

San Francisco - Office of the District
Attorney -

ANNUAL REPORT TO MAYOR

Submitted by

JOHN JAY FERDON, DISTRICT ATTORNEY

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Municipal Court Division

Introduction

The Municipal Court Division initiates all felony prosecutions. This includes processing felony cases in the Municipal Court, presentation of motions to revoke probation, prosecution of all misdemeanor cases, assisting the Police Department in the preparation of arrest and search warrants, analyzing and approving defendants' motions for diversion from the criminal process, and holding complaint hearings prior to, or in lieu of, prosecution.

Initiating Felony Prosecutions

Felony prosecutions in the Municipal Court are initiated either by issuance of an arrest warrant or by the filing of complaints following an evaluation of felony arrests made without a warrant.

These "no warrant" felony arrests are made by police officers after they observe acts or obtain information which provide them with reasonable and probable cause to believe that a felony has been committed.

After a "no warrant" arrest is made, the case is assigned to a detail of the Inspectors Bureau of the Police Department for investigation. The case is then evaluated in a conference by a representative of the Inspectors Bureau and an experienced Assistant District Attorney.

In order to properly evaluate and to insure a just and proper disposition of these cases, the reviewing Assistant District Attorney must possess a thorough knowledge of criminal and constitutional law. Because of the continuing changes in criminal law and procedure, it is imperative that all prosecuting attorneys remain abreast of these developments.

After the evaluation of the "no warrant" felony arrest, a decision is made to initiate a felony or misdemeanor prosecution or to discharge the arrested person. This decision must be made within two court days following the arrest. During the 1973-1974 fiscal year, the Municipal Court Division handled 14,942 "no warrant" felony arrest charges. This was a decrease of 774 charges from the 15,616 charges filed during the 1972-1973 fiscal year.

A total of 9,472 charges, 63% of all "no warrant" felony arrests, resulted in criminal prosecutions. Of these, 55% were felony and 13% were misdemeanor prosecutions.

Prosecutions in the remaining 5,470 charges, 37% of all the cases, were not filed because of insufficient evidence resulting from constitutional or factual limitations. The most common constitutional limitation was the exclusionary rule of evidence. Frequently encountered also was the inability of victims of crimes to identify arrested persons or property alleged to have been stolen. Additionally, many victims decline to prosecute family members or friends after an arrest has been made. In some cases further investigation exonerated the arrested person. In other situations another jurisdiction prosecuted the defendant and the local charges were dismissed when further prosecution would be meaningless.

In cases where the accused was found to be under 18 years he was certified to the juvenile court for delinquency determination. In other cases charges were dismissed in order to permit prosecution on another pending charge or because the defendant was already serving a prison term from another jurisdiction. Also when evidence is insufficient charges were dropped to establish the statutory elements of the crime, i.e., where laboratory analysis reveals the suspected contraband is not a prohibited substance. Lastly, cases may be dismissed pending further necessary investigation by the police department. These cases are reopened by issuance of an arrest warrant when the supplemental investigation is completed by the inspector assigned to the case.

During this fiscal year, 1,593 District Attorney complaint citations were issued. These are informal hearings conducted by an Assistant District Attorney and designed to obtain enforcement of various laws without the necessity of formal court proceedings. Emphasis is placed upon avoiding issuance of a warrant of arrest where voluntary compliance by the person against whom the complaint has been made fully satisfies the interest of justice. A shortage of staff attorneys has forced curtailment of this important service.

Misdemeanor Jury Department

During the fiscal year 1973-1974, two municipal court departments processed all the non-traffic misdemeanor filings and arraignments, jury demands in traffic cases, pretrial conferences, pretrial motions, and motions to revoke probation. These same courts calendared and assigned cases to six other departments for jury trials.

The jury department is staffed by 12 lawyers, 4 of whom are assigned to the master calendar courts, the balance being available for trial assignments. A total of 267 cases proceeded to jury trial. These involved 300 defendants prosecuted on a total of 416 charges. 205 cases resulted in convictions; 160 in acquittals; and in 55 cases the jury disagreed.

The following list illustrates the general categories of charges, the number of trials in which it was the substantive issue, and the approximate ratio to the total number of trials presented during the fiscal year.

