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District Attorney

Policy Directive
Deconfliction of Contemporaneous Investigations

January 28, 2020

Objective

To investigate all theories of potential criminality thoroughly and expeditiously while preserving the rights of any who may become accused.

Discussion

It is the policy of the San Francisco District Attorney's Office (SFDA) to investigate and prosecute potential criminality in the most complete, fulsome, and expeditious manner. However, it is acknowledged that the investigation of critical incidents,¹ gun violence, or other complex crime scenes involving several parties, may necessitate multiple and contemporaneous investigations.

Further, the custodial-arrest of any party will necessitate a charging decision be made by SFDA within 48 hours² thereafter. It is acknowledged that a thorough investigation of all parties and theories of liability may conflict with such statutory timelines.

In recognition of such competing interests, and where appropriate, and in the interest of public safety, SFDA may elect to delay, defer, or prioritize the order in which investigations are completed and reviewed for charging or declination. This may include "discharging" an arrest referral for "FURTHER INVESTIGATION, Code 27" in favor of the completeness of *all* ongoing investigations.

However, no conclusions about the prosecutorial viability of any such deferral should be drawn based upon such a discharge. Such discharges shall be deemed only as an effort to deconflict investigative time limits, statutory discovery obligations and/or to maintain the integrity of investigative leads.

¹ See SFPD General Order 8.01 defining "critical incident" as, *inter alia*, "... (3) Citizen shot by an officer. [or] (4) Officer shot or critically injured while on duty..."

² Pen. Code §825.