

1 [Supporting California State Assembly Bill No. 2913 (Gipson) - California Homicide Victims'
2 Families' Rights Act]

3 **Resolution supporting California State Assembly Bill No. 2913, introduced by**
4 **Assembly Member Mike Gipson, to require a law enforcement agency to review, upon**
5 **request, any unsolved murder investigation case file to determine if reinvestigation of**
6 **the case would result in probative investigative leads.**

7
8 WHEREAS, California Law does not contain uniform rights for families of homicide
9 victims to request review of unsolved homicide cases, instead leaving discretion over when
10 and how to investigate open cases to local Law Enforcement Agencies (LEA); and

11 WHEREAS, While the California Public Records Act grants public access to public
12 records, members of the public are not entitled to access investigative files and information
13 unless the investigation is closed; and

14 WHEREAS, Assemblymember Gibson's proposed Assembly Bill No. 2913 would
15 require LEA's to, upon the request of a designated person, review an open unsolved homicide
16 case file that is more than a year old since January 1990 to determine if a reinvestigation
17 would result in probative investigative leads; and

18 WHEREAS, The LEA's homicide case review would include an analysis of investigative
19 steps that may have been missed in the initial investigation, an assessment if witnesses
20 should be interviewed or re-interviewed, and an examination of physical evidence; and

21 WHEREAS, The person performing the case review may not be a person that
22 previously investigated the murder so the investigating person can provide "fresh eyes" over
23 the review and mandate communication with the requesting party, including confirming the
24 receipt of their request, providing notice of their rights, providing notice if the LEA's deadline is

25

1 extended, and providing the requesting party with periodic updates during the case file review
2 and reinvestigation; and

3 WHEREAS, The LEA must conduct a reinvestigation of the case if LEA's review of a
4 case file indicates that reinvestigation would result in probative investigative leads, with the
5 stipulation that only one reinvestigation can be undertaken at any one time with respect to the
6 same victim; and

7 WHEREAS, If a case file review is completed and a conclusion is reached to not
8 conduct a reinvestigation, no additional case file review shall be undertaken for a period of
9 five years, unless there is newly discovered, materially significant evidence; and

10 WHEREAS, The California Homicide Victim's Families' Rights Act represents a critical
11 step towards justice for families affected by homicide, enhancing public safety, and providing
12 solace to grieving families through proactive reexaminations of cold cases; now, therefore, be
13 it

14 RESOLVED, That the San Francisco Board of Supervisors supports Assembly Bill No.
15 2913 and urges its swift passage and implementation as a necessary step towards reducing
16 the number of open unsolved homicide cases and allowing families to advocate for their loved
17 ones murdered in California; and, be it

18 FURTHER RESOLVED, That the Clerk of the Board send a copy of this Resolution to
19 Governor Gavin Newsom, President pro-Tempore Mike McGuire, Speaker of the State
20 Assembly Robert Rivas, State Senator Scott Wiener, Assembly Member Phil Ting, Assembly
21 Member Matt Haney, and Assembly Member Lisa Gipson.

22
23
24
25