	<u>Number of Trials</u>	<u>Approx. %</u>
Driving/Influence of alcohol.	71	26
Breach of public peace.	2	1
Prostitution.	45	16
Theft/Fraud	54	20
Assault/Battery	53	20
Drug Offenses	9	3
Weapons	11	4
Sex	6	2
Vehicle	10	3
Manslaughter.	2	1
Miscellaneous	5	1

In addition to those matters resolved by trials, the jury departments were responsible for closing a number of cases.

At the close of the fiscal year, 1,129 charges were pending in the misdemeanor departments.

In the Municipal Court, the District Attorney's Office handled a total of 75,765 charges (felony and misdemeanor) during the fiscal year. The following table illustrates the breakdown of the total:

Total Charges Handled in Municipal Court

Final Disposition of Charges Prosecuted in the Municipal Courts (General and Jury Departments	23,211
Non-Parking (Moving) Traffic Violations in which District Attorney Assisted in Prosecuting in Court (Exclusive of Those Tabulated Above)	19,356
Probation Revocation Hearings.	1,030
Preparation of Department #16 Complaints (Traffic) by District Attorney's Office.	2,008
Preparation of 647f Penal Code (Drunk) Complaints by District Attorney's Office.	13,991
Court Trials	589
TOTAL MISDEMEANOR CHARGES HANDLED. . .	<u>60,185</u>
Motions to Suppress Evidence.....	638
Felony Arrest Charges.	14,942
TOTAL CHARGES HANDLED IN MUNICIPAL COURT. . .	<u>75,765</u>

Misdemeanor Cases

During the 1973-1974 fiscal year, the municipal court departments which were assigned to hear criminal and traffic matters handled 57,717 charges based on violations of such laws, exclusive of parking violations. The following charts and text illustrate the categories and dispositions of these charges in the Municipal Court.

The general and jury departments of the Municipal Court handled 23,211 misdemeanor charges of which 9,223 charges resulted in conviction. There were 8,504 charges dismissed because the defendant pled guilty or was found guilty of another misdemeanor offense. Other dismissals were due to the failure of victims to identify defendants, victim's desire not to prosecute, victim's failure to respond to court when requested, victim's inability to identify stolen property, or re-evaluation of the charges by the Assistant District Attorney assigned to the case after further investigation or the receipt of additional evidence.

A total of 1,815 charges were placed "off calendar" prior

to final disposition because the defendants failed to appear or because the defendants were minors. In the former, bench warrants (BW) were issued and in the latter, the cases were certified to the Youth Guidance Center for filing of a petition in the Juvenile Court.

Prosecution was terminated or suspended in the case of drug-related charges which resulted in diversion of the defendants from the criminal process for a period of six months to two years for education and counseling at the direction of the Adult Probation Department. Some 252 persons were placed by court on diversion programs. Some 147 persons successfully completed the diversion program, and pursuant to the provisions of the Penal Code, their cases were dismissed by the court. At the end of the fiscal year, 29 persons had diversion hearings pending. Six persons failed to complete the diversion period; their cases were returned to calendar for prosecution.

Some misdemeanor cases were terminated or suspended because the defendant's mental condition required expert evaluation; others because they arose at the same time as a felony charge for which the defendant was being prosecuted. In such cases, the misdemeanor charge trailed, or followed, the prosecution of the felony charge.

Misdemeanor Dispositions

1. Total charges (general and jury departments . . . 23,211
2. Guilty or nolo contendere pleas 9,223
3. No complaint filed. 4,678
(Other charges were dropped where the cases on individual defendants were settled by the above dispositions.)

A total of 1,815 charges, or 7%, were taken off calendar. Thus, when the total number of charges, 23,211, is reduced by subtracting the off-calendar charges and those charges where no complaint was filed, the total number of charges prosecuted as misdemeanors is 16,718. If the number of charges resulting in guilty pleas is added to those dismissed upon plea to another charge, the number of charges successfully prosecuted is 15,589 or 67%.

