

**YOLANDA HUANG**

ATTORNEY AT LAW

Date: December 16, 2014

**MEMO**

TO: Senator Hancock, Supervisor Keith Carson, The Black Elected Officials and Faith Leaders

RE: Special Prosecutor for Police Officer caused killings and Injuries

Proposal for Independent Investigation of all Police Shootings and Killings

The results of Ferguson and Staten Island, underscore the understanding and experience of people living in Alameda County, that district attorneys are unable and incapable of honestly investigating and prosecuting police. District attorneys have an inherent conflict of interest when it comes to police because district attorneys and the police are partners and colleagues. It is time to have independent investigation and prosecution of officer killings, and remove this issue from the district attorneys' control.

Therefore, we ask the City Council to call upon our State Legislative to change state law and create a mechanism, such as a special prosecutor in all such cases, in order to guarantee the independent investigation of every situation where there is an officer shooting; or a death in which a police officer has been a contributing factor. Any mechanism, for example such as a specially appointed independent prosecutor, must have civilian oversight.

District Attorneys, while created by the constitution, derive their powers from state statute, primarily Government Code §§ 26500 & 26501. Copies of these two code sections are attached. Since the extent of district attorney powers are pursuant to state statute, the scope of district attorney's powers can be changed via state statute.

I ask that you call upon our state representatives to amend Government Code §§ 26500 & 26501 so that police shootings, killings and actions that result in great bodily injury to civilians, be investigated, reviewed and if needed prosecuted by a special prosecutor, not the county district attorney.

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