

**CONSTITUENT BILL IDEA CONTEST
13th SENATE DISTRICT
APPLICATION FORM**

*Please save this document to your computer then email the completed form to:
Senator.Hill@senate.ca.gov*

Name:

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City, Zip Code:

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**WHAT'S THE PROBLEM THAT NEEDS A
LEGISLATIVE SOLUTION?**

There Oughta Be a Law that Allows police officers the right to: use false statements in police reports; to use false statements in court testimony, to edit/tamper/falsify/destroy evidence in order to incriminate citizens of crimes.

Oh, you think that would be a crazy idea, an idea that is antithetical to everything America and California stand for.

That's interesting because as of today, January 6, 2014 it is legal for police officers to knowingly use false statements; use falsified evidence and destroy evidence to incriminate citizens of crimes while simultaneously concealing their own unlawful conduct.

We have laws on the books that say otherwise, (California Penal Codes 32; 118; 118.1 132; 134; 135; 141b and 182), however these laws have been rendered non-existent due to never being enforced when it is factually known that police officers and prosecutors have violated these laws.

Since there is absolutely no beneficial effect of having the above laws on the books the existence of these laws only serves to mislead the public regarding the true conduct and practices of police officers and prosecutors.

Most elected representatives and citizens would be outraged if we provided legal protection to police officers and prosecutors to use falsehoods to incriminate citizens of crimes, so the question is why are they not outraged right now given that is exactly what is taking place.

In the Public's interest one of two things should take place; the above laws should be repealed and replaced with laws that guarantee the right of police officers and prosecutors to use falsified evidence so that the Public has a clear understanding that police officers and prosecutors will use false and contrived evidence to incriminate citizens of crimes or two a governmental mechanism should be put in place that will enforce these laws when they have been violated. I request the latter.

Imagine you are a California prosecutor. Assuming that no false witness identification is being used, would it be possible for you to convict an innocent person of a crime if you did not want to? If it would be impossible for you to convict an innocent person of a crime why is it that thousands of innocent people are convicted of crimes every year if prosecutors have a genuine desire not to wrongfully convict the innocent? Obviously something does not add up.

What happens when the law breaker is the law enforcer? He can break the law with impunity.

Law enforcement officers are not capable of holding themselves accountable when they themselves violate the Constitutions and laws of State of California and the United States. Because law enforcement officers are not capable of holding themselves accountable it is necessary to create a new law enforcement office and agency completely separate and independent from the entire justice system, the Attorney General's office and all local, regional and state law enforcement agencies throughout the State of California. We need an Independent Special Prosecutor's Office, ISPO, to investigate and prosecute police and prosecutor misconduct.

"It is impossible to overestimate the magnitude of the wrong done to an innocent person wrongfully convicted of a crime. The psychological, emotional and economic harm can be equivalent to the destruction of a life."

"Absolute immunity allows prosecutors to commit misconduct with impunity, knowing that they are immune from any consequences, even if they act intentionally, in bad faith or with malice."

"Yet the prosecutors who engage in this criminal conduct are not prosecuted, are not disciplined, and are not held liable for their crimes."

<http://cklawreview.com/wp-content/uploads/vol85no1/Rosenthal.pdf>

“Our criminal justice system aims at a difficult and critical balance. The requirement that prosecutors only use fair means of conviction means that they sometimes are unable to convict people they believe are guilty. But that is the balance we have struck, recognizing that it is better that some guilty go free than the fairness of trials be compromised and the innocent convicted. The Misconduct Study demonstrates that the system is failing to achieve this balance. The Misconduct Study demonstrates that the system is failing to achieve this balance. Those charged with ensuring it--the courts, prosecutors, and the State Bar—are not fulfilling their obligations to monitor, report and discipline prosecutorial misconduct. It is difficult to imagine a stronger wake-up call than the Misconduct Study’s finding that out of 707 cases of court-identified misconduct, only six prosecutors were disciplined.”

A Report on Prosecutorial Misconduct in California 1997–2009 by Professor Kathleen (Cookie) Ridolfi, Santa Clara University School of Law
and Maurice Possley

http://truthinjustice.org/ProsecutorialMisconduct_BookEntire_online_version.pdf

Why do we have laws? We have laws to protect the health, property, rights and freedoms of each person of the state from being harmed by any other person or any agent of the government. How do we ensure that protection happens?

Jeff and Dennis rob Tony of Tony’s car. Tony informs Jeff and Dennis that they have violated California Penal Code 215 and requests that Jeff and Dennis to turn themselves into to courts to be punished for their crime. Are Jeff and Dennis going to turn themselves in? No? Why not? Oh that’s right, if Jeff and Dennis had the character trait of holding themselves accountable for robbing Tony they would not have robbed Tony in the first place. Tony doesn’t have the financial resources or innate power to hold Jeff and Dennis accountable on his own. The carjackers, Jeff and Dennis, are not going to turn themselves in so in order to protect the rights and property of Tony the State of California has created law enforcement officers and the justice system in order to do for Tony that which Tony cannot do for himself. In addition to protecting Tony directly, the State is indirectly protecting all other citizens from future harms caused Jeff and Dennis by holding Jeff and Dennis accountable. If a person is willing to rob one person, he is willing to rob others, for he is a robber at heart.

It is a natural human trait to avoid accountability when a person wrongs another person whether intentionally or unintentionally, thus the necessity of having law enforcement officers.

Often times when a person accidentally hits someone while driving a car the offending person will leave the scene to avoid being held accountable, *hit and run*, even though the person in all other respects of their life is a law abiding citizen.

