

File No. 230585

Committee Item No. _____

Board Item No. 39

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____

Date: _____

Board of Supervisors Meeting

Date: May 23, 2023

Cmte Board

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OTHER

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Prepared by: Jocelyn Wong

Date: May 19, 2023

Prepared by: _____

Date: _____

1 [Urging the California Attorney General and the U.S. Department of Justice to Examine
2 Evidence in the Killing of Banko Brown]

3 **Resolution urging the California Attorney General and the United States (U.S.)**
4 **Department of Justice to examine evidence in the killing of Banko Brown, and make a**
5 **determination as to whether the evidence warrants the pursuit of criminal charges or**
6 **other legal action.**

7
8 WHEREAS, On May 9, 2023, the San Francisco Board of Supervisors unanimously
9 adopted a Resolution, on file with the Clerk of the Board of Supervisors in File No. 230523,
10 urging the District Attorney and the San Francisco Police Department (SFPD) to release
11 police reports, witness accounts and video information that formed the factual basis in the
12 case presented by the SFPD for presenting a homicide case to the District Attorney in the
13 killing of Banko Brown in front of the Walgreens store at 825 Market Street on April 26, 2023;
14 and

15 WHEREAS, On May 15, 2023, the District Attorney released the Walgreens
16 surveillance video footage, and reaffirmed her May 1, 2023 press announcement that she
17 would not pursue charges against the Walgreens security guard, Michael Earl-Wayne
18 Anthony, who shot and killed Banko Brown, despite the evidence set forth in the video footage
19 and despite the inability of any witnesses to corroborate Mr. Anthony's assertions of a verbal
20 threat from the unarmed Banko Brown; and

21 WHEREAS, Given the surveillance video's deeply disturbing evidence and the District
22 Attorney's predetermination early on before the investigation had been completed, and given
23 the intensified tensions over a perceived miscarriage of justice that have compromised the
24 public's trust in the District Attorney's ability to fairly and equally apply the law, thus
25 threatening the peace and stability of the social order and public safety in San Francisco; and

1 WHEREAS, The Attorney General, as is within his jurisdiction and authority, has been
2 asked to take up other cases wherein the District Attorney has decided to dismiss all charges;
3 and

4 WHEREAS, Justice and safety are not mutually exclusive values that underpin a
5 democratic and orderly society that values the sanctity of human life and does not condone
6 vigilantism nor the death penalty for shoplifting; and

7 WHEREAS, It is in San Francisco's best interest to have a fair and equal application of
8 the law in order to maintain the peace; now, therefore, be it

9 RESOLVED, That the San Francisco Board of Supervisors does urge the California
10 Attorney General and the U.S. Department of Justice to examine evidence in the killing of
11 Banko Brown, and make a determination as to whether the evidence warrants the pursuit of
12 criminal charges or other legal action.

From: [Board of Supervisors \(BOS\)](#)
To: [BOS-Supervisors](#); [BOS-Legislative Aides](#)
Cc: [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [De Asis, Edward \(BOS\)](#); [Entezari, Mehran \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Subject: FW: PLS ASK the CA AG TO INVESTIGATE THE BANKO BROWN SHOOTING
Date: Tuesday, May 16, 2023 10:30:45 AM

Hello,

Please see the communication below.

Thank you,

Eileen McHugh
Executive Assistant
Office of the Clerk of the Board
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102-4689
Phone: (415) 554-5184 | Fax: (415) 554-5163
eileen.e.mchugh@sfgov.org | www.sfbos.org

From: Nancy DeStefanis <nancyd@sfnature.org>
Sent: Tuesday, May 16, 2023 9:49 AM
To: Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; BOS-Supervisors <bos-supervisors@sfgov.org>
Cc: Chan, Connie (BOS) <connie.chan@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>
Subject: PLS ASK the CA AG TO INVESTIGATE THE BANKO BROWN SHOOTING

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisor Peskin,

Thank you for taking the lead in requesting the AG investigate the Banko Brown shooting at Walgreen's. I urge the other 10 members of the BOS to join you in asking the AG and US Dept. of Justice to pursue this case.

I live near the Walgreens at La Playa (close to Ocean Beach). I have witnessed staff try to stop shoplifting and have urged them not to risk their lives over Toilet Paper and Paper Towels. Walgreens is responsible for the acts of the security guard- shooting and killing someone over a bag of candy is a terrible crime.

Thank you for your efforts on behalf of SF citizens.

Best regards,

Nancy H. DeStefanis

Per today's Chronicle:

Board of Supervisors President Aaron Peskin said Monday he would ask California Attorney General Rob Bonta and the U.S. Department of Justice to review the case and would introduce legislation Tuesday asking his colleagues to do the same.

--

Nancy H. DeStefanis, Executive Director
San Francisco Nature Education
office: 415-205-0776
nancyd@sfnature.org
www.sfnature.org

Monitoring the Great Blue Heron colony in Golden Gate
Park since 1993

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)

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

- ☐ 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- ☒ 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- ☐ 3. Request for Hearing on a subject matter at Committee
- ☐ 4. Request for Letter beginning with "Supervisor [] inquires..."
- ☐ 5. City Attorney Request
- ☐ 6. Call File No. [] from Committee.
- ☐ 7. Budget and Legislative Analyst Request (attached written Motion)
- ☐ 8. Substitute Legislation File No. []
- ☐ 9. Reactivate File No. []
- ☐ 10. Topic submitted for Mayoral Appearance before the Board on []

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☐ Planning Commission ☐ Building Inspection Commission ☐ Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- ☐ Yes ☐ No

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

Sponsor(s):

Supervisor Peskin; Walton, Ronen and Preston

Subject:

[Urging the California Attorney General and the U.S. Department of Justice to Examine Evidence in the Killing of Banko Brown]

Long Title or text listed:

Resolution urging the California Attorney General and the U.S. Department of Justice to examine evidence in the killing of Banko Brown, and make a determination as to whether the evidence warrants the pursuit of criminal charges or other legal action.

Signature of Sponsoring Supervisor: []

