

BOARD of SUPERVISORS



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DATE: August 24, 2016
TO: Members of the Board of Supervisors
FROM: *ACC* Angela Calvillo, Clerk of the Board
SUBJECT: 2015-2016 Civil Grand Jury Report "Auto Burglary in San Francisco"

We are in receipt of the following required responses to the San Francisco Civil Grand Jury report released June 20, 2016, entitled: Auto Burglary in San Francisco. Pursuant to California Penal Code, Sections 933 and 933.05, the City Departments shall respond to the report within 60 days of receipt, or no later than August 19, 2016.

For each finding the Department response shall:

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

As to each recommendation the Department shall 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.

The Civil Grand Jury Report identified the following City Departments to submit responses (attached):

- Mayor's Office submitted a consolidated response for the following departments:
 - a. Mayor's Office of Public Policy and Finance
 - b. Mayor's Office of Legislative and Government Affairs
 - c. Police Department
 - d. Public Works
 - e. Planning Department
 - f. City Administrator
 - g. Office of Civic Engagement and Immigrant Affairs
 - h. Director of Department of Technology

Received August 19, 2016, for Findings F.A.1, F.A.3, F.A.4, F.B.1, F.B.2, F.C.1, F.D.1, F.D.2, F.D.3., F.E.1 through F.E.5, F.F.1 through F.F.9 and Recommendations R.A.1, R.A.3, R.A.4, R.A.5, R.B.1 through R.B.3, R.C.1, R.D.1 through R.D.3, R.E.1, R.E.2.a, R.E.2.b, R.E.2.c, R.E.2.d, R.E.3.a, R.E.3.b, R.E.3.c, R.E.4, R.F.1, R.F.2, R.F.3

- City Attorney
Received July 29, 2016, for Findings F.F.1 through F.F.7 and Recommendation R.F.1
- District Attorney
Received August 19, 2016, for Findings F.A. 3, F.A.4, F.B.1, F.B.2, F.C.1, F.D.4 and Recommendations R.A.2, R.A.3, R.B.1, R.B.3, R.C.1, R.C.3, R.C.4, R.D.4, R.D.5, and R.E.4

These departmental responses are being provided for your information, as received, and may not conform to the parameters stated in California Penal Code, Section 933.05 et seq. The Government Audit and Oversight Committee will consider the subject report, along with the responses, at an upcoming hearing and will prepare the Board's official response by Resolution for the full Board's consideration.

c:

Honorable John K. Stewart, Presiding Judge
Kathie Lowry, 2016-2017 San Francisco Civil Grand Jury
Kitsaun King, 2016-2017 San Francisco Civil Grand Jury
Jay Cunningham, 2015-2016 San Francisco Civil Grand Jury
Alison Scott, 2015-2016 San Francisco Civil Grand Jury
Kate Howard, Mayor's Office
Anthony Ababon, Mayor's Office
Naomi Kelly, City Administrator
Ben Rosenfield, Controller
Asja Steeves, Controller
Jon Givner, Deputy City Attorney
Alisa Somera, Legislative Deputy Director
Severin Campbell, Budget and Legislative Analyst
Jadie Wasilco, Budget and Legislative Analyst
Toney D. Chaplin, Police Department
Christine Fountain, Police Department
Mohammed Nuru, Public Works
Frank Lee, Public Works
John Rahaim, Planning Department
AnMarie Rodgers, Planning Department
Adrienne Pon, Office of Civic Engagement and Immigrant Affairs
Melissa Chan, Office of Civic Engagement and Immigrant Affairs
Miguel Gamino, Department of Technology
David German, Department of Technology



Received via email
8/19/2016
File Nos. 160611 and 160612

August 19, 2016

The Presiding Judge
Superior Court of California, County of San Francisco
400 McAllister Street
San Francisco, CA 94102

Dear Judge Stewart:

Pursuant to Penal Code sections 933 and 933.05, the following is in reply to the 2015-16 Civil Grand Jury report, *Auto Burglary in San Francisco*. We would like to thank the members of the Civil Grand Jury for their interest in ensuring the continued safety and security of San Franciscans and visitors to the City and County of San Francisco.

In the upcoming November 2016 election, San Franciscans will consider the creation of Neighborhood Crime Units, which will dedicate 3 percent of San Francisco Police Department (SFPD) staff for response to crimes like auto break-ins and home burglaries. The Safe Neighborhoods effort complements the City's reaching the charter mandate of 1,971 officers, which is expected by the end of 2017.