A detained suspect gives a police officer some serious lip resulting in the officer losing his temper and unlawfully assaulting and battering the suspect even though suspect was not resisting in any way. The officer had no lawful

cause to arrest the suspect but must now give an account as to why he, the officer, used force upon the suspect or face the consequences of being arrested himself for assault and battery, PC 240 and 242. No one saw anything. Do you think the officer is going to report the exact truth of what happened or do you think he will write up a skewed version of events in order to avoid being held accountable? If there is evidence that points to officers' guilt, do you think the officer will secure that evidence into property, or do you think he will destroy it, remember no one is looking? Odds are the officer will falsely state that the suspect resisted arrest justifying the use of force and accidentally lose the evidence.

Who are law enforcement officers? Are law enforcement officers people with pristine characters? Are law enforcement officers different than all other people not subject to natural human traits and failings?

One thing is for certain, prior to becoming a law enforcement officer the law enforcement officer was just another citizen like all others possessing all of the natural human traits that all humans have. Since law enforcement officers are no different than any other person in society they are just as prone to avoiding accountability when they themselves commit immoral, unethical and illegal acts as any other citizen.

Spokespersons for law enforcement officers have consistently and repeatedly drummed into the minds of citizens that they are incapable violating the laws that they are entrusted with to enforce. When a law enforcement officer is accused of violating a law, the law enforcement group has asserted that it is capable of holding its own members accountable. This may be true at times for the most egregious offenses in violation of the law enforcement group's own mores. These acts would be like bank robbery, rape, kidnapping etc... all committed without the consent or approval of the law enforcement group. However when it comes to small time crimes like, knowingly making false statements on a police report and in court testimony, PC 118 & PC 118.1, police officers across the state have been given the green light to violate these and similar laws by every member of the law enforcement community in order to ensure the incrimination of inferior and undesirable citizens.

Law enforcement officers including but not limited to: peace officers; sheriff's deputies; police chiefs; sheriffs; state troopers; California Highway Patrol officers; Deputy District Attorneys; District Attorneys; District Attorneys' investigators and crime lab experts; the State Attorney General; Assistant and Deputy Attorney Generals; the Attorney General's investigators and crime lab experts; judges; city attorneys and county supervisors have an inherent conflict of interest in holding themselves and each other accountable when violating the Constitution and laws of the State of California.

This inherent conflict of interest is acknowledged by the San Mateo County District Attorney's Office in requesting that the Attorney General prosecute Probation Chief Stuart James Forrest for child porn. Upon conviction, Mr.

Forrest's lenient 10 month sentence further demonstrates the conflict of interest.

<http://sanfrancisco.cbslocal.com/2013/09/20/former-san-mateo-county-probation-chief-sentenced-for-child-porn-charge/>

All of the above agents of the government have a sense of identity of belonging to each other like members a football team or that of a squad; platoon; battalion; Brigade and Division in the military. This group identity results in a natural bias for the self interests of each member by all of the other members. Conversely to this bias for the self interests of each member, there exists a natural prejudice against any person or group of persons outside the law enforcement group that would challenge the acts and integrity of any member of the law enforcement group even if the acts and integrity of any member of the law enforcement group would be empirically identified by society as unethical and or immoral and or illegal. This bias and prejudice results in members of the law enforcement group minimizing the offensive acts perpetrated by its own members while simultaneously exaggerating and maximizing the same acts when committed by persons who do not belong to the law enforcement group.

Like all identifiable groups, the law enforcement group has developed a sense of superiority over all other groups and persons in society. This sense of superiority reveals itself in the special rights that peace officers obtained for themselves in CALIFORNIA CODES GOVERNMENT CODE SECTION 3300- 3311, the Public Safety Officers Procedural Bill of Rights Act. This Bill of Rights provides police officers rights, privileges and protections that no other citizen in California receives which contradicts ARTICLE 1 SEC. 7.(b) DECLARATION OF RIGHTS of the CALIFORNIA CONSTITUTION which states: "*A citizen or class of citizens may not be granted privileges or immunities not granted on the same terms to all citizens. Privileges or immunities granted by the Legislature may be altered or revoked.*"

The entire Law Enforcement Community and its supporters believe that police officers should have greater rights than any other citizen revealing their bias for one another and prejudice against all other citizens. Such an attitude is antithetical to the American values that "*all men are equal.*"

This [ethnocentric](#) belief of the law enforcement group is demonstrated in its frequent requests to erode the liberties of all other citizens through ever more invasive laws and surveillance of citizens' private affairs.

[A federal judge ruled Monday that the National Security Agency's bulk collection of phone call data in the US is likely unconstitutional.](#)

[Reason-Rupe Poll: Americans Still Uncomfortable with Cops and Drones](#)

There isn't one member of the law enforcement group that would turn down the right to remove the 4th amendment from the U.S. Constitution in the name of security and safety. Have you ever heard of a prosecutor argue to a judge that an officer obtained evidence in violation of the 4th Amendment and therefore the defendant should not be charged or prosecuted for the crime he/she committed? No you haven't. But you have heard of charges being dropped against otherwise guilty citizens because the evidence was obtained illegally. Prosecutors are forced to dismiss charges against citizens yet refuse to prosecute the offending officers revealing that the prosecutors know the officers violated the law and still will not hold them accountable.

Jurors question deputies' testimony

September 18, 2011 By Jack Leonard, Los Angeles Times

When Compton jurors recently deliberated the fate of a man charged with possessing a concealed firearm, they thought the evidence was overwhelming — not that the man was guilty but that the Los Angeles County sheriff's deputies who testified against him had lied.

Jurors said a [video of the arrest](#) and inconsistent testimony from deputies left them no choice earlier this month but to vote for acquittal.

Belville later said the video must have been edited, but an expert consulted by the district attorney's office determined that it had not been.

<http://articles.latimes.com/2011/sep/18/local/la-me-sheriff-credibility-20110919>

These and other inconsistencies led the jurors to conclude that the sheriff's deputies were lying. "These were not minor inconsistencies," one juror told the Los Angeles Times. "These were outright fabrications....It'll be an injustice...if someone isn't held accountable."

