

CITY AND COUNTY OF SAN FRANCISCO
BOARD OF SUPERVISORS

BUDGET AND LEGISLATIVE ANALYST
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Policy Analysis Report

To: Supervisor Catherine Stefani
From: Budget and Legislative Analyst's Office
Re: Comparing San Francisco and Bay Area Victim Services Divisions
Date: July 17, 2023



Summary of Requested Action

Your office requested that the Budget and Legislative Analyst conduct an analysis of the victim services divisions within the District Attorneys' offices of the nine Bay Area counties (Alameda, Contra Costa, Marin, Napa, San Mateo, San Francisco, Santa Clara, Solano, and Sonoma counties), reviewing data on caseloads, employees and organization structure, and restitution. This report provides detailed information about San Francisco's Victim Services Division with limited information as reported by the other counties in the region.

For further information about this report, contact Fred Brousseau, Director of Policy Analysis, at the Budget and Legislative Analyst's Office.

Executive Summary

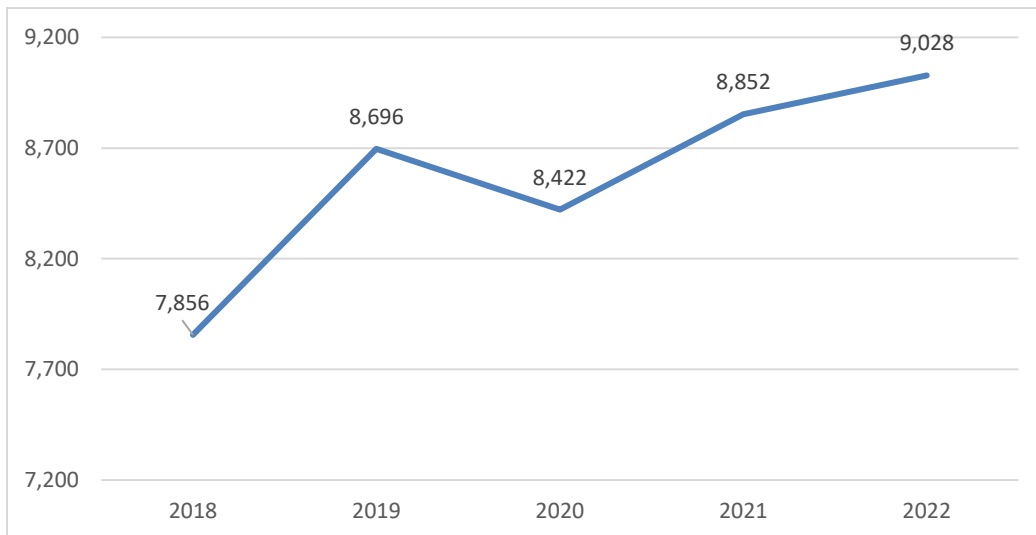
- The Victim's Bill of Rights Act of 2008, also referred to as Marsy's Law, was codified in 2008 in the California Constitution. It forms the basis of a set of rights for crime victims and provides guiding principles for victim services programs across California, including the Victims Services Division in the District Attorney's Office of the City and County of San Francisco.
- Among other provisions, Marsy's Law establishes a mandate for California crime victims to be given notice about their right to attend court proceedings for the crimes for which they were a victim, to be treated respectfully, with their privacy protected, and the right to restitution and compensation for expenses incurred because of the crime. The Victim Services Division in the San Francisco District Attorney's Office (SFDA) assists with these and related services, including providing referrals for services that victims need after experiencing a criminal incident.
- At the time this report was prepared, the SFDA's Victim Services Division (VSD) was composed of a staff of 42 full-time equivalent positions, 39 of whom are Victim/Witness Investigators, their supervisors, or trainees, and who provide direct support services and referrals to crime victims. One position in the Division was

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dedicated full-time to assisting victims file for restitution, or compensation, for expenses incurred because of the crime they experienced. The Division had an annual budget for Fiscal Year 2022-23 of approximately \$3.4 million.

- Victims accessing services from the VSD in San Francisco come from three types of case circumstances:
 - 1) Criminal incidents presented by law enforcement to the SFDA, who then files charges to prosecute those cases,
 - 2) Criminal incidents that law enforcement presents to the SFDA, but who does not file charges to prosecute the case, and
 - 3) crimes not reported to the SFDA by law enforcement and not filed for prosecution (self-reporting victims).
- Victim Services Division staff attempt to contact all victims whose crimes are reported to the SFDA, whether their cases are being prosecuted or not. VSD also responds and provides services to individuals whose crimes were not reported to the SFDA by law enforcement but where the victim initiates contact with the Division through self-reporting.
- In 2022, the Victim Services Division served 9,028 victims or approximately 15 percent more than the 7,856 victims services in 2018, as shown in Exhibit A.

**Exhibit A: Total Number of Individual Victims Served
by SFDA Victim Services Unit (2018-2022)**



- The distribution of victims by case status is presented in Exhibit B. As can be seen, an average of 5,344 individuals served between 2018 and 2022, or the majority of all victims served at 56.7 percent, self-reported to the Victim Services Division. These individuals' criminal incidents were not reported to the SFDA by law enforcement and the SFDA did not file charges to prosecute these cases.
- The second largest group of victims served by the VSD between 2018 and 2022, 42.5 percent of all cases on average, were related to criminal incidents reported to the SFDA by law enforcement and for which charges were subsequently filed by the SFDA. A small number of victims served by the VSD, 0.8 percent on average between 2018 and 2022, were for cases in which their criminal incidents had been reported to the SFDA by law enforcement, but the Office declined to file charges.

**Exhibit B: Victims Served by SFDA Victim Services Division, by Criminal Case Status
2018-2022**

Year Served	Number of Victims Served	Victims Related to at least one Adult Criminal Case Filed by SFDA	Victims Related to at least one Adult Criminal Case Presented but Not Filed by SFDA	Victims Related to at Least One Criminal Incident Not Presented to & Not Filed by SFDA (or to a Juvenile Case*)
2018	7,856	3,740	203	4,513
2019	8,696	3,776	218	5,364
2020	8,422	3,067	201	5,747
2021	8,852	3,762	224	5,565
2022	9,028	3,858	365	5,533
Average	8,571	3,641	242	5,344
Percent (of average)		42.5%	0.8%	56.7%

Notes: Number of Victims Served is lower than aggregate of three shaded columns because victims can be related to more than one case status type. *Juvenile cases are reported by SFDA staff to represent a small percentage of cases included with "Victims Related to at Least One Criminal Incident Not Presented to & Not Filed by SFDA".

