



CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612
Police Commission

March 1, 2022

Via Email

Malia Cohen, President
Cindy Elias, Vice President
John Hamasaki, Commissioner
James Byrne, Commissioner
Larry Yee, Commissioner
Max Carter-Oberstone, Commissioner
Jesus Yanez, Commissioner

San Francisco Police Commission
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RE: MOU Termination

Our Commission has been made aware of recent news reports that state the San Francisco Police Department's (SFPD) desire to terminate a Memorandum of Understanding (MOU) between the SFPD and the San Francisco District Attorney's Office (SFDA). Our understanding is that this MOU outlines a procedure for investigating officer-involved shootings, in-custody deaths, and uses of force that result in great bodily injury.¹ Our understanding is also that the current MOU places the SFDA as the lead investigative authority when determining whether SFPD officers violated criminal law during covered incidents.²

We write to express our concern and to convey our solidarity. While the administrative structure and legal authority of our police oversight entities may differ, our core principles are aligned. Our Commission was formed on the principle that peace officers cannot be permitted to investigate themselves when serious allegations of impropriety are raised. Our Commission exists because the people of our City recognized that police oversight works best when those charged with oversight responsibilities remain independent of a police department's chain of command, and when they are explicitly accountable to the people that our public safety agencies were formed to protect.

Per current reporting, the above-mentioned MOU was first adopted in 2019 and then amended in

¹ <https://www.sfchronicle.com/sf/article/S-F-police-chief-will-no-longer-cooperate-with-16827409.php>

² <https://www.sanfranciscopolice.org/sites/default/files/2021-08/SFDA-SFPD-IIB-MOUsigned072721.pdf>

July of 2021.³ It is strange that the now-urgent calls for renegotiation from SFPD were not raised earlier in time. We find it deeply concerning that the SFPD has moved to terminate this MOU during the first-ever criminal trial of a SFPD officer accused of unlawful on-duty violence,⁴ and we note that the SFPD's initial justification for moving to terminate this agreement has been factually rejected by the court overseeing this ongoing trial.⁵

A peace officer's right to a fair criminal trial is not compromised by having a local prosecutor's office lead the criminal investigation. Ensuring that local officials are held accountable for the actions of public safety employees is a key element of successful oversight, and we urge you to carefully consider whether the renegotiation demanded by SFPD is truly warranted.

Sincerely,



Tyfahra Milele,
Chair of the Oakland Police Commission

Electronic Copies:

Tyfahra Milele, Chairperson
Marsha Peterson, Vice Chair
Henry Gage, Commissioner
Brenda Harbin-Forte, Commissioner
Rudy Howell, Commissioner
Regina Jackson, Commissioner
David Jordan, Commissioner
Jesse Hsieh, Alternate Commissioner

³ <https://www.sfchronicle.com/sf/article/S-F-Police-Chief-Scott-says-he-and-D-A-Boudin-16925727.php>

⁴ <https://www.sfchronicle.com/sf/article/S-F-police-chief-D-A-Boudin-widen-rift-on-eve-16830599.php>

⁵ <https://www.sfchronicle.com/sf/article/San-Francisco-judge-unmoved-by-testimony-that-16812327.php>