The Neighborhood Crime Unit tracks and comprehensively investigates neighborhood crime like auto and home burglaries; and dedicates a team approach to proactively deter and respond to locations around the City where crime is prevalent. The Neighborhood Crime Unit works with district captains, SF311, the Department of Emergency Management, and the 911 Emergency Communications Center to improve communication with shared crime data and transparent data metrics.

The Neighborhood Crime Unit complements the Patrol Bureau Task Force, Crime Analysis Unit, District Stations, and other SFPD resources, addressing many of the issues identified by the Civil Grand Jury report. It also improves allocation of resources to deter and prevent crime that is not defined by geographic areas and moves from block to block and neighborhood to neighborhood.

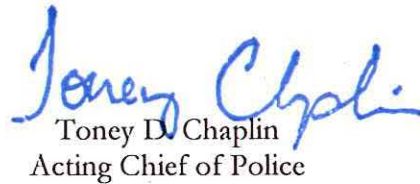
A detailed response from the Mayor's Office, the City Administrator's Office, City Planning, Police Department, Department of Public Works, and the Department of Technology to the Civil Grand Jury's findings and recommendations follows.

Thank you again for the opportunity to comment on this Civil Grand Jury report.

Sincerely,



Edwin Lee
Mayor



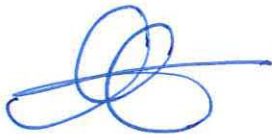
Toney D. Chaplin
Acting Chief of Police



Naomi M. Kelly
City Administrator



John S. Rahaim
Director of Planning



Miguel A. Gamiño, Jr.
City CIO
Executive Director
Department of Technology



Mohammed Nuru
Director, Public Works

Findings:

Finding 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 surveillance.

Disagree with finding, partially.

SFPD has and utilizes surveillance vehicles in operations conducted by the Patrol Bureau Task Force (PBTF). For example, for FY 2015-16, the City budgeted 33 unmarked Ford Fusion Hybrids for the department. SFPD continues to review the use of these vehicles and other vehicle options to enhance the effectiveness of PBTF operations.

Finding 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 incidents for the DA, its benefit must be weighed against the harm done to victims prior to an arrest.

Agree with finding.

Finding 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.

Agree with finding.

Finding 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.

Disagree with finding, partially.

While forensic video can assist as additional evidence for prosecution, it is not required for prosecution. However, when forensic video is available, it is acquired by the investigating officer or unit. This function would not be undertaken by the attorney who is preparing to prosecute. Forensic video evidence, when available, currently is provided to the ADA in the presentation process.

Finding 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 professional development classes specific to auto burglary in San Francisco.

Disagree with finding, partially.

SFPD agrees that the Assistant District Attorney (ADA) works with arresting officers on best practices for evidence collection. SFPD has continuing professional development courses on investigating various crimes

including auto burglaries. An example is SFPD's plain clothes course which provides instruction on various areas of investigations. They include, search warrant, surveillance, case management and case presentation among other disciplines. SFPD will review courses such as these to determine if additional instruction can be provided by the District Attorney's office to enhance cases for prosecution.

Finding 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.

Disagree with finding, partially.

Units that review cases are in frequent communication. Moreover, the unique perspectives of the reviewing ADA of auto crimes, the Gang Unit, and the Crime Strategies Unit improve collaboration and pooling of information to develop and implement best practices for prosecuting organized criminals.

Finding 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.

Agree with finding.

Finding 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.

Disagree with finding, partially.

SF OpenData is available to the general public and users of SF OpenData will have varying analytical skills and computer technology. City departments do not have the ability to gauge the individual analytical skills necessary to manipulate data on SF OpenData.

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

Agree with finding.

Finding 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.

Disagree with finding, wholly.

SFPD does have resources and information that it provides to the public on these areas, including: SFPD's web site, SFPD's district station captain's newsletter, and district captain and community meetings. SFPD

also partners with SFSafe to provide public information and crime tips to the community. The information and link to SFSafe is available on the department's web site.

Created in 1976 as a project of the SFPD, San Francisco SAFE, Inc. (Safety Awareness for Everyone, SFSafe) is a community crime prevention and public safety program that works in cooperation with SFPD and other City agencies to help San Franciscans protect themselves from becoming victims.