- Exhibit C captures the frequency of crime types for the victims served by the Victim Services Division. As can be seen, for most victims whose criminal incidents were reported to the SFDA by law enforcement and who subsequently filed charges, the crimes were handled by the General Felonies and Domestic Violence (DV) units of the SFDA's Criminal Division, at 35.9 and 27.7 percent of all cases, respectively. General Felonies include crimes such as Assault, Assault and Battery, and Robbery.

Exhibit C: Number of Victims Served, by SFDA Criminal Division Unit Handling the Filed Adult Criminal Case (2018-2022)

Year Served	Individuals Served	# Related Filed Cases	General Felonies Unit	DV Unit	Misdemeanors Unit	CASA Unit	Homicide Unit	Other*
2018	3,740	3,195	1,231	858	305	145	143	513
2019	3,776	3,326	1,207	937	276	153	155	598
2020	3,067	2,787	973	777	259	98	169	511
2021	3,762	3,398	1,266	865	465	123	160	519
2022	3,858	3,447	1,117	1,044	412	117	149	608
<i>Average</i>	<i>3,641</i>	<i>3,231</i>	<i>1,159</i>	<i>896</i>	<i>343</i>	<i>127</i>	<i>155</i>	<i>550</i>
<i>Percent (of avg)</i>			<i>35.9%</i>	<i>27.7%</i>	<i>10.6%</i>	<i>3.9%</i>	<i>4.8%</i>	<i>17.0%</i>

Notes: DV = Domestic Violence unit. CASA = Child Abuse and Sexual Assault unit. The number of Related Filed Cases is less than the number of Individuals Served since cases can have multiple victims.

San Francisco’s Victim Services Division compared to those of other Bay Area counties

- Compared to the surveyed Bay Area counties that provided responses, the City and County of San Francisco Victim Services Division has a higher total caseload but also has higher staffing levels relative to the number of victims served. Exhibits D and E present these results.
- As can be seen in Exhibit D, at 2,560 victims served for every 10,000 criminal filings, San Francisco’s Victim Services Division served more victims compared to a median 910 victims per 10,000 filings for the four other counties that provided caseload data for 2022.

Exhibit D: Number of Victims Served by County Relative to Criminal Filings (2022)

County	Number of Victims Served (2022)	Total Criminal Filings (FY 2022)	Filings/10,000 Filings (FY 2022)
Contra Costa	8,699	72,574	1,199
San Mateo	8,658	80,984	1,069
Santa Clara	7,154	113,935	628
Solano	2,800	37,271	751
<i>Median</i>	<i>7,906</i>	<i>76,779</i>	<i>910</i>
San Francisco	9,028	35,265	2,560

- Exhibit E shows that San Francisco’s Victim Services Division has a higher staffing level than the other counties that provided comparison information, with 258 victims served for every full-time equivalent Victim/Witness Investigator or Advocate position (FTE) in San Francisco compared to median higher caseloads of 431 victims served for every

Investigator/ Advocate FTE in the surveyed counties. Similar results were found for all staff positions in the victim services units, with San Francisco’s total FTEs serving 215 victims each on average compared to a median of 337 victims served per staff FTE in the other counties.

Exhibit E: Number of Victims Served per Total FTEs and per Investigators/Advocates, Bay Area Counties (2022)

County	Number of Victims Served	Number of FTEs	Number of FTE Investigators/ Advocates	Number of Victims Served Per Total FTEs	Number of Victims Served per FTE Investigator/ Advocate
Contra Costa	8,699	24	17	363	512
San Mateo	8,658	18	15	481	577
Santa Clara	7,154	40	25	179	286
Solano	2,800	9	8	311	350
Median				337	431
San Francisco	9,028	42	35	215	258

- Data about restitution and compensation stipulated or court ordered for crime victims is not well documented for San Francisco or the surveyed jurisdictions. Exhibit F shows the little data available for amounts stipulated for direct compensation to be paid by the offender or by the State of California Victim Compensation Board, with the latter generally obtained by the victim with assistance from the county victim services staff. San Francisco’s VSD staff reported they do not have access to the direct compensation amounts stipulated or to amounts actually paid and collected by victims due to the disparate nature of the restitution and compensation ordering and collections/payment processes. As with other counties surveyed, VSD staff reported that information about these efforts is often spread among the agencies involved in ordering, collecting, and paying victims including the courts and other agencies responsible for collections and payments. This information should be an important measure of victim service program effectiveness.

Exhibit F: Restitution Stipulated by County (2022)

County	Direct compensation stipulated	CalVCB Compensation Stipulated
San Francisco	Not reported	\$124,697
Contra Costa	\$5,888,516	\$424,675
San Mateo	\$1,941,155	\$101,000

CalVCB = State of California Victim Compensation Board

Policy Options

The Board of Supervisors should:

1. Request additional information from the Victim Services Division around the types of services received by individuals served and how this may vary depending on if the cases are charged by the District Attorney's Office, not charged by the District Attorney's Office, or not presented to or charged by the District Attorney's Office.
2. Request that the Victim Services Division develop a system in conjunction with the Superior Court and other pertinent agencies to centrally track and report the restitution stipulated, paid out, and unclaimed and report this information annually to the Board of Supervisors.
3. Request that the Victim Services Division share their policies and procedures documents with the Board of Supervisors upon completion of the current review and editing process.

Project Staff: Fred Brousseau and Emily Firgens

Background on Marsy's Law and the Victim's Bill of Rights

On November 4, 2008 California voters approved Proposition 9, the Victims' Bill of Rights Act of 2008, also referred to as Marsy's Law. This action amended the California Constitution to provide additional, explicit rights to victims. This law amended the California Constitution, Article I, Section 28(b) and delineates 17 specific rights that crime victims have. These rights include but are not limited to: crime victims being treated with fairness and respect for their privacy; being free from intimidation, harassment, and abuse through the justice process; being given reasonable notice regarding the arrest of the defendant and the proceedings of the trial; having the right to be heard at any proceeding; and, the right to restitution, and compensation for losses directly related to the crime. The final right in the Bill is the right of a crime victim to be informed of all their rights. Appendix I lists the full text of the Victims' Bill of Rights from Article I, Section 28(b) of the California Constitution.

