

**YOUR AFFIANT SAYS THAT THE FACTS IN SUPPORT OF THE ISSUANCE OF THE ARREST WARRANT ARE AS FOLLOWS:**

I, Mike Reilly, your Affiant, being first duly sworn, hereby declare, upon information and belief:

**STATEMENT OF EXPERIENCE**

I am an Inspector with the Bureau of Investigations at the San Francisco District Attorney's Office ("SFDA"). I have been employed by the SFDA since May 15<sup>th</sup>, 2023. Prior to this I was employed by the Alameda County District Attorney's Office (ACDA) as an Inspector II from February of 2018 to May of 2023. While at the ACDA, I was assigned to the Special Operations Unit's (SOU) Public Integrity Unit. Before working at the Alameda County District Attorney's Office, I was employed by the Oakland Police Department from November 1988 to February 2018. While at the Oakland Police Department I worked as a Patrol Officer, Special Duty Unit Officer, SWAT Team Operator, Narcotics Section Investigator, Criminal Investigations Sergeant, SWAT Team Leader, Patrol Supervisor, Crime Reduction Team Supervisor, Intelligence Division Supervisor, Patrol Watch Commander, Special Resources Section Commander, and SWAT Commander.

I have developed numerous professional contacts and have interviewed persons who were involved in or admitted to committing various crimes, including but not limited to murders, violent assaults, sexual assaults, robberies, public corruption, and property crimes. I have investigated such crimes within the City of Oakland, the County of Alameda, and the City and County of San Francisco. I am familiar with the many methods by which these crimes are committed, and the various types of evidence that might be associated with these crimes.

I possess the Basic, Intermediate, and Advanced California Peace Officer Standards and Training Certificates as a Police Officer. I have also received training in the preparation and execution of search warrants as they pertain to various criminal investigations and have received specialized training in the investigation of violent crimes and other criminal investigations, to include crimes related to public corruption.

I am part of the SFDA's Public Integrity Task Force which investigates public corruption in San Francisco. The SFDA is currently investigating the previous director of SF SAFE, Kyra Worthy ("WORTHY"), for potential embezzlement and other theft related crimes.

**INTRODUCTION**

The San Francisco Police Department (SFPD) created SF SAFE in 1976. In 1980, it became a separate 501(c)(3) nonprofit corporation, SF SAFE, Inc. SF SAFE's website states that it acts "as the crime prevention component of the police department." SFPD's website described SF

SAFE as “the non-profit community engagement arm of the San Francisco Police Department.”<sup>1</sup> As of January 24, 2024, SF SAFE ceased operations.

According to SF SAFE’s website, a “major portion” of its financial support originated “from a grant contract with the SFPD.” SF SAFE also had a \$2 million contract with The Office of Employment and Workforce Development (OEWD) for the “Mission Safe Streets” program. SF SAFE also accepted private donations and received grant awards from the City, the San Francisco Mayor’s Office, the State Office of Criminal Justice Planning, and local foundations, including \$2.8 million from the Silicon Valley Community Foundation.<sup>2</sup>

This began as an investigation into alleged embezzlement of SF SAFE funds by its now-fired executive director, Kyra WORTHY, who took helm of the organization at the end of 2017. After the San Francisco Controller’s Office released a report on January 18, 2024 detailing how SF SAFE misspent nearly \$80,000 in SFPD grant funds between July 2022 and March 2023, the SF SAFE board of directors discovered that the organization’s bank accounts were essentially empty. Because of SFPD’s connection to the non-profit, on January 25, 2024, SFPD command staff asked the San Francisco District Attorney’s Office to take over the investigation into what was then a concern about SF SAFE’s “missing money” and whether anyone was criminally responsible. The SF DA’s office agreed to take over the entirety of the investigation.

In furtherance of this investigation, your affiant sought 25 search warrants, conducted more than two dozen interviews, reviewed documents voluntarily provided by City departments, and reviewed voluminous financial records. Our investigation revealed evidence showing that WORTHY embezzled more than \$100,000 of SF SAFE funds, with most of the money taken in her first few years at SF SAFE. Our investigation also revealed that over time, as WORTHY continuously spent SF SAFE’s money in extravagant ways, she put the organization deeply in debt, and she ultimately committed a series of crimes to try to postpone the inevitable discovery that she had run SF SAFE into the ground. These crimes include: wage theft totaling more than \$80,000, the misappropriation of more than a half a million dollars of public moneys entrusted to her by spending the funds on SF SAFE expenses rather than paying them out as directed, submitting fraudulent invoices to the City, and writing bad checks to artificially inflate bank account balances and allow a wire transfer to go through even though SF SAFE didn’t actually have the money to cover it.

Based on this investigation, which is described in detail below, and your affiant’s training and experience, your affiant seeks a warrant to arrest WORTHY for committing grand theft by embezzlement in violation of Penal Code section 487(a), wage theft in violation of Penal Code section 487m, failure to withhold and pay over taxes in violation of Unemployment Insurance Code section 2118.5, misappropriation of public moneys in violation of Penal Code section 424(a)(1), submitting fraudulent invoices in violation of Penal Code section 72, and check fraud in violation of Penal Code section 476a(a).

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<sup>1</sup> This web page appears to have been taken down as of January 26, 2024.

<sup>2</sup> Silicon Valley Community Foundation gave SF SAFE six grants totaling \$2.8 million between September of 2018 and November of 2021. The largest was a \$1 million unrestricted grant for “general support” in May of 2021.

## RELEVANT LAW

### Cal. Penal Code § 72 (Fraudulent Invoices):

Every person who, with intent to defraud, presents for allowance or for payment to any state board or officer, or to any county, city, or district board or officer, authorized to allow or pay the same if genuine, any false or fraudulent claim, bill, account, voucher, or writing, is punishable either by imprisonment in the county jail for a period of not more than one year, by a fine of not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine, or by imprisonment pursuant to subdivision (h) of Section 1170, by a fine of not exceeding ten thousand dollars (\$10,000), or by both such imprisonment and fine.

### Cal. Penal Code § 424 (Misappropriation of Public Moneys):

- (a) Each officer of this state, or of any county, city, town, or district of this state, and every other person charged with the receipt, safekeeping, transfer, or disbursement of public moneys, who either:
1. Without authority of law, appropriates the same, or any portion thereof, to his or her own use, or to the use of another; or,
  2. Loans the same or any portion thereof; makes any profit out of, or uses the same for any purpose not authorized by law; or,
  3. Knowingly keeps any false account, or makes any false entry or erasure in any account of or relating to the same; or,
  4. Fraudulently alters, falsifies, conceals, destroys, or obliterates any account; or,
  5. Willfully refuses or omits to pay over, on demand, any public moneys in his or her hands, upon the presentation of a draft, order, or warrant drawn upon these moneys by competent authority; or,
  6. Willfully omits to transfer the same, when transfer is required by law; or,
  7. Willfully omits or refuses to pay over to any officer or person authorized by law to receive the same, any money received by him or her under any duty imposed by law so to pay over the same;—
- Is punishable by imprisonment in the state prison for two, three, or four years, and is disqualified from holding any office in this state.
- (b) As used in this section, “public moneys” includes the proceeds derived from the sale of bonds or other evidence or indebtedness authorized by the legislative body of any city, county, district, or public agency.

