

Interim-DA Brooke Jenkins poised to abandon police accountability

October 19, 2022



From body cam footage, the screenshot shows SFPD officer Christopher Samayoa firing his handgun through the driver's side window on Dec. 1, 2017. San Franciscans who believe Black lives matter applauded when District Attorney Chesa Boudin charged Samayoa with manslaughter two years ago. But to avoid the possible publicity of Boudin that would have come from a hearing during the final weeks prior to the election to recall Boudin in June, the hearing was postponed. Now, with Boudin recalled, will SFPD be held accountable?

'If Jenkins wins, I believe the plan is to dismiss the case of the officer who murdered my nephew'

by Griffin Jones, SF Bay View

On Dec. 1, 2017, Keita O'Neil of Bayview Hunters Point was shot and killed by SFPD Officer Christopher Samayoa, who was in his first four days on the job. Keita was unarmed.

In 2020, former DA Chesa Boudin brought a historic case of homicide against Samayoa – the first ever murder charge against law enforcement in our city. The move was adamantly opposed by SFPD, the Police Officers Association and numerous San Franciscans resisting police reform.

This past May 2022 – shortly before DA Boudin's Republican-funded recall election in June – the preliminary hearing determining Officer Samayoa's involvement in Keita's murder was delayed. Many leaders in SF's Black community have been fighting for a jury trial for Samayoa, like Gwen Woods, mother of Mano Woods, a young man from Bayview killed by SFPD in 2015. But even the step of getting the preliminary hearing scheduled has been slowed, time and time again.

Keita's aunt, April Green, is the main figure campaigning for justice on behalf of the O'Neil family. She immediately started calling out the larger machinations at work behind the hearing's delay, garnering support from Anti-Police Terror Project, SF Rising and the ACLU.

"The whole situation doesn't look right and reeks of the smell of political corruption," Green stated recently. Indeed, the prosecution of an officer would be much less likely if the hearing were delayed until the tough-on-crime interim-DA took office.

The reason given for delay, as reported by Mission Local, was: "San Francisco Police Department Sgt. Mark Hutchings, a key homicide investigator, would be on sick leave until July 14. Hutchings allegedly took a statement from a witness that O'Neil's state of mind was skewed from 'smoking crack' that [Samayoa attorney Julia Fox] felt was important to the case." Making him, in the eyes of Samayoa's lawyer, a key witness.

It was never verified that Keita was smoking crack – the racist implication that Keita was high was another attempt to deflect blame away from his murderer. Interim-DA Brooke Jenkins assumed her role in July and, since she has taken office, has imposed harsher drug sentencing and expanded police surveillance throughout San Francisco. In working with victims of police brutality, however, it is evident that her office is taking a step back – substantially cutting down communication with Green and her legal counsel, delaying meetings and, ultimately, further delaying Samayoa's hearing.

Another detail supporting the sense of foul play is the role of Sgt. Mark Hutchings, who was on sick leave during Samayoa's scheduled hearing. Though Boudin's office said he was not a necessary witness, Samayoa attorney Julia Fox insisted he was – thus, delaying the hearing. It appears he was not cooperating with prosecutors then, but under the administration change, Hutchings is singing a different tune.

Another note: Fox previously claimed to be Hutchings' attorney. She now says she no longer represents the sergeant – but this statement only followed correspondence by April Green's attorney with DA Jenkins expressing concern over conflicting client interests.

The DA's liaison for Keita's case is Assistant District Attorney Darby Williams – and Williams has been outright hostile to the O'Neil family, on whose behalf she is supposed to be litigating for justice.

April Green's attorney, Neil Hallinan, stated: "The first thing that painted the color of impropriety was that [Williams] said she was in touch with Hutchings' attorney, who was going to permit her to interview inspector Hutchings. We know Hutchings had been hostile to previous prosecutions. If he is no longer hostile to the previous attorney's successor, what comfort is Ms. Williams providing such that Ms. Fox is allowing her client to talk to Ms. Williams?"

"Jenkins has done nothing to dispel the suspicion that the DA's office is taking its cues from Samayoa's attorney, Julia Fox. The problem is not with Ms. Fox as a lawyer – the problem here is that the prosecution is not being up front with the public about how they are interacting with the defense."

Jenkins' office agreed with the defense, vacating the preliminary hearing and postponing the date, just to recalendar for Dec. 1, 2022 – a more politically expedient time to dismiss, if that is her intention.

