

Dear District Attorney Boudin,

We write to you as future attorneys, San Francisco residents & students, and in solidarity with the global movement against police violence and white supremacy that has spread across the country, and around the world.

We ask that you drop all charges against anyone arrested in San Francisco as part of this national uprising. While we are encouraged by and grateful for your statements on Twitter that your office will not be prosecuting “peaceful” protestors<sup>1</sup>, we respectfully submit that this is insufficient. We ask that you agree not to prosecute any of those arrested, regardless of whether or not you deem their actions “peaceful.” Simply put, no one should be prosecuted or punished for participating in the righteous uprising that has galvanized millions of Americans (and others around the world). Qualifying certain protestors as “peaceful” and others as “violent” only serves to divide this movement and we ask that you and your office refrain from doing so. Additionally, you have not provided a transparent definition of the difference between the two for purposes of your office’s discretion. Participants and leaders of this movement are constantly engaging in a debate about proper tactics and strategies. The criminal legal system is not an appropriate forum in which to decide these questions, and no one should face incarceration or a criminal record for engaging in this rebellion. We are especially dismayed to hear that your office is considering enhancing charges against several people arrested for alleged “looting during a public health emergency.”<sup>2</sup> Singling out certain participants for alleged property crimes is not an appropriate response to this political crisis nor to the public health crisis that has killed 100,000 Americans (including many Black people).

We recognize that using your discretion to forego charges against potentially-prosecutable cases may come at a political cost to you, but we are certain that this moment demands nothing less. As someone whose parents themselves were prosecuted for crimes related to far more serious instances of political violence, we hope that you may not inflict the same kind of trauma and stigma upon those currently engaged in the struggle against white supremacy. Especially given that you inherited a position that historically has ignored the Black community and other communities of color.

We also ask that you investigate any and all instances of police violence against protestors in San Francisco. While we are relieved that our city has not seen the levels of police violence against protestors that has been witnessed in other American cities, the San Francisco Police Department and Sheriff have nonetheless still engaged in aggressive policing tactics that have harmed people and curtailed the exercise of constitutional rights. Notably, on June 3<sup>rd</sup>, SFPD arrested 23 people simply for violating an unconstitutional curfew.<sup>3</sup> This, and similar

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<sup>1</sup>[https://twitter.com/chesaboudin/status/1269023728983093250?ref\\_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Etweet](https://twitter.com/chesaboudin/status/1269023728983093250?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Etweet)

<sup>2</sup> <https://www.sfchronicle.com/crime/article/Police-make-arrests-across-Bay-Area-during-George-15307037.php>

<sup>3</sup> <https://missionlocal.org/2020/06/sfpd-chief-defends-arrest-of-23-protesters-on-mission-street/>

instances of illegal police conduct, should be thoroughly investigated. Crimes committed by police are certainly no less a threat to public safety than is any other allegation of criminal behavior. We also remind you that there are ongoing demands to prosecute the officers that killed Mario Woods<sup>4</sup>, Luis Gongora Pat<sup>5</sup>, and Jesus Delgado<sup>6</sup> that you inherited and need to be considered as you make decisions about your role in dismantling police violence and protecting San Franciscans.

Furthermore, we also request that your office refuse to cooperate with any potential Federal investigations. Activists around the country are currently reporting instances in which they have been questioned by FBI agents about their political allegiances.<sup>7</sup> This is not only unconstitutional, it also harkens back to earlier efforts by Federal law enforcement to undermine social movements. Indeed, this practice is a continuation of Federal suppression of Black liberation movements stretching back decades.<sup>8</sup> Should your office be approached by the FBI, the US Attorney's Office, or any other Federal law enforcement agency regarding investigations related to the George Floyd uprising, we ask that you publicly refuse to share information with those agencies.

We realize that these are bold requests of you as the top law enforcement official in San Francisco, but the people of San Francisco elected you on a platform of combating anti-Black violence, mass incarceration, and police abuses. We also appeal to you as someone who knows all too well the personal costs of prosecuting political activists. Please stand on the side of this movement.

Sincerely,  
The UC Hastings Chapter of the National Lawyers Guild  
UC Hastings Journal of Crime and Punishment  
UC Hastings Law Journal

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<sup>4</sup> <https://www.sfchronicle.com/crime/article/Mario-Woods-shooting-SF-police-officers-acted-13941420.php>

<sup>5</sup> <https://missionlocal.org/2019/10/sfpd-internal-report-finds-officer-who-shot-luis-gongora-pat-acted-out-of-policy-in-escalating-encounter/>

<sup>6</sup> <https://missionlocal.org/2018/03/19-year-old-police-shooting-victim-came-to-the-u-s-as-a-child-and-grew-up-and-worked-in-sfs-mission/>

<sup>7</sup> <https://theintercept.com/2020/06/04/fbi-nypd-political-spying-antifa-protests/>

<sup>8</sup> <https://cldc.org/wp-content/uploads/2011/12/COINTELPRO.pdf>