



State of California
Office of the Attorney General

XAVIER BECERRA
ATTORNEY GENERAL

July 9, 2020

Mr. Jeff Kay
City Manager
City of San Leandro
Civic Center
835 E. 14th Street
San Leandro, CA 94577

Dear City Manager Kay:

I have received your letter concerning the April 18, 2020, shooting of Steven Taylor. To begin, I want to extend my condolences to Mr. Taylor's family and the people of San Leandro. I know that Mr. Taylor's passing has been deeply concerning to people within the City and throughout our State. Against the backdrop of the tragic death of George Floyd and other recent events, it is more critical than ever that those of us in public service respond to the heartfelt concerns about law enforcement that are being expressed by our communities. 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.

In your letter, you state that you have been directed by the City Council to request an independent investigation by my office into the shooting of Mr. Taylor. You also request general direction and guidance regarding what conditions would result in my office conducting an independent investigation into a local law enforcement agency's use of deadly force. You also ask about the scope and potential outcomes of any review that we might conduct. Your letter references ongoing internal investigations by the San Leandro Police Department into the Steven Taylor officer involved shooting, including an administrative investigation into compliance with internal department policies, procedures, and tactics, as well as a criminal investigation to determine if any crimes were committed. You also note that, consistent with Alameda County protocols, the District Attorney's office will conduct an independent criminal investigation to determine if the actions of the involved officers warrant pursuit of criminal charges. Noting the pending nature of these investigations, you ask for preliminary information regarding the specifics of any investigation we might conduct, as well as the potential repercussions for the officers involved.

Mr. Jeff Kay, City Manager

July 9, 2020

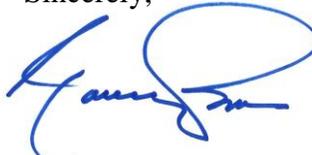
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Traditionally, the role of the Attorney General's office in intervening in a local criminal investigation and prosecution is limited. California's 58 district attorneys are charged with investigating and prosecuting criminal cases as the elected public prosecutors for each county. Absent a conflict of interest, abuse of discretion or other exceptional circumstances, the Department of Justice generally does not assume responsibility for investigations or prosecutions of officer involved shootings. We are mindful of the important policy discussions underway concerning the future handling of officer involved shootings, and we intend to be a part of crafting a solution. However, at this time the Department has neither the funding nor the staffing to routinely enable us to conduct independent investigations of officer involved shooting incidents throughout the State. Because our resources are limited, we must be selective in deploying them where necessary and appropriate.

In this situation, Mr. Taylor's death is currently being investigated by local authorities. We are not aware of information indicating that an additional separate investigation and review by our office is required, or that a conflict of interest prevents the current investigation from proceeding. For that reason, and at this time based upon the limited facts presently known to us, we must respectfully decline the request to conduct an additional investigation of the matter.

I hope that we have provided you with the information you requested. If you believe that there is any additional information that our office should consider, or if you would like to discuss any of these matters further, please contact Special Assistant Phil Ferrari, at (916) 591-6316.

Sincerely,



XAVIER BECERRA
California Attorney General

cc: Chief Jeff Tudor, City of San Leandro Police Department