### Cal. Penal Code § 476a(a) (Insufficient Funds):

- (a) Any person who, for himself or herself, as the agent or representative of another, or as an officer of a corporation, willfully, with intent to defraud, makes or draws or utters or delivers a check, draft, or order upon a bank or depository, a person, a firm, or a corporation, for the payment of money, knowing at the time of that making, drawing, uttering, or delivering that the maker or drawer or the corporation has not sufficient funds in, or credit with the bank or depository, person, firm, or corporation, for the payment of that check, draft, or order and all other checks, drafts, or orders upon funds then outstanding, in full upon its presentation, although no express representation is made with

reference thereto, is punishable by imprisonment in a county jail for not more than one year, or pursuant to subdivision (h) of Section 1170.

Cal. Penal Code § 484 (Theft):

- (a) Every person who shall feloniously steal, take, carry, lead, or drive away the personal property of another, or who shall fraudulently appropriate property which has been entrusted to him or her, or who shall knowingly and designedly, by any false or fraudulent representation or pretense, defraud any other person of money, labor, or real or personal property ... is guilty of theft.

Cal. Penal Code § 487 (Grand Theft):

Grand theft is theft committed in any of the following cases:

- (a) When the money, labor, real property, or personal property taken is of a value exceeding nine hundred fifty dollars (\$950) ...
- (e) If the value of the money, labor, real property, or personal property taken exceeds nine hundred fifty dollars (\$950) over the course of distinct but related acts, the value of the money, labor, real property or personal property may properly be aggregated to charge a count of grand theft, if the act are motivated by one intention, one general impulse, and one plan.

Cal. Penal Code § 487m (Wage Theft):

- (a) Notwithstanding Sections 215 and 216 of the Labor Code, the intentional theft of wages in an amount greater than nine hundred fifty dollars (\$950) from any one employee, or two thousand three hundred fifty dollars (\$2,350) in the aggregate from two or more employees, by an employer in any consecutive 12-month period may be punished as grand theft.

Cal. Penal Code § 503 (Embezzlement):

Embezzlement is the fraudulent appropriation of property by a person to whom it has been intrusted.

Cal. Unemployment Insurance Code § 2118.5 (Failure to Withhold and Pay Over Taxes):

Any person required by this code to collect, account for, and pay over any tax or amount required to be withheld who willfully fails to collect or truthfully account for and pay over the tax or amount shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be fined an amount not more than twenty thousand dollars (\$20,000), or imprisoned pursuant to subdivision (h) of Section 1170 of the Penal Code, or both the fine and imprisonment, at the discretion of the court.

## **TIMELINE OF INVESTIGATION**

### *INITIAL REPORT OF UNPAID INVOICES*

In September of 2023, the owner of a company called Applied Video Solutions (AVS) brought in documents to the Special Prosecutions Unit of the San Francisco District Attorney's Office showing contracted work installing surveillance cameras around the City for SF SAFE. He said he had outstanding invoices for completed work totaling over \$600,000 and that the payments from SF SAFE were overdue. He did not have any specific allegations of criminal wrongdoing or possible embezzlement.

The AVS owner also said that SF SAFE's funders – specifically the Silicon Valley Community Foundation (SVCF) and an individual donor – also had concerns about SF SAFE's finances. He said when he presented invoices for payment to SF SAFE for recent camera installations, SF SAFE went back to SVCF asking for funding to cover the cost of the new cameras. However, the AVS owner said, SVCF had already paid SF SAFE a grant specifically to cover this project.

Calls to SVCF were not returned at that time.

### *SAN FRANCISCO CONTROLLER'S REPORT*

On Thursday, January 18, 2024, the Office of the Controller for the City and County of San Francisco released a report from the Audits Division with the subject line "The San Francisco Police Department Did Not Adequately Review Expenses and Subsequently Approved Ineligible or Unsupported Expenses Incurred Under Its Grant Agreement With SF SAFE."

According to the audit report, funding from SFPD to SF SAFE from July of 2018 through March of 2023 was pursuant to a grant agreement for an amount not to exceed \$5,332,791. The agreement most recently in place began July 2, 2023, and was to run through June 30, 2024, for a "not-to-exceed" amount of \$1,076,122.

The report concluded that, based on a sampling of \$910,000 in grant funds that SFPD gave SF SAFE for crime prevention education services from July 2022 to March 2023, at least \$79,655 were spent on ineligible or excessive expenses. The report noted that, as it was only based on a sampling, the actual amount of money spent on ineligible or excessive expenses during that period was likely "significantly higher." The audit report described excessive spending and ineligible expenditures for recurring parking fees, ride-hailing services, luxury gift boxes for events, and limo services and hotel fees for a symposium.

### *NEWS COVERAGE*

Over the next week, various news outlets reported further financial troubles involving SF SAFE, in particular, substantial debts owed to various organizations. A spokesperson for SVCF told the SF Standard that a donor had given SF SAFE \$1.8 million through SVCF, and that less than \$1 million of the funding was "contracted as intended, with numerous unpaid invoices." The

spokesperson told the SF Standard SF SAFE also owed his firm, Ground Floor Public Affairs, \$80,000.

On January 23, 2024, the news outlet Mission Local reported that the Latino Task Force, an organization consisting of numerous community groups in the Mission, had sent a letter that day to the Mayor's Office of Economic and Workforce Development related to unpaid contracts with SF SAFE. The letter stated that SF SAFE contracted with the Latino Task Force for services totaling \$625,000. The letter stated that SF SAFE billed this amount to the City and was paid to engage the Latino Task Force in services. The letter urged the City to remove the Latino Task Force from the current SF SAFE contract and to pay the task force what it was owed.

On January 24, 2024, the San Francisco Standard reported that SF SAFE was "ceasing operations for the time being" and that WORTHY had been "dismissed from her duties." The article stated that the SF SAFE board of directors had initially voted the night before to put WORTHY on paid leave, according to the president of the board. However, on the morning of January 24, the board decided to fire her and shut down operations in light of new information that was separate from what had already been reported.

On January 24, 2024, the San Francisco Chronicle reported that SF SAFE board president confirmed that the organization halted operations because of discrepancies in its bank accounts, including no money in accounts that should have held funds and negative balances in other accounts. The board president is a retired captain of police with the San Francisco Police Department. His duties at the SFPD included precinct captain, director of training for the police academy, and investigations. The board president stated he had referred the "misappropriation" to SFPD for criminal investigation.

### *SFPD REPORTS*

Before SFPD asked SFDA to take over the investigation, it produced two preliminary police reports. The first report, number 240051615, contained information from two people reporting potential crimes related to SF SAFE and WORTHY. An attorney who represented SF SAFE and its board at the time of the report<sup>3</sup>, told an SFPD lieutenant that he rented an office at SF SAFE's headquarters at 2601 Mission Street. He said he suspected his rent checks were being used to directly pay SF SAFE employees. The attorney told the lieutenant he was working to provide his bank records to assist in the investigation.

The lieutenant also spoke to an SF SAFE board member. The board member provided the lieutenant with a printout of a check written by WORTHY on an SF SAFE account for \$112,500 to the San Francisco Study Center. The board member explained that the San Francisco Study Center is a fiscal sponsor of Calle 24. According to news articles reporting about SF SAFE at the time, Calle 24 is part of the Latino Task Force, an organization owed more than \$600,000 by SF SAFE.

The board member told the lieutenant that SF SAFE's policy was that any check over \$5,000 required two signatures – one from WORTHY, the executive director, and one from the SF SAFE

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<sup>3</sup> As of January 25, 2024, the attorney no longer represents SF SAFE or its board.

treasurer. The Study Center check – which the board member told the lieutenant bounced and was not able to be cashed – appears to be signed by both WORTHY and the treasurer. However, the SF SAFE attorney stated that the treasurer told him he never signed this check.

