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

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

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

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

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

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

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

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

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

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

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

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

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