



Chesa Boudin
District Attorney

Policy Directive
San Francisco District Attorney's Office
Charging Decisions and Police Accountability
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I. INTRODUCTION

Though this has always been a top priority for the SFDA's Office, recent events, culminating in the killing of George Floyd by a Minneapolis Police officer with at least 17 prior misconduct complaints, including police brutality, underscores the urgent need to hold police officers with proven track records of misconduct accountable. This need is imperative in order to effectively protect the public, and particularly people of color, from police abuse and to build trust between law enforcement and the communities we have sworn to serve and protect. For this reason, we must make every effort to ensure that we do not rely on the reports, investigation and/or sworn testimony of officers with records of serious misconduct. As representatives of the People, we must insist on a higher standard of professionalism.

II. POLICY

This policy prohibits the charging of any criminal matter where it has been shown, by a preponderance of the evidence, that an officer has a record of misconduct falling within any of the following categories:

- excessive force;
- racial bias;
- discrimination based on race, national origin, sexual orientation or gender;
- dishonesty regarding either 1) the reporting, investigation or prosecution of a crime, or 2) misconduct of another officer; **and/or**
- other serious misconduct that calls into question the reliability of the officer's report, investigation and/or sworn testimony; **and**
- a material fact necessary cannot be proved conclusively in the absence of testimony from such officer.

The Trial Integrity Unit (TIU) will compile a list of officers who are known to this office to have records of misconduct that fall within these categories. When such misconduct has been shown, by a preponderance of the evidence, the TIU will place their names on a list that will then be forwarded to the charging ADAs in the Intake Unit and any vertical units that do their own rebookings. The list shall be updated on an ongoing basis. The TIU will regularly request police officer personnel records that are discoverable pursuant to Penal Code section 1421. Thereafter, the charging ADAs shall not file any criminal charges that rely on the report, investigation, and/or sworn testimony of any officer on the list. In rare instances, the charging ADAs may ask that the District Attorney, or his designee, exercise their discretion and review and approve the filing of charges.

III. DATA COLLECTION

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All ADAs assigned to the Intake Unit shall assist with the District Attorney's procedures to collect data related to this policy. Any case that is discharged or dismissed because of this policy shall be recorded. The data will be analyzed to evaluate the effectiveness of this policy, and to ensure that the policy is applied consistently. Additionally, the data will be shared with the arresting agencies as feedback to them for training purposes.

Chesa Boudin
District Attorney
City and County of San Francisco