<http://reason.com/blog/2011/09/19/cell-phone-video-contradicts-p>

San Francisco Police Officers' Illegal Searches :

"This incident, coupled with similar footage at the Henry, Royan and Jefferson hotels, indicates there are groups of officers engaging in systematic misconduct," Public Defender Jeff Adachi said.

"For years our clients have reported tales of police entering their homes without warrants or consent, in direct contravention of the Fourth Amendment and in direct contradiction of the police version of events," Dunlap said. "Now we have proof both of the police violating core Constitutional rights and committing perjury to cover their tracks."

<http://sfbayview.com/2011/more-videos-reveal-illegal-searches-theft-brutality-by-sfpd/>

<http://sfbayview.com/2011/more-videos-reveal-illegal-searches-theft-brutality-by-sfpd/>

<https://www.youtube.com/watch?v=I6G8G3EPBd4&list=PL18B5B146B94758D4&index=7>

<https://www.youtube.com/playlist?list=PL18B5B146B94758D4>

Not one police officer associated with the above crimes has been charged or prosecuted.

“More than 80 San Francisco police officers have criminal histories or misconduct records that the Police Department withheld and prosecutors did not disclose to defense attorneys in cases in which officers testified, a failure that could put hundreds of felony convictions in jeopardy, The Chronicle has learned.”

<http://www.sfgate.com/bayarea/article/S-F-cops-pasts-could-jeopardize-convictions-3189527.php>

The Law Enforcement Group, the law enforcement industry, is like any other business, corporation or industry which seeks to minimize the liabilities of its actions whenever caught doing wrong and therefore has an incentive to bend and break the rules and laws in order to avoid the negative consequences, financial loss and damaged reputation even criminal sanctions, whenever one of its own is caught violating the rules and laws.

The law enforcement group's sense of superiority provides its members with an internal rationale that the "ends justify the means." This "ends justify the means" mentality enables members of the law enforcement group to commit acts that would be considered unethical, immoral and illegal by all other members of society yet without feeling guilty about their acts.

This allegiance for law enforcement officers by law enforcement officers permeates the entire justice system and supersedes the Constitutions of California and the United States. Most judges worked in the justice system as prosecutors inheriting a bias for police officers. This bias for law enforcement officers by law enforcement officers is not dependent upon working with or even knowing the fellow law enforcement officer as the allegiance is to the group. Thus, law enforcement officers, including judges, will sacrifice truth and justice and the Constitutions in order to protect the public image of the law enforcement group as a whole while preserving the public's trust through concealing the crimes of individual members of the group.

“It is an open secret long shared by prosecutors, defense lawyers, and judges that perjury is widespread among law enforcement officers ... police lie to avoid letting someone they think is guilty, or they know is guilty, go free.”

Judge Alex Kozinski of the United States Court of Appeals for the Ninth Circuit, publicly stated in the 1990s: <http://policeprofilingpatches.wordpress.com/tag/bad-cops/>

“Seventy seven percent of the officers in the study indicated perjury would likely be committed in some of the vignettes presented. Perjury is a problem. Although this research was not designed to measure the prevalence of perjury it does suggest that perjury occurs often.” **Michael Oliver Foley, Police Perjury: A Factorial Survey** <https://www.ncjrs.gov/pdffiles1/nij/grants/181241.pdf#page=3&zoom=auto,0,123>

“For anyone who has practiced criminal law in the state or Federal courts, the disclosures about rampant police perjury cannot possibly come as a surprise. “Testilying” -- as the police call it -- has long been an open secret among prosecutors, defense lawyers and judges.”

“Without the complicity of judges, police perjury would be reduced considerably. Officers know that in many courtrooms they can get away with the most blatant perjury without judicial rebuke or prosecution.”

“Many trial judges were prosecutors, and they know perjury when they hear it -- and they hear it often enough to be able to do something about it. Yet many tolerate it because they think most victims of police perjury are guilty of the crimes for which they stand charged.” **Alan M. Dershowitz**, Harvard Law Professor and Noted Author

<http://www.nytimes.com/1994/05/02/opinion/controlling-the-cops-accomplices-to-perjury.html>

“Judges sometimes apologize to the officer for tossing out illegally seized evidence where the cop has just committed felony perjury in the judge's presence.....Police know that no one cares about these people.”

”But the main reason is that the job of these cops is chasing drugs. Their professional advancement depends on nabbing dopers. The dominant culture they grew up with is popular mythology glorifying rogue cops like Popeye Doyle from the 1975 film “The French Connection.” **Peter Keane, a former San Francisco Police commissioner**

<http://www.sfgate.com/opinion/openforum/article/Why-cops-lie-2388737.php>

“THOUSANDS of people plead guilty to crimes every year in the United States because they know that the odds of a jury’s believing their word over a police officer’s are slim to none.”

*“But are police officers necessarily more trustworthy than alleged criminals? I think not. Not just because the police have a special inclination toward confabulation, but because, disturbingly, **they have an incentive to lie.** In this era of mass incarceration, the police shouldn’t be trusted any more than any other witness, perhaps less so.*

“Remarkably, New York City officers have been found to engage in patterns of deceit in cases involving charges as minor as trespass.:

“Jeannette Rucker, the chief of arraignments for the Bronx district attorney, explained in a letter that it had become apparent that the police were arresting people even when there was convincing evidence that they were innocent. To justify the arrests, Ms. Rucker claimed, police officers provided false written statements, and in depositions, the arresting officers gave false testimony.”

“Exposing police lying is difficult largely because it is rare for the police to admit their own lies or to acknowledge the lies of other officers. This reluctance derives partly from the code of silence that governs police practice and from the ways in which the system of mass incarceration is structured to reward dishonesty. But it’s also because police officers are human.”

“But humans can also be persuaded to lie about far more important matters, especially if the lie will enhance or protect their reputation or standing in a group.”

