

XAVIER BECERRA
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State of California
DEPARTMENT OF JUSTICE



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June 23, 2020

Kelly McAdoo, City Manager
Michael Lawson, City Attorney
Office of the City Manager
777 B Street
Hayward, CA 94541

RE: Letter Dated May 26, 2020

Dear City Manager McAdoo and City Attorney Lawson:

Thank you for your letter dated May 26, 2020, requesting that the California Department of Justice conduct an independent investigation into an officer-involved shooting (OIS) that occurred on May 20, 2020. As recent national events have clearly illustrated, it is critical that use of force incidents involving officers are thoroughly investigated. The Department of Justice is committed to doing all that we can to ensure that California's law enforcement officers are aware of and utilize best practices with respect to use of force policies and practices. We are further committed to the principle that no one is above the law and that there must be true accountability when individual officers commit unlawful acts.

Your letter indicates there are or will be separate investigations conducted by the Hayward Police Department and the Alameda County District Attorney's Office into the shooting that is the subject of your letter, and requests that our office conduct an additional investigation of the incident. While we understand that Hayward City's policy is to request that our office undertake an independent investigation "into any use of deadly force by the Hayward Police Department," we respectfully decline the City's request.

As we have previously expressed, we appreciate Hayward's efforts to ensure that incidents involving the use of deadly force by law enforcement are thoroughly and objectively investigated. We also recognize the important policy discussions concerning the future handling of officer involved shootings and we intend to be a part of crafting a solution. At this time, the Department of Justice has neither the funding nor the staffing to routinely enable us to conduct

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independent investigations of OIS incidents throughout the State, regardless of whether those investigations are criminal or civil in nature. Because our resources are limited, we must be selective in deploying them where necessary and appropriate. In this situation, we are not aware of information indicating that additional investigation and review by our office is required, that an abuse of discretion by local authorities undermines the investigation, or a conflict prevents the current investigation from proceeding. Accordingly, we must respectfully decline your request.

If you would like to discuss the foregoing further, please do not hesitate to reach out.

Sincerely,



PHILIP A. FERRARI
Special Assistant to the Attorney General

For XAVIER BECERRA
Attorney General

cc: Toney Chaplin, Chief of Police, City of Hayward