Looking at the right to restitution more specifically, Marsy's Law and the Victims' Bill of Rights establishes a victim's right to restitution following any losses that are a result of criminal activity. California requires restitution be ordered by the court to the victim who suffers loss regardless of the sentence or disposition imposed. It also requires that any payment ordered be first applied as restitution to the victim. California's Victim Compensation Board (Cal VCB) serves as the state agency providing financial assistance to victims of crimes. CalVCB, by law, is the "payor of last resort," providing compensation to crime victims who have not been and will not be compensated from other sources. There are several criteria that victims must meet to receive compensation from CalVCB, including reasonable cooperation with police and court officials to arrest and prosecute the offender (with some exceptions). CalVCB funds do not cover victims' lost or damaged property or pain and suffering but will cover other expenses that are the result of the crime. Counties may also have their own compensation programs as well that provide crime victims with financial assistance for losses suffered because of a crime. Administering restitution and securing payment for the victim has many challenges with historically low payment rates.¹

Section 28(c) of the California Constitution defines a victim as "a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act." Victims may also include "the person's spouse, parents, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated." Marsy's Law forms the basis of a robust set of rights for victims and serves as guiding principles for victim services programs across California.

¹ See Lau, Michelle: *Reimagining Restitution in San Francisco: Restoring Victims of Crime and Defendants in Poverty*, Advanced Policy Analysis, Goldman School of Public Policy. Spring 2020.

This analysis presents detailed data on the number of victims served by San Francisco's Victim Services Division within the San Francisco District Attorney's Office (SFDA), along with a breakdown of victims served by:

- 1) cases that were filed by the SFDA,
- 2) cases that law enforcement presented to the SFDA's Office but were not filed for prosecution by the Office, and
- 3) crimes that were not reported to the SFDA and were not filed for prosecution.

We also present information about which units of the SFDA Criminal Prosecution division processed the cases in instances where charges were filed, which serves as an indicator of the types of crimes experienced by the victims.

The goal of this analysis is to better understand the number and type of cases served by the SFDA's Victim Services Division and how it compares to services provided in other Bay Area counties. This analysis presents data on staffing, caseload, and restitution stipulated across some other Bay Area counties surveyed to help compare San Francisco's Victim Services Division to the programs through the Bay Area. In addition, we reviewed policies and procedures documents provided by three counties that cover their victim services organizations to better understand how they apply Marsy's Law in their work.

San Francisco's Victim Services Division

San Francisco's Victim Services Division within the SFDA's Office is responsible for providing support and assistance to victims and their families following a crime, during criminal prosecution, and after a verdict has been reached. It is designated in the City's Administrative Code as the major provider of victim/witness assistance in the City and County of San Francisco, responsible for working with other City departments and public and private entities to aid victims and witnesses of crimes, consistent with State law. The Administrative Code states that the program may request, solicit, receive, and disburse funds from governmental and non-governmental sources.² The Victim Services Division within the SFDA's Office is separate from the City's new Office of Victim and Witness Rights created by a ballot initiative passed by the voters in San Francisco in June 2022.

The Victim Services Division has two main focuses:

1. provide victims with direct advocacy, informing them of their rights, providing consultations, support with court referrals to services and counseling, and case management, and

² San Francisco Administrative Code Section 2A.70

2. assist victims with filing and processing victim compensation claims, which are reimbursements for any crime-related expenses as a direct result of a crime.

The Victim Services Division serves all victims who are referred or self-present to the office; a victim does not have to have a case that is filed by or even presented to the SFDA to receive services.

Organization Structure and Staffing

The City’s Victim Services Division has 42 full-time equivalent positions (FTEs) including one FTE that is state funded and focuses on restitution, distributed as follows:

Exhibit 1: San Francisco Victim Services Division Staffing, FY 2022-23

Title and Classification Code	Function	# FTEs
Victim Services Division Chief (0942)	Division Manager	1.0
Deputy Chief (0923)	Oversees day-to-day operations	1.0
Deputy Director (0923)	Oversees the Vulnerable Victims Unit and Community Advocacy Unit	1.0
Assistant Chief Victim/Witness Investigators (8135)	Supervises Victim Advocates and participates in quality improvement projects within the division	4.0
Victim-Witness Investigators I and II (8129 and 8131)	Direct advocacy work	31.0
California Victim Compensation Board (CalVCB) Restitution Specialist (State funded, no classification provided)	Restitution support position funded by the state	1.0
Public Service Aides/Trainees (9914)	Float between units and participate in administrative and advocacy duties as part of their trainee program.	3.0
Total		42.0