The following chart illustrates the disposition of misdemeanor charges during the fiscal year:

DISPOSITION OF MISDEMEANOR CHARGES

OFFENSES	Guilty and NoLo	No Complaint Filed	Dismissed for plea	Off other Calendar Total
DRUG OFFENSES				
Marijuana	137	26	50	39
Dangerous drugs	8	1	2	11
Other drug offenses	398	287	120	75
ASSAULT AND BATTERY	444	555	160	140
WEAPONS	399	63	83	55
GAMBLING	193	52	8	4
RESISTING ARREST	331	252	209	63
PETTY THEFT	1261	626	491	354
LEWD AND OBSCENE	40	19	13	13
PROSTITUTION	810	860	190	220
DISTURRING THE PEACE	448	170	57	32
INTOXICATING LIQUOR	569	247	116	72
MINORS				
(Support, cruelty, delinquency)	69	41	15	16
VEHICLE				
intoxicating liquor	459	2	89	55
auto tampering	106	13	23	26
suspended or reissued license	45	2	11	19
reckless driving	189	2	10	11
hit and run property damage	56	0	7	10
unsafe speed for conditions	66	0	25	17
open container/drinking in auto	8	0	9	6
other traffic misdemeanors	177	12	95	71
OTHER MISDEMEANORS	3010	1448	355	507
TOTAL	9223	4678	2138	1815
PERCENTAGE	39%	19%	8%	7%
			27%	100%

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Felony Cases in Municipal Court

After the filing of a felony complaint or the issuance of a felony arrest warrant and subsequent arrest, and after the defendant is arraigned, a case is set for preliminary hearing before a Department of the Municipal Court. At that hearing the magistrate determines from the evidence whether there is reasonable and probable cause to require the defendant to stand trial in the Superior Court.

During this fiscal year three Municipal Court departments conducted preliminary hearings; one additional department conducted such hearings two days a week. An Assistant District Attorney was assigned to each of these courts.

A total of 14,942 felony charges, involving 9,266 defendants, were set for preliminary hearings in the general courts. During the preliminary hearing the prosecution has the burden of establishing that a crime has been committed and that there are reasonable grounds for believing that the defendant committed the crime.

During this fiscal year, 40% of the felony cases were held to answer by the Municipal Court magistrate and sent to the Superior Court for trial; 2% were indicted by the Grand Jury; 4% pled guilty to misdemeanor charges; 32% were discharged when co-defendants pled guilty; 18% were discharged; and 4% were subject to other procedures, such as certification to the Superior Court, for determination of the defendant's mental competency to stand trial, certification of juvenile defendants to Youth Guidance Center, and issuance of bench warrant for the arrest of defendants who failed to appear at court proceedings.

The following table reflects the types and dispositions of felony cases handled in the Municipal Court:

NO WARRANT FELONY ARREST CHARGES

JULY 1973 - JUNE 1974

<u>OFFENSE</u>	<u>FELONY PROSECUTION</u>	<u>DISCHARGED</u>	<u>REBOOKED AS OTHER FELONY</u>	<u>MISDEMEANOR PROSECUTION</u>	<u>TOTAL</u>
DRUGS: OPIATE	1277	811	29	20	2137
MARIJUANA	1177	542	19	307	2045
DANGEROUS DRUGS	401	325	13	36	775
OTHER DRUG OFFENSES	30	56	3	4	93
HOMICIDE	65	12	1	--	78
VEHICULAR MANSLAUGHTER	8	--	--	2	10
DRIVING OFFENSES	51	4	--	37	92
DEADLY WEAPONS	204	119	1	69	393
RAPE	54	98	2	2	156
OTHER SEX OFFENSES	168	71	--	4	243
CONSPIRACY	35	197	2	4	238
BOOKMAKING	63	20	--	1	84
CHECK AND FORGERY	397	164	11	43	615
THEFT	270	161	17	82	530
AUTO THEFT	270	262	2	67	601
ASSAULT	649	506	12	574	1741
BURGLARY	883	283	16	190	1372
RECEIVING STOLEN PROPERTY	493	1144	29	163	1829
ROBBERY	490	338	8	23	859
OTHER FELONIES	320	357	63	211	1051
TOTAL	7304	5470	228	1939	14,942
PERCENT	49	36.5	1.5	13	100%

Other Functions

The Municipal Court Division has voluminous communications with the general public and other agencies which do not result in criminal litigation. Many persons with civil and criminal problems are referred to this office by the police department and other public and private agencies. Every effort is made to direct the inquiring party to the proper agency if his case is not within the geographical or statutory jurisdiction of this office.

There are, of course, numerous inquiries by telephone call which require the legal opinion of an Assistant District Attorney. Telephone inquiries are also directed to the proper agency for resolutions of problems which this office cannot handle.

Considerable investigation by the Assistant District Attorney issuing arrest and search warrants precedes the filing of the specific factual declarations which are required by law. All search and arrest warrants are prepared or reviewed by an Assistant District Attorney who must remain abreast of changes in the relevant case law.

