

Summary

Independent Special Prosecutor's Office &

"Peace Officers' and Prosecutors' Victims' Bill of Rights and Fairness Act."

Police and prosecutor misconduct is a serious and rampant problem throughout the state of California.

Police and prosecutor misconduct negatively impacts the lives of thousands of residents who are victimized by these illegal acts. These illegal acts result in thousands of innocent people being wrongfully incriminated of crimes they did not commit. The unnecessary court and incarceration costs associated with these wrongful convictions are passed onto California tax payers which run upwards of hundreds of millions of dollars.

The checks that have been in place for the last 200 years are not adequate in rectifying the problem of wrongful conviction or deterring misconduct perpetrated by police and prosecutors. The inherent conflicts of interest in the law enforcement community prevent law enforcement officials from holding members of its own community accountable regarding the Constitutional violations committed upon the citizenry.

In order to prevent innocent people from being convicted of crimes they did not commit and to deter police misconduct it is necessary to institute new checks upon law enforcement and the executive branch of the government.

We request that the California State Legislature create an Independent Special Prosecutor's Office whose mandate is to investigate and prosecute police and prosecutor misconduct crimes, an office that has equal powers to the Attorney General's Office yet operates completely independent of the Attorney General ensuring that this Special Prosecutor has:

- **the power to subpoena, to obtain warrants and prosecute to the full extent of the law;**
- **the ability to independently investigate, without impediment, allegations of police and prosecutor wrongdoing, and;**
- **to be provided the financial and other resources necessary to accomplish the mission of holding police and prosecutors guilty of misconduct accountable.**

In addition to creating the Independent Special Prosecutor's Office we request that several amendments be made to the California Penal, Government and Civil Codes that will deter police officers from destroying and tampering evidence while providing the accused equal rights to all of the evidence at all times which is guaranteed by Article 1 Section 7b of the California Constitution.

An example draft of the proposed legislation is included with this request.