

CITY AND COUNTY OF SAN FRANCISCO  
CIVIL GRAND JURY



June 15, 2016

Angela Calvillo  
Clerk of the Board  
SF Board of Supervisors  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Dear Ms. Calvillo,

The 2015 – 2016 Civil Grand Jury will release its report entitled, "Auto Burglary in San Francisco" to the public on Monday, June 20, 2016. Enclosed is an advance copy of this report. Please note that by order of the Presiding Judge of the Superior Court, Hon. John K. Stewart, this report **is to be kept confidential until the date of release (June 20th)**.

California Penal Code §933 (c) requires a response to be submitted to the Presiding Judge no later than 90 days. California Penal Code §933.5 states that for each finding in the report, the responding person or entity shall indicate one of the following: (1) agree with the finding; or (2) disagree with it, wholly or partially, and explain why.

Further, as to each recommendation, your response must either indicate:

- 1) That the recommendation has been implemented, with a summary of how it was implemented;
- 2) That the recommendation has not been, but will be, implemented in the future, with a timeframe for implementation;
- 3) That the recommendation requires further analysis, with an explanation of the scope of that analysis and a timeframe for discussion, not more than six months from the release of the report; or
- 4) That the recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

Please provide your response to Presiding Judge Stewart at the following address:  
400 McAllister Street, Room 008  
San Francisco, CA 94102-4512

Respectfully,

A handwritten signature in blue ink, appearing to read "Jay Cunningham".

Jay Cunningham, Foreperson  
2015 – 2016 Civil Grand Jury

City Hall, Room 482  
1 Dr. Carlton B. Goodlett Pl, San Francisco, CA 94102  
Phone: 415-554-6630

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# AUTO BURGLARY IN SAN FRANCISCO

JUNE 2016



City and County of San Francisco  
Civil Grand Jury, 2015-2016

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## **THE CIVIL GRAND JURY**

The Civil Grand Jury is a government oversight panel of volunteers who serve for one year. It makes findings and recommendations resulting from its investigations.

Reports of the Civil Grand Jury do not identify individuals by name. Disclosure of information about individuals interviewed by the jury is prohibited. California Penal Code, section 929

## **STATE LAW REQUIREMENT**

### **California Penal Code, section 933.05**

Each published report includes a list of those public entities that are required to respond to the Presiding Judge of the Superior Court within 60 to 90 days as specified.

A copy must be sent to the Board of Supervisors. All responses are made available to the public.

For each finding, the response must:

- 1) agree with the finding, or
- 2) disagree with it, wholly or partially, and explain why.

As to each recommendation the responding party must report that:

- 1) the recommendation has been implemented, with a summary explanation; or
- 2) the recommendation has not been implemented but will be within a set timeframe as provided; or
- 3) the recommendation requires further analysis. The officer or agency head must define what additional study is needed. The Grand Jury expects a progress report within six months; or
- 4) the recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

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## SUMMARY

This report is based on an investigation conducted from June 2015 through March 2016 into the crime of auto burglary in the County of San Francisco. In the early phase of the research, we learned that the number of car break-ins in 2015 had reached a five-year high--24,800 recorded incidences. Media sources indicate this is a 34 percent increase over the previous year and almost three times more than reported in 2011. We make a conservative estimate, based on 2015 SFPD data, that theft of property related to these crimes cost victims a minimum of \$19 million. This estimate excludes the costs of repairs to vehicles and inconvenience to the victim.

Given these statistics, we set out to understand 1) what can be done to improve the current approach to apprehending and prosecuting auto burglars and 2) what broader City resources can be leveraged to deter property crime and assist those who have been victimized. Following is a summary of key findings and recommendations:

**Apprehension.** Breaking into a car with the intent to steal is auto burglary, which is a felony under California law; however, because an eye witness account is needed to make an arrest, fewer than two percent of incidences result in charges. An estimated 70 to 80 percent of auto burglaries are committed by criminal street gangs. To counter the threat of serial property crime, we recommend the SFPD Patrol Bureau Task Force on auto burglary become a permanent, city-wide serial crimes unit.

**Post Arrest Investigations.** If the post-arrest evidence fails to meet evidentiary standards, then the DA cannot charge the case. Therefore, the investments in apprehension do not pay off. We see an opportunity to improve evidence collection by creating professional development classes on auto burglary specific to San Francisco. The curriculum should be frequently refreshed to reflect the evolving tactics of the serial offenders.

**Expanded Prosecutorial Capability.** The DA's Office has steadily improved its "action taken" rate for cases having sufficient admissible evidence. As the tactics of criminal street gangs have evolved, successful prosecution requires a coordinated police and DA effort and the "bundling" of multiple incidents that show patterns of criminal behavior. To address this complexity, we recommend the DA's Office organize prosecutors with serial crime expertise into a serial crimes unit—a counterpart to the SFPD's emerging serial crimes unit.

**Deterrence.** Our research suggests the City has the opportunity to reduce crime through basic changes to policy and operations. For example, the City could mandate that maintenance of and upgrades to City-owned buildings adhere to principles of crime prevention through environmental design. Additionally, existing resources such as the Community Ambassadors Program could deploy ambassadors as a visible presence in known crime hotspots, and the City's Internet sites could be further developed to inform residents about crime risks and prevention.



**Victims Assistance.** As a top tourist destination, San Francisco must be cognizant of the economic effects of auto burglary when victims return to their homes worldwide and report their disappointing experience. Recovery assistance from the City may minimize damage to its reputation. In this regard, the jury recommends the City pass a resolution to assign a public safety department to oversee victim assistance programs and authorize discretionary use of federal laws to prosecute those who target tourists as a vulnerable class.

In the report, the jury has outlined what San Francisco is currently doing to address the problem of auto burglary and has recommended changes, large and small, that are cost effective and complementary to the existing infrastructure.

## INTRODUCTION

All too often, residents and visitors/tourists<sup>1</sup> to San Francisco experience the gut-wrenching disappointment of finding their car window smashed and valuables gone. In 2015, auto burglars in the City and County of San Francisco walked off with more than \$19 million in stolen goods.<sup>2</sup> The problem of stolen property and cars damaged by break-ins has become so common it is considered part of the cost of City life. We have become inured, except when we are its victims.

**Table 1: Incidents of Auto Burglary 2014-2015**

<b>TOTAL REPORTED INCIDENTS OF AUTO BURGLARY AND THEFT FROM VEHICLES 2014-2015</b>													
Total Reported Incidents of Auto Burglary and Theft From Vehicles													Total
	January	February	March	April	May	June	July	August	September	October	November	December	
2014	1580	1441	1588	1655	1954	1519	1908	2200	1890	2122	2154	2270	22281
2015	2230	2037	2415	2044	2446	2397	2552	2201	2050	1847	927	1680	24826

**Total Reported Incidents of Auto Burglary and Theft From Vehicles 2014-2015.** These numbers represent all reported incidents of auto burglary, grand theft from a locked auto, petty theft from a locked auto, grand theft from an unlocked auto, and petty theft from an unlocked auto; with monthly and annual totals for 2014 and 2015.<sup>3</sup> For an explanation of these auto burglary-related crime categories, see Appendix A: “Understanding auto burglary and its related crimes.”

Auto burglary occurs more than 70 times a day, every day, across all neighborhoods, and to all kinds of people. It happens to residents of the City and to commuters who work and attend school here. It happens to folks who drive in to shop or see a movie. Auto burglary also happens to people who visit for business or conventions, and it happens to tourists who are here on vacation. The San Francisco Police Department (SFPD) provides a convenient online system for

<sup>1</sup> The Glossary of Statistical Terms for the Organisation for Economic Co-operation and Development gives the following definition of the combined term “Visitor/Tourist:”

The persons referred to in the definition of tourism are termed “visitors”: “Any person travelling to a place other than that of his/her usual environment for less than 12 months and whose main purpose of trip is other than the exercise of an activity remunerated from within the place visited.

<sup>2</sup> This conservative figure calculated from reported incidents only is based upon \$1 for each report classified as a misdemeanor and \$950 for each report classified as a second degree felony, where \$950 is the lower limit for felony property theft. Thus, 20,280 x \$950 = \$19,266,000 minimum value of felony reports plus 4,546 x \$1 = \$4,546.00 minimum value of misdemeanor reports amounts to a total of \$19,270,546.

<sup>3</sup> The numbers in Table 1 were downloaded, from SF OpenData at data.sfgov.org and sorted and tabulated by members of the Civil Grand Jury.

victims to report the theft and receive an incident number to make the insurance claim for reimbursement. The data is included in a monthly incident report as required for state and federal crime indexing<sup>4</sup>. While the process of reporting is convenient for victims and police, it does little to address a situation grown out of control. Of the 24,800 reported incidents in San Francisco in 2015, only 484 (1.9%) arrests were made.

People assume auto burglaries are committed by people down on their luck, i.e., the homeless, the drug addicted, or juvenile delinquents. While such people do commit auto burglary and other crimes of opportunity, SFPD investigators and prosecutors in the San Francisco District Attorney's Office (DA or DA's Office) believe the vast majority of offenses are the work of organized career criminals comprising less than 20 percent of the pool of offenders. Many are gang members. Some are armed and violent. Most have prior felony convictions. They own cars or are adept at stealing them to commit crimes. They stake out the most lucrative spots for car break-ins such as North Beach, the Palace of Fine Arts, or parking structures like the ones at the Stockton Garage and Costco.

The San Francisco Civil Grand Jury has undertaken this investigation to reclaim the safety of our property and our peace of mind. While there is no silver bullet to stop the crime of auto burglary, in this report we put forth carefully considered recommendations to solve today's crime wave and to protect us in the next.

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<sup>4</sup> The Civil Grand Jury uses the word phrase "auto burglary" in reference to five crime statistical categories that are collectively understood through popular use and media reporting to mean "auto burglary." Those categories are:

- Auto Burglary
- Grand Theft/Larceny from a Locked Vehicle
- Petty Theft/Larceny from a Locked Vehicle
- Grand Theft/Larceny from an Unlocked Vehicle
- Petty Theft/Larceny from an Unlocked Vehicle

## OBJECTIVES, SCOPE, AND METHODOLOGY

### Objectives

The objectives of this investigation were:

- Identify the primary causes of the current epidemic of auto burglary crimes;
- Identify the characteristics of the most prolific auto burglary suspects;
- Understand SFPD organization and operations related to auto burglary investigations and arrests;
- Analyze the DA's processes in the charging and prosecution of auto burglary cases;
- Make recommendations that, when implemented, will significantly decrease auto burglary crimes in San Francisco;
- Make recommendations that, when implemented, will significantly mitigate the harm to tourists/visitors victimized by auto burglary.

### Scope

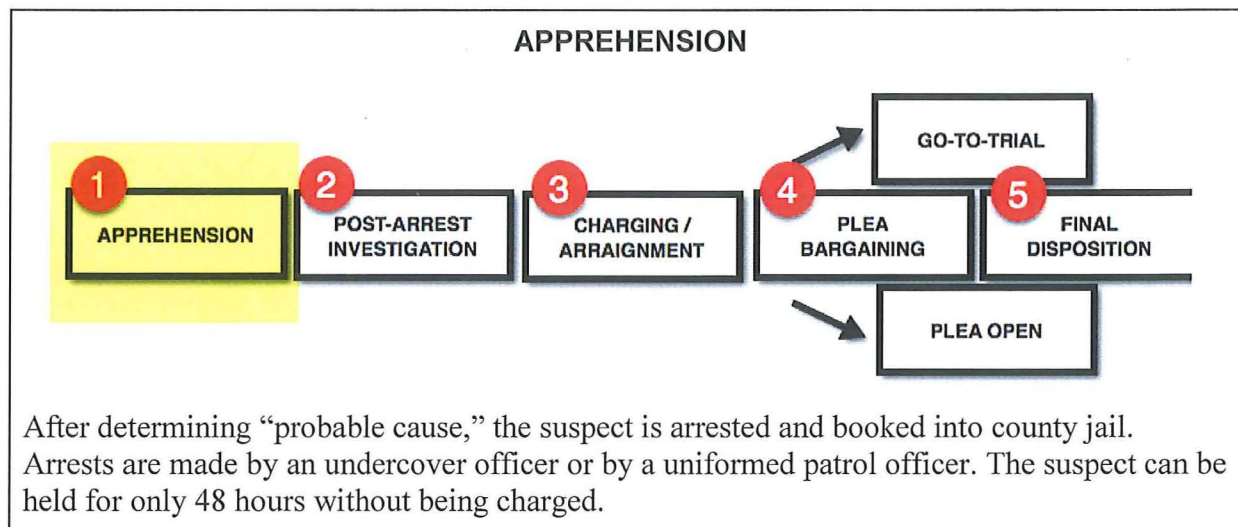
The investigation included the evaluation of the SFPD and DA's Office in apprehending, investigating, and prosecuting auto burglaries. While case outcomes are reported, the court's role in the criminal justice process is outside the Civil Grand Jury's purview and, therefore, the scope of this investigation.

### Methodology

The Civil Grand Jury collected and analyzed 24 consecutive months of data pertaining to auto burglary and related crime classifications. We interviewed inspectors and command staff of the SFPD, prosecutors in the DA's Office, and scholars in the fields of economics and criminology. We also attended commission meetings, monitored community-based social networks, and conducted an extensive review of research and professional literature.

## DISCUSSION

### A. Apprehension of career auto burglars requires coordination by a well-resourced investigative team who sees the “big picture.”



**Figure 1: Apprehension**

Prior to 2009, SFPD’s investigative units were centralized. The centralized units were organized around and staffed by officers who had specialized skills and institutional knowledge about particular types of criminals and crime categories. Because all centralized units were physically located at headquarters, inter-unit cooperation was easy. The open flow of information enabled centralized units to have a “big picture” of cross-precinct serial crime in the City. In 2009, a number of the specialized units were disbanded, including the “Serial Investigations” unit.

Decentralization allowed the Chief of Police to implement a robust community policing model. Uniformed police officers and the undercover detail at each station work with the community to address a range of neighborhood issues, not just the apprehension of criminals. However, we were told during interviews, a decentralized police force has been ineffective at curbing organized criminals who offend across precincts. Law enforcement officials estimate that criminal street gangs are behind 70 to 80 percent of auto burglary incidents.<sup>5</sup> Public safety officials in both the DA’s Office and SFPD agree on the following about organized criminals:

<sup>5</sup> California Penal Code Section 186.22(f) defines the term “criminal street gang” as “any ongoing organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in [this section,] having a common name or common identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.” Cal. Pen. Code § 186.22.