During the fiscal years, 1,051 arrest warrants and 191 search warrants were prepared and issued.

Appellate Division

The Appellate Division of the District Attorney's Office handles appeals from Municipal Court misdemeanor convictions, motions to suppress and demurrers. Such appeals are taken to the Appellate Department of the Superior Court and are filed either by the defendant or the People. The Assistant District Attorney in this division prepares and files motions, affidavits, briefs, and other pleadings relating to such appeals. Each Friday morning he argues the People's case before the three-judge Appellate Court.

The lawyer assigned to appeals also appears in Municipal Court to represent the People in connection with demurrers and various pretrial motions. There were approximately 663 such matters during this past fiscal year.

The appeals attorney also prepares briefs and appears for oral argument in response to petitions for extraordinary writs in both the Superior Court and the United States District Court for the Northern District of California.

Four appeals from judges' orders were filed by the People. One of these appeals was later abandoned, two resulted in rulings favorable to the People and one is still pending.

During the same fiscal period a total of 206 from convictions were filed by defendants. The results of those appeals and the appeals pending from the prior fiscal period are as follows:

1. Conviction Affirmed	31
2. Conviction Reversed	3
3. Appeals Dismissed on Motion of District Attorney for Failure of Defendant to prosecute with due Diligence	134
4. Appeals Abandoned by Appellant	6
5. Trial de Novo Ordered by Court	4
6. Appeals Pending	37
TOTAL	215

The total number of appeals indicated above includes nine appeals handled this fiscal year which were filed in the preceding fiscal year.

Superior Court Division

The Superior Court division consists of twenty-one attorneys whose primary concern is the court prosecution of felony criminal cases.

Superior Court attorneys are also engaged in reviewing the investigations of law enforcement officers and the evaluation of these felony cases set for trial. Increased specialized prosecution has recently been emphasized to increase the effectiveness of criminal investigation and trials involving homicide, sexual assault, narcotic violation and vice control.

The Superior Court Master Calendar Department is staffed by three assistant district attorneys who evaluate cases, negotiate dispositions by pleas of guilty, prepare and present replies to pretrial motions and assign cases for trial to the trial departments of the Superior Court.

All members of the District Attorney's staff in the Superior Court participate and represent the People in ancillary proceedings in the Master Calendar Department. These proceedings include:

1. hearings on certifications for the determination of present sanity of an accused;
2. hearings on petitions for writs of habeas corpus and writs of mandate;
3. hearings on petitions for commitments of defendants as mentally disordered sex offenders;
4. hearings on petitions to determine whether or not a defendant is addicted to the use of narcotics;
5. hearings on motions to revoke or modify probation.

Evidentiary hearings on motions to suppress evidence are regularly heard and argued every morning of the week in trial court departments prior to the commencement of jury trials.

Fiscal year 1973-1974 dispositions are as follows:

New Case Filings: (By number of defendants)

1. By Information	2,154
2. By Indictment	79

Dispositions: (By number of defendants and including cases carried over from last year.)

- 1. Guilty Pleas 1,915
- 2. Court Trials 17
 - a. Convictions 17
 - b. Acquittals 0
- 3. Jury Trials 165
 - a. Convictions 111 (84%)
 - b. Acquittals 21 (16%)
- 4. Jury Disagreement 33
(Jury disagreements are reflected in guilty pleas and dismissals as a result of subsequent evaluation on both sides.)
- 5. Other Dispositions 239
 - a. Dismissal 239
(E.g., insufficient evidence; interest-of-justice; defendant deceased.)
 - b. Referral to 238
non-criminal jurisdiction
(E.g., juvenile court, insanity, and/or sexual psychopath commitments.)

RECAPITULATION:

Total Defendants 2,541

Guilty 2,043 (81%)

Not Guilty 21 (1%)

Dismissed 239 (9%)

Referred 238 (9%)

(Disagreements omitted.)

Total: 100%

In the spring of 1974, two major criminal trials were prosecuted by this office in other counties in California. This resulted from motions for change of venue filed by the defendants. Attorneys from this office successfully prosecuted a two-week homicide trial in Sacramento County and a three-week kidnap-rape trial in San Bernardino County.