The second police report, number 240052196 dated January 24, 2024, also written by the same lieutenant, reported an interview the lieutenant conducted with an SF SAFE employee. The office manager told him that her wage payment of \$3,214.15 on January 19, 2024 was not made by check, but rather was a Venmo payment from the then-SF SAFE-attorney.

The employee also told the lieutenant that during an earlier pay period she had received her \$3,047.51 wages via a Cash App payment from WORTHY. The lieutenant got screenshots of both the Venmo and Cash App transactions.

The lieutenant also talked to the SF SAFE board president, who told him he believed other employees had been paid their wages via Venmo and Cash App. The board president also stated he did not know whether health insurance benefits were paid in relation to these wage payments.

Your affiant contacted the SFPD lieutenant in reference to the two SFPD reports he authored. The lieutenant provided a copy of check number 0002023 for \$112,500 with WORTHY's signature and the alleged fraudulent signature of the treasurer (Report 240051615) and a copy of the Venmo and Cash App transactions used by the attorney and WORTHY to pay the employee her salary (Report 240052196).

#### *FURTHER INVESTIGATION BY SFDA'S OFFICE*

On January 29, 2024, San Francisco District Attorney Lieutenant Ray Tang and two attorneys from the DA's Office's Special Prosecutions Unit had a phone call with the SF SAFE board president. He confirmed that SF SAFE had two bank accounts – at Wells Fargo and at the Police Credit Union – and that one had a negative balance of about \$800 and the other contained only a few dollars. He said SF SAFE had to shut down operations for the time being because it could not pay staff. He also said he and another board member had secured the SF SAFE offices on Mission Street and had changed the locks.

The board president said his understanding, as information about SF SAFE's finances continued to come to light over the last two weeks, was that the non-profit had had difficulty meeting payroll for approximately three to four months. He also stated that he and other board members had contacted SF SAFE's banks to remove WORTHY as a signatory.

On January 30, 2024, your affiant contacted the SF SAFE treasurer. He confirmed that he did not co-sign the check for \$112,500 to the San Francisco Study Center as documented in SFPD report number 240051615. The treasurer also stated that he had been told that during a search of the SF Safe offices, a stamp of his signature was located. He was unaware that such a stamp existed, and he did not authorize anyone to make such a stamp. The treasurer stated that SF SAFE has two bank accounts. One at the SF Police Credit Union, which is used as a reserve account, and a second at Wells Fargo Bank, which is used as an operating account. The treasurer confirmed that both accounts were empty.

Two days later, on February 1, 2024, your affiant sought, and the Court issued, a search warrant compelling SF SAFE to provide financial documents. Your affiant and a member of the SFDA's Office met with board members of SF SAFE on February 1, 2024, and provided them with a copy of the search warrant requesting that they gather listed financial documents. Several financial documents were recovered during this visit to include a printout of Wells Fargo records from July through December of 2023 showing an ending balance of \$323.82 in a checking account and \$250.75 in a savings account. The board later provided full Wells Fargo records from 2016 to December 2023.

One of the records produced pursuant to that search warrant was a deposit slip from Wells Fargo bank showing that a \$3,000 check from a Citibank account belonging to the SF SAFE attorney's escrow account was deposited into the SF SAFE Wells Fargo checking account on October 9, 2023.

On February 8, 2024, your affiant and a member of the SFDA's Office interviewed a former SF SAFE employee. The former employee gave a very different version of what happened on the last paycheck day at SF SAFE than what the attorney had told the police. In fact, she said she was present when the attorney told the SFPD lieutenant he suspected his rent checks were being used to pay employees, and that he was not truthful with the police.

According to the former employee, WORTHY had been paying the employees for several months via Cash App, Venmo, and cashier's checks, telling them that SF SAFE was transitioning from its old payroll system, Paychex, to a new one called ADP. The former employee said she had seen an email to WORTHY from ADP in January of 2024 indicating that payroll could not be processed because WORTHY needed to verify funds.<sup>4</sup> On payday, the former employee noticed that her direct deposit had not landed in her account. She said she knew she had completed the set-up to receive direct deposits, so she called ADP herself. She said an ADP representative told her that verification of funds had not been provided.

The former employee further described a box that arrived in the mail from ADP in the second week of January. She said she saw the box on WORTHY's desk, and she saw that it contained what looked like paychecks, but they were not signed. She indicated that later in January, she learned that WORTHY had been terminated and she saw that the box from ADP was no longer on WORTHY's desk.

To pay the employees on January 19, the last payday, the employee said, the SF SAFE attorney, whose office was upstairs on the sixth floor and who frequently spent time in WORTHY's office and gave her gifts, came down with his "escrow" check book. The former employee said the attorney gave his check book to another SF SAFE employee, who wrote out checks to the employees for their net paycheck amount. The former employee your affiant spoke with said she

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<sup>4</sup> Your affiant saw this email in WORTHY's SF SAFE email account. There were actually several notices that funds needed to be verified. The emails were sent to both WORTHY and this employee, who had been set up in the ADP system as a payroll assistant. On January 23, 2024, WORTHY received an email from ADP indicating that it had attempted to debit \$15,779.02 from the SF SAFE account to pay the taxes that should have been withheld from payroll for the first pay period in January, but the SF SAFE account had insufficient funds to cover the transaction.



also helped write the checks. The former employee said that when she expressed concern that a check would not clear the same day as would a direct deposit or a cashier's check, WORTHY directed the attorney to send her net paycheck amount to her via Venmo. The former employee showed your affiant a screenshot of the payment received from the attorney.

Another former SF SAFE employee corroborated this account of January 19, 2024. She said the attorney signed the checks and handed them to her and the above-mentioned employee to fill out. This second former employee said she did not receive a check or payment on January 19, 2024. Instead, the next week, she received a Zelle payment for her paycheck amount. Your affiant saw her bank statement, which shows up as a Zelle payment for the paycheck amount from WORTHY. Records obtained via search warrant for WORTHY's personal bank account at Citibank show that WORTHY made this payment to the employee from her personal account on January 23, 2024. However, the same records from Citibank also show that the attorney sent WORTHY a Zelle payment for \$3,500 on January 20, 2024, with a notation that says, "thank you."

On February 1, 2024, your affiant sought, and the Court issued, a search warrant for bank records belonging to SF SAFE at the San Francisco Police Credit Union. On February 8, 2024, the credit union complied. A review of these records shows that from January of 2018 through September of 2019, SF SAFE had a savings account holding approximately \$200,000 and a CD worth just over \$50,000. In September of 2019, SF SAFE opened a checking account at SFPCU with WORTHY and one other employee as authorized signers. Throughout 2019, 2020, and 2021, WORTHY made monthly transfers from the SFPCU savings account into the SFPCU checking account and then spent the money. By July of 2021, the savings account held a zero balance. WORTHY then transferred about \$30,000 from the SF SAFE Wells Fargo accounts into the SFPCU savings account throughout the rest of 2021, and throughout 2022 she then transferred the savings account funds into checking. In August of 2022, WORTHY cashed in the CD worth more than \$50,000 and placed the proceeds into the SFPCU checking account. She continued to spend money from the checking account, and by the late spring of 2023, the only money left in the SFPCU accounts was a \$5,000 monthly transfer from the SF SAFE Wells Fargo account. Worthy spent nearly this full amount every month.

For years, many of the purchases made from SF SAFE's SFPCU checking account appear personal to WORTHY. They include hundreds of dollars in Lyft rides every month, several purchases at Marshalls each month, regular meal purchases, hundreds of dollars on parking spaces outside the City, and frequent indication of travel-related purchases, such as airline charges for flights and oversize baggage, hotels, more than \$6,000 in out-of-state car rentals, and out-of-state restaurants. Many of the expenses are at restaurants and stores in and around Richmond, California, where WORTHY lived.