“One lie can destroy a life, resulting in the loss of employment, a prison term and relegation to permanent second-class status.” **Michelle Alexander** is the author of *“The New Jim Crow: Mass Incarceration in the Age of Colorblindness.”*

<http://www.nytimes.com/2013/02/03/opinion/sunday/why-police-officers-lie-under-oath.html?pagewanted=2>

THE COMPLICITY OF JUDGES IN THE GENERATION OF WRONGFUL CONVICTIONS

http://www.truthinjustice.org/complicity_of_judges.pdf

“These judges fail either because they lack the courage to stand up to law enforcement, cannot grasp their unique and vital responsibilities, or they share law enforcement’s goals. They, judges, refuse to hamper law enforcement’s efforts – constitutional or not – to punish the citizenry. Their passivity in the face of police and prosecutorial misconduct and overreaching only encourages more police/prosecutorial abuses. By turning a blind eye to police perjury, they aid and abet law enforcement’s duplicitous undermining of our constitutional protections and, in the process, allow themselves to be regarded as fools. There are few sights as pitiful as the robed stooge. By intimidating the criminal defense attorneys into errand boys, these judges rob the accused of his right to counsel. Too often the accused and his attorney are terrorized into abandoning the right to a jury trial by the very person entrusted with preserving that precious right.” **Nationally Recognized Defense Attorney Kevin J. Mahoney**

Weak, Tyrannical Judges <http://www.relentlessdefense.com/judges/>

PART FOUR: How judges favor the prosecution

IN A FOURTH OF ALL JURY CASES, A REVIEW FINDS, MEMBERS OF THE BENCH APPLY

THEIR TREMENDOUS POWERS IN WAYS THAT HURT DEFENDANTS

By Fredric N. Tulsy, Mercury News

http://www.mercurynews.com/taintedtrials/ci_5128172

This is not an indictment on the law enforcement group for being a law enforcement group doing its job as pointed out it is a natural human tendency for any and all groups to elevate themselves above all others. There is nothing unusual or nefarious about the law enforcement group elevating itself above all others just as many other groups do the same.

Compounding the problem innate bias and prejudice is the very nature of our legal system relying upon the "adversarial system" to obtain justice. This might work okay in civil cases when law enforcement officers are not involved in the dispute, but you would have to be a moron to believe that the "adversarial" system is fair to defendants who have no control over the evidence against them and who have little to no resources to compete against the prosecutors in criminal cases.

"Adversarial" is just another term for contest. Our system is not about justice, though that does result a good portion of the time, our system is a contest with rules that pits police officers and prosecutors against defendants.

Such a system is inherently unfair toward poor defendants who are stuck in jail denied access to evidence and witnesses and therefore prevented from competing on an equal playing field against the police and prosecutors. To use an analogy to demonstrate the disparity in ability it would be like pitting a high school football team, the defendant, against San Francisco Forty-Niners, the prosecutors and police.

Contrary to popular belief, prosecutors and police officers have no lawful obligation to reveal the truth regarding any incident that results in the arrest and prosecution of a person. Prosecutors and police officers sole job is to prove their allegations as best they can once they have arrested and charged a person of a crime.

Once police officers and prosecutors decide they are going to arrest and charge a person with crime police officers and prosecutors have no incentive to help the defense of the arrestee/defendant. It's about winning the contest.

The first thing that happens to ensure that police officers win the contest is that they skew their reports in their own favor by leaving out information and or twisting information, (using it out of context), that would be beneficial to the arrestee/defendant, in doing so the officers present a false perception of the crime scene/incident which led to the arrest and prosecution without necessarily making any blatant false statements.

If that wasn't bad enough police officers and prosecutors do not see laws that govern their official law enforcement practices as laws but as rules that can and should be broken if they can get away with it, all in order to win the contest, the game. Steroids, corked bats, spit-balls you name it. This is why they feel no conviction of conscience when they violate Penal Codes 32, 118, 118.1, 132, 133, 134, 135, 141b, 182 and 236 relentlessly. And why do they view these laws as rules and not laws, because very seldom are law enforcement officers held accountable for violating these laws. And when they do happen to be held accountable usually it is in civil court where the expenses and damages are incurred by the tax payers, thus, once again avoiding accountability. And that is if a person who has been violated by the police can even get his/her case to court, for the barriers that have been put in place make it virtually impossible to bring simple unlawful searches and seizures, 4th amendment and false statements, 14th amendment to court. And even when a case is successfully brought to a civil court, the person is typically dealing with conniving hostile judges who are biased for law enforcement officers to such a degree that they will rule contrary to court rules and case law in order to protect their brethren in the law enforcement group.

To further hinder the ability of the falsely accused from bringing a case to civil court is that police officers and prosecutors are in control of the evidence during the criminal investigative stage whereupon they destroy incriminating evidence during this stage of legal proceedings because there is no one holding them accountable. If an independent investigator not attached in any way to police agencies or prosecutors could document any and all evidence in possession by the police agency and prosecutor of a complaining defendant it would be almost impossible for police agencies to suppress, lose and or destroy evidence that incriminates them of a crime and or exonerates a defendant.

Why do police officers skew their reports and knowingly use false statements to incriminate someone of a crime, they believe the person is guilty and therefore is not entitled to the accurate recording of the incident, the truth. So officers embark on a mission to build as much of an iron clad case against the suspect as possible by using inaccurate and incomplete information as well as bold face lies not to seek justice or maintain the peace and security of our communities but to win a conviction, to win the contest.

"Creative writing was a certain term that bosses used to make sure that the job got done," Herrera, referring to fabrications on police reports, said in a program to be aired on Sunday.

"I didn't just pick up a pen and just learn how to (lie). Bosses, guys that I work with who were older than I was ... It's taught to you." [Police Officer Keith Herrera](#)

<http://www.reuters.com/article/2008/05/30/us-chicago-police-idUSN3036496220080530?feedType=RSS&feedName=topNews>

“Officer Herrera says the mandate from his bosses was clear: the ends justify the means.” “Caught on a security video, Jerry Finnigan and some 20 officers were taped during an SOS raid on a bar. They frisked the customers, and then arrested one of them, all inside the bar. But the police report told a completely different story: that the man was outside, on the sidewalk, and was arrested holding an “open bottle of Corona beer” and a bag of cocaine. When the security video surfaced, the case was thrown out.”