Juvenile Division

The District Attorney, when requested by the Judge of the Juvenile Court, is required by statute to ascertain and present the evidence in court trials of minors in Juvenile Court. These are cases where minors are either alleged to have committed acts which would constitute crimes if committed by adults, or a minor has been neglected or abused in a manner which may result in criminal charges against parents, guardians or other adults.

From July 1, 1973 to March 4, 1974, one assistant district attorney was assigned by this office to the Juvenile Court. During this period the attorney assigned evaluated prospective cases as requested by the court and presented evidence in 78 contested matters.

Beginning March 4, 1974 three assistant district attorneys were assigned to the Juvenile Court Division of the District Attorney's Office. Their initial function is to decide in each potential charge of a violation of section 602 of the Welfare and Institutions Code (a criminal violation by a juvenile) whether there exists sufficient evidence to sustain such a petition beyond a reasonable doubt and to a moral certainty, and if so, to accept the more important felony cases for presentation to the courts.

The number of criminal type cases accepted depends upon the limits of manpower and court time available. During the months of March through June 1974, the Juvenile Division accepted for presentation in the Juvenile Courts 305 felony cases, and carried to final disposition 353 such cases.

The most serious cases are those involving homicides and grievous assaults by youthful gangs, robberies, assaults with deadly weapons, rapes, and other serious offenses by juveniles.

Vice Control

The program formulated in September 1971 to better coordinate all vice enforcement activities between the San Francisco Police Department and the District Attorney's Office was continued through fiscal year 1973-1974. In addition to perfecting systems which had previously been developed with reference to the prosecution of vice related cases, special attention was given to the following:

1. Prosecution of known and suspected pimps and panderers;
2. Development of a profile in order to determine what persons were most apt to engage in vice related activities, and what procedures were available to minimize the incidence of vice related offenses;
3. Education of citizens to the problems involved in such prosecutions and of the effects of vice in a community.

Prosecution of known and Suspected Pimps

Since September 1971 the processing of all cases involving suspected or known pimps or panderers have been handled by a single assistant district attorney assigned to vice control. This procedure has resulted in a more expeditious and equal disposition of cases involving such persons. In fiscal year 1973-1974, 34 pimps were convicted in the Superior Court. This represents almost a 50% decrease in the number of such cases prosecuted since last year. Two cases were dismissed because a witness for the prosecution in each case was unavailable. There are now 2 cases awaiting trial in the Superior Court, and 5 cases awaiting preliminary hearing. Felony warrants are outstanding for 6 persons. One of these is also charged in a federal Unlawful Flight warrant. The total number of persons convicted for pimping or pandering since the inception of the vice control plan is 145.

Development of the Profile

In order to effectively prosecute persons for vice related activity, it is essential that the prosecutor and the police officer know the character and background of the individual who engages in such conduct. This knowledge facilitates prosecution and provides an insight into how such activity arises and what conditions permit vice to grow. This information has been invaluable in permitting law enforcement to anticipate in what areas to expect vice activity.

Other on-going programs relating to use of the Red Light Abatement Act and the training of district attorney and law enforcement personnel were continued.

Business Investigation - Consumer Protection Service

This past fiscal year has been the first full year of operation of the Business Investigation - Consumer Protection Service. The unit's primary function now is consumer protection although it continues to assist in the field of business investigation.

Consumer Protection

During the past fiscal year, consumer protection enforcement has grown steadily. 1,024 new complaints were received. During the same period 855 matters were resolved which resulted in consumers receiving goods, services or money valued at approximately \$21,000.00. Investigation of most of these matters is initiated by citizen complaints and various private and governmental agencies. Each business or individual complained against is contacted in person or by letter in an attempt to resolve the matter. In some cases a hearing is held at the Office of the District Attorney and all interested parties are invited to appear.

If the matter cannot be resolved a civil or criminal action may be instituted depending upon the facts of each case. Criminal prosecution may result in the convicted person being sent to jail, fined, or both. In addition the court may order restitution to the victims. Civil actions involve the filing of a civil complaint and the obtaining of a temporary restraining order or a preliminary injunction and ultimately a permanent injunction. These proceedings result not only in stopping illegal practices but also in obtaining \$2,500.00 penalty for each violation.

During the past year 19 injunctive actions were initiated. 9 judgments totaling \$47,133.67 were obtained. At present there are 17 civil actions awaiting trial.