The board president stated early in the investigation that the SF SAFE board had no idea WORTHY had spent the combined \$250,000 that was in the SFPCU savings account and CD account. However, as your affiant received records from three different accounting companies that served SF SAFE, his assertions became questionable. For example, in 2019, accountants at one firm repeatedly wrote to the board president and treasurer in emails that they needed to place controls on WORTHY's spending and they needed to review her purchases. In 2021 and 2022, the yearly auditor's report from a second accounting firm came with a separate letter to the board

urging them to set up a system to restrict WORTHY's ability to spend SF SAFE money without oversight. And records from a third accounting firm show that the amount of every one of WORTHY's expenses was listed in the organization's general ledgers, and that the accountants regularly reconciled the ledgers with the bank accounts at SFPCU and Wells Fargo.<sup>5</sup>

Moreover, WORTHY kept meticulous records of her spending. Pursuant to a search warrant for both financial documents from the SF SAFE board and a search warrant for the SF SAFE office, your affiant seized numerous thick binders labeled as expenditures. For each bank account, WORTHY kept a monthly record of every expense, including receipts. In fact, your affiant spoke to two former employees who explained how they assisted WORTHY in matching up receipts to every expenditure on a monthly basis.<sup>6</sup> The bank account records themselves, to which the board had access and which WORTHY and other employees reviewed with accountants monthly, showed pages-long statements of expenses each month and revealed more than \$130,000 in bounced checks and electronic payments that did not go through because of insufficient funds between July and December of 2023.

A review of SF SAFE bank statements, the expense binders, and other expense records reveals systematic and widespread use of SF SAFE funds that resulted in depleting all of SF SAFE's reserves and income during WORTHY's tenure. Lyft receipts show WORTHY took a Lyft to work from her home in Richmond and then back home again nearly every single day.<sup>7</sup> WORTHY also purchased lunch for herself – and sometimes for other employees – most days. When she ate at a restaurant that only accepted cash, she would keep the ATM receipt showing she withdrew cash from an SF SAFE account, then she also kept the receipt from the restaurant. The binders also show multiple receipts each month from Marshalls or Target that are marked “office supplies.”<sup>8</sup> When SF SAFE moved into new offices on Mission Street in 2021, WORTHY spent more than \$160,000 of SF SAFE's money on furniture, decorations, artwork, and interior designers.

In 2022 and 2023, WORTHY spent more than \$350,000 of SF SAFE's money on luxury gift boxes. She purchased 800 Lunar New Year-themed boxes at nearly \$100 apiece in 2022, spending more than \$75,000. She purchased 200 gift boxes for attendees of an SF SAFE-sponsored Community Police Advisory Board (CPAB) conference in October of 2022. Also for that event, she spend \$8,000 on large gift boxes for raffle prizes. In total, she spent about \$43,000 for CPAB gifts. In late summer of 2022, WORTHY's emails show, she began planning for 2023's Lunar New Year gift boxes. She ended up ordering 1,500 boxes, paying thousands of dollars to ship them across the country. WORTHY spent nearly \$250,000 of SF SAFE's money

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<sup>5</sup> As described later in the subsection titled “Embezzlement,” WORTHY fraudulently mischaracterized the nature of some of the expenses in the general ledger. However, the amount she spent was readily apparent through a review of the bank statements and general ledger.

<sup>6</sup> During the execution of the search warrant, your affiant located numerous expenditure binders, most of them covering half a year for one bank account (either Wells Fargo or SFPCU). However, not every binder representing WORTHY's tenure at SF SAFE (January 2018-January 2024) was present in the office.

<sup>7</sup> Lyft rides charged to SF SAFE during WORTHY's tenure total more than \$35,000.

<sup>8</sup> WORTHY spent a total of nearly \$24,000 of SF SAFE's money at Marshalls and Target during her time as executive director.

on 2023 Lunar New Year gift boxes. She also spent thousands of dollars on retirement gift boxes for SFPD command staff. WORTHY paid by check, PayPal, and electronic fund transfers. All payments show up in SF SAFE bank records and general ledgers.

WORTHY also held SF SAFE board meetings at expensive venues or had them catered. For example, a calendar invite sent to one of the accountants was for a SF SAFE board meeting in December of 2022 at The Battery, a private club in the City. There is a charge for nearly \$16,000 that appears in the Wells Fargo records for that same date at The Battery.

Also in the binders are catering receipts for lavish events that board members attended. For example, there is an invoice for just under \$50,000 for catering – including a champagne greeting, open bar, and a prime rib carving station – for an SF SAFE holiday party the board attended. Records show WORTHY paid an event planner \$6,000 to organize that party.<sup>9</sup> The holiday party was not a fundraiser.

#### Charges Supported by the Evidence

A basic review of SF SAFE expenditures during WORTHY's tenure as executive director reveals two trends: WORTHY consistently spent funds in an extravagant manner at odds with SF SAFE's status as a nonprofit mostly funded by the City, and WORTHY consistently spent SF SAFE funds on what appear to be personal, rather than business, expenses. Nonetheless, it would be difficult to prove beyond a reasonable doubt that the entirety of these expenditures was theft when information from three separate accounting firms indicates the board was aware of her spending for years and neglected to intervene. However, your affiant did find instances where WORTHY created false invoices and made false representations to conceal personal expenses as a legitimate use of SF SAFE funds – indicating WORTHY intended to deceive the board and accountants about these payments, as compared to her other spending, which was out in the open. Your affiant also uncovered evidence of several other theft- and fraud-related crimes. Each is described below.

#### Embezzlement

Based on the evidence collected and reviewed, your affiant believes the following instances are part of WORTHY's years-long intent and plan to embezzle money from SF SAFE for her personal benefit.

- On July 15, 2018, WORTHY deposited a \$400 check payable to SF SAFE from a nonprofit neighborhood organization, Russian Hill Neighbors, into her personal Bank of America account.<sup>10</sup>

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<sup>9</sup> Between September of 2019 and September of 2022, WORTHY spent nearly \$31,000 of SF SAFE's money on this particular event planner. According to an email the event planner wrote on July 7, 2022, WORTHY was her "good friend and sorority sister."

<sup>10</sup> Your affiant also noticed a check for \$857.30 deposited into WORTHY's personal Bank of America account on April 4, 2018 written on an account for her former employer, "For Richmond 501(c)(3)," payable to an individual – not WORTHY – with an address in Richmond.

- In 2018, WORTHY moved from Oakland to Richmond. On August 7, 2018, WORTHY obtained a \$3,600 cashier's check from the SF SAFE Wells Fargo checking account payable to the landlord. The next month, when the accountants asked WORTHY for backup documentation for this payment, WORTHY responded via email that she would have it for them shortly. Then the SF SAFE executive assistant sent the accountant, with WORTHY copied on the email, a copy of the cashier's check payable to the landlord – whose name appears to be Asian in origin – along with a flyer for Chinatown National Night Out. WORTHY also obtained SF SAFE Wells Fargo cashier's checks payable to her landlord for \$1,400 on September 30, 2018 and \$3,000 on November 5, 2018. She classified these payments in the SF SAFE general ledger as expenses for “community meetings.”