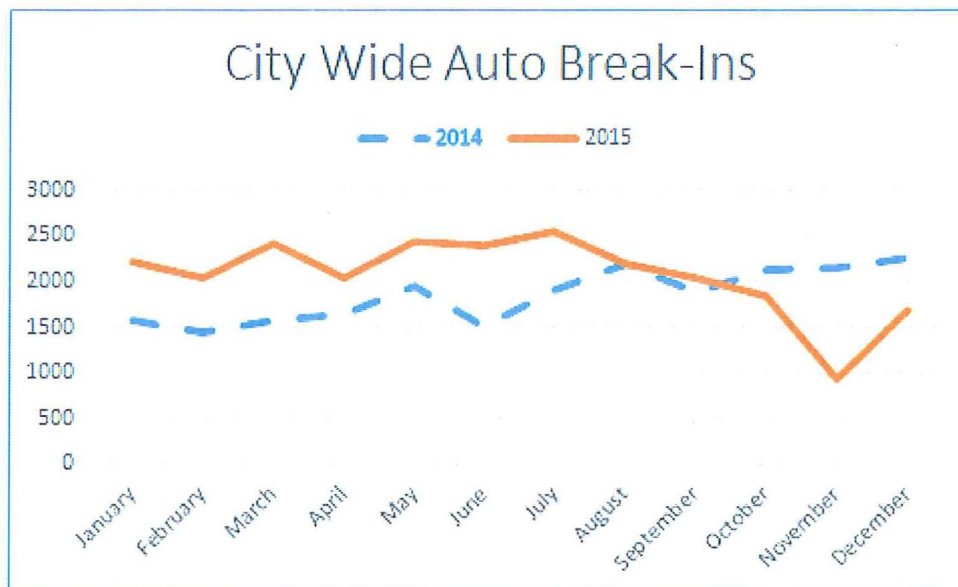
<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=00001-01000&file=186.20-186.34>

- They are highly proficient at counter surveillance and evading capture.
- They work in teams of two to five people, although different people from the same gang make up the teams on different days. They use mobile phones to communicate with multiple contacts to fence<sup>6</sup> stolen goods.
- Many are known to law enforcement and have multiple felony arrests, some for violent crimes. They switch to other crimes – such as robbery or car theft – if the opportunity arises.
- They operate in target rich areas of the City, such as tourist destinations and large parking structures, and they are extremely active in their crimes. They drive from location to location, breaking into dozens of parked cars in a day, at 30 seconds a break-in, without leaving fingerprints.
- Some are armed, but most avoid violent confrontation because of its attendant risk of being arrested and jailed.
- They are familiar with police tactics and know about the arrests of other gang members through word of mouth and social media.
- Their criminal activity continues as long as it is lucrative and the perceived risk of apprehension is low. (See Figure 2: Effects of Targeted Arrests)

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<sup>6</sup> In the context of this report the word "fence" is used as a noun to refer to a person who buys and sells stolen goods, and as a verb in reference to the act of buying or selling stolen goods.

## EFFECTS OF TARGETED ARRESTS

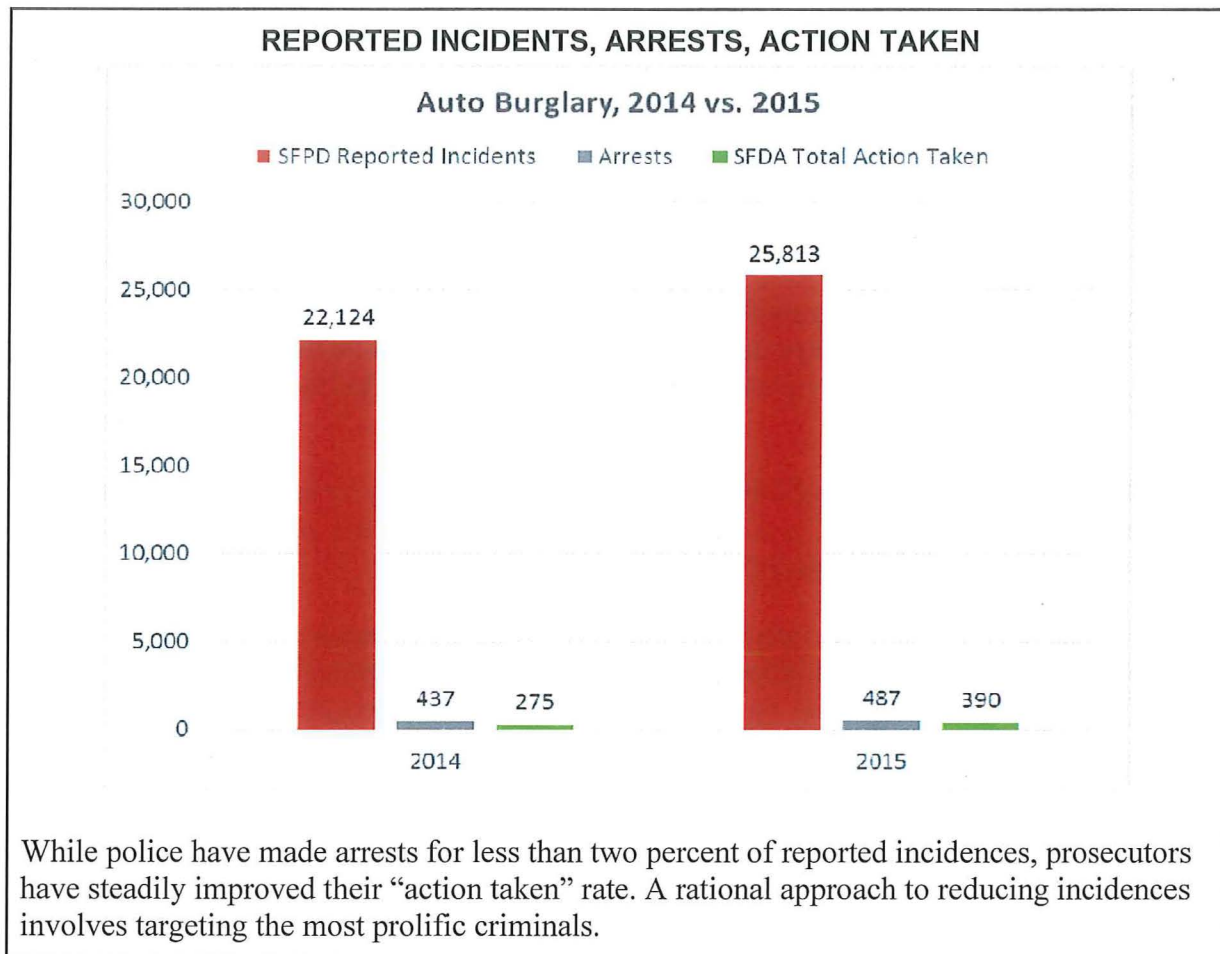


Well publicized targeted arrests in October 2015 were followed by decreases in reported incidents in November 2015. The occurrence of arrests followed by decreases in reports suggests, but does not prove, cause and effect.

**Figure 2: Effects of Targeted Arrests**

SFPD command staff and the DA's Office agree that San Francisco cannot make a significant dent in the problem by increasing the numbers of discrete, single-incident arrests. (See Figure 3: Ratio of Reported Incidents to Arrests and Action Taken) A more rational approach is, in their view, to concentrate on prolific offenders in target-rich areas and to bundle incidences of auto burglary into one case. Bundling involves surveilling the suspect as he or she commits multiple crimes before making an arrest. A case based on multiple incidences is much more likely to result in convictions under state law and may be eligible for prosecution under federal law.

Accordingly, in October, 2015, the police department deployed the Patrol Bureau Task Force as a centralized resource to work cross-precinct auto burglaries. The move was in response to the huge increase in reported incidents, as well as high-profile murders that were traced to burglaries of guns from autos.



**Figure 3: Rate of Reported Incidents to Arrests and Action Taken**

The Task Force started with one investigator and a couple of unmarked cars for conducting surveillance. As of April 2016, the Task Force has grown to include a lieutenant, four sergeants, and an additional 11 officers handpicked for their specialized skills. Another two to three officers will be assigned in the near term. Task Force leadership has also identified the need for a dedicated experienced crime analyst. Crime analysts are able to interpret the data from multiple sources, including CompStat, and supply actionable intelligence. The analyst would report through the SFPD’s expanding Crime Analysis Unit (CAU). The CAU is expanding its duties beyond statistical reporting for state and federal crime indexing, to include support of field investigations. CAU is different from the Crime Strategies Unit (CSU), which was established by the DA in 2014 and is staffed by Assistant District Attorneys (ADAs) assigned to each neighborhood.

Despite the significant increase in sworn personnel, we were told that, as of April 2016, the Task Force has not been outfitted with additional unmarked vehicles of various makes and models needed for surveillance.



Missing from the SFPD's organizational strategy for apprehension of organized criminals is robust intelligence on the activities of auto burglars who operate in San Francisco as well as adjacent jurisdictions. Neither CompStat nor the CAU or CSU provide regional data on auto burglary.

## **FINDINGS**

- F.A.1. While the SFPD command staff has steadily added qualified officers to a new centralized unit, known as the Patrol Bureau Task Force, the unit will not be fully effective until it is outfitted with appropriate vehicles (vehicles not easily identified as City-owned cars) for effective surveillance.
- F.A.2. The SFPD's Crime Analysis Unit is characterized as "coming up to speed on the art and science of crime analysis," as it expands and learns to adequately support the Patrol Bureau Task Force and station captains.
  - F.A.3. The Patrol Bureau Task Force pioneered a tactic of tracking serial offenders through multiple break-ins before making the arrest. While this tactic enables the possibility of bundling cases for the DA, its benefit must be weighed against the harm done to victims prior to an arrest.
- F.A.4. Established in 2014, the DA's Crime Strategies Unit is staffed by ADAs who use analytic tools and neighborhood intelligence to predict where crime will occur. While the CSU is well respected by SFPD investigators, it does not replace a professional crime analysis capability integrated with the SFPD's CompStat program.

## **RECOMMENDATIONS**

- R.A.1. Mayor's Office of Public Policy and Finance, Board of Supervisors, SFPD Deputy Chief of Operations
  - Ensure the Patrol Bureau Task Force has adequate resources, including investigators, a dedicated crime analyst, and necessary vehicles, equipment, and technology to expand surveillance and apprehension.
- R.A.2. District Attorney
  - Expand the mission of the Crime Strategies Unit to meet the pressing need for regional intelligence about serial auto burglary. The intelligence should compare San Francisco arrest rates, sentencing outcomes, and recidivism rates to those of adjacent jurisdictions. The findings and recommendations should be collated into an annual report.

R.A.3. Chief of Police and District Attorney

Collaborate with the FBI to apprehend the most prolific regional auto burglars to bring federal charges.

R.A.4. SFPD Deputy Chief of Operations

Develop policies and procedures to determine when it is appropriate to bundle incidences and arrest a suspect who has been witnessed doing multiple break-ins while under surveillance.<sup>7</sup>

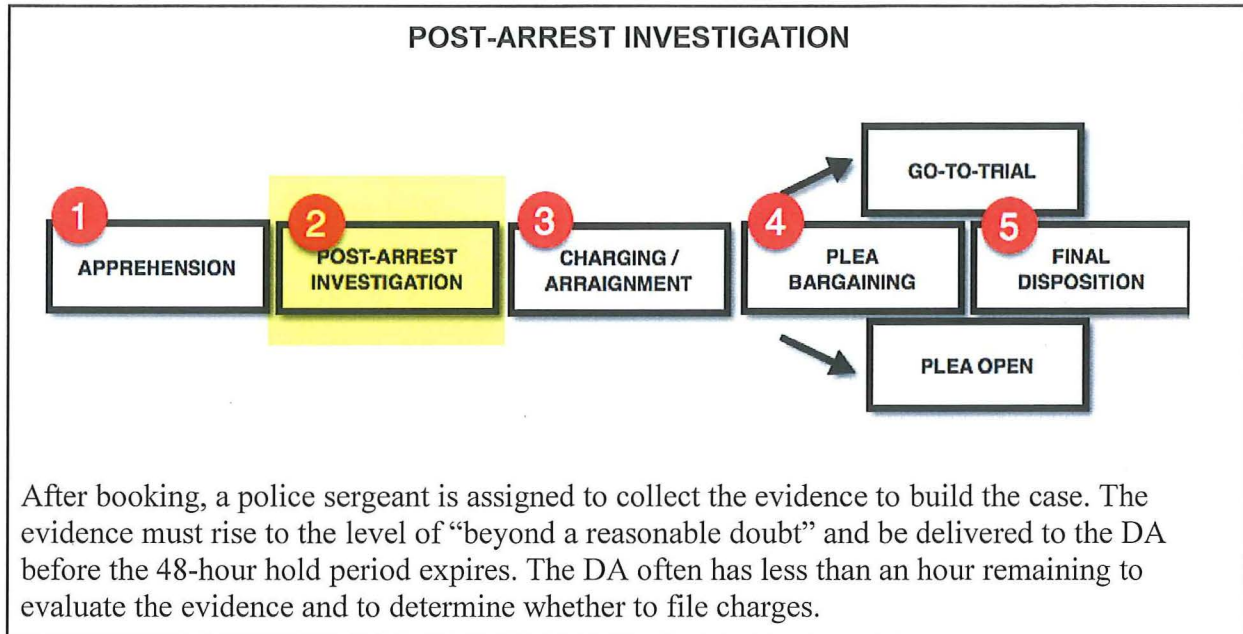
R.A.5. Chief of Police

Create a plan to deploy a fully-resourced serial crimes investigative unit. The unit's mission would be to apprehend members of criminal gangs involved in robberies, burglaries, thefts, and larcenies. Staffing should include a captain, a lieutenant, several sergeants, and an appropriate number of officers.

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<sup>7</sup> The DA bundles cases in a different sense by holding cases for prosecution until the suspect has been arrested for multiple incidents. In either case, postponing an arrest creates a "moral hazard" in that it may allow the suspect to continue committing crimes unabated.

**B. Post-arrest investigations and documentation should be rigorous to maximize the number of chargeable cases.**



**Figure 4: Post Arrest Investigation**

If a suspect is arrested by an officer from one of the stations, a sergeant from that station is assigned the post-arrest evidence collection. The Patrol Bureau Task Force handles post-arrest investigations of its cases, regardless of the location of the arrest. This is because the Task Force targets organized offenders committing burglaries across precincts, so its cases are more complicated and in need of centralized evidence collection. In either scenario, the evidence collection phase is critical, as it determines whether the DA can meet the applicable legal standards for charging. The hard work of surveilling and arresting auto burglars is undermined if the post-arrest investigations are mismanaged.

