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

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.

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

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

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

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

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

WHEREAS, While Jeff Adachi was beloved by many, he was an outspoken critic of police, leading to animosity between he and the San Francisco Police Department as well as the Police Officers Association; and
WHEREAS, Within hours of Adachi’s passing on February 22, 2019, the police report regarding the details of his death was leaked to a freelance journalist, Bryan Carmody, who then sold and distributed the report to several news outlets; and

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

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

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

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

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

WHEREAS, In the following weeks, serious concerns were raised about the First Amendment rights of Carmody as a journalist, whether the searches were appropriate and whether it was made clear that Carmody was a journalist when the warrants were obtained; and
WHEREAS, On May 24, 2019, Police Chief William Scott released a statement acknowledging a “lack of due diligence by department investigators in seeking search warrants” and acknowledging that at the request of Mayor Breed, “we are seeking an independent, impartial investigation by a separate investigatory body;” and

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

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

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

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

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

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

FURTHER RESOLVED, That the Board of Supervisors urges District Attorney Chesa Boudin to initiate an independent investigation into any improper and/or criminal conduct by
San Francisco police officers related to the police report leaked to the press on February 22, 2019.
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

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.

Angela Calvillo
Clerk of the Board

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.

Angela Calvillo
Clerk of the Board