"She has detached me from the case," said Green of the delays. "If Jenkins wins, I believe the plan is to dismiss the case of the officer who murdered my nephew."

Body cam footage indisputably shows Samayoa shooting an unarmed Black man (presumably Keita) as he was running past the officer. In spite of this, one main defense the DA's office is making for delays is that: "In complex cases we also want to ensure that we have exhausted all avenues of investigation prior to hearings/trial so that we have as much information as possible to proceed."

In light of this and the recent [State Bar complaints of dishonesty against Jenkins](#), her path to election this Nov. 8 is looking rocky.

Read on for a complete transcript of correspondence between Keita O'Neil's family attorney Neil Hallinan and interim-DA Brooke Jenkins.

Sept. 30 letter from Attorney Neil Hallinan to interim-DA Brooke Jenkins

Sept. 30, 2022

District Attorney Brooke Jenkins

San Francisco District Attorney's Office

350 Rhode Island Street

North Building, Suite 400N

San Francisco, CA 94103

Dear District Attorney Jenkins:

I write you on behalf of my client, April Green. Thank you for meeting with us in your office on Aug. 24. As you know, former Officer Chris Samayoa killed Ms. Green's nephew, Keita O'Neil – an unarmed Black man who was running away as Officer Samayoa shot him – in 2017, and Ms. Green and Keita's family have been waiting for justice ever since.

Ms. Green was tremendously relieved when then District Attorney Chesa Boudin showed respect for her family and filed historic homicide charges to hold Officer Samayoa accountable for the voluntary manslaughter of Keita. However, after your appointment as Interim District Attorney, your office continued the case until Dec. 1, and Ms. Green is deeply concerned that your office will abandon this prosecution and fail to hold Officer Samayoa accountable.

Although I appreciate that, early on, you expressed sympathy for the grieving family of Keita O'Neil, as you told Ms. Green that you have "so much respect for you and your family" – unfortunately, Ms. Green has been feeling anything but respected by your office. Since your appointment, the inaction of your office, the disregard your ADA has shown to Ms. Green, and the constant lack of transparency about the case suggest to us that you do not intend to bring this case to trial. We seek an update on the status of the case against Officer Samayoa, and we seek immediate action in putting this case on a path to trial.

Disrespectful Communication with Ms. Green

When you met with Ms. Green, you asked her to give ADA Darby Williams the benefit of the doubt as a prosecutor taking over the case. You mentioned the difficulty that a substituting ADA may have earning the trust of victims and/or their families, and you asked that she give ADA Williams the benefit of any doubt. Yet in that same meeting, in your presence, and without any intervention or correction by you, ADA Williams spoke to Ms. Green in a belittling manner:

REST IN POWER

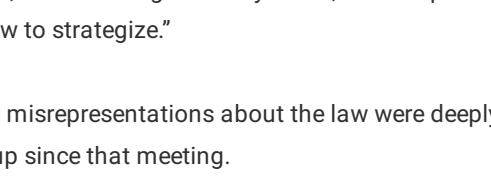


KEITA O'NEIL
Murdered by SF Police on Dec. 1, 2017



LUIS GONGORA PAT
Murdered by SF Police on April 7, 2016

Demand DA Brooke Jenkins Hold Police Accountable
PRESS CONFERENCE WITH THE VICTIMS' FAMILIES
OCTOBER 20TH 10:00 AM
350 RHODE ISLAND ST., SAN FRANCISCO



1. ADA Williams told Ms. Green that to charge a defendant, she needs "proof beyond a reasonable doubt, and then some" – which is contrary to the law that treats all defendants by the same standards;

2. ADA Williams condescendingly asked Ms. Green if she understands the difference between a civil and criminal burden of proof;

3. ADA Williams interrupted Ms. Green several times. On one occasion – despite ADA Williams' recent entry into the case and Ms. Green's intimate involvement in all of the civil and criminal proceedings since 2017, her knowledge of every detail, and her position as a grieving relative of a shooting victim – ADA Williams berated her, "I hope you're not telling me how to strategize."

These disrespectful, patronizing comments and flat-out misrepresentations about the law were deeply troubling to Ms. Green and me. In addition, we are deeply concerned about the lack of appropriate follow-up since that meeting.

Lack of follow-up by your office

You previously agreed to meet with Ms. Green again after ADA Williams meets with Inspector Hutchings. Your office, however, has taken no steps to keep us apprised of the status of that meeting or the status of the Samayoa prosecution. On two separate occasions I emailed ADA Williams for an update as when the meeting would be taking place, but still remain in the dark.