Following is a resume of some of the civil actions resolved during the past year:

People vs. Wilson's House of Suede and Leather

This was a civil action alleging false advertising in which the defendant paid a penalty of \$25,000.00 and was enjoined from continuing its unlawful business practices.

People vs. Jefco

This case involved a charge of unfair business competition in which defendant agreed to discontinue the illegal activity and pay \$2,500.00 in civil penalties.

People vs. Fancy Pants and The Boot Hook, Corp.

These two cases involved acts of unfair business competition by the defendants violating the Endangered Species Act. Each defendant agreed to discontinue violating the law and paid penalties totaling \$3,151.50.

People vs. Union Square Portrait Studio

A judgment was obtained awarding \$10,982.17 in civil penalties, restitution to the victims and costs, against the defendant for various acts of false and misleading advertisement.

This unit has also prosecuted consumer complaints which have resulted in criminal prosecution. These cases involved charges such as contracting without a license; violation of the auto repair act; health code violations and other related criminal activities. In two such cases, People vs. Bertolina and People vs. Ellingsen, the defendants were found guilty of maintaining unsanitary premises where food is dispensed and paid fines totaling \$700.00. In the case of People vs. Weingarten, the defendant, an automotive repair dealer, was found guilty of false and misleading representations and sentenced to jail and ordered to pay a fine of \$1,000.00.

Business Investigation

During the past fiscal year this section investigated and prosecuted the following types of offenses: Embezzlements, Thefts by False Pretenses, Corporation Security Violations, Forgeries, and other related criminal activities.

Investigations are initiated by complaints from citizens and from federal, state, and city and county agencies. The first step in investigation is an interview with the complainant or with an investigator from a governmental agency. This is followed by securing of further evidence, if needed, and interviews with all persons who may be witnesses. A warrant is issued if it is determined there are sufficient grounds for a criminal charge.

In some cases, however, a hearing is held at the Office of the District Attorney, at which time all interested parties are invited to appear. If no further investigation is required, a warrant may issue or the matter may be dismissed, depending upon the facts of each case.

Grand Jury

One important function of the District Attorney is to act as legal advisor to the Grand Jury in all criminal matters. He is responsible for the presentation of evidence in felony cases where an indictment is sought. Witnesses are called and cases are presented each Monday evening. When indictments are voted, they are formally presented to the presiding judge of the Superior Court on the following Thursday morning.

During the fiscal year 1973-1974, 289 witnesses were called to testify before the Grand Jury. A total of 52 indictments were returned involving 79 defendants, with a total of 268 charges.

A review of the calendar year 1973 indicates the following:

Number of indictments filed in 1973	47
Number of defendants indicted in 1973	75
Number of defendants with final dispositions	72
Guilty	56
Not guilty	6
Deceased	1
Dismissed (plea to other felony, 995 P.C., etc.)	6
State hospital (insane)	3
Fugitives	3

From the above figures, it is apparent that of the 62 defendants whose cases were finally disposed of by guilty pleas or trial, 90.3% were convicted.

In 1973, the term of the Grand Jury was changed by the Legislature to begin and end on a fiscal rather than calendar year basis. In view of this change, the Grand Jury agreed to serve the additional six months until the new Grand Jury was selected.

Bureau of Family Relations

The BFR investigates complaints of an alleged criminal nature arising between members of a family or quasi-family.

Four staff members investigate these complaints which include every type of domestic difficulty.

Alternative actions to resolution of these domestic complaints are explored prior to the issuance of any arrest warrant. District Attorney complaint hearing notices are issued and informal hearings are conducted to determine the facts regarding the alleged crime. The sanctions of the law are defined to both the complainant and defendant. In most cases the complaint hearing resolves the matter to the satisfaction of all concerned persons. The need for filing formal criminal charges is usually avoided, saving time and expense of lawyers and courts.

Bureau staff personnel are sensitive to the various needs of our clientele. Investigators often refer persons requiring other services such as legal help or family counseling to local agencies like the Neighborhood Legal Assistance Foundation and the Family Service Agency.

The Bureau enforces Section 270 of the California Penal Code (failure to provide for a dependent minor) in behalf of self-supporting complainants whose children do not qualify for aid by public welfare. Every effort is made to secure voluntary contributions for support. During the past year greater emphasis in support by delinquent fathers was achieved by establishment of a caseload system. Of the total 692 non-support complaints handled by the Bureau, only 34 cases required the filing of formal charges with issuance of arrest warrants. A total of 19 defendants were placed under probation supervision as a result of successful prosecution in the criminal courts this past year. The Bureau made 83 voluntary referrals to the Adult Probation Department under Section 580(d) of the California Welfare and Institutions Code. This was almost double the previous year's total. In most cases the investigator was able to secure the cooperation of the estranged parent to meet his responsibility for contributing to his child's support.

