

San Francisco D.A. when charging police officer: “No one is above the law”

The Bethlehem Gadfly George Floyd killing November 27, 2020

🦋 *Latest in a series of posts in the wake of the George Floyd murder* 🦋

“[The officer] was doing, the union argued, what he was trained to do.”

Gadfly keeping an eye on subject shootings. This may be the first time San Francisco charged a police officer with homicide. In the post-GeorgeFloyd era officers are being held more accountable. We need to review training for “first contact” situations among other aspects of officer conduct. That the unnecessary death occurred from the actions of an officer following his training is precisely what needs to be reviewed. It’s increasingly clear that officers will no longer get a pass in such situations.

The District Attorney describes the incident (3 mins.):

*Selections from Paulina Villegas, “In a possible first, San Francisco charges an officer with homicide over fatal on-duty shooting.”
Washington Post, November 24, 2020.*

A former police officer was charged with manslaughter by the San Francisco district attorney’s office Monday, three years after he fatally shot Kita O’Neil during an alleged carjacking incident.

District Attorney Chesa Boudin announced that his office had filed homicide charges against former San Francisco Police Department officer Christopher Samayoa, a decision that appears to be the city's first homicide prosecution against a law enforcement officer who has killed someone while on duty.

"I hope the message people take from this decision is my commitment to follow through on my campaign promises, the recognition that no one is above the law, not even police officers, and that we value the Black and Brown lives impacted by police violence," [D.A.] Boudin told The Washington Post on Tuesday.

"We recognize that the vast majority of the police officers are doing the job well, but when an officer violates the law, there will be consequences," he added.

The charges come amid mounting public demands nationally for greater accountability in cases of alleged police abuse and in police killings.

Boudin argued that cases such as the police killings of George Floyd in Minneapolis and Breonna Taylor in Louisville, cases that sparked protests across the country, reflected "the failures of our legal system to hold police accountable for the violence committed against the very members of the public they are entrusted to keep safe," he said.

"This lack of accountability for police who abuse their power has created great mistrust, particularly for communities of color," he said.

On Dec. 1, 2017, Officers Edric Talusan and Samayoa followed a person thought to have carjacked a state lottery van in the residential neighborhood of Potrero Hill.

When the van reached a dead-end street and other police cars blocked its path, O'Neil, 42, jumped out of the car and ran past the police car where Samayoa was seated in the passenger seat.

Samayoa, who was just out of the police academy and four days into his field training, fired his gun through the side window, killing O'Neil.

Samayoa's body camera showed that O'Neil did not have a weapon, and O'Neil's manner of death was determined to be a homicide, according to the district attorney's office.

In March 2018, the officer was fired from the SFPD as a result of the shooting, prompting outrage from the police union, which argued that Samayoa's firing was unfair given the fact that he was doing, the union argued, what he was trained to do, the San Francisco Chronicle reported.

"This prosecution is an important, historic step towards showing that Black lives matter and that unlawful police violence will not be tolerated," [Boudin] said.

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