**Contents of the Evidence Packet.** The work product of a post-arrest investigator is the “Evidence Packet.” The packet contains the police report as well as evidentiary photos, such as images of broken glass on the defendant and around the car, descriptions of stolen property, video from camera poles or surrounding structures, the defendant’s rap sheets, and the contact information for any witnesses or victims. The packet is delivered to the ADA in charge of auto-related crimes before the 48-hour hold period expires. The reviewing ADA may have an hour or less to review the evidence and decide if the case meets evidentiary standards and what charges should be filed. Both the SFPD and ADA collaborate in efforts to improve the quality of evidence collection. For example, the DA’s Office shares its video camera registry for this purpose; however, two common problems persist:

- The Evidence Packet often lacks critical video evidence because of investigators' inability to obtain footage from nearby security cameras before the 48-hour holding period expires. In these cases, the ADA may have to spend time locating this video evidence after filing charges.
- The police report lacks critical evidentiary facts to meet the "preponderance of evidence" standard to file a motion to revoke parole or the "beyond a reasonable doubt" standard to file new charges. In these cases, the ADA notifies the arresting officer and the officer's superior by email informing them why the evidence is insufficient to bring charges.

The San Francisco Police Academy does not presently offer professional development courses in investigation of burglary, such as those developed by California Peace Officer Standards and Training (POST) and certified by the Robert Presley Institute of Criminal Investigation. Such specialty courses in burglary are currently available through other California POST academies.

### **FINDINGS**

- F.B.1. The ADA must sometimes acquire video evidence to meet evidentiary standards after charges have been filed. This requirement distracts from what should be the primary focus -- preparing to prosecute.
- F.B.2. While the ADA works closely with arresting officers and post-arrest investigators on best practices for evidence collection, neither the best practices nor elements of the POST curriculum are incorporated into a professional development classes specific to auto burglary in San Francisco.

### **RECOMMENDATIONS**

- R.B.1. SFPD Deputy Chief of Operations and District Attorney

Expand the department's capability to meet all requests for video by the reviewing ADA for auto crime, including requests submitted after the case has been charged. (Civilians may be used for this purpose.)

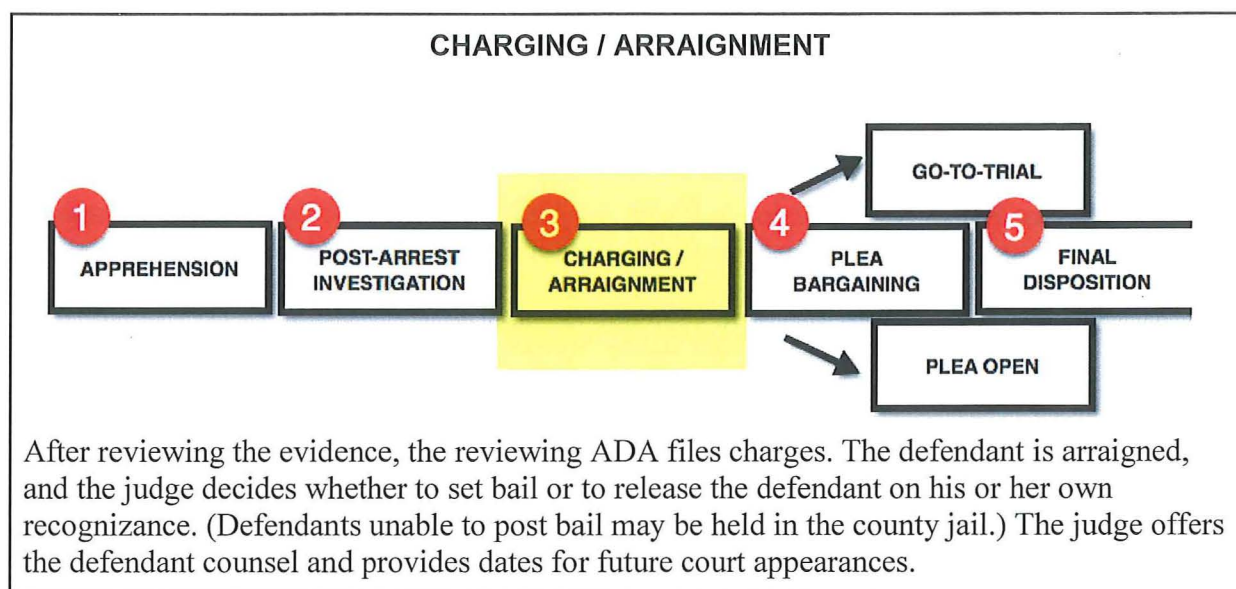
- R.B.2. SFPD Deputy Chief of Operations

Require captains of district stations to: (i) keep track of common areas of deficiency for arrest reports and Evidence Packets (deficiencies as identified by the reviewing ADA for auto crime); and (ii) convey the information to the police Training and Education Division to aid in developing curriculum.

- R.B.3. SFPD Deputy Chief of Operations and District Attorney

Require the SFPD Training and Education Division and DA's Criminal Division to co-create a professional development class on best practices for evidence collection in burglary cases.

**C. Efficient charging and prosecution require data driven assessments and expanded prosecutorial capability.**



**Figure 5: Charging and Arraignment**

The crime of auto burglary is a felony and, as such, is prosecuted in the criminal court.<sup>8</sup> Auto burglary cases, like the majority of cases in this country, are often disposed of through plea bargaining. By accepting the plea offered by the DA, the defendant waives the right to a jury trial.<sup>9</sup> If the defendant rejects the DA’s offer, the case may go to a jury trial or be turned over to the court as an open plea.<sup>10</sup> In either case, the court retains discretion in sentencing and may overrule the DA’s recommendation. (Auto burglary has no mandated minimum sentences.)

**Disposition of Auto Burglary Cases in 2015.** Of the 487 auto burglary arrests in 2015 (Figure 6, grey bars), the DA took action on 390 (Figure 6, green bars), filing charges in 321 and filing “motions to revoke” probation, post release community supervision, or parole in 69.<sup>11</sup> As of March 2016, the DA’s office reports that of those cases in which charges were filed, 174 have been resolved by way of guilty pleas, and 147 cases are pending.

<sup>8</sup>Underage offenders are referred to Youth Guidance Center.

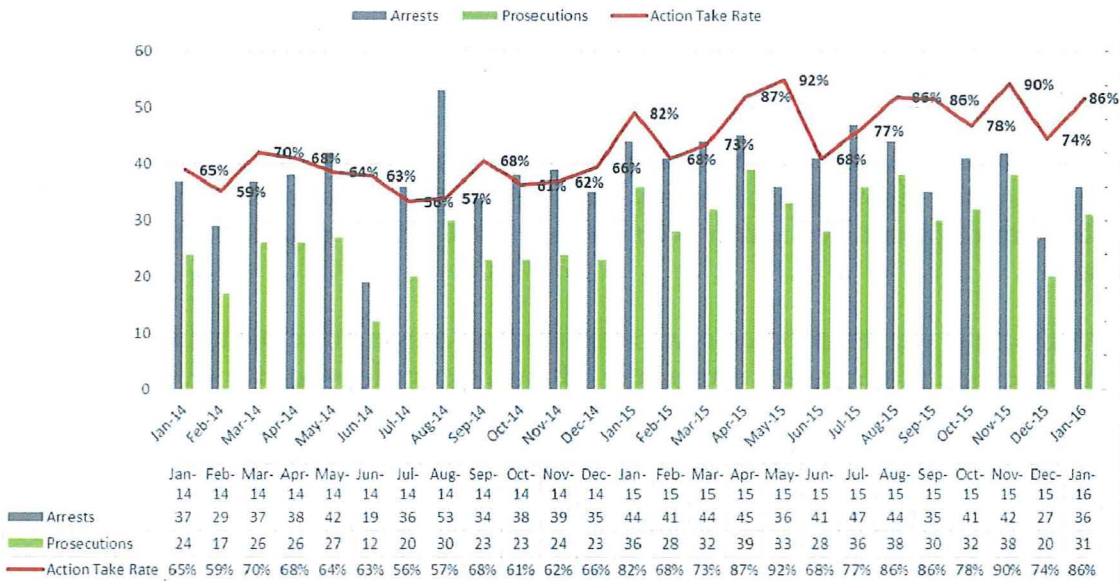
<sup>9</sup> [https://en.wikipedia.org/wiki/Plea\\_bargain](https://en.wikipedia.org/wiki/Plea_bargain)

<sup>10</sup>An “open plea” is a situation in which a defendant pleads guilty or no contest without any promise from the prosecution as to what sentence it will recommend. See “What is an open plea?”, Nolo, <http://www.nolo.com/legal-encyclopedia/what-open-plea.html>.

<sup>11</sup> Motions to revoke, like prosecutions, require ADA resources to process.

## DISTRICT ATTORNEY ACTIONS TAKEN

SFPD Auto Burglary Incidents Presented & SFDA Action Taken  
January 2014-January 2016



The data shows the DA’s Office improved its “action taken” rate from 63 percent in 2014 (275/437) to 80 percent in 2015 (421/523). Percentage of action taken is affected primarily by the availability of admissible evidence to prove the charges by the applicable standard of proof.<sup>12</sup>

**Figure 6: District Attorney “Actions Taken”**

**Resources available for prosecution.** At present, the DA’s Office has one ADA review all auto-related crimes. After review, the reviewing ADA assigns most cases to an ADA in the General Felonies Unit. (The General Felonies Unit currently has 18 attorneys.) This organizational structure is called *major stage vertical prosecution*: an ADA reviews all arrests and then assigns other ADAs to prosecute the cases from pre-preliminary hearing to final disposition. This way, the DA’s Office can efficiently address varying caseloads. In addition to routine cases being tried by the General Felonies Unit, the reviewing ADA self-assigns auto burglary cases for prosecutions if they are particularly complicated or involve prolific auto burglars. The Gang Unit and Crime Strategies Units also prosecute major auto burglary cases if they have been working on the case and it requires their specialized knowledge.

<sup>12</sup> “Preponderance of the evidence” standard is needed to file a motion to revoke and “beyond a reasonable doubt” standard is needed to file new criminal charges.

We were told further efficiency will be realized by applying risk assessment tools that are currently used in the area of probation.<sup>13</sup> Probation officials use the database of outcomes and algorithms to assess an individual's risk of re-offending and/or committing violence. This way, decisions on probation can be tailored to the individual. We were told a similar tool is being validated for use in assessing conditions under which suspects should be released or remain in custody while awaiting trial. Decisions would be based on the risk of failing to appear, re-offending, or committing violence. The DA expects this tool to be implemented late in 2016.

The DA has ample resources to take action given the current level of auto burglary arrests. However, ADAs familiar with auto burglary cases assert prosecutors are challenged by other factors that impede prosecution and/or undercut the value of plea bargaining, such as the following:

- Many of the victims are tourists who cannot return to San Francisco to testify. Cases that involve foreign tourists are particularly difficult, especially when the victims are beyond subpoena power.
- The DA may file a petition to have an out-of-state victim testify before leaving the SF jurisdiction shortly after arraignment, but the defendant's counsel usually objects on the grounds it has not had time to prepare for cross-examination.
- In an era of sentencing reform, *bundling* of incidents has become useful—if not required—to obtain convictions and significant jail time in auto burglary cases. Both SFPD and the DA's Office told us that in single-incident cases in San Francisco, non-violent offenders are often sentenced to minimal or no jail time by the courts, even after conviction by trial.<sup>14</sup>
- The “market value” of a plea offer has eroded because sentencing after a conviction by an open plea or by jury trial has regularly been shorter than the DA's final offer. (See Appendix B: Examples of Open Plea Outcomes from the DA's Case Files).

## FINDINGS

- F.C.1. Complicated cases involving prolific auto burglars are specially handled by three different units: the reviewing ADA of auto crimes, the Gang Unit, and the Crime Strategies Unit. Each unit's unique perspective may impede the pooling of information needed to develop best practices for prosecuting organized criminals.
- F.C.2. The DA plans to adopt risk assessment software to help ADAs be more efficient and unbiased in their recommendations for bail and sentencing.

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<sup>13</sup> The software was developed in partnership with the Laura and John Arnold Foundation ([www.arnoldfoundation.org](http://www.arnoldfoundation.org)).

<sup>14</sup> Minimal jail time for single-incident arrests may be appropriate whereas longer sentences would be appropriate for suspects convicted of bundled incidents.

F.C.3. While officials cite San Francisco’s lenient sentencing and other factors as aggravating the property crime problem, no public safety entity aggregates data for San Francisco and adjacent jurisdictions that can be used to substantiate these claims.

### RECOMMENDATIONS

R.C.1. Mayor's Office of Public Policy & Finance, Board of Supervisors, District Attorney

Establish a serial crimes unit as a counterpart to the SFPD’s Patrol Unit Task Force and its future serial crimes unit (R.A.5.). The unit’s mission would be to prosecute cross-district, serial property crimes by organized career criminals.

R.C.2. The District Attorney

Adopt data-driven risk assessments<sup>15</sup> for use by the ADA in charging and encourage its criminal justice partners to consider a defendant’s risk scores in decision-making throughout the adjudication process. This includes arraignment and sentencing negotiations.

R.C.3. The District Attorney,

Expand the Crime Strategies Unit’s mission to include the monitoring of factors affecting the prosecution of criminal street gangs operating in adjacent counties. The work product of the unit should include a database of indicators such as population densities, crime rates, arrest rates, and normalized sentencing outcomes for auto burglary and other property crimes.

R.C.4.. The District Attorney

The DA should require the Crime Strategies Unit to prepare an annual report to be reviewed by the Sentencing Commission at a quarterly meeting.<sup>16</sup>

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<sup>15</sup> Data-driven risk assessments can be made using research validated instruments developed by the Laura and John Arnold Foundation to score a defendant’s risk of reoffending, failure to appear, and violence.

