, JANUARY AND FEBRUARY, 1925



figures must impress one of the futility of legal procedure in these cases, together with the appalling waste of time and money involved in a procedure which has become only a meaningless gesture, a parody on law enforcement, and a benefit neither to the so-called criminal nor society.

The disposition of 1001 felonies as shown in Chart 3 is as follows:

Disposition	Number Cases	Per Cent
Dismissed	632	63.1
Convicted	41	4.1
Held to Superior Court.....	205	20.5
Otherwise disposed of.....	123	12.3
Total	1,001	100

The cases of convicted felonies means that the charge was in each case reduced to a misdemeanor, over which the police court has full jurisdiction.

The highest frequency of dismissal of felonies was for the following types of cases:

	Total Cases	Number Dismissed
State Motor Vehicle Act.....	175	107
Burglary	148	62
Grand Larceny.....	92	54

continuing down through 39 other types of offenses.

In 34 types of felonies including 919 cases, over 50% of the cases under each type of crime were dismissed including:

Crime	No. Cases	No. Dismissed
Manslaughter	31	28
Rape	19	16
Sodomy	6	5
Assault with deadly weapon.....	29	23
Possession or sale of dangerous weapon.....	47	37
Obtaining money under false pretenses.....	31	24
Assault to murder.....	19	12

Among felonies and misdemeanors the cases of special interest to the Juvenile Protective Association show a high percentage of dismissals as follows:

Crime	Cases	Dismissed
Abandonment of wife.....	6	6
Assault to rape.....	1	1
Keeping disorderly house.....	58	52
Eight Hour Law.....	17	6 (8 suspended sentences)
Immoral Practices in presence of children..	23	8
Omitting to provide for minor.....	50	31
Rape	19	16
School Attendance.....	2	2
Sodomy	6	5
Soliciting Prostitution.....	144	64 (47 suspended sentences)
Wages—Non-Payment	25	20

Analyzing the work of the 4 departments of the police court it is seen that the judges vary only a little in the nature of their decisions as seen by Chart 4 and by the following percentages:

Disposition of All Offenses	Judge 1	Judge 2	Judge 3	Judge 4
Dismissed	85	66.64	86.1	61.61
Convicted	8.14	17.72	7.26	25.51
Otherwise Disposed of.....	6.86	15.64	6.64	12.88

Disposition of misdemeanors by departments is shown in Chart 5 to be as follows:

Disposition	Judge 1	Judge 2	Judge 3	Judge 4
Dismissed	87.14	67.51	88.05	61.23
Convicted	8.81	19.67	7.21	27.88
Otherwise disposed of.....	4.05	12.82	4.74	10.89

Disposition of felonies by departments is shown in Chart 6 to be as follows:

Disposition	Judge 1	Judge 2	Judge 3	Judge 4
Dismissed	61.19	60.85	65.54	65.22
Convicted or Held to Superior Court.....	24.83	23.4	24.66	25.55
Otherwise disposed of.....	13.99	15.75	9.79	9.23

It seems incredible that evidence was insufficient to hold the defendant in the number of cases dismissed under certain classifications by certain judges as evidenced by the following:

- Judge 1 heard 4 cases of murder of which 3 he dismissed.
- Judge 2 heard 18 cases of rape of which 15 he dismissed. (4 no complaints.)
- Judge 3 heard 14 cases of fraud of which 13 he dismissed.
- Judge 4 heard 7 cases of embezzlement of which 5 he dismissed.

It can be said that out of all classifications of crimes involving more than one or two cases under each classification, the percentage convicted, or, in the case of felonies, the percentage held to superior court never reaches 50% of the total cases.

Of the felonies, robbery, with 477 cases, shows the highest frequency of the disposition "held to superior court," 44% of the cases receiving this disposition.

In the matter of misdemeanors, violation of State Motor Vehicle Act shows the highest percentage of convictions, namely, 46%. (Violations of State Motor Vehicle Act which are felonies show a 61% dismissal, however.)