Following my email on Aug. 31, ADA Williams replied on Sept. 1 to let me know that the Hutchings informing meeting was scheduled for the following week. I emailed again on Sept. 13 – almost two weeks later – to learn how the meeting went. ADA Williams informed me that the meeting had begun and would resume at an unknown date.

Conflicts of interest in this case

In addition to our concerns about the lack of transparency by your office as to the status of this prosecution, I am also concerned about conflicts of interest. ADA Williams mentioned that the on-going delay in meeting with Inspector Hutchings was due in part to the fact that his attorney, Julia Fox, would be out of town. Ms. Fox also represents Officer Samayoa.

Ms. Fox – like all attorneys – has a duty of loyalty to all of her clients, and would be required to withdraw from representation should two clients' interests ever conflict. Thus, given the lack of a withdrawal request, we presume that Hutchings' and Samayoa's interests are aligned since they maintain the same attorney. Furthermore, since your office has maintained that the continued prosecution of Mr. Samayoa is contingent on ADA Williams first speaking with Inspector Hutchings, we are troubled that she is in no hurry to conclude the interview, the delay of which obviously benefits the defendant.

Politically motivated delays

Ms. Green and I have grave concerns that your office has been intentionally trying to delay this prosecution until after the November election so that you can avoid accountability from the public should you not proceed with this prosecution. It is no secret that Ms. Fox repeatedly sought to delay the preliminary hearing in this matter.

Now it appears that this ever-elusive meeting with Inspector Hutchings is yet another delay tactic, but one committed in concert between your office and the former officer accused of killing Ms. Green's nephew. Neither you nor ADA Williams have done anything to relieve Ms. Green of the sense she gets that the conflict of interest discussed above is also politically advantageous for you, at the expense of justice for Mr. O'Neil's family.

Dishonest statements to the media



Keita's Mom, April Green

Your spokesperson, Randy Quezada, recently emailed the press, stating that ADA Williams had "requested time to determine what changed from the initial declination (to prosecute Christopher Samayoa by the Gascon administration) to the decision by Boudin to charge the matter" ([Chesa Boudin Charged a Rookie Cop With Manslaughter: What Will Brooke Jenkins Do Next?](#), San Francisco Chronicle, Sept. 19, 2022).

Specifically, Mr. Quezada stated, "The case, pending since 2017, was declined for prosecution by former District Attorney George Gascon after a thorough months-long investigation. Former recalled District Attorney Chesa Boudin subsequently re-opened the investigation and charged the case."

However, the same article quoted George Gascon's chief of staff as saying that the case "remained open when DA Boudin took office," and that Gascon's administration DID NOT decline to prosecute Samayoa. Not only is it troubling that your administration lied about the status of the case previously, but it also reveals that there is no determination to be made by ADA Williams to further delay this case.

Publicly, you proclaim to care about police accountability. On Tuesday, Sept. 13, at a press conference, you emphatically stated, "We cannot allow families of victims, we cannot allow victims themselves, to remain without justice," stating the importance of "bringing justice in every single case as we are obligated to do."

On Sept. 22, you tweeted about police accountability, and noted that "actions speak louder than words." Having read this letter to this point, it is now clear to you why those statements, and your proclamation of respect for Ms. Green and her family ring hollow.

You have now had more than 3.5 months since you came into office to give Keita O'Neil's family the satisfaction of at least getting an answer as to how you intend to proceed with the case against Officer Samayoa. To make this family wait even longer simply for political gamesmanship is a dereliction of your duty as the District Attorney of this City and County.

Please act to show that your words have meaning, prove us wrong, do not let Ms. Green and the rest of Keita O'Neil's family go without justice any longer.

Respectfully,

Neil Hallinan

Attorney at Law

cc: ADA Darby Williams, April Green

Oct. 3 response to Mr. Hallinan from Jenkins

Good Morning, Mr. Hallinan,

I am in receipt of your letter. I sympathize with Ms. Green's feelings. In no way have we been sitting idly on this case. Since our meeting, I have met with the former case handling attorney, James Conger, twice to discuss the case. Ms. Williams has also completed her interview of Sgt. Hutchings and potentially has a subsequent interview in the case that she may likely conduct. She has continued to review not only the evidence in the case but the vast amount of case law that applies to this case.