In January of 2019, one of SF SAFE's accountants sent WORTHY an email with the subject “W-9 for [landlord's name].” The accountant asked WORTHY to request this document from the payee. WORTHY did not respond. The accountant asked WORTHY for it two more times, explaining that she needed to create a 1099 tax form. WORTHY finally replied and wrote, “she isn't responding ... what are our other options?” The accountant wrote back, “If she doesn't respond, I will put all zero on her 1099 and notify IRS. I will send you the copies of 1099 recipients tomorrow for your review. FASS (the accounting firm) will sign on 1096 on behalf of SAFE and send to IRS. I'll scan you the 1096 copy and 1099 to IRS too. Can you please follow up with [landlord's name] one more time, latest next Monday?” The accountants prepared a 1099 tax form with the landlord's name on it, an address in the Alice Griffiths housing project in San Francisco, and a tax ID number of 000-00-0000. The form stated SF SAFE had paid the recipient \$8,000 in 2018.

Your affiant spoke to WORTHY's landlord. She never did any business for SF SAFE. She was not even aware WORTHY worked for SF SAFE – she had believed WORTHY worked for Chevron. She said she never received a W-9 from SF SAFE and there was no reason she should have been paid by WORTHY from an SF SAFE account. She lives and works in the East Bay.

- As early as 2019, WORTHY linked her personal PayPal, Cash App, and Amazon accounts to SF SAFE bank accounts. She then used these alternate methods of payment to pay SF SAFE bills and invoices with SF SAFE's money, but the payments and accompanying receipts appear in her own name. This created an unclear record as to whether these payments were actually on behalf of SF SAFE or for her own benefit. For example, WORTHY occasionally paid SF SAFE's monthly Zoom bill with SF SAFE funds using her own PayPal account. In contrast, WORTHY used her own PayPal and Cash App accounts tied to SF SAFE funds to pay for Airbnb rentals and to make payments to “independent contractors” for unclear reasons.

From September 9, 2019 to August 31, 2020, SF SAFE paid an individual on a nearly weekly basis via WORTHY's Cash App account connected to the SF SAFE Wells Fargo account. The payments total \$90,343. Cash App receipts sent via email to WORTHY's personal account document each payment in the SF SAFE expense binders. Some payment records are also supported by corresponding invoices. The invoices list all payments for the month and state only that they are "Per scope of work and agreement." No other description is provided. The invoice states to contact the person with questions, but contains no phone number, address, or email address for her.

On April 7, 2020, WORTHY emailed SF SAFE's assistant director and said, "Starting with the March EFT log I want to review the coversheet and backup invoices for [this individual] every month." The EFT (electronic fund transfer) log was a monthly spreadsheet SF SAFE prepared for the accountants categorizing expenses from each bank account. Your affiant talked to the former assistant director of SF SAFE, and she said WORTHY told her this individual was a "vendor" and she did not know what the payments were for.

In January of 2021, an accountant emailed WORTHY and the assistant director asking for a W-9 for this payee. "We did not have it last year," she wrote. She made this request numerous times. Then, another person from the accounting firm emailed WORTHY and wrote, "There has been no further communication regarding the missing W-9s from SAFE ... [payee] was paid in 2019 with no W-9 on file and SAFE continued to pay this 'Independent Contractor' in 2020. There will be an affidavit filed once again with the IRS for [payee] as was completed for 2019." The accountants prepared 1099 forms for both 2019 and 2020 with the SF SAFE address for this individual and a tax ID number of 000-00-0000.

Your affiant spoke to the individual who received more than \$90,000 in SF SAFE funds in 2019 and 2020. She lives in Fayetteville, NC, and she is a home healthcare worker. She said she cared for both of WORTHY's parents until her father passed away in March of 2020, then continued caring for WORTHY's mother until she passed away in August of 2020. She did no business for SF SAFE. Sometimes the memo line in WORTHY's Cash App records for these payments mentions WORTHY's parents by name.

The SF SAFE general ledger shows the payments to the North Carolina home healthcare worker were sometimes categorized as an expense for community meetings, sometimes classified as "other professional services," with a note that said "D10 Safety." Some of her payments were made out of SF SAFE's general operating budget. However, from February to June of 2020, for a total of \$61,910.75, WORTHY categorized the payments

to the home healthcare worker as “other professional services/D10 Safety”<sup>11</sup> and billed the payments to the SF SAFE SFPD contract.<sup>12</sup>

- On May 24, 2019, WORTHY paid an SF SAFE cashier’s check to a different individual for \$750. The SF SAFE general ledger classifies this payment as “staff development and training.” On October 1, October 15, and December 2, 2019, WORTHY made payments for \$750 each to that same individual from her personal Bank of America account via a Zelle transfer. Records provided by Cash App pursuant to a search warrant show that WORTHY had a payment contact with that same name who lived in Fayetteville, NC. When the SF SAFE accountants sought a W-9 for this payee and WORTHY was unable to provide his tax information, the accountants prepared a 1099 listing the person’s address as the SF SAFE address and his tax identification number at 000-00-0000, and noted that SF SAFE had paid him \$750 in 2019.
- On March 18 and March 23, 2020, WORTHY made payments of \$1,000 each via PayPal from the SF SAFE Wells Fargo checking account to a third individual. Your affiant spoke to that person. She is a paralegal in North Carolina and she did personal work for WORTHY. She had never heard of SF SAFE and never did any work for the organization. As with the other two payees, WORTHY never provided the accountants with any tax information for her, and the accountants issued a 1099 with an all-zeros tax ID number and SF SAFE’s office as the address. The SF SAFE ledger classified these payments as “other professional services” in the SF SAFE general operating budget.
- On November 20, 2020, WORTHY deposited a check for \$750 payable to an SF SAFE independent contractor into her personal Bank of America account. The check had been handwritten by WORTHY, written on the SF SAFE SFPCU account.
- On three instances in 2021, WORTHY made purchases with SF SAFE funds, then obtained a refund and deposited the refund into her personal account. On various occasions, WORTHY purchased several thousand dollars worth of furniture for the SF SAFE offices from a company called Castle and Chair. She made payments via her personal Cash App account connected to SF SAFE funds and in some instances, a check. Her Cash App records show every Cash App payment to Castle and Chair came from SF

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<sup>11</sup> A portion of the SFPD/SF SAFE contract was specified to provide safety services to San Francisco Supervisorial District 10 in the Southeast part of the City.

<sup>12</sup> WORTHY submitted monthly invoices to SFPD for reimbursement under the SF SAFE contract, which was for about \$1 million each year. However, unlike the invoices she submitted on her OEWD contracts (see *infra*, section titled “Fraudulent invoices”), her submissions to SFPD for reimbursement generally lacked specificity and backup documentation, yet SFPD always paid her the full amount requested. Although she did include some of the bare-bones “Per scope of work and agreement” invoices with the home healthcare worker’s name on them with her SFPD requests for repayment, it would be, in your affiant’s opinion, difficult to prove theft or fraud charges against WORTHY related to monies on the SFPD/SF SAFE contract with SFPD as the victim, because SFPD usually paid the invoices without questioning the lack of proof to support the charges. As noted by the audit report from January of 2024, SFPD routinely paid SF SAFE on charges that should not have been reimbursable under the contract.

SAFE funds; she never paid out of a personal account. In July of 2021, WORTHY made a purchase of \$9,292 from Castle and Chair. She paid \$7,000 via Cash App and wrote a check from the SFPCU account for \$2,292.