Finding F.E.2: Auto burglars take advantage of areas with restricted visibility, low light, fast escape and hiding places.

Agree with finding.

The Department of Public Works (DPW) incorporates principles of crime prevention in design, ongoing maintenance, and management of City property and public spaces. It is the responsibility of every division and employee to strive to create and maintain safe, clean, green and sustainable public spaces. DPW ensures adherence to principles of crime prevention by establishing annual performance plans at the beginning of each fiscal year and appraising performance near the end of each fiscal year. In project design and maintenance, staff have a holistic process that includes considering public safety (including visibility and lines of sight, landscape architecture, lighting (in conjunction with the San Francisco Public Utilities Commission), and accessibility to emergency services.

Finding F.E.3: The SF Community Ambassadors Program has been well received by residents and merchants in the neighborhoods they have been deployed.

Agree with finding.

The Community Ambassadors Program (CAP) was developed in 2010 to bridge tensions in the community due to cultural or linguistic differences. Administered by the Office of Civic Engagement & Immigrant Affairs (OCEIA), a division of the City Administrator's Office, this program was initiated by community leaders and advocates concerned about increased violence and ensuring public safety in high crime areas along major transit/business corridors. CAP partners with Alive and Free (formerly Omega Boys Club), local businesses, law enforcement, City agencies, schools and numerous community-based organizations. CAP's key goals are to: 1) promote safety and assist residents; 2) engage, educate and inform the public about safety practices and available city resources and programs; and 3) encourage collaboration, unity and civic participation by role modeling positive interactions and behaviors.

Finding 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.

Agree with finding.

Finding 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.

Disagree with finding, partially.

SFPD is considering the inclusion of “Visitor/Tourist” selection in SFPD Incident Reports to improve tracking and reporting of victims of crime. Beginning June 2017, Assembly Bill 953 requires officers to begin to collect other victim demographic information such as race, ethnicity, age, and gender, and availability of demographic victim data may provide additional opportunities to improve practices.

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.

Disagree with finding, partially.

SFPD is considering the inclusion of “Visitor/Tourist” selection in SFPD Incident Reports to improve tracking and reporting of victims of crime. Beginning June 2017, Assembly Bill 953 requires officers to begin to collect other victim demographic information such as race, ethnicity, age, and gender, and availability of demographic victim data may provide additional opportunities to improve practices. Improvements in policing includes consideration of the needs of all victims of crime, including visitors / tourists.

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.

Agree with finding.

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.

Agree with finding.

The law enforcement community establish programs to prevent and deter crimes and SFPD strives to improve policing practices to better serve all of San Francisco, including visitors/tourists.

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.

Disagree with finding, partially.

While we agree that the existing laws and resources can be leveraged to protect San Franciscans and visitors/tourists, the City implements programs that focus on rehabilitation and reductions in recidivism, such as the Interrupt, Predict, and Organize for a Safer San Francisco (IPO).

Five Keys provides intensive and comprehensive education intervention, vocational planning, and academic case management for IPO participants. Through Five Keys, IPO participants are provided educational assessment and basic skills training, along with high school and GED completion services.

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.

Disagree with finding, partially.

San Francisco provides essential services to all victims of crime, including visitors/tourists to support their needs. The creation of a temporary replacement identification card for visitors / tourists that supports efforts to access services requires coordination of identification card granting agencies, such as the California Department of Motor Vehicles and foreign governmental entities (consulates), and service providers such as banks and airlines.

Finding F.F.6: Government, industry and not-for-profit partnerships can work together to meet needs following victimization.

Agree with finding.

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.

Agree with finding.

Finding F.F.8: The visitor's tab on sfgov.org, the City's Internet homepage, does not provide resources for visitors/tourists in distress.

Agree with finding.

Finding F.F.9: Visitor/tourist selection on SFPD Incident Reports should be a search/sort field for SFPD incident reports on datasfgov.org

Disagree with finding, partially.

While it might be informative to include "Visitor/Tourist" selection in SFPD Incident Reports, implementation will be complicated by victims choosing not to select the appropriate "Visitor/Tourist" designation. SFPD wants to ensure accurate or complete incident reporting in Incident Reports. Beginning June 2017, Assembly Bill 953 requires officers to begin to collect other victim demographic information such as race, ethnicity, age, and gender.

Recommendations:

Recommendation R.A.1: 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.

Recommendation has been implemented.