<sup>16</sup> The San Francisco Sentencing Commission is an initiative of the DA “created through local legislation to analyze sentencing patterns and outcomes, to advise the Mayor, Board of Supervisors, and other City departments on the best approaches to reduce recidivism, and to make recommendations for sentencing reforms that advance public safety and utilize best practices in criminal justice.” <http://sfdistrictattorney.org/sentencing-commission-0>



## D. Performance indicators should be useful and transparent to the public.

The primary sources of data on auto burglary are an officer's arrest report and a victim's incident report. Both sources are stored in the SFPD crime data warehouse. The victim's information is standardized through the use of a form accessible on their computer or smartphone. (Some victim reports are taken at the station or by an officer in the field.) Police use the data to map crime hotspots and adjust strategies and tactics. Journalists refer to that data to substantiate various theories about the causes of crime and to shape public discourse through the media. City officials prepare the data for public consumption and disseminate it. Here are examples:

- The SFPD publishes statistics in its annual reports based on the FBI's Uniform Crime Reporting (UCR); in the 2014 annual report,<sup>17</sup> the total incidents of burglary and larceny (Part 1 crimes) is correctly reported as lower than the previous year, although the specific category of auto burglary is subsumed in the total.
- The Controller's Office publishes datasets on auto burglary from the SFPD's Crime Data Warehouse in SF OpenData. The datasets are available on the City's website and consist of reported incidents of *arrests for auto burglary* and *theft from lock autos*. The database can be searched and filtered, and results can be reported graphically.
- The Controller's Office publishes an annual Public Safety Scorecard, which includes year-end results for various crime categories, such as auto burglary. This data is presented in Q1 of a new year and compared to results for the previous year.
- The DA's Office published a 2014 annual report that gives statistics for overall number of cases filed and prosecuted, but it does not break out statistics for the auto burglary category.<sup>18</sup>

Note: We did not find performance metrics, such as changes in arrest rates and at-risk populations, as prescribed in United States Department of Justice "Crime Statistics for Decision Making" Uniform Crime Reporting Program (See Appendix C).

## FINDINGS

- F.D.1. The SFPD's 2014 annual report provides statistics that include "auto burglary" in the totals for Part 1 larceny/theft crimes, which obscures the size of the problem and the risk of being victimized.
- F.D.2. Providing auto burglary data in SF OpenData provides transparency; however, the user has to have the analytical skills and the computer technology to manipulate the data.
- F.D.3. The format of the Public Safety Scorecard is highly informative because line graphs are used to visualize *rate* of auto burglary per 100,000 residents as opposed to totals of auto

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<sup>17</sup> 2014 Annual Report, page 37:

<https://www.dropbox.com/s/mpfjb7eoy54vsrb/2014%20Annual%20Report.pdf?dl=0>

<sup>18</sup> <http://sfdistrictattorney.org/sites/default/files/FileCenter/Documents/243-2014%20Annual%20Report-%20Final%204.6.pdf>

burglary incidents. The 22 percent increase for 2015 over 2014 better reflects the public's safety risks than do basic totals of incidents reported.<sup>19</sup>

- F.D.4. While statistics for total cases filed and prosecuted provides transparency into the operational pace of the DA's Office, the public is currently interested in seeing numbers for cases filed and prosecuted for the City's top property crime today -- auto burglary.

## RECOMMENDATIONS

- R.D.1. The Chief of Police

Ensure the annual report graphically shows totals of the auto burglary incidents as separate from "larceny/theft."

- R.D.2. The Chief of Police

Present to the Board of Supervisors statistics on changes in total auto burglary incidents as well as other parameters such as "crime trends," "arrest rates," and "population at risk rates," as described in the United States Department of Justice's "Crime Statistics for Decision Making." The presentation should describe how the crime indicators inform the future direction of policing.

- R.D.3. The Chief of Police

Modify the online incident report to include a required field for the victim to self-identify as "tourist," "visitor," or "resident." The data can be used to analyze demographics of victims.

- R.D.4. The District Attorney

Require the Crime Strategies Unit to prepare a comparative analysis of serial property crimes, arrest rates, and normalized sentencing outcomes for organized criminal gangs in San Francisco and adjacent counties.

- R.D.5. Board of Supervisors Government Accounting and Oversight (GAO) Committee

Require the District Attorney to present to the GAO the comparative analysis (R.D.4) and annual report (R.C.3.) of the crime strategies unit, including significant findings and recommendations.

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<sup>19</sup> Public Safety Scorecard: <http://sfgov3.org/index.aspx?page=5422>

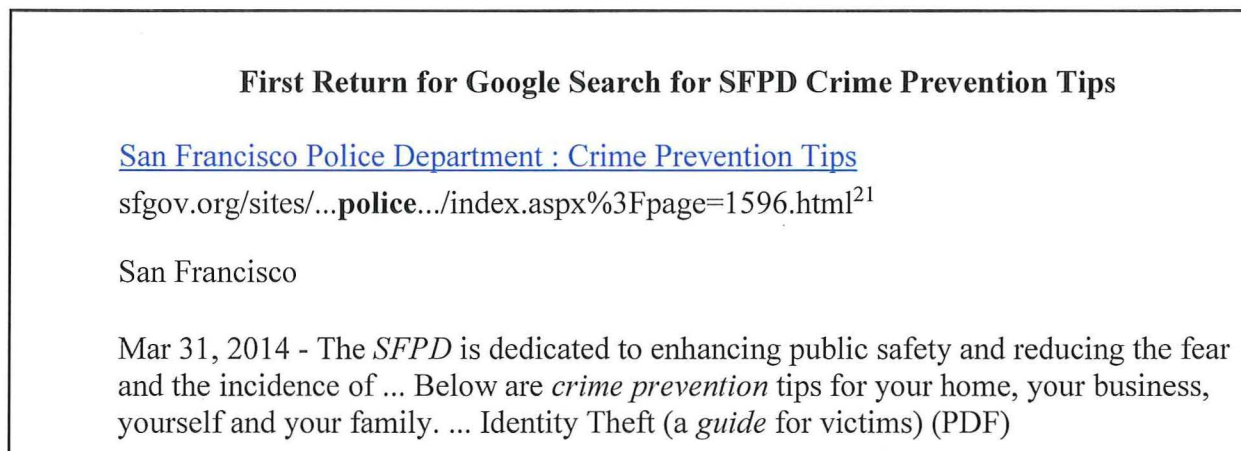
## E. The four Ps of deterrence: prevention, planning, programs, and punishment.

San Francisco applies many approaches to deter all sorts of crime. Actions taken to deter crime include prevention, planning, programs, and punishment.

**Prevention as a Deterrence:** Each of us has the responsibility to reduce our risk of injury or property loss because of crime. It is also necessary for us to have information about common risks and preventive measures. San Francisco is a city of residents and visitors/tourists of all ages who have origins from all around the world and who come from many different cultures. It would be a mistake to assume a community of such diversity shares a common understanding of how to protect itself. This is especially true of the most vulnerable--tourists and residents who speak a language other than English.

The San Francisco Police Department uses a community policing model to engage neighborhoods using programs to educate the public about safety and crime prevention. Precinct captains connect with the communities they serve through open meetings, newsletters, and distribution of other materials intended to educate and provide resources.

Despite these efforts, the police department has missed an opportunity to communicate effectively to the City as a whole: An Internet page dedicated to crime prevention tips. Figure 7 shows the first item returned from a Google search for San Francisco Police Crime Prevention Tips. Figure 8 shows the result of selecting the search result on March 27, 2016, and again on May 10, 2016.<sup>20</sup>

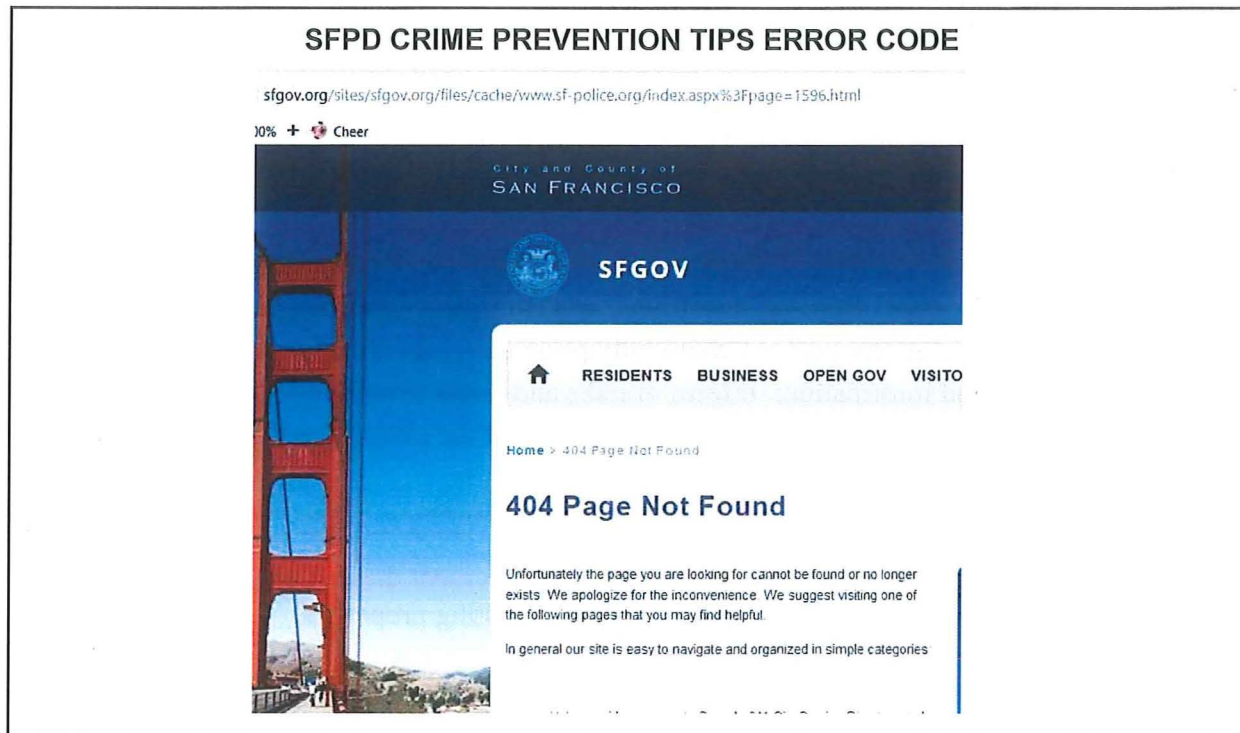


**Figure 7: First Return for Google Search for SFPD Crime Prevention Tips**

Figure 8 shows the error code when attempting to access SFPD crime prevention tips.

<sup>20</sup> Initial search occurred on March 27, 2016, and was replicated on May 10, 2016.

<sup>21</sup> <http://sfgov.org/sites/sfgov.org/files/cache/www.sf-police.org/index.aspx%3Fpage=1596.html>



**Figure 8: SFPD Crime Prevention Tips Error Code**

**Planning as a Deterrence:** San Francisco’s General Plan contains a section addressing the need to design for safety. The San Francisco Planning, Health and Public Works Departments formed a task force to determine safety criteria for planning within City neighborhoods for public and private development and construction. Plans for new developments presented to the planning department are assessed for safety in design criteria. Principles for crime prevention through environmental design is an emerging field within the realm of community planning. Ideally, San Francisco will incorporate these principles into the community development planning process and include specific design features in new construction. Principles of crime prevention through environmental design are not limited to government property and public spaces. Private property owners can apply the principles for crime prevention to create a safer place for those who use the property. Ten strategies for crime prevention through environmental design include:<sup>22</sup>

<sup>22</sup> Crime prevention through environmental Design Guidebook.(2003) National Crime Prevention Council. Singapore.

**Table 2. Strategies for Crime Prevention Through Environmental Design**

1.	Allow clear sight lines: vehicles should be visible as the driver returns.
2.	Provide adequate lighting: Install lighting in areas where vehicles are parked.
3.	Minimize concealed and isolated routes: Parking areas should be open and accessible.
4.	Avoid entrapment: Roadways and pathways are through-ways not dead-ends.
5.	Reduce isolation: Parking areas should be near activity areas.
6.	Promote land use mix: Mixed usage promotes activity and reduces isolation.
7.	Use activity generator: Signage, storefronts, and community events generate activity.
8.	Manage and maintain for pride: Community pride increases attention to the area.
9.	Provide signs and information: Inform of risks and direct toward activities.
10.	Consider overall design, form, and function as part of the planning approval process.

Homeowners, developers, and government entities can implement these strategies in new projects as well as the maintenance and management of existing properties.

**Programs as Deterrents:** The San Francisco Community Ambassadors Program is designed to be a non-law enforcement, public safety program. Its members work in teams, wearing bright yellow and black jackets with “San Francisco Community Ambassador” and the city logo printed on the back of the garment. Teams patrol their designated neighborhoods, along major transit/merchant corridors in high crime areas, assisting and interacting with residents as they create a safe presence and resource for the community. Members are city employees who receive extensive training and have resources to call for help and provide assistance. Ambassadors serve the community in many ways: They hand out educational materials and information on city programs and services. They often volunteer for community events, and provide directions and answer questions. And, they serve as a safe and visible presence in the community.

The Community Ambassadors Program is administered by the Mayor’s Office of Civic Engagement and Immigrant Affairs (OCEA) and has been praised by merchants and residents in the neighborhoods it serves. The employees are multi-lingual, represent the diversity of San Francisco, and several are individuals who are determined to overcome life challenges from their own pasts and to make a better life. Many of the community ambassadors have transitioned to permanent positions in the private, public and not-for-profit sectors at the end of their 18-month participation in the program. The Community Ambassadors Program is an example of a deployment of human capital for public safety.

In addition to efforts to deter auto burglary by prevention, planning, and programs for the would-be victim, San Francisco also offers pre-trial diversion programs for young and first time offenders through neighborhood courts. The presumption of innocence before trial allows many who are accused of auto burglary to participate in alternative programs to incarceration, including supervised release, or home detention through electronic monitoring.

**Punishment as a Deterrent:** Incarceration is a traditional form of punishment used by the American criminal justice system. Incarceration is the most expensive and inefficient form of punishment. The outcomes of incarceration are widely debated throughout society. There are few alternatives to incarceration for communities for managing serious, violent, and chronic offenders. Modern theory of crime and punishment describe five purposes for incarceration as shown in Table 3.<sup>23</sup>

**Table 3: Purposes for Incarceration**

1.	Retribution/Revenge: To punish and deter future offenses.
2.	Deterrence: To persuade others from offending.
3.	Rehabilitation: To guide, train, build skills and prevent recidivism.
4.	Incapacitate: To prevent further criminal activity through incarceration.
5.	Restore: To pay back restitution or engage in programs that give to victims or communities.