In an email exchange with an employee of the company discussing payment and delivery, WORTHY received a receipt for \$8,542. She wrote back on July 31, 2021, "I need the receipt to reflect the full payment amount of the check provided at \$9,292. You can then send me another receipt for the refund of \$750." Cash App records show that on July 30, 2021, WORTHY's account received \$750 from Castle and Chair with a memo "refund for 3 side tables." On August 5, 2021, WORTHY did a "cash out" transaction for \$750. On August 5, 2021, WORTHY received a deposit into her personal Bank of America account from Cash App for \$738.25, reflecting the \$750 "cash out" less fees.

On August 25, 2021 and September 3, 2021, WORTHY made two Cash App payments to Castle and Chair for furniture using SF SAFE funds. On August 31, 2021, WORTHY's Cash App records show a refund from Castle and Chair for \$988 for "refund foundry desk." On September 1, 2021, WORTHY did a "cash out" transaction for \$988. On September 1, 2021, WORTHY received a deposit into her personal Bank of America account from Cash App for \$973.18, reflecting the \$988 "cash out" less fees.

- On August 13, 2021, WORTHY purchased a ticket online to an event called "Rosé Garden/The Veuve Clicquot Polo Classic" using the SF SAFE Wells Fargo debit card. The ticket cost \$520. WORTHY then also purchased a ticket to the event for the same price using her personal BankCorp account. She emailed the organizers, explaining that she had accidentally used her work card instead of her personal card, that she had already re-purchased a ticket using the correct card, and that she would like a refund. No refund ever appeared in Wells Fargo records. Instead, WORTHY's PayPal records show that on September 27, 2021, WORTHY sold a ticket to the champagne and polo event and received \$520 from a person in Southern California. On October 5, 2021, WORTHY transferred her entire PayPal balance of \$839.39 into her personal Bank of America account – even though her PayPal account was also connected to the SF SAFE Wells Fargo account and could have transferred the refund there.
- On November 17, 2023, WORTHY handwrote a check to herself from the SF SAFE Wells Fargo checking account for \$3,000 with the memo "FTB Garnishment (Oct. & Nov.)." Had WORTHY been using a payroll processing company during October and November, that is the amount that would have been garnished by the Franchise Tax

Board (FTB) for back taxes owed for the paychecks in those two months.<sup>13</sup> However, there is no evidence in WORTHY's personal bank records nor records received from FTB via search warrant that show she ever paid this amount over to FTB.

In total, during the course of WORTHY's employment with SF SAFE, she embezzled more than \$100,000 of SF SAFE's money for her personal use and she obscured the purposes of those expenses from the board.

#### Wage theft

In addition to showing that she stole from SF SAFE, the evidence obtained in this investigation also shows that WORTHY stole from SF SAFE's employees, by failing to pay them their entire wages.

Payroll records from the SF SAFE office, as well as bank records, records from the payroll processing company Paychex, and information from SF SAFE's employees, show that for the last quarter of 2023, WORTHY paid SF SAFE's employees in an unconventional way. Up through August of 2023, SF SAFE utilized the company Paychex to process payroll. Each month contained two pay periods, and for years, bank records show transfers for taxes, payroll, insurance, and garnishments from the SF SAFE Wells Fargo account to Paychex. Your affiant obtained records from Paychex for 2022 and 2023, and these records also show regular payroll processing for most of that time period.

For all of 2022 and up through July of 2023, Paychex made direct deposit payments to SF SAFE employees and calculated, withheld, and paid over appropriate taxes. For one pay period in August of 2023, Paychex only handled the tax portion of payroll – that is, it calculated and paid required taxes for each employee and generated a payroll report showing the net amount due to each employee. WORTHY then paid employees via various means, including Cash App and checks, for that pay period.

For the first pay period of September 2023 (covering the dates September 1 to September 15, with payday on September 20), Paychex withheld and paid federal and state taxes and made direct deposits into employees' accounts in a regular fashion. However, according to Paychex records, that was the last pay period in which it made state or federal tax payments on behalf of SF SAFE. Records obtained by a search warrant served on EDD show that the last quarterly report filed by SF SAFE was in July of 2023 for the second quarter of 2023; nothing was ever

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<sup>13</sup> A review of payroll records, bank records, and public records shows that Worthy's personal finances are complicated. She has more than \$200,000 in personal tax liens. It does not appear she ever paid federal income tax while she worked at SF SAFE – she was the only employee on the payroll who had no federal income taxes withheld, and a review of her bank records does not show taxes being paid in an alternative manner. During her employment at SF SAFE, WORTHY had a garnishment of up to \$750 per paycheck paid to the Franchise Tax Board for back taxes owed to the state. She has at least ten bank accounts; when SF SAFE was using Paychex, her paycheck was directly deposited into up to ten different accounts each time. WORTHY made frequent transfers between her bank accounts and sometimes would withdraw cash from one account and deposit it into an account at a different bank.



filed for the third or fourth quarters.<sup>14</sup> There is no evidence in any of SF SAFE's financial records that any federal or state taxes were actually withheld and paid over after September 20, 2023.

Although employees no longer received direct deposit after WORTHY stopped using Paychex to process payroll, they still received payment – usually a cashier's check, but sometimes a handwritten check or payment via Cash App or Venmo – that seemed to correspond to their hourly wages or salary less applicable taxes. WORTHY also prepared a document for each employee that contained typical "pay stub" information showing gross wages (salary or hourly) for each employee for the pay period, the amount of taxes deducted from their paychecks, and their net pay amount, which matched the payments they received. Your affiant interviewed the former SF SAFE employees. Some received this "pay stub" document, others said they hadn't seen it. However, all employees were disappointed and frustrated to learn that WORTHY had "withheld" their taxes from their paychecks, but that no taxes had been paid on their behalf for four months. They were also angry about not receiving a W-2 from SF SAFE for 2023. Each of these employees – 27 in total – now faces a situation where instead of having their state and federal taxes properly withheld and paid over for four months, they may still owe taxes based on the lower amount they were actually paid.<sup>15</sup>

Between September 16, 2023 and January 15, 2024, for eight pay periods, the total amount of wages WORTHY stole from employees by not paying their taxes totaled nearly \$80,000. However, she continued to spend SF SAFE money on arguably unnecessary expenses even as she intentionally failed to pay her employees their true wages. For example, for the 16-day pay period ending October 31, 2023, Worthy committed wage theft totaling \$10,615.05. Meanwhile, SF Safe hosted an event called "Candy Explosion" on October 28, 2023. Worthy paid more than \$98,000 of SF Safe's money for the event, which included the following expenses: \$20,000 for desserts and ice cream; \$15,000 for a taco truck; \$19,000 for a petting zoo, face painting, bouncy houses, carnival games, and a climbing wall; \$20,000 for event planners; and \$7,000 for "mobile luxury restrooms."

#### Fraudulent invoices

The employees were not the only recipients of false information about how much they were paid. WORTHY also submitted invoices to OEWD for September, October, November, and December of 2023 indicating how much SF SAFE should be reimbursed under SF SAFE's \$2 million contract for the "Mission Safe Streets" program. In all four invoices, WORTHY represented that she had paid the full gross amount including wages and taxes to each employee in this program, when in fact she only paid her employees the net amount and did not pay any taxes. She also billed the City an additional 25 percent of the wage amount for "fringe benefits," an amount allowed for in the contract to cover employee healthcare insurance and other benefits.

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<sup>14</sup> During service of a search warrant at the SF SAFE office, your affiant located correspondence from EDD, dated January 3, 2024, that was a notice of failure to file 3<sup>rd</sup> quarter returns for 2023.

<sup>15</sup> The failure of SF SAFE to provide a W-2 further complicates their income tax situations.