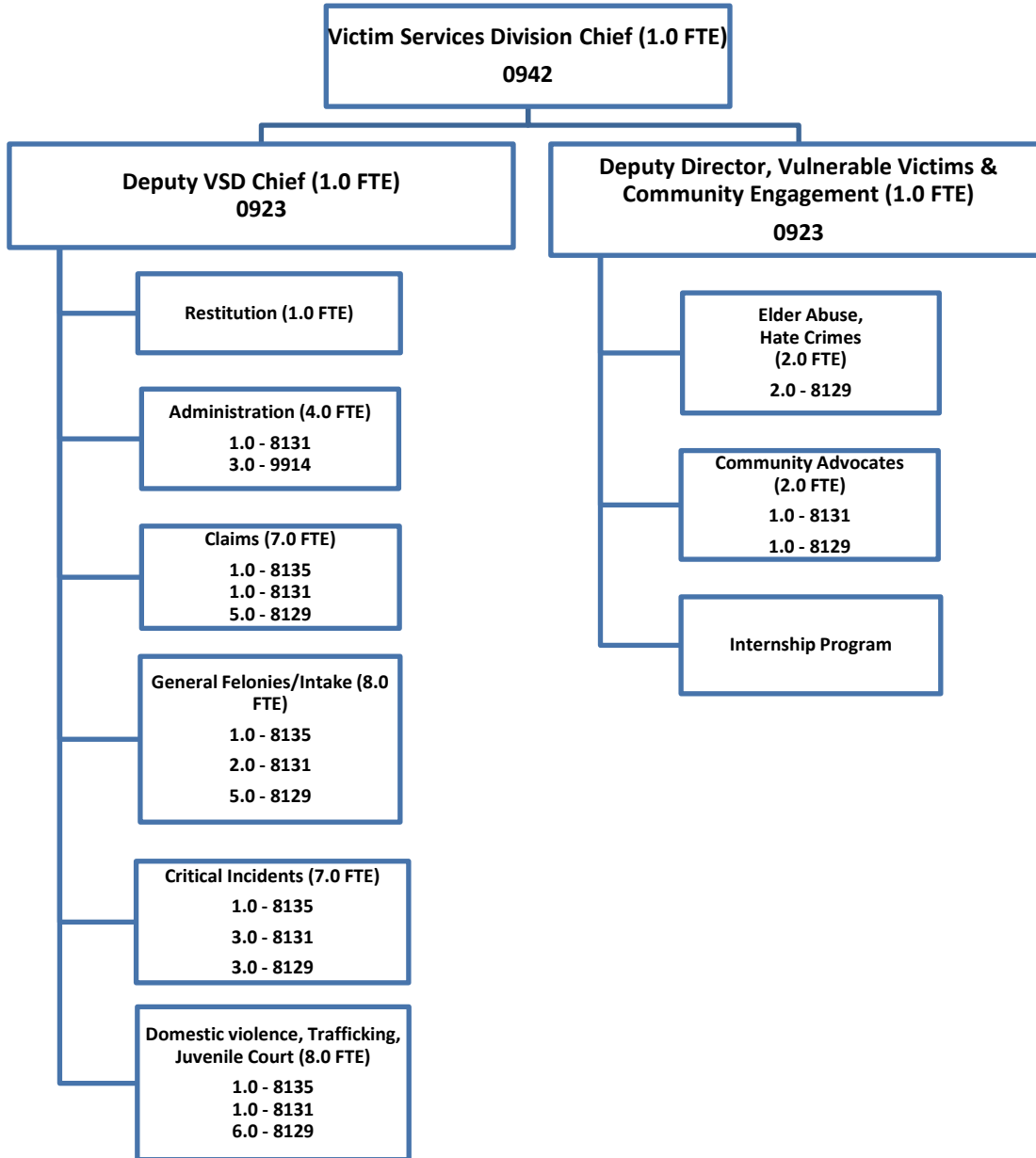
Source: San Francisco District Attorney Victim Services Division

Within the division, staff are assigned to units, which are generally organized by types of crimes with Victim/Witness Investigators comprising most of the staff positions. As shown in the organization chart in Exhibit 2, these units include:

- Claims (7.0 FTEs) with 6.0 FTE Victim/Witness Investigators and 1.0 FTE Assistant Chief Victim Witness overseeing the work of this unit,
- General Felonies and Intake (8.0 FTEs) with 7.0 FTE Victim/Witness Investigators and 1.0 FTE Assistant Chief Victim Witness overseeing the work of this unit,
- Critical Incidents: Homicide, Vision Zero, Mass Casualty, and Post Convictions (7.0 FTEs) with 6.0 FTE Victim/Witness Investigators and 1.0 FTE Assistant Chief Victim Witness overseeing the work of this unit,
- Domestic Violence, Trafficking, Child Abuse/Sexual Assault, and Juvenile Court (8.0 FTEs) with 7.0 Victim/Witness Investigators and 1.0 FTE Assistant Chief Victim Witness overseeing the work of this unit, and
- Vulnerable Victims and Community Engagement (5.0 FTEs) with 4.0 Victim Witness Investigators and a Deputy Director who serves as supervisor of the unit.

There is one Victim Witness Investigator within the Administration Unit. The three 9914 Public Service Aides/Trainees are shown in the organization chart as within Administration, but they float between units along with supporting administrative duties. There is also one state-funded staff member who works to recuperate funds paid out by CalVCB through the restitution process. This staff person does not work directly with victims. The annual budget of the Victim Services Division for Fiscal Year 2022-23 is approximately \$3.4 million.

Exhibit 2: San Francisco Victim Services Division Organization Chart



Source: San Francisco District Attorney Victim Services Division

Victims Served and Caseload

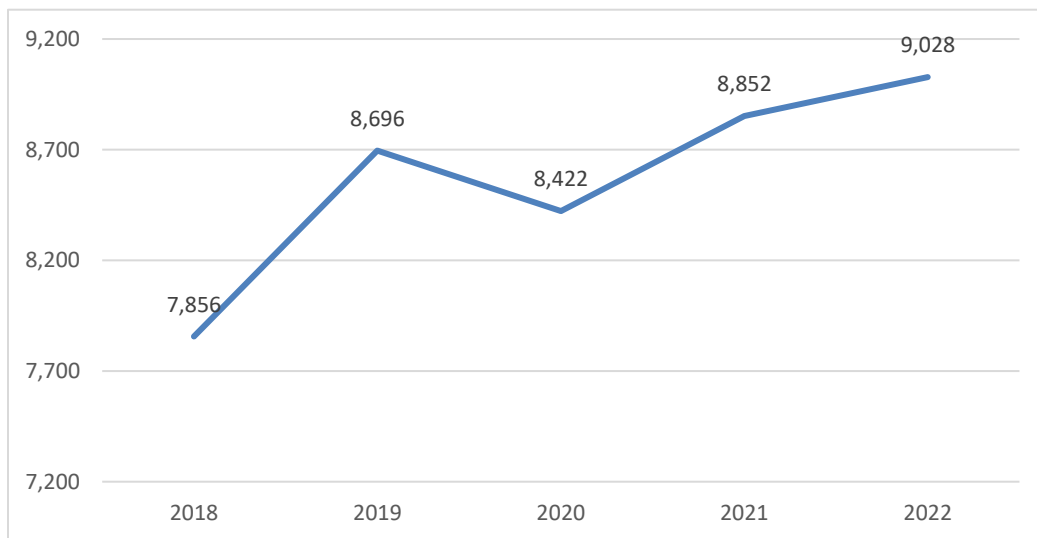
The SFDA recently transitioned to a new case management system. This has allowed the Office to tie individuals served by the Victim Service Division to the related criminal cases. In 2022, the SFDA Victim Services Division reports serving 9,028 individual victims. These victims were associated with three types of circumstances:

1. cases where a criminal incident was reported to the SFDA by law enforcement and the Office filed charges,
2. cases where a criminal incident was reported to the SFDA but the Office did not file charges, or another action was taken such as initiating a motion to revoke probation or parole, referring the case back to the arresting agency for further investigation, or referring the case to another criminal justice agency, and
3. instances where the victim served was associated with a criminal incident where no case was presented to the SFDA by law enforcement and no charges filed by the SFDA.