Sentencing enhancements for possession of knives, guns, burglary tools, and gang affiliation lengthen sentences for the purpose of additional rehabilitation or to deter further criminal activity. For chronic, repeat, and career criminal offenders with previous felony convictions and time served, the purpose of incarceration is to incapacitate further criminal activity. In the California corrections system, those sentenced to state prison for property crimes often serve approximately one-half the sentence before being paroled.

Visitors/tourists, who are often unfamiliar with the location and inattentive to risks, are known to carry large sums of money, credit cards, electronics and other valuables. Carefree and unaware, many visitors/tourists leave valuables in their rental cars in plain sight, the perfect recipe for auto burglary.

Many visitors/tourists in San Francisco are from other states and countries. High incidents of auto burglary and other crimes negatively affects San Francisco's reputation and reduces its desirability as a destination.

The harm to San Francisco's interstate and international visitor and tourism industry caused by career criminals and criminal street gangs opens a pathway to federal prosecution. There is no option for parole in the federal correctional system. Convictions of bundled incidents in federal court for interstate larceny and criminal street gang enhancements has the potential to result in significant federal prison sentences.

Applicable federal laws include:

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<sup>23</sup> Drylie, J.J. Criminal Justice In America. Lecture Notes.  
<http://www.kean.edu/~jdrylie/docs/Microsoft%20PowerPoint%20-%20CJ%202600%20Chapter%2011.pdf>

United States Code, 18 Section 875: Crimes against those engaged in interstate or foreign commerce.

United States Code, 18 Section 521: Criminal Street Gang Enhancements

### **FINDINGS**

- F.E.1. SFPD currently lacks online resources to inform residents of crime trends, safety tips to protect against victimization, injury, and property loss from crime.
- F.E.2. Auto burglars take advantage of areas with restricted vision, low light, fast escape and hiding places.
- F.E.3. The SF Community Ambassadors Program has been well received by residents and merchants in the neighborhoods they have been deployed.
- F.E.4. Vigorous apprehension and prosecution of crime suspects acts as a crime deterrent to would be offenders and protects city residents and visitors/tourists.
- F.E.5. Tourists and visitors to San Francisco are the frequent targets of career criminals and organized criminal street gangs, damaging San Francisco's reputation and tourism industry.

### **RECOMMENDATIONS**

- R.E.1. Chief of Police, Deputy Chief for Administration:  
  
Develop web-pages on the SFPD website containing information about crime advisories, crime prevention, safety resources, and services that SFPD offers.
- R.E.2. Mayor's Office, Department of Public Works, Chief of Police, & Planning Department:  
  
Mayor: Direct and coordinate interdepartmental efforts;  
  
Department of Public Works: Incorporate principles of crime prevention through environmental design into the ongoing maintenance and management of city property and open spaces;  
  
Chief of Police: Collaborate with DPW and Planning to identify areas associated with auto burglary and other crimes for attention;  
  
Planning Department: Include crime prevention through environmental design as part of the permitting process for government, commercial, retail, multi-residential, and mixed-use development.

R.E.3 Mayor, Mayor's Office of Public Policy and Finance, Board of Supervisors, Mayor's Office of Civic Engagement and Immigrant Affairs, City Administrator

Mayor and Mayor's Office on Public Policy and Finance: Authorize and Fund the office of Civic Engagement and Immigrant Affairs to expand the Community Ambassadors Program.

Office of Civic Engagement and Immigrant Affairs: Deploy Ambassador teams into high auto burglary neighborhoods to serve as a safe presence and a community resource. The program should include Golden Gate Park, Geary Blvd, Palace of Fine Arts, Fisherman's Wharf.

Office of Civic Engagement and Immigrant Affairs: Deploy Ambassador events team into neighborhoods around special events such as street fairs, festivals, sporting events.

Board of Supervisors: Support funding of this program expansion.

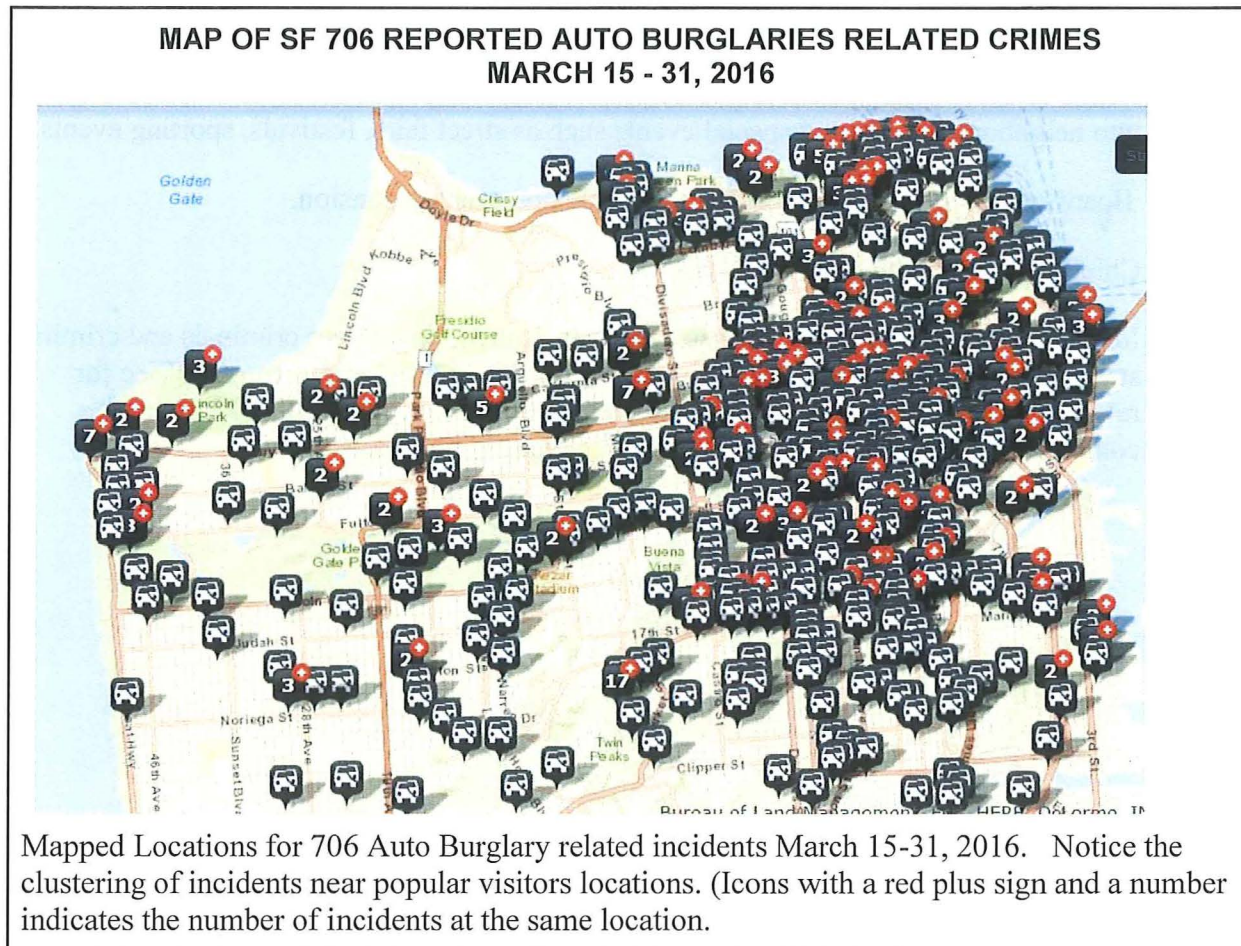
R.E.4. Chief of Police and District Attorney

In the case of crimes against tourists and visitors involving career criminals and criminal street gangs, collaborate and coordinate with the United States Attorney's Office for referral of appropriate cases for federal prosecution under. 18 U.S.C. 875, interstate commerce and 18 U.S.C. 521, criminal street gang enhancement.



**F. Establishing a visitor and tourist assistance program is socially just and economically wise.**

The number of auto burglaries and other crimes committed against visitors and tourists in San Francisco is almost anybody's guess. The lack of clarity arises because police reports do not include a field for victims to identify themselves as visitors or tourists. Police and DA interviews reveal, and available data confirm, that many auto burglars target high tourist areas. Figure 8<sup>24</sup> provides a location based image of reported auto burglary related incidents between March 15 and 31, 2016.



<sup>24</sup> <http://www.crimemapping.com> Accessed April 6, 2016.

**Figure 9: Reported Incidents of Auto Burglary Related Crimes, March 15-31 2016**

Every resident of San Francisco is a stakeholder in a healthy and sustainable visitor and tourist industry. Table 4 shows a few of the economic contributions made by the visitor and tourist industry.<sup>25</sup>

San Francisco relies upon its reputation as a safe place to visit as essential to the city’s high ranking among vacation destinations worldwide. Other cities provide models for tourist/victim services, and this is an area where San Francisco, too, can be innovative, protect its image, and further improve its desirability as a destination.

**Table 4. The Economic Benefits of Visitors and Tourists In San Francisco - 2015**

<b>The Economic Benefits of Visitors and Tourists in San Francisco- 2015</b>	
<b>Contribution</b>	<b>Benefit</b>
Visitor Spending	\$10.67 Billion
Taxes Paid to San Francisco	\$665 Million
Number of San Francisco Jobs Supported	87,005
Average Number of Visitors per Day	150,042

Source: San Francisco Center for Economic Development Association.

Tourists and visitors to San Francisco are guests to our city and collectively create San Francisco’s largest industry. Visitors and tourists have unique vulnerabilities. Some visitors/tourists may be disoriented and confused in a new environment. Others, excited about traveling to a new place, may become less cautious of the risks of carrying large amount of cash and electronics. Auto burglars and others engaged in criminal activity view tourists as easy targets with treasure to be taken. Losing property to auto burglars can, for anyone, at the least, be unsettling and inconvenient. Identity theft from stolen credit cards and travel documents can result in years of complications in housing and banking, as well as stress. To a visitor/tourist, stolen medications can have life threatening consequences. To become victim to auto burglars or other crime while traveling away from home, further complicates the impact of those crimes on victims.

<sup>25</sup> San Francisco Center for economic development. <http://sfced.org/wp-content/uploads/2015/04/Data-Statistics-Tourism-Overview-Apr-2015.pdf>

The visitor's link on San Francisco Government homepage, SFGOV.ORG,<sup>26</sup> the portal to all City services, provides links to museums, a calendar of events, and transportation resources; however, there is no information to help visitors/tourists in distress or in need of support services.

San Francisco should make use of legal recourse that is already available through United States Commerce Laws to protect visitors and tourists and the City's visitor/tourist economy. These laws can be enforced through cooperation between local police and the United States Attorney's Office. That office may also have enforcement options related to street gang abatement and prosecutions. In addition to strong commitment to apprehension and prosecution of suspects using federal commerce laws, there are other things the City Government can do to reduce auto burglary crimes and the impact of crime on visitors and tourists.

San Francisco could implement a tourist protection and assistance program by passage of a resolution by the Board of Supervisor. The program, a partnership between industry and government, would provide assistance with immediate needs.

We found examples of comprehensive tourist assistance programs in Orange County, Florida, and the State of Hawaii that provide a range of services. Other small communities have developed specific services, a tourist centered policing program and industry partnerships to inform tourist about risks. Hawaii's visitor and tourist victim's assistance program is comprehensive and well documented. It began in 1997 and was supported with a 10-year plan by the state's attorney general. Key services include addressing the immediate needs of the victims, such as medical attention, temporary lodging, emergency cash, groceries or restaurant vouchers and calling cards to contact family or friends for support. As part of planning its tourist victim's services program, Hawaii assisted tourist crime victims' need for identification documents by offering victims a temporary ID that was recognized by airport security, state liquor board, airlines, rental car companies, and banks. It was noted in Hawaii's plan<sup>27</sup> that by assisting tourists with immediate needs, many were able to resolve issues and resume their vacations, rather than return home defeated by crime. For further discussion of tourist related crimes see Appendix D.

It is not that helping victims overcome and get back "on their feet" is simply the right thing to do. It is an opportunity to turn an unhappy situation into something manageable. Providing services to victims can make the difference between their going home with bad memories of San Francisco versus feeling valued and impressed by the City's care and concern.

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<sup>26</sup> sfgov.org Visited on April 5, 2016.

<sup>27</sup> Chandler S.M., Kumaran, M. (2002) Hawai'i Statewide Strategic Plan for Victim Services: Department of the Attorney General. College of Social Sciences, Public Policy Center, University of Hawaii at Manoa

## FINDINGS

- F.F.1. Visitors/tourists, often targeted for crime, have unique needs that can often be foreseen and prepared for by victims' services organizations.
- F.F.2. For a visitor/tourist protection and assistance program to work, government must facilitate sponsorship and support from visitor- and tourism-related business.
- F.F.3. Establishing programs to prevent and deter crimes against visitors/tourists and to assist with immediate needs to those visitors/tourists who have been victimized is socially just and economically wise.
- F.F.4. Already existing laws and resources can be leveraged to protect San Franciscans and visitors/tourists, including federal interstate and international commerce law, a federal criminal street gang task force and associated criminal street gang sentencing enhancements, and the necessary and vigorous local criminal prosecution that seeks all available sentencing enhancements.
- F.F.5. Government must provide essential services to visitor/tourist crime victims to support their immediate needs. A temporary replacement identification card supports the victim's efforts to access banking services, revise flight plans, pass through transportation security at the airport, or continue their holiday in San Francisco.
- F.F.6. Government, industry and not-for-profit partnerships can work together to meet needs following victimization.
- F.F.7. Presently, San Francisco does not account for crimes against victims/tourists. City Government needs reliable information to develop further policy and act to protect visitors, tourists, and the City's tourism industry.
- F.F.8. The visitors tab on City Homepage does not provide resources for visitors/tourists in distress.
- F.F.9. Visitor/tourist selection on SFPD Incident Reports should be a search/sort field for SFPD incident reports on DATASF.ORG.

## RECOMMENDATIONS

- R.F.1. Mayor, Board of Supervisors Public Safety Committee, Board of Supervisors, Mayor's Office for Public Policy and Finance. Mayor's Office for Legislative and Government Affairs.

Some Roles that responding parties may have in approval of the resolution.