As you can imagine, we have thousands of cases in our office, and many victims and families of homicide victims have requested meetings with me since I took over. That also requires that I meet with the attorneys handling those cases as well in order to prepare for those meetings (some cases of which are 7-8 years old and these families are very frustrated and anxious as well). In each case, we are working diligently to ensure that we are prepared to move forward.

In complex cases we also want to ensure that we have exhausted all avenues of investigation prior to hearings/trial so that we have as much information as possible to proceed. As you yourself are an attorney, you know that this also prevents us from being blindsided during trial by evidence that we were not aware of.

We are most certainly committed to keeping you and Ms. Green informed of the progress of the case as we go forward, but need your understanding that I am trying to accommodate meeting with other victims as well and so I'd like to meet with you two again once we have completed significant steps in our investigation/review so that the meeting is most productive. I would touch base with Ms. Williams today so that I know when we believe it's best to schedule our next meeting and will have my Executive Assistant follow-up with you to get it scheduled. Thank you for your understanding.

Brooke Jenkins

Response from Hallinan to Jenkins

Ms. Jenkins:

My reply to this email. Our letter of Sept. 30 to which you reply is a plea for action, in which we highlighted how Ms. Green already has zero faith that you will fulfill your duty to her family and their community – your responsibility – to ensure that they receive justice, having lost Keita O'Neil to a senseless, unlawful killing at the hands of our former police officer Christopher Samayoa. Thus, with all due respect, your reply is received by me and my client as nothing other than more political posturing with hollow words.

This case can not simply be framed as any one of the "thousands of cases in our office." To a family and community that feels it has consistently been excluded from the power structure of this City & County – a community that has lost too many unarmed members to killings by police – this case represents the first time in San Francisco history that one of our elected officials actually demonstrated through action that such killings would no longer be tolerated. That is why this case stands out, and why Mr. O'Neil's family and community should be entitled to a lot more care and attention from you and your office.

This is a solid, airtight case of voluntary manslaughter; murder charges were arguably warranted, so your predecessor's application of restraint resulted in the showing of finesse of charges that they had determined could be proven beyond a reasonable doubt. But then you rose to your appointment in what has been shown to at least give the feel of having been a disinformation campaign, one in which a key ally was the SF Police Officers Association which adamantly opposes this prosecution.

Regardless of where you and that organization actually stand in truth, the optics point Ms. Green, her family, and their community to a very reasonable belief that you are engineering a slow-motion dismissal of the Samayoa case. Yet neither you nor anybody from your office have done anything to dispel them of that notion.

For all you have just written to me – including that you "are most certainly committed to keeping (me) and Ms. Green informed of the progress of the case as we go forward" – I can not help but wonder why not even a victim-witness advocate has kept us apprised of the fact that you spoke to Mr. Conger at all, and that Ms. Williams completed her interview of Sgt. Hutchings, especially considering that Ms. Williams made clear she needed to get that meeting out of the way before she could proceed (which conflicted with what your spokesperson told the SF Chronicle), and that that was the contingency on which we waited for another meeting with you.

Drawing from my experience as your deputy, as you did, I know that – understandably – neither you nor any district attorney meetings with the thousands of victims in pending cases; your deputies, their managers, and the victim-witness advocates meet with the overwhelming majority of victims: the same goes for all of your predecessors as well. Ms. Williams' predecessor on this case, Mr. Conger, however, was in regular contact with Ms. Green at a time when she was not even represented by counsel; Mr. Boudin met with her several times, and calendared all subsequent meetings at the time they were offered, never once dragging her along.

Thus, while we do not hold you to a standard you can only meet by emulating Boudin, you can also understand why it is quite meet by patronizing that you refer to the volume of pending cases with victims as an excuse for why there has been no contact – especially considering that the only communications we have received are two emails by Ms. Williams in response to my inquiries, none of which had let us know about the progress that you described to date in your reply email.

I encourage you to open your twitter page and do a quick word search for "families" and "victims" to understand why your public posturing leaves Ms. Green and her family feeling especially cast aside. (See the many examples at the bottom of this email, along with a photo of you posing with mothers of people who tragically passed away from self-inflicted drug overdoses, whom you often refer to as "victims.")



Keita was the mother Judy's only child. Homebound now, she grieves for him incessantly.

At this point, we have but one focus which is ensuring that Christopher Samayoa's case ends up in front of a jury. We know it is not our decision, and we understand that this discretion is left entirely up to whoever is in your position at at given moment, and you will do what you feel you must do.