<http://www.cbsnews.com/news/officer-herrera-goes-public/>

If Police officers have enough evidence to charge someone with a crime then they don't need to skew and falsify police reports and should not be allowed to even when the guilt of the suspect is not in doubt. If police officers have to create out of context crime scenes and use incomplete information to justify arresting and charging someone with a crime then the officers do not have the evidence required by law to arrest and charge the person. Rather than release these people officers using one degree to another of deceptiveness and falsehoods routinely create fabricated evidence to charge someone with a crime knowing that nine times out of ten the arrestee will plead guilty to a lesser offense than charged to avoid any jail time and more importantly the ordeal of a trial and possible long prison sentence. Nine times out of ten officers do not have to worry about their statements and integrity of evidence being scrutinized by anyone.

More often than not a person who has been victimized by police officers never even gets the opportunity to vindicate him/herself by holding the officers accountable for the leverage of the justice system comes down on him/her in the way of a plea deal. Though a conviction by a judge and jury would be impossible should the truth be revealed the remote threat of a long prison sentence as a result of officers and prosecutors providing false testimony and evidence to the court coerces many innocent people to confess to something they did not do to ensure a light conviction and sentence.

“The focus of our entire criminal justice system has shifted away from trials and juries and adjudication to a massive system of sentence bargaining that is heavily rigged against the accused,” ‘today we punish people—punish them severely — simply for going to trial. It is the sheerest sophistry to pretend otherwise.’” William Young, then chief judge of the U.S. District Court in Massachusetts

[The Devil's Bargain: How Plea Agreements, Never Contemplated by the Framers, Undermine Justice](#)

<http://www.cato.org/publications/commentary/devils-bargain-how-plea-agreements-never-contemplated-framers-undermine-justice>

20% of the people exonerated of the crime which they were convicted of confessed to committing the crime that they factually did not commit in order to avoid a long prison sentence.

[Why Do Innocent People Plead Guilty?](#)

http://www.huffingtonpost.com/judge-h-lee-sarokin/innocent-people-guilty-pleas_b_1553239.html

“Plea bargaining is a way of trading the risk of 20-years-to-life for the certainty of five-seven. But by creating this choice, and ratcheting up the odds to make it nearly irresistible, American justice virtually guarantees that innocent people are being punished.”

[Why Innocent People Confess](#)

http://www.slate.com/articles/news_and_politics/readme/2002/12/why_innocent_people_confess.html

Additionally, a defendant does not have access to the evidence, the evidence that officers and prosecutors have in their possession. If the evidence incriminates the officers of a crime do you think the officers are going to preserve the evidence if they can help it? If there is evidence that could exonerate a suspect who has been arrested do you think the officers in control of that evidence are going to be forthcoming with that evidence after they have already developed a solid case against the suspect?

Police officers and prosecutors have an inherent conflict of interest in preserving evidence that incriminates themselves of a crime and or could help the defense verifying that police officers and prosecutors should not have sole access to any and all evidence from the moment evidence is taken into custody.

This monopoly on the evidence places defendants at a significant disadvantage to proving their innocence and the officers' guilt. If there were independent investigators and prosecutors that are hostile and adversarial toward officers and prosecutors in the same manner as officers and prosecutors are toward private citizens and who are armed with powers of unfettered access to law enforcement agencies and their personnel it is highly unlikely that officers and prosecutors could escape a prosecution for destroying evidence and therefore the destruction and falsification of evidence would cease ensuring that many more innocent people are not arrested, prosecuted and convicted of crimes they did not commit.

If there were independent investigators and prosecutors that are hostile and adversarial toward officers and prosecutors who can verify the truth or falsehood of officers' statements it is highly unlikely that officers and prosecutors could escape a prosecution for making false reports and knowingly using perjurious statements and therefore the use of false reports and perjurious statements would cease ensuring that innocent people are not arrested and convicted.

What is the result of police officers and prosecutors using false statements; suppressing and destroying evidence?

Innocent people go to jail and prison.

It's not necessarily that officers and prosecutors deliberately seek out to wrongfully incriminate innocent people several factors coalesce to paint an entirely different picture, a different reality, a false reality that results in convicting people of crimes they did not commit. The first factor is the predetermined belief of guilt that officers and prosecutors bring to a case. This results in officers and prosecutors dismissing statements and evidence that cloud the picture and question the evidence and elements of their case, the second factor. Additionally this belief stimulates officers' and prosecutors' prejudice against the accused enabling them to solidify their case with the use of incomplete, inaccurate and false statements; with the use of suppressing, altering and destroying evidence with a clear conscience, the third factor.

(Corsicana, TX – February 11, 2013) — Randolph Arledge walked out of a Navarro County courtroom today after his 1984 murder conviction was overturned because of new DNA evidence pointing to another man who later committed other crimes, including an assault of a female with a similar MO.

Despite a lack of physical evidence connecting Arledge to the crimes and alibi testimony from several witnesses, he was convicted of Armstrong's murder on March 27, 1984 and sentenced to 99 years in prison.

http://www.innocenceproject.org/Content/Texas_Man_Cleared_of_1981_Murder_That_DNA_Proves_He_Didnt_Commit.php

Dogged family friend wins man his freedom / He served 12 years for slaying he didn't commit
Harriet Chiang, Chronicle Legal Affairs Writer

East Palo Alto man, Quedellis Ricardo "Rick" Walker, set free after spending 12 years behind bars for a murder he

didn't commit.