Introduce, support, fund and sign:

Mayor,

Prepare resolution to be introduced:	Mayor's Office for Legislative and Government Affairs
Review, vet, and refine to recommend:	Public Safety Committee Board of Supervisor's
Vote to Approve the resolution:	Board of Supervisors
Include the costs in the budget:	Mayor's office of public Policy and Finance
Review the Resolution for form:	City Attorney

The visitor/tourist protection and assistance program resolution should contain the following clauses:

1. Recognize tourists as a valued and welcome guest to our city.
2. Acknowledge vulnerabilities unique to visitors/tourists.
3. Denounce targeting and victimizing visitors/ tourists.
4. Recognize the need for specialized services for visitors/tourist who have been victimized by crime.
5. Establish the program as a partnership between government and the visitor and tourism industry
6. Designate and funds a public safety department to act as coordinating agency.
7. Authorize the agency to develop industry partnerships.
8. Authorize the agency to develop a policy and process to follow to verify identity and issue a temporary replacement identification card, for visitors and tourists who have had identification stolen and completed a crime incident report.
9. Instruct Police, Sheriff and District Attorney to pursue vigorous criminal prosecution.
10. Advise the District Attorney to seek sentencing enhancement when it is appropriate.
11. Charge the Chief of Police and the District Attorney to collaborate with the United States Attorney's Office, Northern Division of California, San Francisco, to refer appropriate cases to federal authorities for prosecution under interstate/international commerce law and/or Federal Criminal Street Gang enhancements.

12. Provide for the inclusion of a visitor/tourist identification field on Police Incident Reports to facilitate research and data gathering into this problem.

13. Require the coordinating agency to report annually to the Public Safety Committee of the Board of Supervisors. The report should inform future policy and decisions regarding visitor and tourist related crime, give information about services offered, research conducted, and include significant

R.F.2. Mayor and Director of Department of Technology.

The visitor's tab on the San Francisco Gov.org homepage should contain information to assist visitors/tourists who are in need of victim's assistance and other kinds of support services.

R.F.3. Mayor and Director of Department of Technology, Deputy Chief of Administration

Include visitor/tourist incident data as a search field on police incident reports available through [datasf.gov](https://datasf.gov).

## CONCLUSION

Auto burglary is prevalent in every community because it represents lower risk and higher gains than many other crimes. The epidemic of auto burglary in San Francisco has many causes; significant among them are population density, wide socioeconomic differences, and desirability of San Francisco as a place to visit, live, work and play. Geography is a significant factor that works against police and works in favor of the career criminals and criminal street gangs responsible for most of the reported auto burglary related incidents.

Criminal street gangs are experienced and use efficient techniques that are quick, calculated, and enable them to avoid apprehension. With many of these gangs working at any given time, their prolific criminal enterprises would challenge any city's police department. San Francisco's community policing focus benefits the City's residents as individuals, families, neighbors, and as a community of people with many languages and cultures. Nevertheless, organizing primarily for community policing works to the benefit of career criminals. This is because career criminals move around the City without regard for precinct boundaries, or cross the city limits as they speed out a town.

The mobility of career criminals argues for a permanent serial crimes unit at headquarters that enables cross-district investigations. Cross-district investigations are often required to bridge the gap between the evidentiary standard of "probable cause" to make an arrest as opposed to that of "beyond a reasonable doubt" to support charging and successful prosecution.

In brief, the Civil Grand Jury makes the following recommendations:

- Balance police resources to meet the needs of neighborhoods,
- Develop capacity to analyze and respond to auto burglary crimes as a city-wide problem,
- Promote prevention through community education,
- Support police efforts to apprehend suspects with solid evidence,
- Build solid cases for local prosecutors to charge and negotiate,
- Identify new approaches to prosecuting cases that protect economic interests,
- Introduce a visitor and tourist crime prevention and support programs.

We are confident that implementation of our recommendations will significantly decrease auto burglary incidents and prepare the city to identify and efficiently respond to future crime trends. By establishing a tourist protection and assistance program, we advance social justice and protect the character of San Francisco as a place where people want to be: to visit, live, work and play.

**Response Matrix**  
**Findings, Recommendations and Responding Parties**  
**Auto Burglary In San Francisco**

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**A. Apprehension of career auto burglars requires coordination by a well-resourced investigative team who sees the “big picture.”**

F.A.1.	Finding	Responder	R.A.1.	Recommendation	Responder
	While the SFPD command staff has steadily added qualified officers to a new centralized unit, known as the Patrol Bureau Task Force, the unit will not be fully effective until it is outfitted with appropriate vehicles (vehicles not easily identified as City-owned cars) for surveillance.	Mayor's Office of Public Policy and Finance, Board of Supervisors, SFPD Deputy Chief of Operations		Ensure the Patrol Bureau Task Force has adequate resources, including investigators, a dedicated crime analyst, and necessary vehicles, equipment, and technology to expand surveillance and apprehension.	Mayor's Office of Public Policy and Finance, Board of Supervisors, SFPD Deputy Chief of Operations
F.A.2.	Finding	Responder	R.A.2.	Recommendation	Responder
	The SFPD’s Crime Analysis Unit is characterized as “coming up to speed on the art and science of crime analysis,” as it expands and learns to adequately support the Patrol Bureau Task Force and station captains.	District Attorney		Expand the mission of the Crime Strategies Unit to meet the pressing need for regional intelligence about serial auto burglary. The intelligence should compare San Francisco arrest rates, sentencing outcomes, and recidivism rates to those of adjacent jurisdictions. The findings and recommendations should be collated into an annual report.	District Attorney
F.A.3.	Finding	Responder	R.A.3.	Recommendation	Responder
	The Patrol Bureau Task Force pioneered a tactic of tracking serial offenders through multiple break-ins before making the arrest. While this tactic enables the possibility of bundling incidents for the DA, its benefit must be weighed against the harm done to victims prior to an arrest.	Chief of Police and District Attorney		Collaborate with the FBI to apprehend the most prolific regional auto burglars to bring federal charges.	Chief of Police and District Attorney



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F.A.4.	Finding	Responder	R.A.4.	Recommendation	Responder
	Established in 2014, the DA’s Crime Strategies Unit is staffed by ADAs who use analytic tools and neighborhood intelligence to predict where crime will occur. While the CSU is well respected by SFPD investigators, it does not replace a professional crime analysis capability integrated with the SFPD’s CompStat program.	SFPD Deputy Chief of Operations		Develop policies and procedures to determine when it is appropriate to bundle incidences and arrest a suspect who has been witnessed doing multiple break-ins while under surveillance.	SFPD Deputy Chief of Operations
			R.A.5.	Recommendation Create a plan to deploy a fully-resourced serial crimes investigative unit. The unit’s mission would be to apprehend members of criminal gangs involved in robberies, burglaries, thefts, and larcenies. Staffing should include a captain, a lieutenant, several sergeants, and an appropriate number of officers.	Responder Chief of Police

**B. Post-arrest investigations and documentation should be rigorous to optimize the number of chargeable cases.**

F.B.1.	Finding	Responder	R.B.1	Recommendation	Responder
	The ADA must sometimes acquire video evidence to meet evidentiary standards after charges have been filed. This requirement distracts from what should be the primary focus -- preparing to prosecute.	SFPD Deputy Chief of Operations and District Attorney		Expand the department’s capability to meet all requests for video by the reviewing ADA for auto crime, including requests submitted after the case has been charged. (Civilians may be used for this purpose.)	SFPD Deputy Chief of Operations and District Attorney

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F.B.2.	<b>Finding</b> While the ADA works closely with arresting officers and post-arrest investigators on best practices for evidence collection, neither the best practices nor elements of the POST curriculum are incorporated into professional development classes specific to auto burglary in San Francisco.	<b>Responder</b> SFPD Deputy Chief of Operations	R.B.2.	<b>Recommendation</b> Require captains of district stations to: (i) keep track of common areas of deficiency for arrest reports and Evidence Packets (deficiencies as identified by the reviewing ADA for auto crime); and (ii) convey the information to the police Training and Education Division to aid in developing curriculum.	<b>Responder</b> SFPD Deputy Chief of Operations
			R.B.3	<b>Recommendation</b> Require the SFPD Training and Education Division and DA’s Criminal Division to co-create a professional development class on best practices for evidence collection in burglary cases.	<b>Responder</b> SFPD Deputy Chief of Operations and District Attorney

**C. Efficient charging and prosecution require data driven assessments and expanded prosecutorial capability.**

F.C.1.	<b>Finding</b> Complicated cases involving prolific auto burglars are specially handled by three different units: the reviewing ADA of auto crimes, the Gang Unit, and the Crime Strategies Unit. Each unit’s unique perspective may impede the pooling of information needed to develop best practices for prosecuting organized criminals.	<b>Responder</b> Mayor's Office of Public Policy & Finance, Board of Supervisors, District Attorney	R.C.1.	<b>Recommendation</b> Establish a serial crimes unit as a counterpart to the SFPD’s Patrol Unit Task Force and its future serial crimes unit (R.A.5.). The unit’s mission would be to prosecute cross-district, serial property crimes by organized career criminals.	<b>Responder</b> Mayor's Office of Public Policy & Finance, Board of Supervisors, District Attorney
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F.C.2.	Finding	Responder	R.C.2.	Recommendation	Responder
	The DA plans to adopt risk assessment software to help ADA's be more efficient and unbiased in their recommendations for bail and sentencing.	The District Attorney		Adopt data-driven risk assessments for use by the ADA in charging and encourage its criminal justice partners to consider a defendant's risk scores in decision-making throughout the adjudication process. This includes arraignment and sentencing negotiations.	The District Attorney
F.C.3.	Finding	Responder	R.C.3.	Recommendation	Responder
	While officials cite San Francisco's lenient sentencing and other factors as aggravating the property crime problem, no public safety entity aggregates data for San Francisco and adjacent jurisdictions that can be used to substantiate these claims.	The District Attorney		Expand the Crime Strategies Unit's mission to include the monitoring of factors affecting the prosecution of criminal street gangs operating in adjacent counties. The work product of the unit should include a database of indicators such as population densities, crime rates, arrest rates, and normalized sentencing outcomes for auto burglary and other property crimes.	The District Attorney
			R.C.4.	Recommendation	Responder
				The DA should require the Crime Strategies Unit to prepare an annual comparative analysis to be reviewed by the Sentencing Commission at a quarterly meeting.	The District Attorney

**D. Performance indicators should be useful and transparent to the public.**

F.D.1.	Finding	Responder	R.D.1.	Recommendation	Responder
	The SFPD's 2014 annual report provides statistics that include "auto burglary" in the totals for Part 1 larceny/theft crimes, which obscures the size of the problem and the risk of being victimized.	The Chief of Police		Ensure the annual report graphically shows totals of the auto burglary incidents as separate from "larceny/theft.	The Chief of Police

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F.D.2.	Finding	Responder	R.D.2.	Recommendation	Responder
	Providing auto burglary data in SF OpenData provides transparency; however, the user has to have the analytical skills and the computer technology to manipulate the data.	The Chief of Police		Present to the Board of Supervisors statistics on changes in total auto burglary incidents as well as other parameters such as “crime trends,” “arrest rates,” and “population at risk rates,” as described in the United States Department of Justice’s “Crime Statistics for Decision Making.” The presentation should describe how the crime indicators inform the future direction of policing.	The Chief of Police
F.D.3.	Finding	Responder	R.D.3.	Recommendation	Responder
	The format of the Public Safety Scorecard is highly informative because line graphs are used to visualize <i>rate</i> of auto burglary per 100,000 residents as opposed to totals of auto burglary incidents. The 22 percent increase for 2015 over 2014 better reflects the public’s safety risks than do basic totals of incidents reported.	The Chief of Police		Modify the online incident report to include a required field for the victim to self-identify as “tourist,” “visitor,” or “resident.” The data can be used to analyze demographics of victims.	The Chief of Police
F.D.4.	Finding	Responder	R.D.4.	Recommendation	Responder
	While statistics for total cases filed and prosecuted provides transparency into the operational pace of the DA’s Office, the public is currently interested in seeing numbers for cases filed and prosecuted for the City’s top property crime today -- auto burglary.	The District Attorney		Require the Crime Strategies Unit to prepare a comparative analysis of serial property crimes, arrest rates, and normalized sentencing outcomes for organized criminal gangs in San Francisco and adjacent counties.	The District Attorney

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R.D.5.	Recommendation	Responder
	Require the District Attorney to present to the GAO the comparative analysis (R.D.4) and annual report (R.C.3.) of the crime strategies unit, including significant findings and recommendations.	Board of Supervisors Government Accounting and Oversight (GAO) Committee

**E. The four Ps of deterrence: prevention, planning, programs, and punishment.**

F.E.1.	Finding	Responder	R.E.1.	Recommendation	Responder
	SFPD currently lacks online resources to inform residents of crime trends, safety tips to protect against victimization, injury, and property loss from crime	Chief of Police, Deputy Chief for Administration		Develop web-pages on the SFPD website containing information about crime advisories, crime prevention, safety resources, and services that SFPD offers.	Chief of Police, Deputy Chief for Administration
F.E.2.	Finding	Responder	R.E.2.	Recommendation	Responder
	Auto burglars take advantage of areas with restricted visibility, low light, fast escape and hiding places.	Mayor's Office	a.	Mayor: Direct and coordinate inter-departmental efforts;	Mayor's Office
			b.	Department of Public Works: Incorporate principles of crime prevention through environmental design into the ongoing maintenance and management of city property and open spaces;	Department of Public Works
			c.	Chief of Police: Collaborate with DPW and Planning to identify areas associated with auto burglary and other crimes for attention;	Chief of Police
			d.	Planning Department: Include crime prevention through environmental design as part of the permitting process for government, commercial, retail, multi-residential, and mixed-use development.	Planning Department

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F.E.3.	Finding	Responder	R.E.3.	Recommendation	Responder
	The SF Community Ambassadors Program has been well received by residents and merchants in the neighborhoods they have been deployed.	Mayor, Mayor's Office Public Policy and Finance, City Administrator	a.	Mayor and Mayor's Office on Public Policy and Finance: Authorize and Fund the office of Civic Engagement and Immigrant Affairs to expand the Community Ambassadors Program	Mayor, Mayor's Office Public Policy and Finance, City Administrator
			b.	Office of Civic Engagement and Immigrant Affairs: Deploy Ambassador teams into high auto burglary neighborhoods to serve as a safe presence and a community resource. The program should include Golden Gate Park, Geary Blvd, Palace of Fine Arts, Fisherman's Wharf.	Office of Civic Engagement and Immigrant Affairs
			c.	Office of Civic Engagement and Immigrant Affairs: deploy Ambassador events team into neighborhoods around special events such as street fairs, festivals, sporting events.	Office Civic of Engagement and Immigrant Affairs
			d.	Board of Supervisors: Support funding to expand the Community Ambassador's Program.	Board of Supervisors
F.E.4.	Finding	Responder	R.E.4.	Recommendation	Responder
	Vigorous apprehension and prosecution of crime suspects acts as a crime deterrent to would be offenders and protects city residents and visitors/tourists.	Chief of Police and District Attorney		In the case of crimes against tourists and visitors involving career criminals and criminal street gangs, collaborate and coordinate with the United States Attorney's Office for referral of appropriate cases for federal prosecution under. 18 U.S.C. 875, Interstate Commerce and 18 U.S.C. 521, Criminal Street Gang Enhancement.	Chief of Police and District Attorney

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F.E.5. Finding  
 Tourists and visitors to San Francisco are the frequent targets of career criminals and organized criminal street gangs, damaging San Francisco's reputation and tourism industry.

