

Chesa Boudin

San Francisco District Attorney

Since Chesa Boudin took the reins of the San Francisco District Attorney's Office in 2020, he has made the city safer by expanding support and resources to crime victims, reducing unnecessary incarceration, and holding the powerful, especially rogue police officers and corporate bad actors, accountable. During his tenure, overall crime has dropped, and San Francisco has been an exception to the nationwide trend of dramatic homicide spikes.

This memorandum provides the latest facts, research, and data about Boudin's policies, his prosecution record, and crime in San Francisco.

1 Tackling Gun Violence at Its Source

While San Francisco avoided the sharp rise in homicides that plagued other American cities in 2020, “ghost guns”—untraceable guns without serial numbers that are easily assembled after shipment—are increasingly a problem in cities around the country. In fact, 44% of the guns that San Francisco police recovered in homicide cases last year were ghost guns, up from 6% in 2019.

Boudin is tackling the problem head on, suing three online retailers who sell the parts used to make these untraceable weapons. “Ghost guns are a massive problem in San Francisco—they are becoming increasingly involved in murders, attempted murders, and assaults with firearms,” Boudin told the New York Times.

Mattie Scott, a San Francisco resident who lost her son and nephew to gun violence, praised Boudin's innovative lawsuit, telling the San Francisco Chronicle that, “decades of rising gun violence, especially in communities of color, have demonstrated that the current punitive approaches through the criminal justice system have not worked to end gun violence.”

In addition to the “ghost gun” litigation, Boudin's office has also launched a new initiative to remove guns and ammunition from people who pose a danger to others or themselves. This initiative coincides with a dramatic increase in gun sales during the pandemic.

2 Supporting and Expanding Services to Crime Victims

Boudin partnered with city supervisor Dean Preston to launch a new victim assistance program for small neighborhood businesses. The program provides grants to offset the costs of smashed windows, allowing businesses to recover up to \$1,000 with a maximum of two reimbursements per year. With the program now expanding across the city, Supervisor Preston praised Boudin for his initiative in creating the program:

“Thank you [Chesa Boudin] & your staff for successfully piloting this program to help vandalized neighborhood businesses. You were the first in the nation to launch such a program. We appreciate your vision, partnership & successful implementation.”

In California, the state’s victim compensation law excludes people who lack police corroboration of the harm done to them or who are perceived to have contributed to the violence against them. When police officers are the perpetrators of violence, it means that victims must secure corroboration from the same people who harmed them. This can leave those traumatized by police brutality to rely on crowd-sourced charity to cover costs like medical, funeral, and burial expenses. To support victims of police abuse, Boudin launched a new initiative that allows victims of police violence to receive compensation from the state.

3 Safely Reduced the Jail Population and Protected Public Health

The average daily population in San Francisco’s city jail has fallen by nearly 40% since 2019, a reduction that did not impact the city’s crime rate, according to an analysis by the San Francisco Chronicle. In fact, reducing the jail population has saved lives and prevented the spread of disease. Had the U.S. as a whole done more to reduce jail populations, we could have prevented millions of COVID-19 cases and tens of thousands of deaths, according to recent research. Boudin also ended the use of cash bail in his office, a policy that has further reduced the jail population safely in the city by keeping people who pose no safety risk in their communities, instead of locked up because they simply cannot afford to pay their bail amount.

Additionally, Boudin created a new diversion program that has kept more than 100 parents and caregivers out of criminal court in order to break the cycle of incarceration and promote stability in our communities. *“I know the kind of trauma the sudden loss of a parent can have on a child and the kind of resources that are needed to make that child*

whole again,” Boudin said about the new program. “This is about taking responsibility, protecting the sanctity of the family, and ensuring innocent children are not condemned to repeat the mistakes of their parents.”

4 Holding the Police Accountable

Fulfilling a campaign pledge, Boudin has **taken historic action** to hold police accountable for excessive force, including bringing San Francisco’s first ever homicide prosecution against an on-duty police officer. Boudin’s office is **currently prosecuting five law enforcement officers** for excessive force, including a case against **SFPD Officer Christopher Samayoa**, who is charged with homicide for the 2017 shooting of an unarmed 42-year-old Black man. Boudin said that the case was believed to be the first homicide prosecution against a law enforcement officer in San Francisco history.

