

File No. 200641

Committee Item No. _____

Board Item No. 50

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: June 23, 2020

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

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Prepared by: Lisa Lew

Date: June 19, 2020

Prepared by: _____

Date: _____

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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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Fewer

Subject:

Requesting an update from the Police Department and Department of Police Accountability regarding an investigation into the February 22, 2019 leaked police report, and urging the District Attorney to initiate a possible criminal investigation regarding the same matter.

The text is listed:

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.

Signature of Sponsoring Supervisor:

For Clerk's Use Only