**F. Establishing a visitor and tourist assistance program is socially just and economically wise**

F.F.1.	Finding	F.F.1.-F.F.7. Cross Reference to R.F.1 Mayor, BOS, BOS Public Safety Committee, Mayor's Office Public Policy, Finance, City	R.F.1. Recommendation	Responder
	Visitors/tourists, often targeted for crime, have unique needs that can often be foreseen and prepared for by victims' services organizations.		Use the customary legislative process to pass a resolution for a visitor and tourist protection and assistance program.  Introduce, support, fund and sign:  Prepare resolution to be introduced:	Mayor,  Mayor's Office of Legislative & Government Affairs
F.F.2.	Finding For a visitor/tourist protection and assistance program to work, government must facilitate sponsorship and support from visitor- and tourism-related business.		R.F.1.  Review, vet, and refine to recommend:  Vote to approve:	Public Safety Committee, (B.O.S.)  Board Of Supervisors,
F.F.3.	Finding Establishing programs to prevent and deter crimes against visitors/tourists and to assist with immediate needs to those visitors/tourists who have been victimized is socially just and economically wise.		R.F.1. Include in Budget:	Mayor's Office of Public Policy & Finance

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F.F.4.	Finding	<p>Already existing laws and resources can be leveraged to protect San Franciscans and visitors/tourists, including federal interstate and international commerce law, a federal criminal street gang task force and associated criminal street gang sentencing enhancements, and the necessary and vigorous local criminal prosecution that seeks all available sentencing enhancements.</p>	R.F.1.	<p>Review for form: City Attorney</p> <p>Recommendation (Continued)</p> <p>The visitor/tourist protection and assistance program resolution should contain the following clauses:</p> <ol style="list-style-type: none"> <li>1. Recognize tourists as a valued and welcome guest to our city.</li> <li>2. Acknowledge vulnerabilities unique to visitors/tourists.</li> <li>3. Denounce the targeting and victimizing of visitors/ tourists.</li> <li>4. Recognize the need for specialized services for visitors/tourist who have been victimized by crime.</li> <li>5. Establish the program as a partnership between government and the visitor and tourism industry.</li> <li>6. Designate and funds a public safety department to act as coordinating agency.</li> <li>7. Authorize the agency to develop industry partnerships.</li> <li>8. Authorize the agency to issue a temporary replacement identification card, for visitors and tourists who have had their identification stolen.</li> <li>9. Instruct the police, sheriff and district attorney to pursue vigorous criminal prosecution.</li> <li>10. Advise the district attorney to seek sentencing enhancement when it is appropriate.</li> <li>11. Charge the chief of police and the district attorney to collaborate with the United States Attorney’s Office, Northern Division of California, San Francisco, to refer appropriate cases to federal authorities for prosecution under interstate/international commerce law and/or Federal Criminal Street Gang Enhancements.</li> </ol>
F.F.5.	Finding	<p>Government must provide essential services to visitor/tourist crime victims to support their immediate needs. A temporary replacement identification card supports the victim’s efforts to access banking services, revise flight plans, pass through transportation security at the airport, or continue their holiday in San Francisco.</p>		
F.F.6	Finding	<p>Government, industry and not-for-profit partnerships can work together to meet needs following victimization.</p>		
F.F.7.	Finding	<p>Presently, San Francisco does not account for crimes against victims/tourists. City Government needs reliable information to develop further policy and act to protect visitors, tourists. and the City’s tourism industry.</p>	R.F.1.	



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R.F.1. Continued

12. Include a visitor/tourist identification field on Police Incident Reports to facilitate research and data gathering.  
 13. Require the coordinating agency to report annually to the Public Safety Committee of the Board of Supervisors. The report should provide performance metrics about services offered and make recommendations to inform future policy related to crimes against visitors/tourists.

F.F.8.	<p style="text-align: center;"><b>Finding</b></p> <p>The visitor's tab on sfgov.org, the City's Internet homepage, does not provide resources for visitors/tourists in distress.</p>	<p style="text-align: center;"><b>Responder</b></p> <p>Mayor and Director of Department of Technology.</p>	R.F.2.	<p style="text-align: center;"><b>Recommendation</b></p> <p>The visitor's tab on the San Francisco Gov.org homepage should contain information to assist visitors/tourists who are in need of victims assistance and other kinds of support services.</p>	<p style="text-align: center;"><b>Responder</b></p> <p>Mayor and Director of Department of Technology.</p>
		<p>F.F.8. Corresponds to R.F.2.</p>			
F.F.9	<p style="text-align: center;"><b>Finding</b></p> <p>Visitor/tourist selection on SFPD Incident Reports should be a search/sort field for SFPD incident reports on datasgov.org</p>	<p style="text-align: center;"><b>Responder</b></p> <p>Mayor and Director of Department of Technology, Deputy Chief of Admin.</p>	R.F.3.	<p style="text-align: center;"><b>Recommendation</b></p> <p>Include visitor/tourist incident data as a search field on police incident report available though datasgov.org.</p>	<p style="text-align: center;"><b>Responder</b></p> <p>Mayor and Director of Department of Technology, Deputy Chief of Admin.</p>
		<p>F.F.9. Corresponds to R.F.3.</p>			

## GLOSSARY

All definitions from:

Uniform Crime Reporting Handbook (2004) United States Department of Justice, Federal Bureau of Investigation.

Crime and Delinquency in California (1993) Criminal Justice Profile Series, Law Enforcement Information Center.

California Legislative Information Website (2016). [leginfo/CA.gov](http://leginfo/CA.gov)

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ARREST: Taking a person into custody, in a case and in the manner authorized by law. An arrest may be made by a peace officer or by a private person." (P.C. 834)

BURGLARY: the unlawful entry of a structure to commit a felony or a theft. Attempted burglary is included. (UCR definition)

Burglary of a Motor Vehicle: See California Penal Code Section 459, 460, 661)  
In California, Burglary of a motor vehicle is classified as 2nd Degree Burglary and is punishable by up to one year in the county jail.

Under UCR Burglary of Vehicle is classified as Larceny/Theft.

CALIFORNIA CRIME INDEX: a group of crimes chosen to serve as an index for gauging fluctuations in the overall volume and rate of crime. These crimes, chosen because of their seriousness and likelihood of being reported to the police by the public, are willful homicide, forcible rape, robbery, aggravated assault, burglary, and motor vehicle theft. These crimes are reported according to definitions taken from the FBI Uniform Crime Reporting Handbook.  
<http://www.plsinfo.org/healthysmc/12/glossary.html>

CITATION: a written order, issued by the police for a violation, to appear before a magistrate or probation officer at a later date

CLASSIFICATION: Determining the proper crime categories in which to report offenses in UCR. The offense's classification is based on the facts of an agency's investigation of crimes.

CLEARANCE: a crime is cleared or "solved" for crime reporting purposes.

CLEARED BY ARREST: An offense is considered cleared when at least one person involved in the commission of the offense has been (1) arrested, (2) charged, and (3) turned over to the court for prosecution.

CLEARED BY EXCEPTIONAL MEANS: clearance in which some element beyond law enforcement control prevents filing of formal charges against the offender. Agencies can clear an offense exceptionally if they can answer all of the following in the affirmative. (1) Has the investigation definitely established the identity of the offender? (2) Is there enough information to support an arrest, charge, and turning over to the court for prosecution? (3) Is the exact location of the offender known so that the subject could be taken into custody now? (4) Is there

some reason outside law enforcement control that precludes arresting, charging, and prosecuting the offender (for example, suicide, deathbed confession, double murder, etc.

COMPSTAT: Compstat is a process or philosophy of crime management, it is not a computer program or software. Compstat is a combination of technical and managerial systems that provides accurate and timely crime related intelligence. Furthermore, it is a measurement system of organizational performance and an interactive system that focuses on organization as a whole, and specifies certain policies to accomplish agency's mission

CRIMINAL STREET GANG means any ongoing organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts... having a common name or common identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=00001-01000&file=186.20-186.34>

DIVERSION: a disposition of a criminal defendant either before adjudication or following adjudication but prior to sentencing, in which the court directs the defendant to participate in a work, educational, or rehabilitation program.

DIVERSION DISMISSED: the successful completion of a diversion program.

FBI CRIME INDEX: the FBI chose seven crimes to serve as an index for gauging fluctuations in the overall volume and rate of crime. These crimes include homicide, forcible raps, robbery, aggravated assault, burglary, larceny-theft, and motor vehicle theft. By congressional mandate. arson was added as the eighth index crime in 1979.

FELONY: a crime which is punishable with death or by imprisonment in the state prison." (P.C. 17 & 18)

FENCE: In the context of this report the word "fence" is used as a noun to refer to a person who buys and sells stolen goods, and as a verb in reference to the act of buying or selling stolen goods.

JAIL: a county or city facility for incarceration of sentenced and unsentenced persons. Also known as type I or II facility (Section 1006 California Code of Regulations).

HIERARCHY OF OFFENSES RULE: For Federal Crime Reporting Purposes Only: When an Arrest involves multiple offences only the highest among the offences are reported. The Part I offenses are as follows:

1. Criminal Homicide
  - a. Murder and Nonnegligent Manslaughter
  - b. Manslaughter by Negligence
2. Forcible Rape
  - a. Rape by Force
  - b. Attempts to Commit Forcible Rape
3. Robbery
  - a. Firearm
  - b. Knife or Cutting Instrument

- c. Other Dangerous Weapon
  - d. Strong-arm—Hands, Fists, Feet, etc.
- 4. Aggravated Assault
  - a. Firearm
  - b. Knife or Cutting Instrument
  - c. Other Dangerous Weapon
  - d. Hands, Fists, Feet, etc.—Aggravated Injury
- 5. Burglary
  - a. Forcible Entry
  - b. Unlawful Entry—No Force
  - c. Attempted Forcible Entry
- 6. Larceny-theft (except motor vehicle theft)
  - a. Pocket -picking
  - b. Purse-snatching
  - c. Shoplifting
  - d. Theft from Motor Vehicles
  - e. Theft of Motor Vehicle Parts
  - f. Theft of Bicycles
  - g. Theft from Buildings
  - h. Theft from Coin Operated Devices or Machines
  - g. All Other
- 7. Motor Vehicle Theft
  - a. Autos
  - b. Trucks and Buses
  - c. Other Vehicles
- 8. Arson
  - a.–g. Structural
  - h.–i. Mobile
  - j. Other

LARCENY THEFT: the unlawful taking, carrying, leading, or riding away of property from the possession of another (except embezzlement, fraud, forgery, and worthless checks). (UCR definition)

LARCENY THEFT FROM MOTOR VEHICLE: The theft of articles from a motor vehicle, whether locked or unlocked. This type of larceny includes thefts from automobiles, trucks, truck trailers, buses, motorcycles, motor homes, or other recreational vehicles. It also includes thefts from any area in the automobile or other vehicle including the trunk, glove compartment, or other enclosure. Some of the items included in this theft category are cameras, suitcases, wearing apparel, cellular phones, MP3 players, and packages.

Agencies must take care not to report items that are automobile parts and accessories since these fall under the category Theft of Motor Vehicle Parts and Accessories (6Xe).

Certain state (including California) statutes might interpret theft from motor vehicles as burglaries. For the UCR Program, however, agencies must classify these thefts as Theft From Motor Vehicles (6Xd) See California Penal Code Section 459.

MISDEMEANOR: a crime punishable by imprisonment in a county jail for up to one year or jail and fine.

PAROLE: an added period of control following release from prison (PC3000(a)).

P.C. (PENAL CODE): the California Penal Code contains statutes that define criminal offenses and specify corresponding punishments along with criminal justice system mandates and procedures.

PLEA OPEN: refers to the defendant pleading without any promise from the prosecution as to what sentence it will recommend. Defendants sometimes reject offers [from the prosecution] and choose open pleas in the hope that they'll receive a better sentence than they would under the prosecution's proposal. (Nolo.com [www.nolo.com/legal-encyclopedia/what-open-plea.html](http://www.nolo.com/legal-encyclopedia/what-open-plea.html))

PRE-FILING DEFERRAL: action taken by a prosecutor to defer the filing of felony charges against a first-time offender who committed a less serious felony. A case is filed but there is no further disposition until the subject completes the diversionary program (e.g., support group, rehabilitation program, etc.).

PRISON: a state correctional facility where persons are confined following conviction of a felony offense.

PROBATION: a judicial requirement that a person fulfill certain conditions of behavior in lieu of a sentence to confinement but sometimes including a jail sentence.

STOLEN PROPERTY: Buying, Receiving, Possessing: Buying, receiving, possessing, selling, concealing, or transporting any property with the knowledge that it has been unlawfully taken, as by burglary, embezzlement, fraud, larceny, robbery, etc.

SUPERIOR COURT: the court of original or trial jurisdiction for felony cases and all juvenile hearings. Also, the first court of appeal for municipal or justice court cases.

UNIFORM CRIME REPORTING (UCR): a federal reporting system which provides data on crime based on police statistics submitted by law enforcement agencies in the nation. DOJ administers and forwards the data for California to the federal program.

VIOLATION: breach or infringement of the terms or conditions of probation.

VIOLENT CRIMES: crimes against people. This category includes homicide, forcible rape, robbery, and aggravated assault.

VIOLENT OFFENSES: arrest offenses for crimes against people. This category includes homicide, forcible rape, robbery, aggravated assault, and kidnapping.

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## Appendix A: Understanding Auto Burglary and Related Crimes.

“Auto burglary” in California is often confusing to people, because it involves two crimes charged together.

The auto burglary: a person must be caught in the act of breaking into a locked vehicle with witness testimony from police, or other credible person, or video surveillance evidence.

Theft: if the value of the property stolen is less than \$950, the additional charge would be misdemeanor/petty theft from a locked vehicle. If the value of the property stolen exceeds \$950, the additional charge would be felony/grand theft of property from a locked vehicle. Auto burglary and theft charges are the most common combination of charges that include auto burglary.