Victims may be associated with multiple cases or criminal incidents and a case may have more than one victim associated with it so there isn't a one-to-one match between victims served and cases prosecuted by the SFDA.

Between 2018 and 2022, the number of victims receiving services from the Victim Services Division increased from 7,856 in 2018 to 9,028 in 2022, a 14.9 percent increase. This trend is shown below in Exhibit 3. Outside of a slight decrease in 2020, the number of victims served has steadily increased, with the largest jump in the last five years occurring between 2018 and 2019.

**Exhibit 3: Total Number of Individual Victims Served
by SFDA Victim Services Unit (2018-2022)**



Source: San Francisco District Attorney Victim Services Division

In 2022, the Victim Services Division (VSD) reported 42 full-time equivalent positions (FTEs), of which 35 were in the Victim/Witness Investigator classification. Based on 9,028 individual victims served in 2022, the Division served 215 victims per FTE and 258 victims per Victim/Witness Investigator I, II, or Assistant Chief Victim/Witness Investigator.

The victims served may be associated with cases that fall into one or more categories, as described above. In 2022, 3,858 victims served were associated with at least one adult criminal case filed by the District Attorney's Office.³ Over this same period 365 victims were served who were associated with a case presented to the Office where charges were not filed, or the case had some other action taken (like referring it back to law enforcement for further investigation). Finally, there were 5,533 victims served that were related to at least one criminal incident not presented by law enforcement to the SFDA and no charges were filed by the Office (or in a relatively small number of instances, may have been related to a juvenile case⁴). This latter category of cases not presented to or filed by the SFDA represents the largest share of victims served by the Victim Services Division.

Most victims served by VSD were for cases reported to the District Attorney by law enforcement and prosecuted by the District Attorney's Office. However, a greater number of victims served by VSD were for cases not reported to the District Attorney's Office by law enforcement and for which charges were not filed by the Office.

Exhibit 4 shows the breakdown of victims served by case status category for the five-year period between 2018 and 2022. These categories are mutually inclusive, so victims may be associated with multiple categories. As a result, the aggregate number of victims served in each category (summary of columns in gray) is greater than the actual number of unique individual victims served (white column).

³ A case may have had charges filed prior to 2022, at any point during 2022, or as recently as March 27, 2023, when the data was pulled by the District Attorney's Office.

⁴ The current case management system employed by the District Attorney's Office is not able to distinguish and report victims served associated with juvenile cases separate from those served and associated with criminal incidents not reported to the District Attorney's Office by law enforcement. However, case filing records and SFDA staff indicate that juvenile case victims are a very small segment of these cases.

**Exhibit 4: Victims Served by SFDA Victim Services Division, by Criminal Case Status
2018-2022**

Year Served	Number of Victims Served	Victims Related to at least one Adult Criminal Case Filed by SFDA	Victims Related to at least one Adult Criminal Case Presented but Not Filed by SFDA	Victims Related to at Least One Criminal Incident Not Presented to & Not Filed by SFDA (or to a Juvenile Case*)
2018	7,856	3,740	203	4,513
2019	8,696	3,776	218	5,364
2020	8,422	3,067	201	5,747
2021	8,852	3,762	224	5,565
2022	9,028	3,858	365	5,533
Average	8,571	3,641	242	5,344
<i>Percent (of average)</i>		42.5%	0.8%	56.7%

Source: San Francisco District Attorney

Notes: The columns in grey do not equal the number of victims served. These categories are mutually inclusive as one victim may be associated with more than one case.

Cases presented by law enforcement to the SFDA only include those presented by the San Francisco Police Department. Cases presented by other law enforcement agencies such as the California Highway Patrol or BART Police are not included. SFDA staff report that most cases are presented to their office by the San Francisco Police Department.

*Juvenile cases are reported by SFDA staff to represent a small percentage of cases included with “Victims Related to at Least One Criminal Incident Not Presented to & Not Filed by SFDA”.

There was relative consistency between 2018 and 2021 in terms of victims served who were related to at least one adult criminal case that was filed by the SFDA. There was a slight dip in 2020 in the number of victims served who were associated with a case that had charges filed. This is likely due to the COVID-19 pandemic and an overall decrease in the number of individuals served. However, in 2021 and 2022 the number of victims served and those associated with cases that had charges filed increased up to levels that were more like, and surpassed, 2019 levels.

As shown in Exhibit 4, on average, between 2018 and 2022, the Victim Services Division served 8,571 individuals per year. On average 3,641 victims served per year, or 42.5 percent of all victims served, were associated with cases with charges filed, 242 victims were associated with cases presented by law enforcement to the SFDA but who did not file charges, and 5,344 victims, or 56.7 percent of all served, were associated with crime incidents not presented by law enforcement to the SFDA and for which charges were not filed by the SFDA (or in a relatively small number instances, a juvenile case, as explained above) and for which no charges were filed.

As mentioned above, victims can be associated with more than one type of case. There were 655 individuals counted in cases reported to and filed by the SFDA and at least one of the other two case status categories, according to SFDA staff.

Exhibit 5 details the number of individuals served each year from 2018 to 2022, the number of cases associated with these individuals (this number is smaller because some cases are associated with multiple individuals) and which SFDA Criminal Division unit was responsible for prosecuting these cases. This provides a general picture of the types of crimes experienced by the victims served by the Victim Services Division whose cases were filed by the District Attorney's Office.

Cases prosecuted by the District Attorney's Office with victims served by the Victim Services Division were mostly for general felonies and domestic violence offenses

As shown in Exhibit 5, the 3,858 individual victims served by VSD in 2022 were associated with 3,447 filed adult criminal cases, most of which were assigned to either the SFDA's Criminal Division's General Felonies or Domestic Violence (DV) units.⁵ This same pattern can be seen over the entire five-year period between 2018 and 2022 during which time the majority of cases were also assigned to the SFDA Criminal Division's General Felonies or DV units (35.9 and 27.7 percent, respectively). General Felonies include crimes such as Assault, Assault and Battery, and Robbery.

Of the remaining VSD cases, 10.6 percent were handled by the Misdemeanors unit, 3.9 percent by the Child Abuse and Sexual Assault (CASA) Unit, 4.8 percent by the Homicide Unit, and 17.0 percent by a unit for "Other" types of cases. Appendix II provides a breakdown of the number of associated cases filed that are related to a victim served by the Victim Services Division and the types of crime.