Much time and effort is exerted in locating persons whose current whereabouts may be unknown to the complainant. The Bureau uses many sources of information for this purpose. This requires correspondence with public agencies such as the California Department of Human Resources and the California Bureau of Criminal Identification and Investigation, and with unions, employers, attorneys, and private individuals.

The BFR initiates investigations involving the Uniform Reciprocal Enforcement of Support Act (URESAs) seeking child support from parents residing in jurisdictions outside of San Francisco. The Bureau made 49 such investigations for URESA processing during the past year.

Bureau investigators held over 3,000 complaint interviews during the past fiscal year. These resulted in the issuance of 1,125 complaint hearing notices and approximately 1,272 referrals to other agencies. Investigators conducted 564 complaint hearings. Over 5,000 telephone inquiries regarding case status, specific complaints, and general information were handled by Bureau staff.

The following is a summary of complaints by classification processed this past year:

<u>Classification</u>	<u>Cases</u>
242 Penal Code (Battery)	790
270 Penal Code (Non-Support of Minor Children)	692
270 (a) Penal Code (Non-Support of Indigent Wife)	10
273 (d) Penal Code (Felony Wife Beating)	8
279 Penal Code (Denial of Visiting Rights)	100
415 Penal Code (Disturbing the Peace)	286
594 Penal Code (Malicious Mischief)	142
653 (m) (Annoying Telephone Communications)	161
Domestic Difficulties (Non-Criminal)	627
Drinking	259
Narcotics	51
Mental Illness	95
Threats	430
Unwed Mothers (Establishment of Paternity)	47
Miscellaneous	376
TOTAL:	<u>4,074</u>

During the past year a number of programs were initiated for purposes of operational efficiency. One program involved the reduction of the number of outstanding arrest warrants for violation of 270 Penal Code by intensified service of such warrants. At this time only eight warrants are outstanding, and all are from the current year. A system for feedback from the San Francisco Police Department was instituted to assure processing of these warrants.

Uniform Reciprocal Enforcement of Support Division

The primary function of this division is to secure child support under the provisions of the Uniform Reciprocal Enforcement of Support Act from fathers who live in a state or county other than that in which their children reside. Activities during the fiscal year are summarized as follows:

Cases initiated for local children	78
Average number of such cases per month	6.50
Cases initiated for children of other jurisdictions	303
Average number of such cases per month	25.25
Total reciprocal support cases processed	381
Average of new reciprocal support cases per month	31.75
Contempt citations initiated for payment delinquencies	57
Changes of venue from San Francisco to other jurisdictions	51
Changes of venue to San Francisco from other jurisdictions	7

The results of local court proceedings in the above-listed cases can be summarized as follows:

Support orders	159
Support order modifications	51
Interim orders re contempt	45
Wage assignments	53
Warrants of attachment for contempt	70
Miscellaneous other orders	<u>17</u>
Total orders secured for other jurisdictions	<u>395</u>
Support orders obtained by other jurisdictions for local children at our request	54

The district attorney was directed by the San Francisco Superior Court to conduct civil contempt proceedings against certain persons who were under a court order to pay child support through the San Francisco Adult Probation Department and failed to do so. Ninety-nine such cases were referred to the district attorney by the adult probation officer. Court proceedings resulted in fifty-five support order modifications and thirty-seven wage assignments. Sixteen warrants of attachment were issued calling for the apprehension of men who failed to appear before the court.

Civil paternity prosecutions against the alleged fathers of children dependent on welfare constitute another part of the division's work. The statistics regarding cases of this type are as follows:

Summonses and complaints served	17
Defaults entered	13
Child support orders issued	11
Mother of child refused to cooperate further in the case	15
Mother and child left San Francisco	4

The child support orders which were secured in civil paternity cases called for payments to San Francisco by fathers of illegitimate children in the amount of \$14,443.20 per year.