Breaking into a vehicle for the purpose of stealing the vehicle is not classified as auto burglary. Breaking into a vehicle to steal the vehicle is reported in its own category, “Vehicle theft.”

A far less common form of auto burglary occurs if a person breaks into a vehicle and then waits to murder, rob, rape, kidnap, assault the driver or another person. If the conditions of breaking into a locked vehicle were witnessed or captured on video surveillance and evidence beyond doubt of the other felony, or its intent, exists, then auto burglary and the other felony crime would be charged.

When a person returns to their vehicle and discovers that it has been broken into and property stolen, we commonly use the language “burglary.” When speaking of the epidemic rates of property theft from vehicles in San Francisco, local media often refer to these incidents collectively as auto burglary. However, most cases of auto burglary are actually classified as one of the following categories when reported.

Grand Theft/Larceny from a Locked Vehicle  
Petty Theft/Larceny from a Locked Vehicle  
Grand Theft/Larceny from an Unlocked Vehicle  
Petty Theft/Larceny from an Unlocked Vehicle

Even if a suspect is identified by police, credible witness, or video evidence, the theft classification would remain, and the suspect additionally charged with auto burglary, under California penal code 459,

In this report of the San Francisco, Civil Grand Jury, the word phrase “auto burglary” refers to auto burglary and four related crimes:

Auto Burglary  
Grand Theft/Larceny from a Locked Vehicle  
Petty Theft/Larceny from a Locked Vehicle  
Grand Theft/Larceny from an Unlocked Vehicle  
Petty Theft/Larceny from an Unlocked Vehicle



## Appendix B: Plea Open Outcomes

**Table B1: Case 1 Example of Plea Open Outcomes from the SF DA Case Files**

CASE 1	
Defendant Profile	Ten prior felony convictions, six of which resulted in state prison commitments. Guilty plea to auto burglary in return for felony probation but failure to appear for sentencing, subsequently arrested on second auto burglary case, charged as a felony.
Final DA Offer	Two years state prison on the second felony auto burglary case.
Plea Open Sentence	Felony probation on the first auto burglary charge, with no additional jail time; second felony auto burglary reduced to a misdemeanor, with 68 days in County Jail.

**Table B2: Case 2 Example of Plea Open Outcomes from the SF DA Case Files**

CASE 2	
Defendant Profile	Two grants of probation for robbery and accessory when arrested for an auto burglary case.
Final DA Offer	Two years eight months in state prison on the new auto burglary case.
Plea Open Sentence	One year in county jail and felony probation with intensive supervision.

**Table B3: Case 3 Example of Plea Open Outcomes from the SF DA Case Files**

CASE 3	
Defendant Profile	Prior strike conviction, multiple prior prison commitments, on felony probation for possessing stolen property when arrested for auto burglary.
Final DA Offer	Three years eight months in state prison.
Plea Open Sentence	Two years in state prison.

## Appendix C: Crime Statistics for Decision Making

Crime Statistics for Decisionmaking - Uniform Crime Reporting Statistics  
[www.ucrdatatool.gov/data/crimestatisticsfordecisionmaking.doc](http://www.ucrdatatool.gov/data/crimestatisticsfordecisionmaking.doc)

### CRIME STATISTICS FOR DECISIONMAKING

The law enforcement community has an ever-increasing need for timely and accurate data for a variety of purposes such as planning, budget formulation, resource allocation, assessment of police performance, and the evaluation of experimental programs. The information in this section focuses on the use, method of computation, and limitations of basic crime indicators employed by the Uniform Crime Reporting (UCR) Program. These indicators can aid law enforcement administrators in the performance of their duties and serve as forerunners for the implementation of more sophisticated analytical tools.

Volume, rate, and trend are basic crime indicators used in the UCR Program. Each statistic provides a different perspective of the crime experience known to law enforcement officials.

#### Volume

Crime volume is a basic indicator of the frequency of known criminal activity. In analyzing offense data, the user should be aware that a UCR volume indicator does not represent the actual number of crimes committed; rather, it represents the number of reported offenses. With respect to murder and nonnegligent manslaughter, forcible rape, and aggravated assault, it represents the number of known victims. For robbery, burglary, larceny-theft, motor vehicle theft, and arson, it represents the number of known incidents. The crimes are divided into two components: violent and property crimes. The violent crime total includes murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault, while the property crime total encompasses burglary, larceny-theft, motor vehicle theft, and arson.

#### Offense and arrest rates

Crime rates are indicators of reported crime activity standardized by population. They are more refined indicators for comparative purposes than are volume figures. The UCR Program provides three types of crime rates: offense rates, arrest rates, and clearance rates.

An offense rate, or crime rate, defined as the number of offenses per 100,000 population, is derived by first dividing a jurisdiction's population by 100,000 and then dividing the number of offenses by the resulting figure. Crime or arrest rates are derived from law enforcement agencies for which 12 months of complete offense or arrest data have been submitted.

#### Example:

- a. Population for jurisdiction, 75,000
- b. Number of known burglaries for jurisdiction for a year, 215

Divide 75,000 by 100,000 = .75

Divide 215 by .75 = 286.7

The burglary rate is 286.7 per 100,000 inhabitants.

The number .75 can now be divided into the totals of any offense category to produce a crime rate for that offense. The same procedure may be used to obtain arrest rates per 100,000 inhabitants.

#### Clearance rates

A clearance rate differs conceptually from a crime or arrest rate in that both the numerator and denominator constitute the same unit of count (i.e., crimes). Unlike a crime or arrest rate, a clearance rate represents percentage data. A clearance rate is, therefore, equivalent to the percentage of crime cleared.

The percentage of crimes cleared by arrest and exceptional means (i.e., clearance rate) is obtained first by dividing the number of offenses cleared by the number of offenses known and then multiplying the resulting figure by 100.

Example:

a. Number of clearances in robbery, 38

b. Number of total robberies, 72

Divide 38 by 72 = .528

Multiply .528 x 100 = 52.8 percent

The clearance rate for robbery is 52.8 percent.

#### Crime trends

Crime trend data from one period to the next are presented in the UCR Program's annual report Crime in the United States and other UCR publications. A crime trend represents the percentage change in crime based on data reported in a prior equivalent period.

These statistics play a prominent role for both offense and arrest analyses. Trends can be computed for any time frame, such as months, quarters, or years. The UCR Program employs two types of trend statistics: volume trends and rate trends. Local agencies can compute trends for a given offense for any period of time.

Trend computation requires two numbers representing the two comparable time frames. In the example below, (earlier) represents the crime volume or rate for the first period or earlier period of comparison, and (later) represents the corresponding crime volume or rate for the second period or later period of comparison. The trend is computed by first subtracting (earlier) from the (later), then dividing the difference by (earlier), and finally by multiplying the quotient by 100.

Example:

a. Murders in the jurisdiction for January through June, last year, 21

b. Murders in the jurisdiction for January through June, this year, 29

Subtract:

29

-21

8

Notice that "8" is an increase over the past year.

Divide 8 by 21 = .381

Always divide the difference by the total in the earlier time period.

Multiply .381 by 100 = 38.1 percent.

The volume trend in murder is an increase of 38.1 percent for the first 6 months of this year as compared to the first 6 months of the prior year. Note that there can never be a decline of more than 100 percent. Also, if the figure for a prior period is zero, a trend computation cannot be made.

This same computation will yield rate trends if rate figures are substituted for volume figures in the above formula.

#### Law enforcement employee rates

Law enforcement employee rates are expressed as the number of employees per 1,000 inhabitants. To compute such a rate, divide the jurisdiction's population by 1,000 and divide the number of employees in the law enforcement agency by this number.

Example:

- a. The jurisdiction's population, 75,000
- b. The agency's number of employees, 102

Divide 75,000 by 1,000 = 75

Divide 102 by 75 = 1.36

The employee rate is 1.36 employees per 1,000 inhabitants.

#### Other indicators

Another commonly computed crime indicator is a population-at-risk rate. In essence, a population-at-risk rate is a refined crime rate measured in units that are most inclined to be victimized. The burglary rate based on the gross number of inhabitants may not be as accurate as a population-at-risk rate based on the number of units subject to be burglarized (residences and/or commercial establishments). Below are some of the common indicators of population-at-risk rates for different offenses:

- a. Female Rape—The number of females 12 and older  
number of rapes

Rate = number of females x 100,000  
12 and older

- b. Commercial burglary—the number of commercial establishments  
number of

commercial burglaries

Rate = number of x 100,000  
commercial establishments

- c. Residential burglary—the number of residences  
number of

Rate = residential burglaries x 100,000  
number of residences

- d. Motor vehicle theft—the number of motor vehicle thefts per 100,000 registered  
vehicles

number of

motor vehicle thefts

Rate = number of x 100,000  
registered vehicles

#### Data limitations

When analyzing UCR statistics, direct agency-to-agency comparisons should be guarded against. Such comparisons could be misleading unless demographic differences between jurisdictions are taken into account. Every community has a unique social, ethnic, and economic configuration that may affect its crime statistics. These dissimilarities may bias the results of any comparative analysis between agencies. A jurisdiction's crime situation is complex and cannot always be treated superficially as it might be in direct agency-to-agency comparisons.

In general, the decision to use any indicator for analysis purposes must be made with care. The UCR indicators discussed previously have utility for law enforcement administrators; however, they must be used with caution. No single indicator is a panacea for crime analysis. Instead, decisions that law enforcement administrators are called upon to make require a multifaceted analytical approach.

## APPENDIX D: CRIMES AGAINST TOURISTS

The Center for Problem Oriented Policing at The New York State University at Albany. Develops resources addressing a variety of policing issues. Some of the issues relevant to crimes against tourists are discussed in Guide No. 26 (2004).<sup>1</sup> A summary of those issues is presented in the following three tables

As a region grows economically, it also becomes a destination for visitors and tourists. There is a relationship between growth in visitors and increases in crime. Visitors and tourists are viewed as lucrative targets because they often carry cash and other valuables. Tourist and leisure visitors are often more vulnerable because they are relaxed and off guard, even careless at times. Tourists often don't report crimes and may wish not to return to testify. Table D1 below presents some factors to consider about crimes against tourists.

**Table D1: Factors to Consider: Crimes Against Visitors and Tourists**

The tourist is an accidental victim, in the wrong place at the wrong time.
Tourist locations are often conducive to crime, large crowds and many potential victims.
The industry provides victims, arriving and departing frequently.
Tourism can insight local animosity/bias, increasing the chances of crimes targeting tourists.
Gangs and organized crime groups may begin to specifically target tourists.
Crimes against tourists may damage a destination's image and impede industry growth.
Crimes against tourists often occur in areas with higher overall crime rates.

By understanding visitor and tourist related crimes, local governments can better prepare to meet the needs of those visitors and tourists who have been victimized by crime. In most cases, visitors and tourists are victims rather than suspects. In many cases, visitors and tourists can contribute to their own victimization. Table D2 describes ways that tourists can be a party to their own victimization.

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<sup>1</sup> Glensor R.W., and Peak K.J (2004) Guide Number 26: Crimes against Tourists. Center for Problem Oriented Policing. State University of New York at Albany.  
[http://www.popcenter.org/problems/crimes\\_against\\_tourists/](http://www.popcenter.org/problems/crimes_against_tourists/)

**Table D2: Ways Visitors and Tourists Contribute to Their Own Victimization**

Taking risks, gambling, or participating in challenges they wouldn't otherwise engaging in.
Carrying and flashing large sums of money.
Going to dangerous or isolated locations.
Leaving valuable items in public view.
Looking like a tourist (looking at map, rental car, camera).
Engaging in heavy drinking and/or rowdy behavior.
Soliciting criminal activity: drugs and/or prostitution.

To better respond to and reduce crimes against visitors and tourists it is necessary to actively collect and analyze information about tourist related crimes. Table D3 presents key data areas to support police authorities in making informed decisions.<sup>2</sup>

**Table D3: Data Information to Collect to Understand Visitor and Tourist Related Crimes**

The number and types of visitor and tourist related incidents.
The times and locations of visitor and tourist related incidents.
Differentiate visitor/tourist as victim vs visitor/tourist as suspect.
The victim's characteristics.
The offender's characteristics.
Current public safety responses.
The effectiveness of public safety responses.

<sup>2</sup> Glensor R.W., and Peak K.J (2004) Guide Number 26: Crimes against Tourists. Center for Problem Oriented Policing. State University of New York at Albany.  
[http://www.popcenter.org/problems/crimes\\_against\\_tourists/](http://www.popcenter.org/problems/crimes_against_tourists/)

In 1997, the Hawaii State Attorney General’s Office established a services for tourist victims program. In 2002<sup>3</sup>, Hawaii’s Attorney General identified tourists as one of several underserved victims’ groups within the State and with, experience and data, reaffirmed the State's commitment to providing victims services to visitors and tourists. Table D4 presents factors for consideration identified in the Hawaii Attorney General’s Statewide Victim Services Plan (2002)

**Table D4: Hawaii’s Victims Services for Tourist Program**

Hawaii recognized that its government had to be involved in cooperation with industry not-for-profits for the program to work.
Government and industry provided services needed to be expedited to meet immediate needs of victims.
Stolen identification and passports represented a significant and immediate problem for tourists.
Assisting tourists with a temporary replacement identification made it possible to cancel and rebook airline tickets, access banking services, enjoy an alcoholic beverage, and pass through Transportation Security when they departed.
Tourists who would have returned home, continue their vacation because they were able to resolve problems.
Hawaii’s program is a partnership with the visitors and tourist industry that financially supports and staffs a non-profit organization that provides visitors and tourists with direct assistance, coordinates with government, and provides appropriate referrals.  assists visitors and tourists who have been victimized meet immediate needs other immediate needs, application for reimbursement for counseling or medical attention, temporary lodging, emergency cash, groceries or restaurant certificates, and calling cards to contact family or friends for support.
Examples of resources that are provided to visitors and tourists who have been victimized by crime include referral to medical and mental health care, calling cards to phone family or friends, temporary lodging, grocery or restaurant certificates, replacing prescription medication, clothing, assistance canceling credit cards and preventing identity fraud, and help with police reports and applications for reimbursement of medical treatment.

<sup>3</sup> Chandler S.M., Kumaran, M. (2002) Hawai’i Statewide Strategic Plan for Victim Services: Department of the Attorney General. College of Social Sciences, Public Policy Center, University of Hawai’i at Manoa.



