



Brooke Jenkins
District Attorney

VIA ELECTRONIC MAIL

May 8, 2023

Supervisor Shamann Walton
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Dear Supervisor Walton,

I am in receipt of your Letter of Inquiry regarding the killing of Banko Brown. While legally there is no requirement that I respond to your letter given the nature of your requests, I am responding to ensure that you understand not only my position, but the dangers presented by your interference in the judicial process.

As stated in a public statement released by my office today, the investigation into Banko Brown's death remains an ongoing investigation. While I announced last Monday that charges were not being filed at that time, we discharged the case and asked the San Francisco Police Department to gather more evidence before ultimately making a final decision. Thus, this remains an open and ongoing investigation. As a result, releasing video, or any other evidence at this time, could compromise the investigation and would be unethical. Given this investigation is still open, the footage and other evidence in this case is protected by Section 7923.600 of the California Government Code. Further, the video is not the only piece of evidence that my office reviewed in making the initial decision to discharge the case. We also reviewed witness statements as well as statements from the suspect, which also can not be released at this time.

As for your urging me to "reconsider and reevaluate" my decision not to charge this case, I believe that such a request is wholly inappropriate and dangerous to the interests of justice and a fair criminal justice system for all people. Given we have not released any evidence to the public, your conclusion that I should "reconsider" cannot be based on any evidence or fact, and therefore relies purely on speculation and conjecture, which should never be the basis for bringing criminal charges against someone. Following public political pressure, you issued your Letter of Inquiry, which you promptly posted about on social media. Political prosecution is the enemy of a fair and equitable criminal justice system. Prosecutorial discretion cannot and should not be abused for the sake of political expediency.

While your social media comments have pointed out that Banko Brown is African-American, they have failed to identify that the suspect in this case is also African-American. As you know, many historic injustices that our community has faced can be traced back to politically motivated prosecutions. As a legislator, and non-lawyer, you may not be aware that as an attorney and prosecutor, I have ethical obligations that I have sworn to uphold – including, to only charge

those for whom we believe we have evidence beyond a reasonable doubt of their guilt, and to not allow politics, bias or self-interest to influence the handling of any case in this office. I will not deviate from that duty for anything or anyone.

At the conclusion of SFPD's investigation, should we make a final decision to not charge this case, my office will release a report regarding the facts and law and how we arrived at that conclusion to provide the utmost transparency to the public.

I remain available anytime you have questions or wish to meet to discuss further. As I'm sure you would agree, it is imperative that all of us in government work together to make the criminal justice system fairer and not take any actions that would take us backwards in our pursuit of a more equitable system.

I hope that what I said above causes you to take a moment to pause and reflect on the dangers your inquiry posed to a fair and just judicial process. We should know and be better as elected leaders. I welcome the Board of Supervisors partnership in developing common sense local solutions that will improve public safety and criminal justice system outcomes that our residents expect and deserve.

Sincerely,



Brooke Jenkins
San Francisco District Attorney