



DENNIS J. HERRERA
City Attorney

DIRECT DIAL: (415) 554-4700

July 5, 2016

Hon. John K. Stewart
Presiding Judge
San Francisco Superior Court
400 McAllister Street
San Francisco, CA 94102

Re: **City Attorney Office's response to the June 2016 Civil Grand Jury Report released on June 20, 2016 and entitled, "Auto Burglary in San Francisco"**

Dear Judge Stewart:

In accordance with Penal Code Sections 933 and 933.05, the Office of the City Attorney submits the following response to the June 2016 Civil Grand Jury Report entitled, *Auto Burglary in San Francisco*. The Grand Jury requested that this office respond to the report.

For each Civil Grand Jury finding for which the Grand Jury has requested a response, the statutes require the respondent to either:

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

For each Civil Grand Jury recommendation for which the Grand Jury has requested a response, the statutes require the respondent to report:

1. that the recommendation has been implemented, with a summary explanation of how it was implemented;
2. the recommendation has not been implemented, but will be implemented in the future, with a time frame for the implementation;
3. the recommendation requires further analysis, with an explanation of the scope of that analysis and a time frame for the officer or agency head to be prepared to discuss it (less 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 of why that is.

Findings F.F.1 through F.F.7, and Recommendation R.F.1, of the auto burglary report address the establishment of a Visitor and Tourist Assistance Program. The Findings appear to seek a response, to some degree, from the City Attorney, although the identification of the intended responders is unclear. Recommendation R.F.1 seeks a response from the City Attorney, among others. The City Attorney therefore submits the following responses:

Finding F.F.1.

Visitors/tourists, often targeted for crime, have unique needs that can often be foreseen and prepared for by victims' services organizations.

City Attorney's Office Response To Finding F.F.1.

Agree.

Finding 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.

City Attorney's Office Response To Finding F.F.2.

To the extent this finding states a policy rather than a factual conclusion, the City Attorney is unable to determine its accuracy or correctness. The substance of this finding is beyond the expertise and jurisdiction of the City Attorney, and the City Attorney therefore cannot agree or disagree with it.

Finding 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.

City Attorney's Office Response To Finding F.F.3.

To the extent this finding states a policy rather than a factual conclusion, the City Attorney is unable to determine its accuracy or correctness. The substance of this finding is beyond the expertise and jurisdiction of the City Attorney, and the City Attorney therefore cannot agree or disagree with it.

Finding 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.

City Attorney's Office Response To Finding F.F.4.

Agree.

Finding 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.

City Attorney's Office Response To Findings F.F.1 – F.F.7.

To the extent this finding states a policy rather than a factual conclusion, the City Attorney is unable to determine its accuracy or correctness. The substance of this finding is beyond the expertise and jurisdiction of the City Attorney, and the City Attorney therefore cannot agree or disagree with it.

Finding F.F.6.

Government, industry and not-for-profit partnerships can work together to meet needs following victimization.

City Attorney's Office Response To Finding F.F.6.

Agree.

Finding 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.

City Attorney's Office Response To Finding F.F.6.

To the extent this finding states a policy rather than a factual conclusion, the City Attorney is unable to determine its accuracy or correctness. The substance of this finding is beyond the expertise and jurisdiction of the City Attorney, and the City Attorney therefore cannot agree or disagree with it.

Recommendation R.F.1.

Review for form [legislation creating a visitor and tourist protection and assistance program]

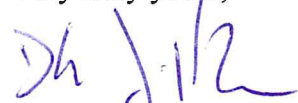
City Attorney's Office Response To Recommendation R.F.1.

The City Attorney's Office will review and, if appropriate, approve as to form any legislation creating a visitor and tourist protection and assistance program, and will otherwise assist the Mayor and the Board of Supervisors in preparing such legislation if requested.

July 5, 2016

We hope this information is helpful.

Very truly yours,



DENNIS J. HERRERA
City Attorney