CHART NO. 5- DISPOSITION BY DEPARTMENT OF TOTAL MISDEMEANORS TRIED IN THE SAN FRANCISCO POLICE COURT, DURING DECEMBER, 1924, JANUARY AND FEBRUARY, 1925

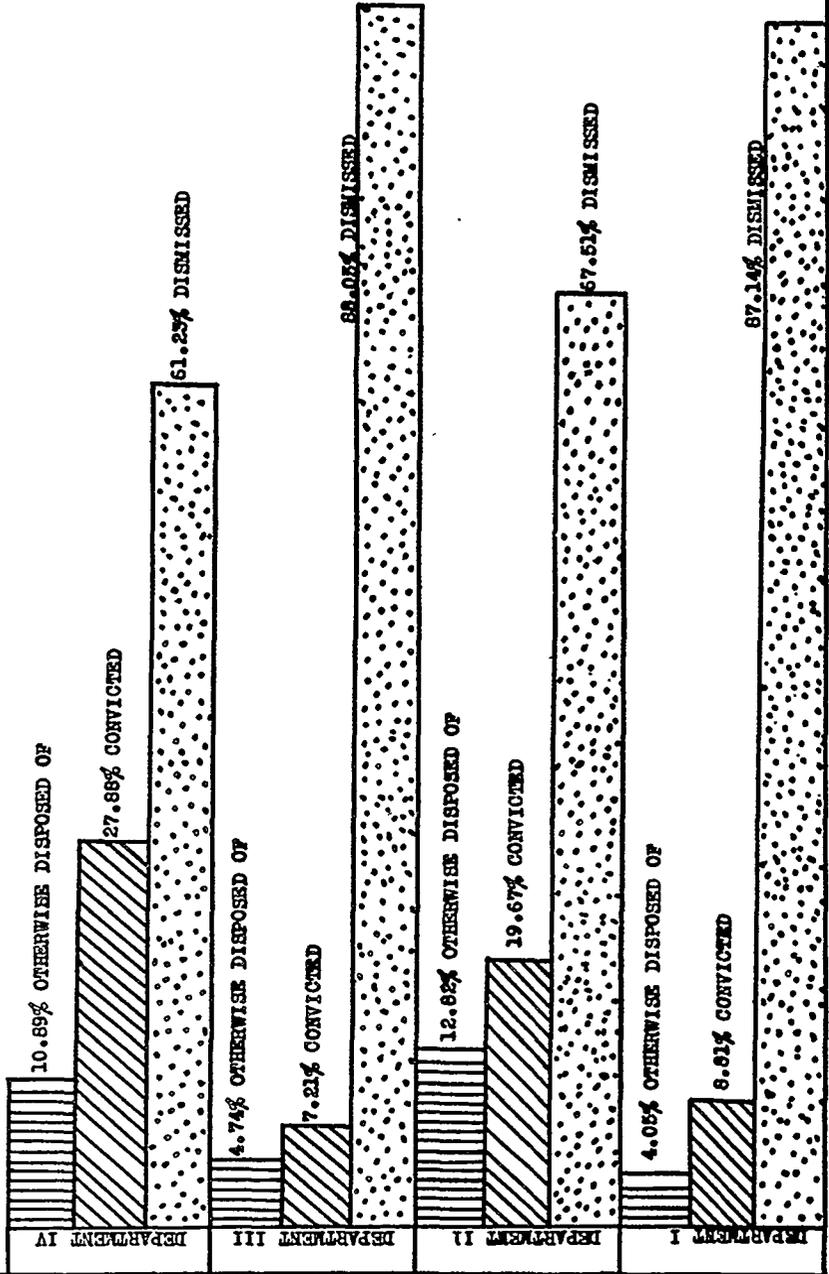
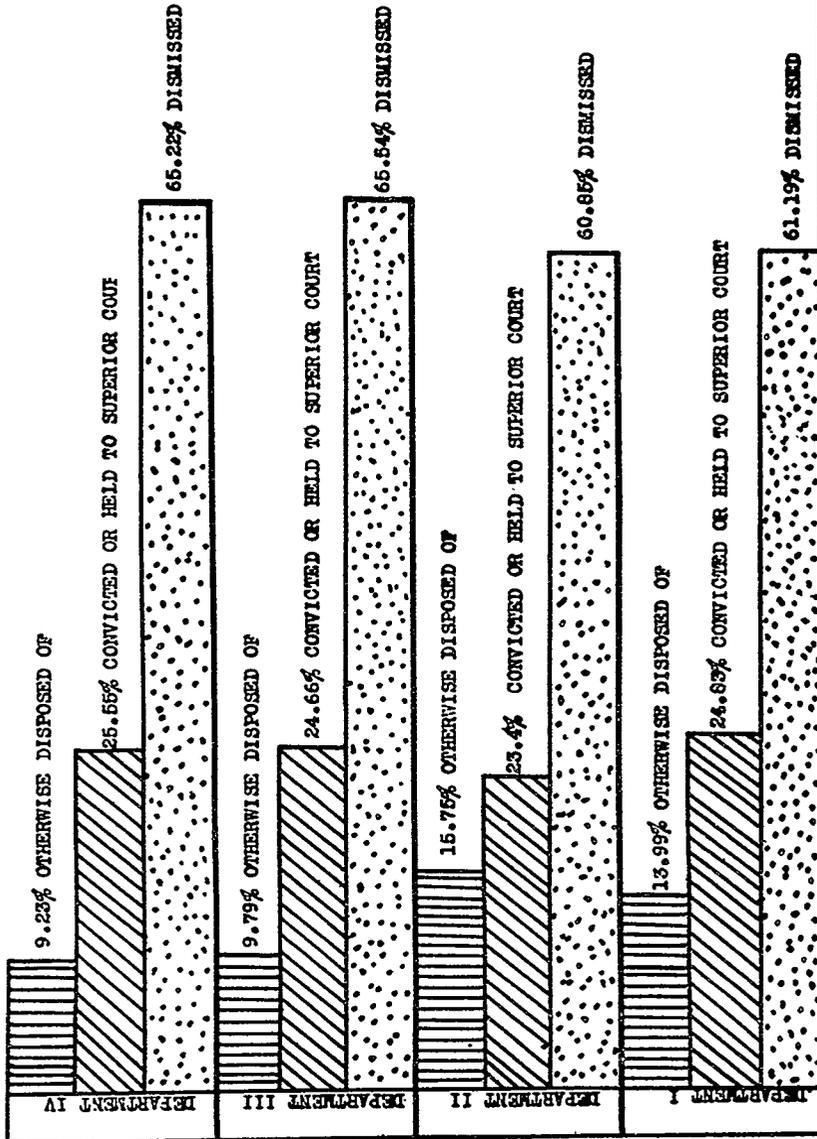


CHART NO. 6 - DISPOSITION BY DEPARTMENTS OF TOTAL FELONIES TRIED IN THE SAN FRANCISCO POLICE COURT DURING DECEMBER, 1924, JANUARY AND FEBRUARY, 1926



In the matter of vagrancy, it must be remembered that the time covered in this study includes the winter months when hundreds of migratory workers who are out of work gather in San Francisco. For the most part these men are not criminals in the usual sense, but are homeless, unemployed, and with no place to spend the night except the jail or the streets. It is the custom to house them in this fashion. However, if the vagrancy cases are disregarded the number of cases dismissed from the remaining 8,499 cases is nearly 80%; and if from this the 2,058 cases of drunkenness are subtracted, the dismissed proportion of the remaining 6,441 cases is 60%.

In other words there is less than a 50% chance of being convicted of any crime in San Francisco and almost a 100% chance of not being convicted for certain types of crime.