SFPD evaluates staffing levels of all divisions within the department as part of its budget development process each year. Staffing evaluation includes additional staffing and investigators to PBTF. SFPD has met with vendors and is evaluating additional equipment and technology to enhance the operations of PBTF that could be requested in connection with future budget requests. SFPD plans to allocate crime analysts to the investigations division which includes PBTF in the next three months.

Recommendation R.A.3: Collaborate with the FBI to apprehend the most prolific regional auto burglars to bring federal charges.

Recommendation has been implemented.

SFPD collaborates with the FBI on federal charges. Currently, there are no federal laws that allow for the bringing of federal charges specifically for auto burglaries. SFPD is evaluating and discussing with the FBI federal charges for other violent crimes that have a correlation to the same suspects committing auto burglaries.

Recommendation R.A.4: 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.

Recommendation will not be implemented.

Current SFPD policy on the apprehension of non-violent felons is a factor in making arrests for individuals who commit auto burglaries, and SFPD weighs options with the safety of the public in mind. SFPD presents multiple cases to the DA for individuals committing multiple auto burglaries (i.e. bundling). SFPD and the District Attorney collaborate when feasible to bundle cases.

Recommendation R.A.5: 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.

Recommendation has been implemented.

SFPD has a serial crime investigative unit that tracks many serial criminals. In addition, SFPD evaluates staffing levels of all units to add additional investigators and officers as staffing levels within the department increase. SFPD currently has a captain that oversees lieutenants and investigators within the individual investigative units.

Recommendation R.B.1: 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.)

Recommendation has been implemented.

SFPD agrees that obtaining forensic video will enhance the case for prosecution after the crime has been charged by the District Attorney. SFPD is training additional forensic video technicians at regular intervals twice a year.

Recommendation R.B.2: 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.

Recommendation has been implemented.

SFPD's district station captains ensure that supervisors, including investigative lieutenants and sergeants, review reports for accuracy and completeness during their daily shifts. Any required deficiencies identified by the ADA are corrected. Training is provided to officers when warranted. The commanding officer of the Investigations Division meets at least monthly with senior management at the District Attorney's office to discuss case presentation and deficiencies and provides feedback to district station personnel. The investigations division also holds frequent meetings with investigators and has integrated the District Attorney's office at the meetings for feedback, training, and discussion of cases and crimes.

Recommendation R.B.3: 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.

Recommendation has been implemented.

SFPD currently has continuing professional development courses such as the plain clothes course that aids in evidence collection in burglary cases. During the basic POST course curriculum taken by all sworn members, there is a curriculum and instruction on collection of evidence at burglaries. Additionally, SFPD trains basic course cadets and continuing professional education for veteran members on the collection of evidence (fingerprints, etc.) at the scene of an auto burglary for forensic analysis.

Recommendation R.C.1: 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.

Requires further analysis.

The Mayor's Budget Instructions are provided to departments in December of each year and the Mayor proposes a balanced two year budget the following June for consideration by the Board of Supervisors. The budget for the District Attorney's Office will be considered in connection with the City's budget process for FY 2017-18 and FY 2018-19, as provided by the City Charter.

Recommendation R.D.1: Ensure the annual report graphically shows totals of the auto burglary incidents as separate from “larceny/theft.

Recommendation has not been, but will be, implemented in the future.

SFPD can categorize incidents separately and will do so in the next annual report for FY 2016-2017.

Recommendation R.D.2: 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.

Requires further analysis.

SFPD will review this need and our ability to provide these statistics to the Board of Supervisors. The department is working on improving its data collection consistent with best practices in 21st century policing. SFPD will report on its progress in six months.

Recommendation R.D.3: 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.

Requires further analysis.

While it might be informative to include “Visitor/Tourist” selection in SFPD Incident Reports, implementation will be complicated by victims choosing not to select the appropriate “Visitor/Tourist” designation. SFPD wants to ensure accurate or complete incident reporting. Beginning June 2017, Assembly Bill 953 requires officers to begin to collect other victim demographic information such as race, ethnicity, age, and gender.

Recommendation R.E.1: Develop web-pages on the SFPD website containing information about crime advisories, crime prevention, safety resources, and services that SFPD offers.

Recommendation has been implemented.

SFPD does have resources and information that it provides to the public on these areas, including: SFPD's web site, SFPD's district station captain's newsletter, and district captain and community meetings. SFPD also partners with SFSafe to provide public information and crime tips to the community. The information and link to SFSafe is available on the department's web site.

