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SFPD Chief Bill Scott terminates MOU with D.A.'s Office over court revelations that prosecutors withheld evidence in investigations 22-015

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'Very serious concerns' cited from testimony, evidence that D.A.'s office systematically concealed information and evidence from an ancillary domestic violence criminal probe

Chief of Police William Scott today notified District Attorney Chesa Boudin that the San Francisco Police Department will terminate its memorandum of understanding for the San Francisco District Attorney's Office to investigate independently officer-involved shootings, in-custody deaths, and uses of force incidents that result in serious bodily injury. Under provisions of the [MOU signed last July](#), the termination will take effect in 15 days.

- [SFPD Chief Bill Scott's letter to S.F. District Attorney Chesa Boudin](#) (Feb. 2, 2022)

Chief Scott's decision to terminate the agreement owes largely to sworn testimony and evidence that emerged from a Jan. 27, 2022 San Francisco Superior Court

hearing, which convincingly established that the San Francisco District Attorney's Office has not adhered to the MOU's provisions. A District Attorney's Office investigator, Magen Hayashi, testified in that hearing that under pressure from assistant district attorneys she misled police investigators about the status of an underlying criminal investigation into a domestic violence incident, and withheld evidence from a sworn affidavit.

According to Hayashi's sworn testimony from the hearing, the "understanding that I had in our unit was that our investigative steps, meaning the investigators, was not a two-way street with the police department and that we — they were to give us information, but we would not provide that back to them." In further testimony, Hayashi added, "if I did have information, I was — I was told that I don't share it." She elaborated under oath that "at multiple times in my tenure at I.I.B. [the D.A.'s office's Independent Investigations Bureau] that when investigators or someone would call to ask for information, if I didn't know I'd ask the attorney, and there were different attorneys that said the same thing, that would say, 'Tell them we don't know. We don't have any plans' or 'no comment,' something to that effect."

As Chief Scott wrote in his letter to D.A. Boudin today:

- "Very serious concerns have been brought to my attention regarding recent testimony in the Superior Court of the County of San Francisco from a member of the DA's Office who was assigned as an investigator to your Independent Investigations Bureau (IIB) at the time of the incident in question. I have reviewed the court transcripts where the DA investigator provided testimony to the court, under oath, showing that the spirit and the letter of MOU processes and procedures we agreed upon have not been followed by the DA's Office. Other evidence that was brought forward to the court corroborated the DA Investigator's testimony as it related to violations of the MOU agreement. It appears that the DA's Office has an ongoing practice of investigations against SFPD officers that includes withholding and concealing information and evidence the SFPD is entitled to have to further ancillary criminal investigations in accordance with the MOU."

Chief Scott acknowledged separately that he has reached out to Attorney General Rob Bonta's office regarding today's notice of termination of the MOU with the San Francisco District Attorney, and to seek guidance from the California Department of Justice on possible options for an alternative MOU moving forward. Under AB 1506,

which took effect last year as California Government Code Section 12525.3, the Attorney General of California is entrusted to take on [special prosecutions](#) to investigate certain officer-involved shootings through California Police Shooting Investigation Teams, or CaPSIT.

Chief Scott, who has been a longtime advocate for the principle of independent investigations for officer-involved shootings and many other use of force incidents, worked closely with former San Francisco District Attorney George Gascón to reach [a substantially similar agreement](#) in May 2019. Praising that MOU's renewal in July 2021, Scott noted that it "fulfills key recommendations that came out of our comprehensive, 21st century police reform initiative — to strengthen accountability and build trust and legitimacy in our criminal justice system."

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