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SAN FRANCISCO

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June 17, 2015

The Honorable Holly Mitchell  
California State Senate  
State Capitol, Room 5080  
Sacramento, CA 95814

Re: SB 227 - Support

On behalf of the Bar Association of San Francisco, I am happy to inform you that we support your measure, SB 227, and its prohibition of the use of criminal grand juries to charge peace officers involved in the shooting or use of excessive force against a detainee or arrestee resulting in that person's death. SB 227 promotes transparency in an effort to restore public confidence in the criminal justice system when alleged police misconduct due to excessive force occurs, and we are proud to support that effort.

Our Board of Directors has convened a Task Force on the Criminal Justice System, composed of prosecutors, law enforcement and oversight bodies, defense and civil rights attorneys, judges and academics, which has closely examined SB 227 and has voted overwhelmingly to support SB 227. We join them in recognizing that the public's confidence in the criminal justice system has been shaken by Ferguson- and Staten Island-like refusals to indict peace officers involved in use of excessive force against detainees or arrestees. SB 227, limited to cases resulting in death in such situations, is a first step in restoring that confidence.

Some District Attorneys and other opponents oppose passage of SB 227 "on principle" because it takes away a useful prosecutorial tool in peace officer involved shooting investigations. They claim that grand jury secrecy is needed to encourage reluctant witnesses to come forward. We note the applicability of this argument in gang shootings and similar factual contexts, but not when the shooters are peace officers and witnesses are often bystanders or other members of the public.

SB 227 will significantly improve the public's trust in the criminal justice system, and we urge passage. BASF's Board of Directors has authorized and directed its Task Force to work with you, and we hope that you will call upon us to assist.

Sincerely,

Timothy Moppin  
President