Tucher blamed Walker's conviction on the trial prosecutor whose case against him, she said, hinged solely on Bowers' testimony. She called Walker's trial attorney a "potted plant" who failed to conduct any investigation. Bowers fingered Walker as the primary killer, Tucher said, as part of a deal he struck with prosecutors to gain a more lenient sentence and avoid implicating an accomplice.

<http://www.sfgate.com/bayarea/article/Dogged-family-friend-wins-man-his-freedom-He-2578162.php>

Texas judge, Ken Anderson, who working as a former Texas prosecutor won a conviction that sent an innocent man, Michael Morten, to prison for nearly 25 years agreed Friday to serve 10 days in jail and complete 500 hours of community service. Anderson disregarded evidence that cast doubt on his case against Morten, evidence which would have exonerated Morten. Anderson claims that the failures in the system were the result of the wrongful conviction. The real killer murdered again within two years. Had the justice system focused on the truth instead of winning the contest perhaps the death of Debra Baker could have been avoided.

*Texas Gov. Rick Perry signed the **Michael Morton Act into law**, requiring prosecutors to turn evidence over to defense lawyers in criminal cases, upon the defendant's request, without the need for a court order.*

http://www.innocenceproject.org/Content/Michael_Morton.php

<http://www.cnn.com/2013/12/04/justice/exonerated-prisoner-update-michael-morton/>

<http://www.dallasnews.com/news/state/headlines/20131108-former-texas-prosecutor-gets-jail-fine-for-wrongful-conviction-that-sent-man-to-prison-for-nearly-25-years.ece>

It should be qualified that many prosecutors and police officers do not necessarily want to send a particular individual to prison for a crime he did not commit, prosecutors and police officers want a system that lends itself to convicting innocent people while overcharging others in order to coerce a confession to a lesser charge. When a innocent person is convicted of a crime prosecutors and police officers chalk it up to collateral damage in the quest to arrest and convict as many people as possible.

New Study Predicts Wrongful Conviction Rate in U.S. at 5,000 to 10,000 Per Year

I believe that most Americans would say that one out of 100, or even one out of 200 innocent defendants convicted of felonies because of a range of preventable systemic errors by the very governmental system designed to provide justice is too high in a society guided by the rule of law. Arguments to the contrary are based either on ignorance of criminal justice realities or on faulty cost-benefit analyses. The intuition of those who support justice system reforms

designed to prevent wrongful convictions, that wrongful convictions are large in number, is supported by a sober look at the realities of the criminal justice. The imperative to act and to keep as few as 2,000 innocent inmates a year out of prison is supported by our ideals of justice and our commitment to professionalism in the justice system. Professor Marvin Zalman.

<http://wrongfulconvictionsblog.org/2012/04/19/new-study-predicts-wrongful-conviction-rate-in-u-s-at-5000-to-10000-per-year/>

<http://globalwrong.files.wordpress.com/2012/04/qual-estimate-zal-clb-2012.pdf>

The [California prison population](#) is approximately 120,000 inmates with another 60,000 inmates or so [in jail](#). Is it an acceptable consequence of the current system of justice to incarcerate 3,600 people who are innocent in the name of safety and security? If we had a system that ensured that zero innocent people were convicted or only ten innocent people were convicted as apposed to 3,600 should we implement that system? This very day a person is being convicted of a crime he did not commit because of the flawed justice system that we employ. A year from now an innocent person will be convicted of crime he did not commit because of the flawed justice system that we employ. If we claim to be the land of liberty do we not owe it to the falsely accused and wrongfully convicted to employ a justice system that ensures that they will not be convicted of a crime they did not commit? Do we not owe it ourselves and our national ideals regarding fairness and goodness?

http://www.ppic.org/main/publication_show.asp?i=702

<http://www.economist.com/node/21555611>

Police Misconduct:

Police misconduct statistics gathered by the Cato Institute's [National Police Misconduct Reporting Project](#) confirm that around **1% of all police officers commit police misconduct** in a given year and that the consequences of such misconduct are grim. Keith Findley from the Wisconsin Innocence Project conducted a study and found **that police misconduct was a factor in as many as 50% of wrongful convictions involving DNA evidence.**

<http://californiainnocenceproject.org/issues-we-face/police-misconduct?gclid=COmR4oj6xLsCFRRRefgodfAkAxA>

List of Exonerated, The National Registry of Exonerations:

<http://www.law.umich.edu/special/exoneration/Pages/detailist.aspx>

List of Exonerated, Innocent Project:

<http://www.innocenceproject.org/know/Browse-Profiles.php>

List of Exonerated, CALIFORNIA Innocent Project:

<http://californiainnocenceproject.org/read-their-stories>

List of Misconduct Cases:

<http://www.policemisconduct.net/>

Thousands of innocent people have been convicted of crimes they did not commit, these are the ones we know of, how many people are sitting in jail or prison innocent of the crime, small crimes like trespassing, that put them there that we do not know about?

False arrests clog the courts and cost California tax payers millions of dollars unnecessarily but worst of all these false arrests and charges ruin the lives and families of the falsely charged and convicted. The tax payers are further financially burdened when the wrongfully convicted are exonerated and win a civil suit against the offending prosecutors and police officers.

Had investigators been working in the Oakland and L.A. police departments during the reign of the Riders and the Rampart scandals a significant amount of harm and damage to the public could have been prevented. Without independent oversight and accountability of law enforcement officers these types of scandals will persist into the future.

“An honest cop still can't find a place to go and complain without fear of recrimination. The blue wall will always be there because the system supports it.” Frank Serpico retired New York Police Officer

“Police corruption cannot exist unless it is at least tolerated...at higher levels in the department. Therefore, the most important result that can come from these hearings... is a conviction by police officers that the department will

change. In order to ensure this... an independent, permanent investigative body... dealing with police corruption, like this commission, is essential..” Frank Serpico

“I said this to the Knapp Commission over 25 years ago, ... We must create an atmosphere where the crooked cop fears the honest cop, and not the other way around.” Frank Serpico

Even if a police officer would like to do the right thing by holding his fellow officers accountable when they violate the law, if the culture around him is corrupt he will not be able to do so without placing his professional future and personal safety in jeopardy.