Recommendation R.E.2.a: Mayor: Direct and coordinate inter-departmental efforts;

Recommendation has been implemented.

The City, including the Mayor's Office and City departments, works collaboratively to improve crime prevention and deterrence. For example, the Public Safety Cluster consists of SFPD, Department of Public Health, Adult Probation Department, Juvenile Probation Department, Department of Children, Youth, and their Families, Parks and Recreation Department, San Francisco Unified School District, District Attorney's

Office, Department on the Status of Women, Department of Child Support Services, Mayor's Office of Housing, and Department of Public Works. It aligns existing strategies with new opportunities that directly impact and reduce street violence. Additionally, the Street Violence Response Team convenes the Mayor's Office, SFPD, Department of Public Health, District Attorney's Office, and the San Francisco Unified School District to address the violence prevention and enforcement needs of San Francisco.

Recommendation R.E.2. 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;

Recommendation has been implemented.

San Francisco Public Works incorporates principles of crime prevention in design, ongoing maintenance, and management of City property and public spaces. It is the responsibility of every division and employee to strive to create and maintain safe, clean, green and sustainable public spaces. Public Works ensures adherence to principles of crime prevention by establishing annual performance plans at the beginning of each fiscal year and appraising performance near the end of each fiscal year. In project design and maintenance, staff have a holistic process that includes considering public safety (including visibility and lines of sight, landscape architecture, lighting (in conjunction with PUC)), and accessibility to emergency services.

Recommendation R.E.2. c: Chief of Police: Collaborate with DPW and Planning to identify areas associated with auto burglary and other crimes for attention;

Recommendation has been implemented.

SFPD has ongoing discussions with various city agencies such as the Department of Public Works (DPW) and the Recreation and Parks Department (RPD) related to improvements to deter criminal activity. Examples include the implementation of warning signage around tourist hot spots and high crime areas that have been implemented and will continue.

Recommendation R.E.2.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.

Recommendation has been implemented.

Many of the Planning Department's plans, policies, and urban design guidelines incorporate and reinforce commonly accepted safety by design principles by promoting "eyes on the street". Activating street frontages helps people survey and protect their streets and neighborhoods. In addition to the Planning Code requiring active uses at the ground floors of most new buildings, (which also specifies a minimum amount of transparency for commercial uses), the Planning Department routinely applies the Ground Floor Residential Design Guidelines to ensure residential ground floor units are designed to have direct engagement with the street. Bay windows, balconies, and front entry stoops are all building design elements routinely promoted by the design review in the Planning Department to provide active frontages, surveillance of the streets, adequate lighting, clear sightlines, and secured areas when not visible. These

elements are all considered in the Planning Department's review of development. From the General Plan, to the Planning Code, to our design guidelines; these strategies are valued.

Recommendation R.E.3.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

Requires further analysis.

The Mayor's Budget Instructions are provided to departments in December of each year and the Mayor proposes a balanced two year budget the following June for consideration by the Board of Supervisors. The budget for the Office of Civic Engagement and Immigrant Affairs will be considered in connection with the City's budget process for FY 2017-18 and FY 2018-19, as provided by the City Charter.

Recommendation R.E.3.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.

Requires further analysis

The Community Ambassadors Program (CAP) provides multiracial, multilingual Ambassador teams that act as a visible safety presence, engage the public, and interact with residents, transit riders, merchants, law enforcement, transit, schools and community based organizations. Ambassador teams are assigned to several transit/merchant corridors and neighborhoods in Supervisorial Districts 3, 6, 9, and 10, including Mid-Market, Civic Center, Tenderloin, Chinatown, Mission, Bayview, Dogpatch, Portola, Potrero and Visitacion Valley. Expansion into neighborhoods will be analyzed for feasibility and funding availability by the Mayor's Office and Board of Supervisors.

Recommendation R.E.3.c: Office of Civic Engagement and Immigrant Affairs: deploy Ambassador events team into neighborhoods around special events such as street fairs, festivals, sporting events.

Requires further analysis

Ambassador teams are currently assigned to several transit/merchant corridors and neighborhoods in Supervisorial Districts 3, 6, 9, and 10, including Mid-Market, Civic Center, Tenderloin, Chinatown, Mission, Bayview, Dogpatch, Portola, Potrero and Visitacion Valley. OCEIA will deploy Community Ambassador teams as feasible and expansion into neighborhoods will be analyzed for feasibility and funding availability by the Mayor's Office and Board of Supervisors.

