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10 ETHICS COMMISSION
11 CITY AND COUNTY OF SAN FRANCISCO
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14 In the Matter of Charges Against
15 ROSS MIRKARIMI,
16 Sheriff, City and County of San Francisco.

**DECLARATION OF MAYOR EDWIN
M. LEE**

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18 I, EDWIN M. LEE, declare:

19 1. I am the Mayor of the City and County of San Francisco. I have personal knowledge
20 of the contents of this declaration, and if called upon to testify, I could and would testify
21 competently to the contents of this declaration.

22 2. When Sheriff Mirkarimi was charged with criminal offenses based on a December
23 31, 2011 incident with his wife, I was concerned that a chief law enforcement officer in the City and
24 County of San Francisco was himself facing criminal charges. The domestic violence allegations
25 against the Sheriff were serious, and so were the allegations that he made threats to use his power
26 against his wife. However, I was committed to let the criminal process conclude before I made a
27 decision about whether Sheriff Mirkarimi could continue as Sheriff. The criminal process has
28 serious consequences, and I did not want to interfere with Sheriff Mirkarimi's ability as a criminal

1 defendant to defend himself against criminal charges. It was also important to me to see what facts
2 came out in the criminal process.

3 3. Sheriff Mirkarimi pled guilty and was convicted on March 12, 2012 and sentenced
4 on March 19, 2012. With this conclusion to the criminal process, I considered it my duty to decide
5 whether Sheriff Mirkarimi had committed official misconduct. I reviewed the official misconduct
6 provision of the San Francisco Charter, section 15.105. I reviewed criminal court filings from both
7 sides that discussed the evidence and made different arguments. I consulted with others, including
8 with the City Attorney.

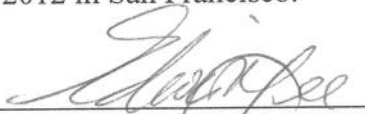
9 4. I decided, based on Sheriff Mirkarimi's conduct, crime, conviction, and sentence,
10 that he had committed official misconduct and was not fit to hold the office of Sheriff. Sheriff
11 Mirkarimi engaged in the criminal conduct of falsely imprisoning his wife. His plea of guilty and
12 his conviction told me that what he did was no accident, and he had no good excuse or good reason
13 for what he did. He committed a crime. It was a crime of domestic violence: his wife was the
14 victim, and his sentence included 52 weeks of domestic violence counseling. The conduct
15 surrounding that crime was serious. Sheriff Mirkarimi physically injured his wife and threatened to
16 use his power against his wife, as reflected in the transcript of the video that was in the court file.
17 He tried to stop her from reporting this incident to the police. None of this was acceptable conduct
18 for a public official. It discredited the office of Sheriff, and it discredited the office of a member of
19 the Board of Supervisors.

20 5. It was also significant to me that Sheriff Mirkarimi holds the office of a chief law
21 enforcement officer in the City and County of San Francisco. A chief law enforcement officer must
22 maintain high standards of behavior and not engage in conduct that affects his or her ability to
23 perform law enforcement duties. Sheriff Mirkarimi failed to do that. Law enforcement officers
24 should encourage and support victims and witnesses to come forward. But during the criminal case,
25 Sheriff Mirkarimi made public statements that minimized crimes of domestic violence and their
26 victims, and he permitted many unfair and inappropriate attacks against a witness who came
27 forward to report his crime. A law enforcement officer must follow the law and enforce it, but
28 Sheriff Mirkarimi pled guilty and was convicted of a crime. The Sheriff is charged with overseeing

1 prisoners in the San Francisco County Jails, yet for his crime he was sentenced to time served in the
2 same jail. The Sheriff must perform duties related to probation and work with other law
3 enforcement agencies, but Sheriff Mirkarimi's plea and conviction resulted in a sentence of three
4 years of probation under the supervision of the San Francisco Adult Probation Department. The
5 Sheriff must be able to decide charges of misconduct and impose discipline on his own deputies
6 when it is appropriate, but Sheriff Mirkarimi's own criminal conviction damaged his authority as a
7 leader and undermined the integrity of the office of Sheriff. Sheriff Mirkarimi's conduct, and his
8 status as a recent convict and probationer, was incompatible with holding the office of Sheriff, the
9 chief elected law enforcement officer in the City and County of San Francisco.

10 6. I decided that immediate action was necessary to ensure that the duties of the office
11 of Sheriff could be effectively discharged. I met with Sheriff Mirkarimi, spoke with him, and gave
12 him an opportunity to resign. When Sheriff Mirkarimi chose not to resign, I suspended him from
13 office and filed charges of official misconduct.

14 I declare under penalty of perjury under the laws of the State of California that the foregoing
15 is true and correct. Executed this 8th day of June, 2012 in San Francisco.

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19 MAYOR EDWIN M. LEE
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