For September, the amount she claimed in the invoice she paid as taxes for her employees that she did not actually pay was \$6,248.88. For October, the total was \$14,996.84. For November, the total was \$12,606.57. For December, the total was \$12,744.31. For September, October, and November, OEWD repaid SF SAFE the full invoice amount requested, including these funds that were never actually paid on behalf of the employees. WORTHY also submitted “fringe” payments for reimbursement totaling \$16,412.57 in September, 18,337.93 in October, and 15,183.66 in November, even though most of the employees on the “Mission Safe Streets” payroll were not receiving insurance and other benefits through SF SAFE.<sup>16</sup>

WORTHY submitted the December invoice seeking payment on January 9, 2024. Each invoice was typically paid the following month. It appears OEWD did not issue payment for the December invoice submitted in January, as the SF SAFE board ceased operations at the end of January.

#### Misappropriation of public moneys

SF SAFE’s \$2 million “Mission Safe Streets” contract with OEWD – which WORTHY signed on behalf of SF SAFE – expressly included two subgrantees: the Calle 24 Latino Cultural District (“Calle 24”) and Bay Area Community Resources (“BACR”). The contract between OEWD and SF SAFE does not specifically designate the amount to be paid to either subgrantee. The contract does, however, list specific amounts that should be paid out by the City upon completion of certain “deliverables,” including \$200,000 each for Deliverables 10 and 11 (“Training Model and Curriculum” and “Training Schedule Plan”) and \$112,500 each for Deliverables 12 and 13 (“Public Space Activation Plan” and “Marketing and Outreach Plan”).

Emails between WORTHY and representatives of BACR and Calle 24 show a clear agreement that Deliverables 10 and 11, each worth \$200,000, were to be completed by BACR, and Deliverables 12 and 13, each worth \$112,500, were to be completed by Calle 24.<sup>17</sup> Calle 24 used the San Francisco Study Center as its fiscal sponsor, meaning any payments from SF SAFE to Calle 24 as a subgrantee on the OEWD “Mission Safe Streets” contract had to be paid to the San Francisco Study Center. Calle 24 was part of the Latino Task Force.

On May 26, 2023, WORTHY submitted a request for funding, which she signed, indicating that Deliverables 10 and 11 – the contract items for which BACR was responsible – were completed. She requested to be paid the \$400,000 as outlined in the contract.<sup>18</sup> According to OEWD records, they approved the payment on June 9, 2023. The \$400,000 payment appears in SF SAFE’s Wells

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<sup>16</sup> Your affiant spoke to one former SF SAFE employee working as a Mission Safe Streets ambassador who said WORTHY had led him to believe he had health insurance through SF SAFE, but learned when he went to the doctor that he actually did not.

<sup>17</sup> The emails also show that WORTHY prepared an MOU for the three organizations, with input from BACR and Calle 24 representatives. The MOU also shows the breakdown in payments and indicates that the \$400,000 for Deliverables 10 and 11 was intended to go to BACR, and the \$225,000 for deliverables 12 and 13 was intended to go to Calle 24. However, it appears the parties never finalized the MOU by signing it.

<sup>18</sup> According to the MOU which was prepared but never signed, BACR was supposed to submit invoices to SF SAFE to be reimbursed from the \$400,000 WORTHY and SF SAFE had received from the City.

Fargo checking account on June 13, 2023. Before receiving the \$400,000 credit, the SF SAFE Wells Fargo checking account had a balance of -\$1,605.35.

WORTHY never paid any of this \$400,000 to BACR. According to an employee at BACR, he submitted three invoices to WORTHY totaling just over \$40,000, but she never paid them. In fact, WORTHY spent the entire \$400,000 in the next month on both regular SF SAFE expenses – such as payroll, internet bills for its monitoring cameras, and other bills – as well as other questionable expenses – such as \$5,195 for face painting, \$59,057.47 for luxury gift boxes, \$4,286.17 for catering, \$89.22 at a winery, and \$4,825 for audio/visual services. By July 19, 2023, SF SAFE had so little money in the Wells Fargo checking account that WORTHY engaged in “check kiting” (see below) to create the illusion of funds in the Wells Fargo accounts so she could pay necessary expenses.

Then, on July 26, 2023, WORTHY submitted another request for funding to OEWD, which she signed, indicating that Deliverable 13 was completed. The total requested amount in that invoice was \$364,450 and included other deliverable items for which SF SAFE was responsible. According to OEWD records, they approved the payment on August 17, 2023. The total payment of \$364,450, which included \$112,500 owed to Calle 24 for its Deliverable 13, appears as a credit to the SF SAFE Wells Fargo checking account on August 21. WORTHY used the \$364,450 OEWD payment to pay payroll and regular SF SAFE bills. By September 14, 2023 (less than one month later), the balance on the Wells Fargo checking account was down to just over \$2,000.

On September 26, 2023, an employee at Calle 24 wrote WORTHY an email in which she stated that Calle 24 had submitted its invoice on August 25 and was wondering about “a date when we can expect our payment and if it is via check or direct deposit.” It appears WORTHY did not respond to this email. On October 2, 2023, the Calle 24 employee emailed WORTHY again, this time including several OEWD employees. On October 6, 2023, an employee at OEWD directed WORTHY in an email to “move forward with paying the invoice.” On October 10, the Calle 24 employee emailed OEWD staff as well as WORTHY, asking again for an “estimated timeline” for their payment, and to know the method of payment.

On December 18, 2023, a director at OEWD emailed WORTHY the following message:

Good morning Kyra,

Can you send me confirmation when Task 5, Deliverable 13 in the amount of \$112,500 is paid to SF Study Center as the fiscal to Calle 24? I thought this had been paid weeks ago, can you please confirm the date of payment? If it hasn't been paid, please provide me a date of expected payment. I request this be expedited, this was invoiced to the City and paid to SF Safe.

On December 20, 2023, in response to yet another Latino Task Force email asking when Calle 24 would be paid, Worthy wrote, “1 more approval is needed. It is set up to be an ACH transfer.”

On January 8, 2024, a Calle 24 employee emailed OEWD directors, employees at the SF Study Center, and WORTHY, indicating they still had not been paid. She said WORTHY had told her a

check had been mailed, but she hadn't received it. She further asked that the payment be "transferred" to Bill.com, a billing site that WORTHY used to pay other bills. WORTHY replied to the email the same day and wrote, "The chk was sent out on Dec. 21." She attached a picture of a written check.

On January 19, 2024, a director at OEWD again emailed WORTHY, reminding her that the City had already paid SF SAFE for this deliverable under the contract and asking WORTHY to make the payment to the San Francisco Study Center for Calle 24. WORTHY responded on January 21, indicating that the bill was set to pay on January 31 through Bill.com.

Neither the San Francisco Study Center nor Calle 24 ever received payment for the \$112,500 due for the work on the "Mission Safe Streets" contract.

#### "Check kiting"

On July 19, 2023, WORTHY made two payments with the SF SAFE SFPCU debit card – one at "Bernie's Grooming City" for \$65, and one at Petco for \$171.56.<sup>19</sup> After those two charges, the account balance was \$633.68. The SF SAFE Wells Fargo checking account had a balance of only \$6,182.38 on that day, while the two SF SAFE savings accounts at Wells Fargo had balances of \$252.15 and zero, respectively. SF SAFE's total amount of cash on hand was \$7,068.21, and it was the day before payday. At the time, SF SAFE had more than 20 employees, and several more people paid as independent contractors.

Also on July 19, 2023, at 3:47 p.m., WORTHY received an email from an employee at Paychex that stated:

Hello Ms. Worthy,

Per our conversation today, please see the attached wiring instructions to resolve the open Taxpay balance from the 7/5 check date. If you are looking to have Direct Deposit/Readychex payroll released for tomorrow's check date, please also wire the funds over for the payroll amount and we can release the payroll same day.