Recommendation R.E.4: 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.

Recommendation has been implemented.

SFPD collaborates with the FBI on federal charges. Currently, there are no federal laws that allow for the bringing of federal charges specifically for auto burglaries. SFPD is evaluating and discussing with the FBI

federal charges for other violent crimes that have a correlation to the same suspects committing auto burglaries.

Recommendation R.F.1: Use the customary legislative process to pass resolution for a visitor and tourist protection and assistance program. The Mayor should introduce, support, fund and sign the resolution; The Mayor's Office of Legislative & Government Affairs should prepare resolution to be introduced; The BOS Public Safety Committee should review, vet and refine to recommend the resolution to the full board; BOS should vote to approve the resolution; The Mayor's Office of Public Policy and Finance should include the program in to the Budget; City Attorney should review the resolution for proper format.

The visitor/tourist protection and assistance program resolution should contain the following clauses:1. Recognize tourists as valued and welcome guests to our city 2.Acknowledge vulnerabilities unique to visitors/tourists 3. Denounce the targeting and victimizing of 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 as public safety department to act as coordinating agency. 7. Authorize the agency to develop industry partnership. 8. Authorize the agency to issue a temporary replacement identification card, for victors and tourist who have had their identification stolen. 9. Instruct the 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. 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 BOS. The report should provide performance metrics about services offered and make recommendations to inform future policy related to crimes against visitors/tourists.

Recommendation will not be implemented.

While the Mayor's Office and City departments continually work collaboratively to improve crime prevention and deterrence, we cannot predict the timing or outcome of approvals by the legislative body. Nor can an agency of the City instruct the United States Attorney's Office and other federal and State agencies, as separate governmental bodies, to form coordinating agencies.

In the upcoming November 2016 election, San Franciscans will consider the creation of Neighborhood Crime Units that dedicates 3 percent of SFPD staff for response to crimes like auto break-ins and home burglaries and complements the City's reaching the charter mandate of 1,971 officers, which is expected by the end of 2017.

Recommendation R.F.2: 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.

Recommendation has been implemented.

The San Francisco homepage provides connections to City services and general services, including support services, through the visitor's tab and help tab. For example, visitors can find Police services by linking from the homepage to the 311 Services Director and the 311 Customer Service Center. Through the San

Francisco's Digital Services Strategy, the City promotes the development of new digital services to help improve the customer experience and makes services more accessible. The comprehensive service redesign streamlines the customer service experience and makes all services accessible and easy to use for everyone, including visitors in need of victims' assistance and other kinds of support services. Currently, the City is in the process of hiring of a new Chief Digital Services Officer, a senior technology leader for this Citywide initiative.

Recommendation R.F.3: Include visitor/tourist incident data as a search field on police incident report available through datasfgov.org.

Requires further analysis.

SFPD is considering the inclusion of "Visitor/Tourist" selection in SFPD Incident Reports to improve tracking and reporting of victims of crime. Beginning June 2017, Assembly Bill 953 requires officers to begin to collect other victim demographic information such as race, ethnicity, age, and gender, and availability of demographic victim data may provide additional opportunities to improve proactive policing practices.



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



George Gascón
District Attorney

August 18, 2016

The Honorable John K. Stewart
Presiding Judge
Superior Court of California, County of San Francisco
400 McAllister Street
San Francisco, CA 94102

Dear Judge Stewart,

Attached is our reply to the 2015-16 Civil Grand Jury report, "Auto Burglary in San Francisco." We thank the Civil Grand Jury for exploring this important topic and hope our answers will be helpful in evaluating improvements.

In July of 2014 we saw a steady increase in the number of reported auto burglary cases. The rise caught the attention of our Crime Strategies Unit which began efforts to understand who was committing the crime and ways it could be stymied. While some suggested the increase was due to the passage of Proposition 47, we know that to be untrue. Proposition 47 did not alter the punishments associated with auto burglary. Moreover, the increase began before the proposition was even voted upon. And perhaps the best news, the rate of auto burglaries has begun to decline and is now back down to the rates in 2014.

This reduction in the crime is important to San Franciscans who have experienced the crime. We must remain vigilant to the issue and continue to improve our efforts. My office remains committed to working with the Civil Grand Jury and the community at large to work on solutions to this and other crime problems.

