

BOARD of SUPERVISORS



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MEMORANDUM

Date: July 10, 2020

To: William Scott, Police Chief, Police Department
Paul Henderson, Interim Ex. Director, Department of Police
Accountability
Chesa Boudin, District Attorney, Office of District Attorney

From: *ACC* Angela Calvillo, Clerk of the Board of Supervisors

Subject: Investigation of February 22, 2019, Leaked Police Report (File No. 200641)

On June 23, 2020, the Board of Supervisors adopted Resolution No. 292-20, sponsored by Supervisor Dean Preston (File No. 200641, Requesting Update - Police Department and Department of Police Accountability - Investigation of February 22, 2019, Leaked Police Report); enacted on July 3, 2020.

Attached please find a copy of the Resolution for your Department's information and consideration.

If you have any questions or concerns, please contact the Office of the Clerk of the Board at (415) 554-5184.

c: Members of the Board of Supervisors, Supervisor Sandra Lee Fewer, Shamann Walton
Rowena Carr, Police Department
Asja Steeves, Police Department
Diana Oliva-Aroche, Police Department
Cristine Soto DeBerry, Office of District Attorney
Tera Anderson, Office of District Attorney

1 [Requesting Update - Police Department and Department of Police Accountability -
2 Investigation of February 22, 2019, Leaked Police Report]

3 **Resolution requesting an update from the Police Department and Department of Police**
4 **Accountability regarding the status of an investigation into the leaked police report**
5 **following the death of Jeff Adachi on February 22, 2019; and urging the District**
6 **Attorney to initiate a possible criminal investigation regarding the same matter.**

7
8 WHEREAS, San Francisco lost a champion for justice when Jeff Adachi suddenly
9 passed away on February 22, 2019; and

10 WHEREAS, Jeff Adachi, who had just been elected to his fifth term as San Francisco
11 Public Defender, was well known as a tireless advocate for criminal justice reform, police
12 accountability, and ensuring that everyone accused of a crime was guaranteed high quality
13 representation; and

14 WHEREAS, As the son of two Japanese-Americans who were held in internment
15 camps during World War II, Adachi was passionate about fighting injustice and motivated by
16 the idea of protecting innocent people from being wrongly accused; and

17 WHEREAS, Adachi served as an attorney in the Public Defender's Office for fifteen
18 years before being elected as the San Francisco Public Defender, serving the public for a total
19 of 32 years in the office; and

20 WHEREAS, Adachi oversaw an office that handles over 20,000 cases a year and
21 employs 95 attorneys and 80 support staff who share his dedication to representing the poor
22 and voiceless; and

23 WHEREAS, While Jeff Adachi was beloved by many, he was an outspoken critic of
24 police, leading to animosity between he and the San Francisco Police Department as well as
25 the Police Officers Association; and

1 WHEREAS, Within hours of Adachi’s passing on February 22, 2019, the police report
2 regarding the details of his death was leaked to a freelance journalist, Bryan Carmody, who
3 then sold and distributed the report to several news outlets; and

4 WHEREAS, Given the contentious relationship between Adachi and the Police
5 Department, the leak was seen as politically motivated to tarnish his reputation even in death,
6 and raised a series of questions about moral and ethical standards within the department and
7 accountability for individual employees if in violation of such standards; and

8 WHEREAS, On April 18, 2019, at the urging of the community, ten of the eleven
9 members of the Board of Supervisors co-sponsored a hearing on the Police Department’s
10 general orders governing the public release of private information, referring to not only the
11 leaked report the night of Adachi’s death but also several other incidents where private
12 information was shared publicly and/or improperly; and

13 WHEREAS, That hearing featured Police Commander Greg McEachern and Acting
14 Captain William Braconi, who together offered a public apology to Jeff Adachi’s wife, said the
15 release of the report on February 22, 2019, was “totally inappropriate,” and stated that the
16 department was aiming to finish an internal investigation “in weeks, not months;” and

17 WHEREAS, The Board of Supervisors still has not received any updates regarding the
18 status of the internal investigation; and

19 WHEREAS, The Police Department obtained a warrant for the search of freelance
20 journalist Bryan Carmody’s home and office and conducted both searches on May 10, 2019;
21 and

22 WHEREAS, In the following weeks, serious concerns were raised about the First
23 Amendment rights of Carmody as a journalist, whether the searches were appropriate and
24 whether it was made clear that Carmody was a journalist when the warrants were obtained;
25 and

1 WHEREAS, On May 24, 2019, Police Chief William Scott released a statement
2 acknowledging a “lack of due diligence by department investigators in seeking search
3 warrants” and acknowledging that at the request of Mayor Breed, “we are seeking an
4 independent, impartial investigation by a separate investigatory body;” and

5 WHEREAS, In the following weeks, several retirements took place, including Assistant
6 Chief Hector Sainez, Acting Captain Bill Braconi, the head of internal affairs, and Mike
7 Connolly, Deputy Chief of the Professional Standards Bureau; and

8 WHEREAS, On August 2, 2019, the affidavit used to obtain the warrant was unsealed,
9 revealing that indeed Carmody’s occupation was documented and also that the Police
10 Department had identified two officers suspected of assisting Carmody by removing a copy of
11 the report from Central Station; and

12 WHEREAS, In the same affidavit, it was revealed that warrants had also been obtained
13 for the two officers’ phone records, confirming their communication with Carmody; and

14 WHEREAS, Over a year has passed since Chief Scott announced that the Police
15 Department was looking to identify an outside entity to conduct an independent investigation,
16 and no updates from the Police Department nor the Department of Police Accountability have
17 followed; and

18 WHEREAS, The public deserves to know that there is accountability for the public
19 release of private information from within the Police Department, and that such actions will not
20 be repeated; and, therefore, be it

21 RESOLVED, That the Board of Supervisors requests an update from the Police
22 Department and the Department of Police Accountability regarding the status of an internal
23 investigation into the police report leaked to the press on February 22, 2019; and, be it

24 FURTHER RESOLVED, That the Board of Supervisors urges District Attorney Chesa
25 Boudin to initiate an independent investigation into any improper and/or criminal conduct by

1 San Francisco police officers related to the police report leaked to the press on February 22,
2 2019.

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 200641

Date Passed: June 23, 2020

Resolution requesting an update from the Police Department and Department of Police Accountability regarding the status of an investigation into the leaked police report following the death of Jeff Adachi on February 22, 2019; and urging the District Attorney to initiate a possible criminal investigation regarding the same matter.

June 23, 2020 Board of Supervisors - ADOPTED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

File No. 200641

I hereby certify that the foregoing Resolution was ADOPTED on 6/23/2020 by the Board of Supervisors of the City and County of San Francisco.

Handwritten signature of Angela Calvillo

Angela Calvillo
Clerk of the Board

Unsigned

London N. Breed
Mayor

07/03/2020

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Handwritten signature of Angela Calvillo

Angela Calvillo
Clerk of the Board

07/03/2020

Date