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District Attorney

## Policy Directive

### San Francisco District Attorney's Office

### Violence or Resistance Against Law Enforcement

June 1, 2020

#### I. INTRODUCTION

Recent events, including the killings of Breonna Taylor, Ahmaud Arbery and George Floyd, remind us all that we must be vigilant when it comes to allegations of use of force by law enforcement.

We will, of course, continue to prosecute legitimate cases of violence or resistance, against law enforcement. Unfortunately, the victims of excessive force and police violence are themselves often arrested. Most acts of police violence involve the actions of resisting arrest. Use of force incidents are as much as 20 times more likely in arrest scenarios than in non-arrest scenarios (Smith et al., 2009). For this reason, we must make every effort to ensure we view all available evidence before charging a suspect for resisting arrest, battery on an officer, or other allegations of force or violence on an officer.

#### II. POLICY

We will now complete the identified steps when making a charging decision in violence against law enforcement or resisting arrest cases (PC 148, 69 etc).

For all eligible offenses, the Assistant District Attorney reviewing the case *must* review all relevant body worn camera footage and any other available relevant evidence *before* a charging decision is made. Prior to making a final charging decision, a managing attorney shall be consulted.

#### III. DATA COLLECTION

All ADAs shall assist with the District Attorney's Office 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.

Smith, M. R., Kaminski, R. J., Alpert, G. P., Fridell, L. A., MacDonald, J., & Kubu, B. (2009). A multi-method evaluation of police use of force outcomes: Final report to the National Institute of Justice. Washington DC.