⁵ As mentioned earlier, a case may have had charges filed prior to 2022, at any point during 2022, or as recently as March 27, 2023, when the data was pulled by the District Attorney's Office.

Exhibit 5: Number of Victims Served by SFDA Criminal Division Unit Handling the Filed Adult Criminal Case (2018-2022)

Year Served	Individuals Served	# Related Filed Cases	General Felonies Unit	DV Unit	Misdemeanors Unit	CASA Unit	Homicide Unit	Other*
2018	3,740	3,195	1,231	858	305	145	143	513
2019	3,776	3,326	1,207	937	276	153	155	598
2020	3,067	2,787	973	777	259	98	169	511
2021	3,762	3,398	1,266	865	465	123	160	519
2022	3,858	3,447	1,117	1,044	412	117	149	608
<i>Average</i>	<i>3,641</i>	<i>3,231</i>	<i>1,159</i>	<i>896</i>	<i>343</i>	<i>127</i>	<i>155</i>	<i>550</i>
<i>Percent (of avg)</i>			<i>35.9%</i>	<i>27.7%</i>	<i>10.6%</i>	<i>3.9%</i>	<i>4.8%</i>	<i>17.0%</i>

Source: San Francisco District Attorney

Notes: The number of Related Filed Cases is the sum of the number of cases assigned to each SFDA Criminal Division unit. The number of Related Filed Cases is less than Individuals Served because more than one individual victim served can be associated with the same case.

*Other includes the following units: Arson, Community Justice Center, Collaborative Court, Crime Strategies Unit, Economic Crimes, Gang, Hate Crime Unit, Intake, Major Crimes Unit, Mental Health Unit, Preliminary Hearings, Sex Crimes, Special Prosecution Unit, and Vulnerable Victims Unit. Some of these units no longer exist or may have been incorrectly tagged.

Exhibit 6 provides details on the individuals served between 2018-2022 by the Victim Services Division who were associated with at least one case where the incident was reported by law enforcement to the SFDA but the Office did not file charges. As can be seen, this is a much smaller number of individuals and cases compared to cases presented to and charged by the SFDA.

Exhibit 6 shows which SFDA Criminal Division unit reviewed the adult criminal cases presented by law enforcement for which a decision was made not to file charges. As can be seen, most of those cases were in the Intake or DV units in 2022, with the Intake Unit processing cases that would otherwise be routed to the General Felonies or Misdemeanors units if charges were filed.⁶ On average, over this period, 44.5 percent of cases presented by law enforcement to the SFDA but not filed by the Office were handled by the SFDA’s Criminal Division’s Intake Unit, 31.3 percent by the DV Unit, 10.2 percent by the Homicide Unit, 4.3 percent by the CASA Unit, and 9.7 percent were associated with another unit. Appendix II provides the number of related cases that did not have charges filed but served at least one victim and the crime type associated with the case.

⁶ The SFDA’s Intake Unit processes cases presented to the Office and determines if they should be routed to the General Felonies or Misdemeanor units for prosecution. Because the SFDA did not file charges for the cases in this table, they were not routed to either of those units. Charging decisions for certain types of cases were reviewed by the other units presented in the table.

Exhibit 6: SFDA Criminal Division Unit Handling Criminal Incidents Presented by Law Enforcement but not Filed by the SFDA (2018-2022)

Year Served	Individuals Served	# Related to Cases Presented but Not Filed	Intake Unit	DV Unit	Homicide Unit	CASA Unit*	Other Unit*
2018	203	181	84	45	16	15	21
2019	218	192	98	46	21	5	22
2020	201	180	79	50	21	7	23
2021	224	189	86	55	22	5	21
2022	365	311	122	134	27	13	15
<i>Average</i>	242	211	94	66	21	9	20
<i>Percent (of Avg)</i>			44.5%	31.3%	10.2%	4.3%	9.7%

Source: San Francisco District Attorney

Note: The number of related cases is the sum of the number cases in each unit.

* CASA Unit = Child Abuse and Sexual Assault

** Other includes the following units: Arson, Community Justice Center, Collaborative Court, Crime Strategies Unit, Economic Crimes, Gang, Hate Crime Unit, Intake, Major Crimes Unit, Mental Health Unit, Preliminary Hearings, Sex Crimes, Special Prosecution Unit, and Vulnerable Victims Unit. Some of these units no longer exist or may have been incorrectly tagged.

The criminal incidents for most victims served by the Victim Services Division were not reported to or prosecuted by the District Attorney's Office

For the category of individuals served by the Victim Services Division whose criminal incident was not presented to the DA's Office by a law enforcement agency (or were juvenile cases in a relatively small number of instances), the SFDA does not record crime type. However, Exhibit 7 shows that this group represented the largest number of victims served by the Victim Services Division between 2018 and 2022. The table shows the number of individual victims served and the number of related criminal incidents not presented to the SFDA. Across the five-year period, on average, there were 8,571 victims served annually, and 62 percent of these victims, or 5,344 individuals, were related to at least one criminal incident that was not presented to the SFDA (or was a juvenile case in a small number of instances). Between 2018 and 2022, the highest percentage of victims served associated with a criminal incident not presented to or filed by the SFDA (or a juvenile case in a small number of instances) was in 2020, at 68 percent; the lowest percentage was in 2018 at 57 percent. Across the five-year period over 50 percent of victims served were associated with this category.

Exhibit 7: Victims Served who are Associated with at least One Criminal Incident Not Presented to or Filed by the SFDA, or a Juvenile Case (2018-2022)

Year Served	Number of Victims Served	Related to at Least One Criminal Incident Not Presented (or to a Juvenile Case)	Percent of Victims Served Related to at Least One Criminal Incident Not Presented to SFDA(or a Juvenile Case*)
2018	7,856	4,513	57%
2019	8,696	5,364	62%
2020	8,422	5,747	68%
2021	8,852	5,565	63%
2022	9,028	5,533	61%
<i>Average</i>	<i>8,571</i>	<i>5,344</i>	<i>62%</i>

Source: San Francisco District Attorney

Note: These individuals served may also be related to other cases that were filed or cases that were presented but not filed or another action took place.

*Juvenile cases are reported by SFDA staff to represent a small percentage of cases included with “Related to at Least One Criminal Incident not Presented to SFDA”.