“But for Police Officer Keith Herrera, the troubles didn't end there. Last summer, he says Finnigan approached him with a shocking proposition: he wanted Herrera's help in killing two former SOS officers who would be testifying in the case against them.” ” As the plan took shape, Herrera says Finnigan added two more officers to the hit list. "He said if we get take care of these first two, we might as well take care of everybody else. You know?" he says. "So he was willing to kill four Chicago police officers?" Couric asks. "Yes," Herrera says.

<http://www.cbsnews.com/news/officer-herrera-goes-public/4/>

S.F. ex-police lawyer sues over firing

John Wildermuth Thursday, May 16, 2013 s.f.gate

A former Police Department attorney who put together a case to fire then-Deputy Chief Greg Suhr in 2009 filed a wrongful termination suit in San Francisco Superior Court Wednesday, charging that Suhr dismissed her in retaliation soon after he became police chief in 2011.

Kelly O'Haire, a civilian attorney hired by the department in 2006 to run internal affairs legal cases, "was terminated in retaliation for creating a strategy and putting together a case for terminating" Suhr, according to the suit.

O'Haire actually "was fired for complaining about illegal activities" by Suhr, said Gary Gwilliam, the Oakland attorney who filed the suit. "We don't have to prove that (Suhr) was doing anything wrong, only that he fired (O'Haire) in retaliation for her efforts against him."

O'Haire, a former San Rafael police officer and deputy district attorney for Marin County, had her life ruined for doing her job, Gwilliam said.

<http://www.sfgate.com/bayarea/article/S-F-ex-police-lawyer-sues-over-firing-4520128.php>

The above facts cement the necessity of having a completely independent arm of the justice system holding members of the justice system accountable. Even when corrupt cops are caught under the current system usually it is after they have caused a significant amount of harm to others. This harm

could be prevented if there were an independent police force enforcing the laws upon the law enforcement community.

Many members of the law enforcement group if not the entire law enforcement group will oppose this legislation revealing their desire of not wanting to be subjected to the same scrutiny, the same laws, the same remedies and the same punishments that all other citizens are subjected to.

They will argue that they can police themselves, however the evidence demonstrates that they are not capable of holding themselves to the same degree of accountability that they hold all other citizens to. This results in a perpetual miscarriage of justice that harms society as a whole.

There is no rational, legal, privacy, ethical or financial excuse that the law enforcement group can provide that should prevent the creation of a separate justice system that holds members of the current justice system accountable.

If you are not doing anything wrong then you have nothing to hide.

“A body of men holding themselves accountable to nobody ought not to be trusted by anybody.” Thomas Paine

How do we know when the law enforcement group is in the wrong, we know when they are in the wrong when they commit acts upon others that they themselves would not want to be subjected to which is what they do with impunity. We know that the law enforcement group is in the wrong because it does not want to share its powers with greater number of citizens.

We claim to be a democracy in which every person has equal value and equal rights. We have created a justice system in order to protect these individual values and rights entrusting this justice system with the power to carry out its mandate. Currently the justice system is failing at ensuring that every citizen has equal value, equal rights, equally judged by the Rule of Law. Well informed legal experts armed with evidence acknowledge that to create more democracy guaranteeing liberty, equal rights and the Rule of Law to a greater number of American citizens this justice system needs to be expanded spreading the power entrusted to it to more of the citizens that make up our state. This request for an Independent Special Prosecutor is nothing more than a request to create greater democracy by placing sharing the power of the justice system with more people, who are the true owners of the justice system.

“If, then, the control of the people over the organs of their government be the measure of its republicanism, and I confess I know no other measure, it must be agreed that our governments have much less of republicanism than

ought to have been expected; in other words, that the people have less regular control over their agents, than their rights and their interests require.” --Thomas Jefferson to John Taylor,1816.

Like any group, the Law Enforcement Group does not want to share some of its power to others demonstrating that it is not concerned with democracy and liberty but with furthering its own self-interests even if it comes at the expense of democracy and liberty by wrongfully incriminating innocent citizens. Hence, the necessity of placing a check on the Law Enforcement Group by creating a separate Law Enforcement Group designed solely to hold the former Law Enforcement Group accountable when it exceeds its lawful limits in investigations and prosecutions.

We have the law PC 459 burglary on the books. If we catch someone red-handed committing burglary, PC 459, and never prosecute him for his crime will he stop burglarizing? No he won't because there will be no deterrent of negative consequences to committing burglary. A law or rule is only effectual at being a deterrent to unwanted behavior if there are consequences to violating the law or rule. Without the consequence there is no deterrence, with no deterrence the unwanted behavior persists and becomes more egregious over time. Such is the case with police officers and prosecutors using false statements and erroneous evidence. Only when police officers and prosecutors are held accountable for violating Penal Codes 32, 118, 118.1, 132, 133, 134, 135, 141b, 182 and 236 will they cease violating these laws. Only when they stop violating these laws will innocent people no longer be convicted of crimes.

History has shown, (exploitation of child labor, polluted air and water, the fleecing of utility consumers, harmful foods and medications), that we as a society cannot allow any business or industry the right to regulate itself into abiding by the rules and laws that govern it. Time after time businesses and industries have demonstrated their inability of policing themselves. The Law Enforcement Group, this law enforcement industry, is like any other business, corporation or industry and is incapable of adhering to the rules and laws that govern it and more importantly refuses to hold itself accountable when it does.

There are many who claim that police officers and prosecutors have a tough job and that the American justice system is the best in the world. That may be true, but is that an excuse to not improve upon it? If we can prevent a thousand innocent people from being incarcerated do we not have a duty to employ those mechanisms, those checks and balances to ensure that not even one person is not wrongfully convicted?