Due to the return issues on the account,<sup>20</sup> a Security Deposit is required to process Direct Deposit/Readychex which is equal to

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<sup>19</sup> Your affiant spoke with a former SF SAFE employee who mentioned an "office dog" that belonged to WORTHY but that was often cared for by another employee.

<sup>20</sup> According to SF Safe's Wells Fargo bank records, several payments to Paychex in 2023 had bounced (did not go through because the account did not contain sufficient funds), including \$251.08 on February 22, 2023, \$367.02 on April 28, 2023, \$28,367.37 on May 8, 2023, \$750 on June 6, 2023 (this payment also bounced on June 9), \$243.70 on June 6, 2023 (this payment also bounced on June 9), \$1,282.90 on June 6, 2023, \$21,746.61 on June 6, 2023, \$58,492.01 on June 6, 2023, \$99 on June 12, 2023, and \$17,430.09 on July 6, 2023. WORTHY made a payment to Paychex of \$82,614.22 that did go through on June 14, 2023 – the day after she received the \$400,000 from OEWD that she was supposed to hold in trust for BACR.

your average payroll liability, or we can move you to manual checks which would be drawn off your business account.

Attached to the email were instructions for how to wire funds to Paychex, indicating the amount due for prior tax liability was \$17,430.09. Payroll was not the only pressing bill SF SAFE had pending at the time that could not be covered by the current bank balances; the SF SAFE accounts were also deficient to pay insurance payments due as well as numerous other bills.

For example, on July 19, 2023, WORTHY received a daily “tasks” email from Bill.com reminding her that SF SAFE currently had 20 bills due, 18 of which were overdue, the oldest one dating back to January 2, 2023. WORTHY’s SF SAFE email inbox also contained correspondence from an employee at CalChoice, the company that provided healthcare insurance and benefits to SF SAFE employees. On June 8, 2023, WORTHY received an email stating that insurance benefits, which had been cancelled because she had failed to make payments, would be reinstated because she had promised a payment was pending. WORTHY paid the amount due via cashier’s check on June 15. Several employees emailed her and the insurance administrator complaining about a lapse in coverage. Then on July 20, 2023, WORTHY received an email from the CalChoice employee asking if she had made a payment, warning that coverage could be terminated. Attached to the email was a document titled “Groups in Jeopardy of Cancellation – Second Notice,” which indicated the amount due was \$12,816.

Despite the account containing only \$633.68, WORTHY handwrote a \$12,000 check on the SFPCU account made out to SF SAFE on July 19, 2023 and deposited it in a Wells Fargo ATM across the street from the SF SAFE office into the Wells Fargo checking account. That same day she made a transfer of \$6,000 from the Wells Fargo checking account into one of the Wells Fargo savings accounts (account ending 3235) and then on July 20, she transferred an additional \$12,000 from the checking account into the 3235 savings account.

Meanwhile, WORTHY handwrote a \$65,000 check on the SFPCU account made out to SF SAFE on July 20, 2023 – despite no additional funds having been added to the SFPCU account – and deposited it via the ATM across the street into the 3235 savings account at 10:41 a.m. That same day, with the 3235 savings account’s balance now artificially inflated by \$77,000 – \$65,000 from the insufficient funds check that day and \$12,000 from the transfer from checking the day before, which contained a \$12,000 insufficient funds check – WORTHY initiated a wire transfer from the 3235 savings account for \$17,430.09 to Paychex. The next day, Friday, July 21, she transferred \$64,000 from the 3235 savings account into the Wells Fargo checking account. Also on the 21<sup>st</sup>, several thousand dollars’ worth of bill payments went through from the Wells Fargo checking account, and WORTHY obtained three cashier’s checks totaling about \$3,500.

On Monday, July 24, 2023, a monthly invoice payment from OEWD arrived in the Wells Fargo checking account for more than \$134,000 and WORTHY made two payments to Paychex totaling more than \$59,000 – paying payroll four days late. That same day, Wells Fargo noted the \$12,000 check had bounced and charged a \$12 fee. The \$65,000 check bounced on August 1, 2023, and Wells Fargo also charged a \$12 fee. SFPCU charged a \$28 fee for each non-sufficient fund (“NSF”) check.

Based on my training and experience, your affiant knows that individuals involved in fraudulent activity will engage in the practice of check kiting. These individuals will write checks from accounts with insufficient funds, deposit the checks in an account at another financial institution, then either quickly transfer the funds or withdraw the funds and deposit them into the original account from which the checks were written. In doing so, the offender creates the false appearance of sufficient funds to process the transaction. The process may be repeated prior to checks clearing.

### **REQUEST FOR ARREST WARRANT**

Based on the information in this affidavit and based upon my training and experience, it appears there is reasonable and probable cause to believe that WORTHY committed violations of the following felony crimes:

- 2 violations of Penal Code Section 424(a)(1), misappropriation of public money:
  - \$400,000 in funds from the City belonging to BACR,
  - \$112,500 in funds from the City belonging to Calle 24/SF Study Center;
- 1 violation of Unemployment Insurance Code Section 2118.5, failure to withhold and pay over taxes, for failing to pay employees' taxes for four months, while only paying them their net pay;
- 24 violations of Penal Code Section 487m, wage theft:
  - Each violation stems from several months where WORTHY only paid employees their net wages due, leading them to believe they had been paid their gross wages, with appropriate taxes withheld and paid on their behalf,
  - 1 count for each employee whose aggregated stolen wages meet the felony threshold;
- Penal Code Section 487(a), theft by embezzlement from SF SAFE, where WORTHY used SF SAFE funds for personal use, including:
  - More than \$90,000 to a caregiver for her parents in North Carolina,
  - \$2,000 to an attorney in North Carolina for personal business,
  - \$750 to a person to whom she was personally connected in North Carolina,
  - \$8,000 to her landlord,
  - More than \$2,200 for purchases she made using SF SAFE funds, then had a return or resale credited to her personal account,
  - A \$400 check payable to SF SAFE that she deposited into her personal bank account,
  - A \$750 check she wrote to an SF SAFE contractor but deposited into her personal bank account,
  - A \$3,000 check she wrote to herself from an SF SAFE account for tax garnishments;
- 4 violations of Penal Code Section 72, false invoices:
  - 4 separate invoices WORTHY submitted to OEWD on the "Mission Safe Streets" grant, claiming she had paid full gross wages for her employees when she only paid them net wages and never withheld and paid over their taxes;

- 2 violations of Penal Code Section 476a(a), insufficient funds (aka “check kiting”)

The District Attorney has issued, and I have signed, a Complaint charging KYRA WORTHY with these offenses, and the signed Complaint is presented with this affidavit to the Court.

Because this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary and applicable to establish the appropriate foundation for seeking an arrest warrant. I have not purposely omitted any fact(s) that undermine or are contrary to the opinions and conclusions set forth herein.

I declare under penalty of perjury under the laws of the State of California that the entirety of the foregoing is true and correct to the best of my knowledge and belief.

WHEREFORE, your affiant requests that a arrest warrant be issued, based upon the above facts, for KYRA WORTHY.

Subscribed and sworn before me on: July 24, 2024

  
\_\_\_\_\_  
Signature of Affiant

  
\_\_\_\_\_  
Signature of Magistrate

Daniel A. Flores  
\_\_\_\_\_  
(Magistrate's Printed Name)

Judge of the Superior Court of California, County of San Francisco, Dept. 306