Comparing Bay Area County Victim Services Programs

This analysis compares data on staffing, caseload, and restitution stipulated across Bay Area counties. We requested information from the following counties: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma. Of these nine counties we received information from seven: Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma. We did not receive any information from Alameda or Napa counties in response to our request. The information we received varied greatly by county. Of the counties we received information from, including San Francisco, six provided at least some staffing information about their victim services programs, five reported the number of cases served, and three provided some data on restitution stipulated or awarded through CalVCB. In addition, we reviewed policies and procedures documents covering victim services organizations in three counties surveyed to better understand how they apply Marsy’s Law in their work.

Victims Served, Staffing, and Caseload

All seven counties we have information from mirrored San Francisco’s Victim Services Division in that they reported they serve victims regardless of whether their case is filed or not by the district attorney. Six of the seven jurisdictions also reported that they serve victims of crimes in which a law enforcement agency did not present the case to their district attorney’s office and, hence, charges were not filed (the seventh jurisdiction that responded to our survey did not provide a response to this question). San Francisco was the only county that provided us with a breakdown of their caseload by these categories, and this was after extensive work and utilizing the

capabilities of their new case management system that can link victims served with criminal cases. All information provided below is from 2022.

Exhibit 8 shows the number of individuals served in 2022 by each county that provided us with their caseload data. San Francisco served the highest number of individual victims in 2022 (9,028), followed closely by the counties of Contra Costa (8,699) and San Mateo (8,658). Santa Clara County reported serving 7,154, and Solano County reported serving approximately 2,800 victims in 2022.

Compared to total criminal filings for FY 2022, San Francisco served 2,560 victims for every 10,000 court filings, the highest number of victims served of all counties surveyed and well above the median of 910 per 10,000 filings for the other counties. Most counties reported that they serve individuals from across the Bay Area, so while someone may reside in a different county depending on where the crime took place, if they moved, or other factors, they may seek services elsewhere.

Exhibit 8: Number of Victims Served by County (2022)

County	Number of Victims Served (2022)	Total Criminal Filings (FY 2022)	Victims/10,000 Filings	Filings/10,000 Filings (FY 2022)
Contra Costa	8,699	72,574	1,199	1,199
San Mateo	8,658	80,984	1,069	1,069
Santa Clara	7,154	113,935	628	628
Solano	2,800	37,271	751	751
<i>Median</i>	<i>7,906</i>	<i>76,779</i>	<i>910</i>	<i>910</i>
San Francisco	9,028	35,265	2,560	2,560

Source: Bay Area County Victim Services Programs and 2023 Court Statistics Report, Judicial Council of California

Exhibit 9 provides the number of reported FTEs for each county’s victim services division, and the subset number of advocates (Victim-Witness Investigators in San Francisco). We calculated the number of total FTEs in the respective offices per individual victim served and the number of victim-witness investigators or advocates per individual victim served for 2022.

As shown below, San Francisco’s Victim Services Division had more staff positions per victim served (one staff person FTE for every 215 victims) compared to the median of 337 victims served per staff person FTE in the other counties. When counting victim-witness investigators only (or advocates as they are called in some other counties) San Francisco serves fewer victims per staff FTE at 258 compared to the median of 431 victims served per staff FTE in the other counties. Santa Clara County had the lowest number of victims served per total FTEs (179) but a higher number of victims served per advocate (286) than San Francisco’s 215 and 258, respectively. The lowest level of staffing per victims served was in the counties of Contra Costa (363 and 512

victims served per FTE and per advocate, respectively) and San Mateo (481 and 577, respectively).

**Exhibit 9: Number of Victims Served per Total FTEs and per Investigator/Advocate
 Bay Area Counties (2022)**

County	Number of Victims Served	Number of FTEs	Number of FTE Investigators/Advocates	Number of Victims Served Per Total FTEs	Number of Victims Served per FTE Investigator/Advocate
Contra Costa	8,699	24	17	363	512
San Mateo	8,658	18	15	481	577
Santa Clara	7,154	40	25	179	286
Solano	2,800	9	8	311	350
Median				337	431
San Francisco	9,028	42	35	215	258

Source: Bay Area County Victim Services Programs

Note: We received staffing data from Sonoma County but not the total number of victims served so they are not included in the exhibit.

Restitution

Restitution, as described in the first section of this report, is a central right for crime victims as outlined in the State of California Victim’s Bill of Rights. To better understand how much restitution is stipulated and/or paid to crime victims in each county in the Bay Area, we requested data from each of our survey counties on restitution payment stipulations ordered by the courts to be paid by the offender to the victim, restitution amounts stipulated through CalVCB, and the total amounts paid out, unpaid, or unclaimed. As shown in Exhibit 10 below, only two survey counties’ victim services programs provided the amount of restitution directly stipulated by the courts in their jurisdictions in 2022 and three surveyed counties, including San Francisco, provided the amount of CalVCB monies stipulated. No county was able to provide data on how much in restitution was recovered or unclaimed either in directly stipulated compensation or CalVCB funding as collections and payments are dispersed among several agencies, including the separately administered superior courts. We were told that this information is not centrally tracked by victim services programs.

Exhibit 10: Restitution Stipulated by County (2022)

County	Direct compensation stipulated	CalVCB Compensation Stipulated
San Francisco	Not reported	\$124,697
Contra Costa	\$5,888,516	\$424,675
San Mateo	\$1,941,155	\$101,000

Source: Bay Area County Victim Services Programs

Policies & Procedures

In addition to the data requested, we also asked counties to provide their policies and procedures documents related to their implementation of Marsy’s Law. We received some level of documentation from three county victim services programs: San Francisco, San Mateo and Sonoma counties. The SFDA’s office is in the process of updating their policies and procedures, so they provided examples of prior policies and procedures documents as well as some draft versions of not yet finalized new documents. The materials provided by San Francisco discuss operating procedures, safety protocols, and intake, and provided the list of rights given to a crime victim under Marsy’s Law.

San Mateo County provided their District Attorney’s Policies and Procedures Manual as well as a document they’ve created around best practices for their victim services program. Their Manual states that while Marsy’s Law applies explicitly to victims these rights should be extended to witnesses of crime. Their best practices document speaks more directly to the advocates in their office around interacting with clients, best practices for holding client meetings, entering data into their case tracker, providing court support, and offering CalVCB and restitution support.