5 Fighting Racism in Policing

Racial bias remains a major issue in the criminal legal system in San Francisco. For example:

- San Francisco police stopped Black drivers five times more than any other demographic—well out of proportion with their representation in the driving population, according to a **2016 U.S. Department of Justice report**.
- The DOJ report also uncovered “numerous indicators of implicit and institutionalized bias against minority groups,” along with insufficient training and data collection.
- A **report** by the Racial and Identity Profiling Advisory Board found that, statewide, Black people stopped for traffic violations were almost three times more likely to be searched than white people. The DOJ report suggested 272 reforms, but two years after the report was issued (in 2018) the California Department of Justice **found the police department** to be “not in substantial compliance.”

Elected prosecutors **play a major though under-appreciated role** in ensuring that racist policing practices do not lead to unjustified racial disparities. Boudin has embraced this responsibility, **announcing a policy** to decline criminal charges in cases

where police stop people for minor infractions *as a pretext* to conduct an unrelated search or interrogation. As the data shows, these “pretextual stops” have allowed police officers to use even the most minor traffic violations to justify targeting Black drivers. With his change in prosecution policy, Boudin **rejected this sort of unconstitutional “stop and frisk” style** of policing.

6 Economic Justice, Corporate Accountability, and Workers’ Rights

Last year, Boudin **formed the Economic Crimes Against Workers Unit** to fight **wage theft** and other corporate criminality, **pledging to hold accountable** the powerful wrongdoers who exploit San Francisco’s most vulnerable residents. The groundbreaking unit is one of the nation’s first, and is led by a lawyer who has spent his entire career advocating for workers’ rights. Rudy Gonzalez, Executive Director of the San Francisco Labor Council, AFL-CIO, **praised the new unit**: “*We applaud DA Boudin’s leadership and commitment to using the power of the prosecutor’s office to enforce laws that protect workers’ rights,*” he said.

Through the unit’s early work, Boudin **sued DoorDash** for misclassifying its workers as independent contractors instead of employees. By misclassifying workers, companies can shirk on paying minimum wage, providing mandated breaks, and providing healthcare or sick days. He also **sued Handy**, a company that provides in-home services such as house cleaning, on the same grounds.

7 Integrity and Fairness in Convictions and Sentencing

Since 1989, at least **250 wrongful convictions have been thrown out** in California, more than in any other state and a total that amounts to more than 2,000 years of wrongful imprisonment. **Researchers tell us that this number is the tip of the iceberg**, and there is likely another 1,000 innocent people locked away in California prisons. To remedy this crisis, Boudin **created an innovative Innocence Commission** that independently and exhaustively examines credible claims of wrongful convictions.

Unlike in other states, the commission’s review is not restricted to certain kinds of convictions or claims based entirely on new evidence. And because it is not housed within the DA’s office or staffed primarily with prosecutors, the Commission is better positioned to review convictions resulting from government misconduct. Law professor

Lara Bazelon, who serves on the commission, **explained that** such an

“Innocence Commission can ensure that individuals convicted because of official misconduct, bad lawyering, perjured testimony, or faulty forensic science are not left without a remedy because the local prosecutor—or an internal attorney general review unit that is hampered by tunnel vision, bureaucracy, and politics—is reluctant to investigate or cites procedural bars as a reason to ignore the truth.”

Boudin also **launched a Post-Conviction Unit** to review excessive sentences. Fueled by California’s draconian and much maligned “three strikes” law, the state has over 30,000 people serving life sentences. Many of these women and men have transformed their lives behind bars, no longer pose a threat to public safety, and would be a benefit to their families and communities. Through post-conviction review, the San Francisco District Attorney’s Office has so far **helped secure the resentencing of 51 people**—more than any other county— a new state law that allows prosecutors to review cases and recommend sentence reductions, safely releasing people who have demonstrated rehabilitation in prison.