But, after everything I have written to you between Friday's letter and this email, it should be abundantly clear why Ms. Green and I are extremely troubled by the way your administration took this prosecution off track when there was a prosecutor who had declared to the court that he was ready for preliminary hearing, set the next court appearance to a politically expedient date after the November election, and has indicated Keita O'Neil's family along now for almost three months, with no indication where you are going.

It should be even more clear why my client, her family, and their community have every bit of confidence that you will not deliver justice in this matter. The evidence is showing that former Officer Samayoa committed at least a voluntary manslaughter when he drew his gun and killed unarmed Keita O'Neil, with no basis for believing that Keita posed a threat. We are begging that you prove us wrong, cease the pandering and boilerplate form letters, show some empathy and take some action.

Respectfully,

Neil P. Hallinan

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Tweets from Brooke Jenkins 謝安宜: @BrookeJenkinsSF

1. September 27 – Justice delayed is justice denied. I told @EvanSernoffsky my office should be prepared to go to trial, not just justice in these older cases and be obstructing to any continuances by the defense. I told we can because these victims deserve and need closure. Article titled: Family of slain SF State student awaits alleged killer's trial for 9 years)

2. September 20 – Today, our office announced new streamlined organization that puts experienced prosecutors back in the courtroom while adding new resources and services for vulnerable victims. These changes will enhance public safety in San Francisco. Our new org structure furthers our office's mission & will streamline operations to better serve victims & hold offenders accountable. These changes will help accelerate the change we desperately need to see & feel in San Francisco.

3. September 7 – Today on SF Gun Violence Prevention Day of Action, we remember the victims & families in our communities impacted by gun violence. I'm committed to fighting for weekend, neighborhood safety & doing what I can to preventing future tragedies on our streets.

4. September 6 – Over the weekend two Black women were victims of gun violence in the Bayview. One tragically lost her life & the other is in critical condition. I'm calling for the community to stop & cooperation from the community to help solve this case. Anyone w/ info pls refer to @SFPD info

5. August 17 – Last night I joined @SFPD @SFPDChief for a town hall w/ the AAPI community. Thanks to the brave victims for sharing their stories & those who made their voices heard. @SFPD will fight for justice & we'll w/ the AAPI our vulnerable communities.

6. August 16, 2022 – This afternoon I met the mothers leading the fight to keep kids from losing their lives & futures to fentanyl! @StopDrugDeaths. I'm committed to doing everything in my wheelhouse so that another mother doesn't lose their child to a drug overdose.

7. August 13 – Re-tweet of Chief Scott. On Aug 14, 2006, 17 year-old Aubrey Abrakasa was murdered in San Francisco. Years later, his mother continue to advocate for her son and for the families of other murder victims. Today, we gathered to remember her son joined by @mattdorsey, @blacklivesmattersSF, and @SFPDAlexzar.

8. August 9 – My office is working hard to make our neighborhoods safer, advocate for victims, and work to implement strong, practical criminal justice reform. As DA, I'll listen to the concerns of San Franciscans and will do what's necessary to make sure all of our communities feel safe.

9. July 28 – I will make sure our office is united and working together. As one team that advocates for victims, while working to reform our criminal justice system. I humbly ask for your support in the campaign >>

10. July 27 – I want victims and their families to know loud and clear that my office will serve as a champion for them and their rights. No longer will victims be left in the dark about the services or what gets to their lives.

11. July 19 – (Regarding theft from Walgreens) There are no victimless crimes

12. May 19 – Chesa has ignored the rise in gun violence & assaults in communities of color to promote his political agenda, leaving victims voiceless in a system that's historically treated them that way for decades. He refuses to hold those who kill accountable & that's unacceptable.

13. May 11 – Emma Hunt is only one of a few Black women who have been murdered in the Tenderloin since Chesa took office. Chesa claims to care for the Black community yet has refused to prosecute Emma's killers. Emma was adopted from Ethiopia and despite her struggles was on the road to recovery. How many Black victims will fall to get justice on Chesa's watch?

14. May 4 – Chesa Boudin will continue to fly silence those that know what is really happening in the DA's office and are willing to speak up about it. This isn't about politics. This is about the welfare of the people of San Francisco.

Griffin Jones is a journalist and copy editor formerly of the Los Angeles Review of Books. She can be reached at griffin@sfbayview.com.