Sonoma County provided detailed documents around ensuring victims’ rights, which includes a detailed discussion of Marsy’s Law and a crime victim’s rights as laid out in the California Constitution. The documents provided also describe how these rights are implemented by that office. Of the three sets of policies and procedures, Sonoma County’s most explicitly addressed the requirements of Marsy’s Law and how they are implemented.

Conclusion

The District Attorney’s Office’s new case management system allows linking victims served to criminal cases, providing new detail on how many individuals were served and associated with filed, not filed, and not presented (or juvenile) cases. This data shows that over half of all victims served are associated with a criminal incident never presented to the SFDA by law enforcement (including a small number of juvenile cases). While we did not receive that level of detail from the other counties who provided information to us, we were able to compare the number of individual victims served and staffing levels for 2022. This shows that San Francisco serves the

most victims of the Bay Area counties we received information from and has one of the higher staffing levels relative to victims served. The data we received also shows that more could be done to track restitution information in San Francisco. In addition, as the SFDA Victim Services Division finishes updating their policies and procedures, additional analysis on how Marsy's Law is incorporated into these documents may be useful.

Restitution is an important component of Marsy's Law and victim services in California. However, the actual results of efforts by the San Francisco Victim Services Division as well as other surveyed units throughout the Bay Area make it difficult to assess the efficacy of these efforts as actual payments and elapsed time to payment for victims is not data that is collected or readily available from victim services divisions or district attorney offices. Payments and collections are often administered and tracked by other agencies such as the courts and information about these results is not shared in many cases with victim services organizations.

Policy Options

The Board of Supervisors should:

1. Request additional information from the Victim Services Division around the types of services received by individuals served and how this may vary depending on if the cases are charged by the District Attorney's Office, not charged by the District Attorney's Office, or not presented to or charged by the District Attorney's Office.
2. Request that the Victim Services Division develop a system in conjunction with the Superior Court and other pertinent agencies to centrally track and report the restitution stipulated, paid out, and unclaimed and report this information annually to the Board of Supervisors.
3. Request that the Victim Services Division share their policies and procedures documents with the Board of Supervisors upon completion of the current review and editing process.

Appendix I: Marsy's Law Victim Bill of Rights

California Constitution, Article I, Section 28(b) delineates 17 specific rights that crime victims have. The text below is the full set of rights as laid out in the California Constitution.

In order to preserve and protect a victim's rights to justice and due process, a victim shall be entitled to the following rights:

- 1. To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.*
- 2. To be reasonably protected from the defendant and persons acting on behalf of the defendant.*
- 3. To have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the defendant.*
- 4. To prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.*
- 5. To refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.*
- 6. To reasonable notice of and to reasonably confer with the prosecuting agency, upon request, regarding, the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, upon request, to be notified of and informed before any pretrial disposition of the case.*
- 7. To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.*
- 8. To be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.*
- 9. To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.*
- 10. To provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.*
- 11. To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.*

12. *To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.*
13. *To restitution.*
 - a. *It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.*
 - b. *Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.*
 - c. *All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.*
14. *To the prompt return of property when no longer needed as evidence.*
15. *To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender.*
16. *To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.*
17. *To be informed of the rights enumerated in paragraphs (1) through (16).*

Appendix II: Victims Served by San Francisco’s District Attorney Victims Services Division with Cases Filed, by Associated Crime Types (2018-2022)

Crime Description for Associated Filed Case	Service Year				
	2018	2019	2020	2021	2022
Aggravated Assault Firearm	324	342	256	323	333
Arson	8	6	9	8	12
Assault	889	888	592	618	701
Assault and Battery	359	364	318	531	679
Brandish Gun	16	13	12	26	34
Burglary	127	155	160	244	182
DUI	54	61	68	76	54
Elder Abuse	74	49	43	25	24
Forcible Rape	102	110	78	82	85
Gun	28	31	34	48	49
Hit-and-Run	49	47	47	67	40
Human Trafficking	9	8	2	6	7
Kidnapping	63	63	59	58	56
Lewd Conduct	10	8	4	13	7
Local SF Ordinance	12	12	20	55	47
Manslaughter	27	32	32	39	36
Motor Vehicle Theft	14	20	27	38	27
Narcotics	12	15	14	15	15
Other	39	56	55	62	67
Other Sex Crimes	26	33	25	39	33
Robbery	526	525	387	383	349
Shooting into Inhabited Dwelling	6	7	11	11	11
Stalking	39	47	45	47	42
Theft	35	44	56	45	38
Trespassing	9	8	4	9	8
Vandalism	56	60	54	95	85
Violate Court Order	40	47	64	105	126
Violate Order Protection	39	44	60	96	85
Weapons	10	10	12	9	13
Willful Homicide	138	150	167	157	145
Willful Homicide (Att.)	55	71	72	68	57
Total Cases	3,195	3,326	2,787	3,398	3,447

Source: San Francisco District Attorney

Victims Served by San Francisco’s District Attorney Victims Services Division with Cases not Filed, by Associated Crime Types (2018-2022)

Crime Description	Service Year				
	2018	2019	2020	2021	2022
Aggravated Assault Firearm	10	8	9	5	16
Arson	1	1	0	0	0
Assault	42	52	41	41	104
Assault and Battery	29	26	17	31	46
Brandish Gun	1	0	0	0	0
Burglary	2	3	5	4	5
DUI	6	7	13	8	8
Elder Abuse	1	0	1	2	1
Forcible Rape	2	2	2	2	5
Hit-and-Run	1	4	3	4	3
Human Trafficking	3	0	0	0	8
Kidnapping	2	1	1	2	2
Local SF Ordinance	2	0	1	1	1
Manslaughter	2	3	3	1	3
Motor Vehicle Theft	2	2	4	1	3
Narcotics	5	7	4	3	5
Other	19	10	17	16	21
Robbery	18	19	22	17	18
Theft	4	6	2	2	6
Vandalism	1	2	2	1	5
Violate Court Order	4	0	0	3	8
Violate Order Protection	6	7	5	10	7
Weapons	5	6	8	9	11
Willful Homicide	8	10	11	12	14
Willful Homicide (Att.)	5	13	7	10	8
Stalking	0	1	2	1	2
Trespassing	0	2	0	2	1
Shooting into Inhabited Dwelling	0	0	0	1	0
Total Cases	181	192	180	189	311

Source: San Francisco District Attorney