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[DHIC PLU] How We Address SF's Auto Burglary Challenge

District Attorney, (DAT) via Plu <plu@doloresheights.org>
Reply-To: "District Attorney, (DAT)" <districtattorney@sfgov.org>
To: "District Attorney, (DAT)" <districtattorney@sfgov.org>

Fri, Feb 23, 2018 at 5:41 PM

Dear fellow San Franciscans,

I write today in regards to auto break-ins. I've received emails from many of you, and I wanted to take a moment to communicate directly about what my office is doing to reduce break-ins in San Francisco. I recognize that these crimes are a stain on our quality of life and the charm of our amazing city, and my hope is that this email will provide some answers about where we are and where we go from here.

As you may know, my office prosecuted 82% of the 490 auto break-ins last year that resulted in an arrest, and our average disposition included county jail time and felony probation.

The vast majority of these crimes are committed by a small number of people. Accordingly, this week, my office **announced** a plan to target the most prolific offenders which can have an outsized impact on the overall number of incidents in San Francisco. This multi-disciplinary approach out of my office successfully resulted in major cases such as Operation Cold Day, which netted the most arrests in one day in ATF history. It also led to dozens of defendants indicted in an organized retail theft conspiracy that spanned the United States. In fact, through this process my office identified Carlos Paz, the "main fence" in **an international multimillion-dollar fencing operation.**

I plan to apply this approach to reduce San Francisco's auto burglary challenge significantly, but due to the scope of this type of crime I am asking for your assistance. Here's what you can do to help:

- 1) **Please share this email or the [digital tip line](#) with your membership in order to increase the amount of evidence we receive.** The more pictures, videos, suspect and vehicle identifying information we receive the more information our Crime Strategies Unit will have to build investigations and ultimately prosecute repeat offenders. We are proactively working to identify the major "suppliers" of stolen property (the auto burglars themselves), while simultaneously identifying and taking out the "demand" (the fence). We need to go after both to have the most significant impact on the number of auto burglaries in San Francisco.
- 2) **Please support our request for an auto burglary task force.** While this multi-disciplinary approach has been applied in cases ranging from human trafficking, vehicle theft (not break-ins), firearm and drug cases, the scope of the city's auto burglary challenge (in conjunction with the sheer amount of information and time it takes to analyze, assess and identify these individuals) requires additional resources. I've attached a draft letter for your use, but please feel free to make changes and to ensure it reflects whether you're sending as an individual or on behalf of an organization. Letters can be returned to me and we will transmit to the Mayor's Office or you can send directly to Mayor Mark Farrell at mayor@sfgov.org.
- 3) **Please support SB 916.** While auto burglary is a felony, there is a loophole in the law that I am sponsoring legislation to close. Every San Franciscan knows that when a vehicle's window has been broken and items have been stolen, it means that yet another auto burglary has occurred. Under current law, however, to secure a conviction when an auto burglar is arrested, one of the elements prosecutors must prove beyond a reasonable doubt is that the vehicle was locked. Unfortunately, the fact that a victim's window is broken *does not*, by itself, establish that the vehicle was locked. In addition, because victims are often asked to testify that their vehicle was locked and because a disproportionate number of victims are tourists driving rental cars, the prosecution is at times unable to secure the victim's testimony (since they live elsewhere) about the door being locked. SB 916 adds "or when forced entry is used" to the auto burglary statute

to enable prosecutors to prove either that the door was locked or that the window was broken. I believe this change better reflects the spirit of our auto burglary statute. A draft letter has been attached here for your use, and similarly letters may be transmitted to me or sent directly to Senator Scott Wiener's aide managing the bill at Aria.Ghafari@sen.ca.gov.

4) **Please register your private security cameras.** I would also like to request the support of the community by registering their private cameras at <http://sfdistrictattorney.org/register-your-cam>. We are republishing our private camera registry where citizens can register their security devices in order to assist law enforcement with investigations post-incident. If we know there's a camera tied to a specific location where an incident occurred we can follow up with the camera owner directly to request footage.

By providing tips, registering your cameras, and keeping property out of your vehicles, the community can play an integral role in reducing car break-ins while my office takes steps to apprehend the most prolific auto burglars. Ultimately, by working together with police and the public, my office is confident that we can make significant progress to tackle San Francisco's auto burglary challenge in the year ahead.

A quick note about Proposition 47

Quickly, I want to correct a very common misconception that we hear from so many of our partners in the community related to Proposition 47. As the Chronicle [recently noted](#), the assertion that Proposition 47 is responsible for an increase in car burglaries is an "argument does not hold up to scrutiny. Auto break-ins can still be charged as felonies. And [statewide] property crime rates have not changed significantly since the law took effect."

Proposition 47 changed some low-level theft offenses but it did not change the crime of burglary. In San Francisco, only 15 people were released from county jail and only 4 from state prison following Prop 47's passage. The increase in vehicle break-ins in San Francisco began prior to passage of this statewide proposition, and statewide property crime levels have remained stagnant. Indeed, San Francisco has experienced a unique surge in auto break-ins.

Proposition 47 aimed to end the warehousing of low-level drug offenders, and it is saving California approximately \$800,000 per day. What's more, a [recent study](#) found that Proposition 47 reduced the disparity in sentence lengths between African Americans and Caucasians by half.

Finally, as the [Civil Grand Jury found](#) in 2016, 70-80% of all auto break-ins are committed by organized street gangs. They are not being committed by low-level drug users.

If someone tells you that Prop 47 is responsible for an increase in (or the inability to make an arrest or prosecute) any type of burglary offense they are either misinformed or intentionally providing bad information.

Thank you for your time and consideration. If you have any questions whatsoever or you'd like my office to come out and present to your organization in more depth please don't hesitate to respond to this email. I am here to work for you, but I look forward most to working with you.

Sincerely,

George Gascón

San Francisco District Attorney

Plu mailing list

Plu@doloresheights.org

http://doloresheights.org/mailman/listinfo/plu_doloresheights.org

2 attachments



Letter of Support auto burglary task force.docx

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SB 916 Letter of Support.docx

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