Thank you for the opportunity to respond to this Civil Grand Jury report.

Respectfully,



George Gascón
District Attorney

San Francisco District Attorney's Response to the Civil Grand Jury's Findings and Recommendations
AUTO BURGLARY IN SAN FRANCISCO
Civil Grand Jury Report
JUNE 2016

Pursuant to California Penal Code Section 933.05, the San Francisco District Attorney's Office provides the following responses to the Findings and Recommendations directed at the District Attorney's Office.

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

Finding 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.

Agree with the Finding. A collaborative effort between the Crime Strategies Unit and the SFPD Crime Analysis Unit will greatly bolster the analytical support for auto burglary investigations and overall prevention efforts. This requires the sharing of information and open access of police data (Crime Data Warehouse) for the Crime Strategies Unit.

Recommendation 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.

The recommendation has been partially implemented. The Crime Strategies Unit has initiated a number of operations to address the problem of auto burglary. Such operations have spanned across jurisdictions in the Bay Area and have incorporated local, state, and federal law enforcement efforts. The objective of said operations are to target serial auto burglars. To that end, regional intelligence collection on serial auto burglary is an ongoing endeavor and focus of the Crime Strategies Unit. However, an annual comparison report of arrest rates, sentencing outcomes, and recidivism rates between San Francisco and its adjacent jurisdictions is an unreasonable task for the Crime Strategies Unit. Though the unit has greatly enhanced its ability to analyze and assess regional police incident data through the acquisition of LEAP Network and partnership with the Northern California Regional Intelligence Center (NCRIC), prosecution data from adjacent jurisdictions is required to prepare a comprehensive and relevant report. The San Francisco District Attorney's Office conducts monthly audits and review of internal prosecution data, culminating in the monthly DAStat Report. It is unknown whether neighboring jurisdictions have the same data capabilities or capacity to contribute to a regional comparison report.

Finding 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.

Agree with the Finding.

Recommendation 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.

This recommendation will not be implemented. Although federal criminal jurisdiction extends to a variety of motor vehicle theft related activities, the receipt, possession, sale, or disposition of a motor vehicle or property **must** cross a state or United States boundary after being stolen. Auto theft and auto burglary cases committed in San Francisco are predominantly local offenses that usually have little connection to interstate commerce and therefore fall outside the jurisdiction of the federal government.

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

Finding 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.

Agree with the Finding.

Finding 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.

Agree with the Finding.

Recommendation 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.)

This recommendation has been implemented. In the summer of 2015, the Crime Strategies Unit initiated the Security Camera Interactive Map project. The goal of the program is to deter crime and promote public safety through collaboration between the San Francisco District Attorney's Office and the community. The map is an interactive database of known security cameras in the city of San Francisco. Information such as: location, point of contact, camera specifications, storage type, views captures, and retention length are documented and stored on the database for access by prosecutors and police officers. The San Francisco District Attorney's Office has also published a registration form on its website for members of the public to register their security cameras. The benefits of this program has proven to be two fold in that a) it enhances the ability for ADAs, SFPD, and DA Investigators to quickly respond to and preserve video after an auto burglary incident has occurred; b) it allows the Crime Strategies Unit to collaborate with the community to identify security camera gaps in relation to identified auto burglary hot spots.

Recommendation 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.

This recommendation has been implemented and will be further expanded. The San Francisco District Attorney's Office has and will continue to contribute to SFPD training from cadet through advanced officer training. The District Attorney's Office provides evidence training at the Police Academy – specifically addressing auto burglary and the collection and preservation of evidence in auto burglary cases during POST LD 17. The training includes but is not limited to: addressing issues relating to tourist victims and witnesses, “nest” and other video recording devices that are not easily seen from the street, photographing all recovered property, photographing and seizing all clothing in on-viewed cases, booking cell phones as evidence rather than property, calling cell phones from the officers department issued phone to confirm authorized possessor, emphasizing complete and recorded statements when victims/witnesses do not reside in San Francisco, and obtaining rental agreements/parking stubs/proof of payment. Crime Strategies ADAs and the Auto Crimes ADA will also continue to provide ongoing training and support to patrol and station investigators.