Twenty-five civil judgments were also secured by the division against surety companies which had issued bail bonds guaranteeing the appearance in court of criminal defendants who then failed to appear. Collections on these judgments, and on others previously secured, may be summarized as follows:

Total collected on judgments	\$139,725
Total interest collected	9,599
Total	<u>\$149,324</u>
Judgments not yet collected on 7-1-74:	
On appeal by surety companies	\$ 8,500
Surety company in liquidation	51,625
Collections in normal process	38,500
Total	<u>\$ 98,625</u>

Extradition Division

Extradition is defined as the surrender by one state or nation to another of an individual accused or convicted of an offense outside its own territory and within the territorial jurisdiction of the other, which, being competent to try and punish him, demands his surrender. Rendition is the return of such individual to such demanding state or nation.

With the increasing mobility of society it is inevitable that this phase of criminal law is expanding both as to numbers of cases and distances involved in the return of prisoners.

When a person is arrested in another jurisdiction on the request of a demanding state he may request a formal hearing before the Chief of State of the arresting jurisdiction before he is returned. In many cases, however, after arrest the accused does not make such a demand but waives formal extradition proceedings and returns voluntarily to the demanding jurisdiction.

If a formal extradition is requested, documents consisting of witnesses' statements, pictures of the defendant and other relevant evidence must be forwarded to the office of the governor of California who in turn forwards a request to the holding state with a request that that Chief of State, another Governor or foreign head of state, issue a warrant for the arrest and rendition of the accused to the State of California.

During the past year this office processed six formal extradition requests, approved and arranged for return of prisoners on approximately twenty-five waivers of extradition and consulted with many local police officers on the status of fugitives who are being sought by the Federal Bureau of Investigation following the filing of a complaint in Federal District Court by the United States Attorney for violation of the federal laws for Unlawful Flight to Avoid Prosecution.

Bureau of Investigation

The current organization of the San Francisco District Attorney's Investigation Bureau consists of a Chief Investigator, a Senior investigator and eleven investigators. Three investigators are assigned to Business Investigation and Consumer Protection, four to the Aid to Families with Dependent Children section, one to Uniform Reciprocal Enforcement of Support section, and three to the Criminal Division.

Criminal Division

The main function of the investigator is to gather facts by conducting field investigations, finding witnesses and serving subpoenas in preparation for court.

The investigators take statements of witnesses, testify in court as necessary, assist the Assistant District Attorney during the course of a trial and do research and reports on Prisoners' Demands for Speedy Trial and Certificates of Rehabilitation and Pardon.

Casework Statistics

July 1, 1973 - June 30, 1974

- 1. Investigations in Pending Criminal Prosecutions. .2,052
- 2. Subpoenas of Witnesses 488
- 3. Reciprocal Support Enforcement
(Service of Process) 350
- 4. Demands for Speedy Trial (Made by Persons
in Custody for Other Offenses) 336
- 5. Rehabilitation and Pardons (Applications
Forwarded to Office of the Governor) 25

Psychiatric Division

The primary functions of this Division are:

- A. Investigation of alleged mentally disordered and intemperate persons, and those addicted to narcotics and habit-forming drugs;
- B. To represent the City and County as designated in section 5114 of the Welfare and Institutions Code; (Judicial Commitment of Mentally Disordered Person)
- C. To interview and advise persons requesting information on psychiatric facilities and legal procedures relating to the problems of mental illness, alcoholism and drug addiction.

Complaints concerning mental illness or deficiency, alcoholism and drug and narcotic addiction are investigated by a psychologist on the staff of this office. Where reasonable and probable cause exists and no relative or other interested parties are located or willing to assume responsibility this office takes appropriate action under the Penal or the Welfare and Institutions Code.

Section 5114 of the California Welfare and Institutions Code concerning mental illness specifically assigns the responsibility of presenting the People's case at any judicial proceeding under that code to the District Attorney. A member of the legal staff has been assigned to these duties which include jury trials, writs of habeas corpus and conservatorship hearings concerning the alleged mentally ill person.

Statistics

Jury trials	2
Found mentally ill	1
Accepted voluntary hospitalization . . .	1
Writs, habeas corpus	11
Denied	8
Granted	1
Withdrawn	2
Investigations	241
Mental illness	151
Narcotics & drugs	46
Intemperance	44

The Psychiatric Division conducted numerous investigations which resulted in the locating of relatives or other interested persons who were willing and able to assume responsibility for the patient and arrange private hospitalization or psychiatric care without the necessity of court proceedings.

END