

San Francisco District Attorney's Office: Independent Investigations Bureau and Response to Officer Involved Shootings

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About the Independent Investigations Bureau (IIB)

- **Established in 2016** based on recommendation from SF Blue Ribbon Panel on Transparency, Accountability, and Fairness in Law Enforcement
- **Committed to ensuring law enforcement accountability** by conducting independent investigations, and where warranted, criminally prosecuting officers who violate the law.
- Reports directly to DA and is **fully independent** from all other SFDA Units.
- Investigate and review:
 - All officer-involved shootings/firearm discharges
 - In-custody deaths
 - All other excessive use of force cases resulting in hospitalizations

SFDA & SFPD MOU on IIB Role and Process

SFPD

Response to OIS

- SFPD to notify on-call IIB inspector upon OIS
- SFPD remains lead in collecting evidence, diagramming scene, taking photos, chain of custody, etc.
- SFPD Internal Affairs (IA) leads internal investigation

SFDA

Response to OIS

- SFDA attorney/inspectors will respond to conduct investigation
- SFDA checks into crime scene; leads all interviews related to criminal investigation; consult with SFPD re: collection of evidence; conduct independent investigation

SFDA Investigations Differ from Civil Ones

DPA Investigations

- Determining whether administrative violations occurred
- Can compel officers to give statements
- Consequences are administrative

SFDA Investigations

- Determining whether a crime was committed by an officer
- Cannot compel any statements because of constitutional protections
- Consequences are the filing of criminal charges

SFDA Charging Decisions

- SFDA can only charge if:
 - Complete and thorough investigation
 - Legally sufficient and admissible evidence of corpus delicti
 - Legally sufficient and admissible evidence of identity of accused as perpetrator
 - SFDA has considered likelihood of conviction by objective fact finder

IIB Investigations

- 26 pending investigations

No prosecutions related to an on-duty OIS prior to DA Boudin.

Since DA Boudin took office:

- Three officers prosecuted in three separate use-of-force incidents
- Declinations to file charges against officers in five incidents
- Substantial decrease in investigation time post-MOU

Police accountability is about more than IIB

SFDA Office Policies & Initiatives

- Policy requiring review of all evidence before filing resisting arrest/battery on officer charges to ensure they are not covering up for excessive use of force
- Cosponsored Resolution with Sup. Walton to prevent hiring officers with sustained misconduct
- Policy not to prosecute cases solely relying on officers with prior serious misconduct
- Use of grand juries as investigative tool

State Policy Priorities

- AB 127: eliminate barriers to prosecuting officers when their colleagues don't want to attest to arrest
- SB 299: allow victims of police violence access to state victim compensation funds (a policy SFDA has already implemented)
- Cure the conflict: limit influence of police unions in prosecutorial decisions around officer misconduct

Addressing racial disparities in the criminal justice system

- Addressing Police Misconduct & Racial Profiling:
 - Policy of not filing contraband charges based on pretextual stops
 - Co-sponsored resolution with Sup. Walton to require Civil Service rules to prevent hiring of officers with prior misconduct, including racial bias/discrimination
 - Victim compensation benefits for victims of police violence, who are disproportionately Black or Latinx
- Other SFDA policies:
 - DA does not seek to detain based on cash bail
 - Limits on the filing of status enhancements
 - Enhanced requirements for evidentiary review before charging resisting arrest
 - Criminal Justice Racial Equity Statement