Additionally, the Crime Strategies Unit has utilized an expansive peer-to-peer learning network with criminal justice agencies from across the nation to explore innovative means of addressing crime problems such as auto burglary. In July of 2016, members of the Crime Strategies Unit including an ADA and an analyst conducted a site visit at King County, Washington to learn about strategic initiatives that may be applied to the auto burglary problem in San Francisco. King County faced a rising trend in motor vehicle thefts beginning in the early 2000s, but was able to reduce their numbers dramatically in just a few short years through a collaborative effort between prosecutors, analysts, and various law enforcement agencies. The Crime Strategies Unit plans to share the best practices learned from King County with law enforcement partners with the aim of replicating the same reductions in auto burglary.

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

Finding 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.

Disagree with the finding. One of the primary functions of the Crime Strategies Unit is to enhance the pooling of information needed to develop best practices for prosecuting organized criminals. The unit takes a proactive approach, utilizing the Arrest Alert System to identify incoming cases of prolific auto burglars before they are even assigned at intake. Additionally, the Crime Strategies Unit has implemented a CSU Checklist of best practices to include in case dockets for identified crime drivers that warrant specialized attention.

Recommendation 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.

The recommendation has been implemented by the San Francisco District Attorney's Office. The Crime Strategies Unit works closely with the SFPD's Patrol Bureau Task Force and incorporates all functions and elements of a serial crimes unit. ADAs in the unit work with their district stations and specialized police units to identify major cross-district crime drivers who

often fit the classification of an organized career criminal. CSU ADAs will either keep the case for vertical prosecution or follow the case closely to ensure that the identified crime drivers of auto burglary are prosecuted appropriately.

Recommendation 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.

The recommendation has been partially implemented. The Crime Strategies Unit has initiated operations partnering with law enforcement agencies in adjacent counties to target criminal street gangs. Information collected pertaining to criminal street gangs operating in adjacent counties will be restricted to an operational level of analysis. It is infeasible for the Crime Strategies Unit to maintain a macro level database of indicators concerning adjacent counties because we do not have ongoing access to detailed information from SFPD or any adjacent county to facilitate the data analysis suggested.

Recommendation 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.

The recommendation will be implemented. Contingent upon the successful acquisition of Crime Data Warehouse from SFPD. SFPD is solely in control of the Crime Data Warehouse. Absent a complete data set, any annual report would be incomplete and inaccurate. The DA's Office is currently in discussions with SFPD to obtain access to the Crime Data Warehouse. The DA's office is hopeful that access will be granted by December 2016.

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

Finding 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.

Agree with the Finding.

Recommendation 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.

This recommendation will not be implemented. It is unknown whether neighboring jurisdictions have the same data capabilities or capacity to contribute to a regional comparison report. (See R.A.2)

Recommendation 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.

This recommendation will be partially implemented. We will present our annual report to GAO. However, it is we are unable to prepare a report regarding the neighboring jurisdictions, as we do not have access to their data and it is unknown whether neighboring jurisdictions have the same data capabilities or capacity to contribute to a regional comparison report. (See R.A.2)

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

Recommendation 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.

The recommendation has been implemented.

The District Attorney's Office will continue collaborate with the United States Attorney's Office and other prosecutorial agencies whenever possible to coordinate the most effective prosecution. However, neither 18 U.S.C. §875 nor 18 U.S.C. §521 provide the United States Attorney's Office with tools to address auto theft or auto burglary in San Francisco. However, auto theft, auto burglary, and criminal street gang cases committed in San Francisco are predominantly local offenses that have no connection to interstate commerce and therefore fall outside the jurisdiction of the federal government.

18 U.S.C. §875, entitled Interstate Communications, is the crime of transmitting in interstate or foreign commerce any communication demanding ransom or reward for a kidnapped person or extorting money or value from threatening to kidnap a person, threatening to physically injure a person, threatening to injure a person's property, threatening to injure a person's reputation or threatening to accuse another person of a crime.

18 U.S.C. §521, entitled Criminal Street Gangs, is a sentencing enhancement for criminal street gangs that have a primary purpose of committing or conspiring to commit a Federal controlled substance felony or a Federal violent felony and are engaged in a continuing series of these offenses affecting interstate of foreign commerce.

For the reasons described above, neither 18 U.S.C. §875 nor 18 U.S.C. §521 provide the United States Attorney's Office with a regular avenue to prosecute auto crimes. On the rare occasion where an auto crime committed by a gang under the very specific circumstances that fall under these statutes or when stolen vehicles or property crosses state lines within the meanings of 18 U.S.C. §2312 and §2313, the District Attorney's Office will present the case to the United States Attorney's Office for consideration.