Creating an Independent Special Prosecutor will save innocent people from being wrongfully imprisoned for crimes they did not commit. Creating an Independent Special Prosecutor will ensure that victims of police oppression and brutality will receive equality in the adversarial system of justice. We have an obligation of living up to the ideals of American Liberty and Equality if we choose not to create a prosecutor to prosecute corrupt cops then we are not living up to those ideals.

"Insanity: doing the same thing over and over again and expecting different results." - Albert Einstein

We've had 200 years to eliminate or at least significantly reduce the use of false statements and false evidence by police officers and prosecutors yet the use of false statements and evidence not only persists it has become pervasive in the justice system. The mechanisms and checks that we have put in place to deter and prevent this behavior that injures the public morals and due process rights of the citizenry have not and are not working. Should we do nothing we reveal our complicity in using false statements and false evidence to incriminate citizens of crimes, our consent to a system that would rather imprison a few innocent people as a side effect of the futile attempt to convict every guilty person. If we want to fix this systemic problem then we need to employ a new mechanism a new check on law enforcement. If we want to ensure that fewer innocent people are convicted every year then we need to enact legislation that will bring this about. A certain percentage of guilty people will always be able to escape justice no matter what measures are used to hold them accountable, thus the rationale of the justice system in skewing their reports to hold the guilty accountable lacks merit. By the time it takes you to read this submission a California citizen will be convicted of crime he/she did not commit because the police and prosecutors used inaccurate and false evidence. We can prevent this if we want to, so the question is do we want to?

WHAT'S YOUR SOLUTION? Please attach proposed language, if any. Be as detailed as possible, attaching extra sheets if needed.

ATTACHED AS A SEPARATE DOCUMENT TITLED:

Independent Special Prosecutor's Bill

Independent Special Prosecutor's Office

and the

"Peace Officers' and Prosecutors' Victims' Bill of Rights"

BACKGROUND INFORMATION: Please include any studies, reports, newspaper articles, personal experience, or anecdotal evidence relating to your proposal.

See information above.

See the Challenge Here: <http://specialprosecutor.weebly.com/challenge.html>

Additional evidence Located here: <http://specialprosecutor.weebly.com/>

ARE YOU AWARE OF SIMILAR LEGISLATION PREVIOUSLY INTRODUCED IN CALIFORNIA OR IN OTHER STATES? If so, please include the author, bill number, and outcome of the legislation:

ONE:

Morton now works on programs to help other innocent people behind bars. Earlier this year, Texas Gov. Rick Perry signed the **Michael Morton Act into law**, requiring prosecutors to turn evidence over to defense lawyers in criminal cases, upon the defendant's request, without the need for a court order.

The law will make the state's criminal justice system "fairer and helping prevent wrongful convictions," Perry said.

<http://www.cnn.com/2013/12/04/justice/exonerated-prisoner-update-michael-morton/>

TWO:

The closest is [U.S. Senate Bill S.2197](#) the Fairness in Disclosure of Evidence Act of 2012 – 112th Congress (2011–2012) which put forth in response to Federal Prosecutors withholding exculpatory evidence from former Alaska Senator Ted Stevens.

".....Directs the government attorney to provide to the defendant any covered information: (1) without delay after arraignment and before the entry of any guilty plea; and (2) as soon as is reasonably practicable upon its becoming known, without regard to whether the defendant has entered or agreed to enter a guilty plea....."

More: <http://beta.congress.gov/bill/112th/senate-bill/2197>

THREE:

Then there is the example of a Federal Judge appointing a special prosecutor to investigate the crimes committed by federal prosecutors some of whom worked in the Public Integrity Unit.

"Judge Sullivan asked attorney Henry Schuelke III to investigate the prosecutors' conduct. Mr. Schuelke's report, released on March 15, said there had been a "systematic concealment of significant exculpatory evidence" that would have "corroborated" Mr. Stevens's claim of innocence."

<http://online.wsj.com/news/articles/SB10001424052702304177104577307791157220820>

"This is not about mistakes," countered Sullivan, Stevens' defense lawyer. "This is not about negligence. This is not about incompetence. This is about intentional wrongdoing," he told reporters.

Brenda Morris and William Welch, who held leadership posts in the public integrity unit that prosecuted Stevens, were reassigned to other jobs in the Justice Department.

<http://www.npr.org/2012/03/15/148687717/report-prosecutors-hid-evidence-in-ted-stevens-case>

FOUR:

The now defunct [Independent Counsel Statute](#) adopted in response to the Watergate Affair. [The Independent Counsel Statute](#) was drafted to eliminate the conflict of interest that might arise when the [Department of Justice](#) is ordered to investigate important government figures. This law gives the U.S. attorney general the power to appoint an independent counsel when he or she determines that there is sufficient evidence to warrant the investigation of high-ranking government officials—including members of Congress. As suggested by its name, the independent counsel law calls for few controls over the counsel's investigative powers. Once he or she is appointed, the independent counsel is not accountable to any government office and serves for as long as necessary to complete the investigation. **Congress hoped that, by giving prosecutors broad-ranging investigative powers, they could assure Americans that their government had the power to control the behavior of its own leaders.**

FIVE:

Is It Time for a Special Prosecutor?

Some academics and policing experts question whether OPD and the Alameda County DA can properly investigate law-enforcement misconduct.

By Ali Winston EastBayExpress

*In theory, the Oakland Police Department and the Alameda County District Attorney's Office are supposed to investigate allegations of misconduct and hold law-enforcement personnel accountable for their actions. But recent incidents in both departments have raised doubts about the abilities of each to do so, which raises the question: **What happens when local law enforcement's checks and balances fail? Some academics and policing experts think it is high time for California to create a special prosecutor's office.***

*For OPD, (Oakland Police Department), the problems within the department have been well documented. In recent weeks, **OPD admitted, for example, that it couldn't properly investigate its own officers' conduct during violent clashes last fall with Occupy Oakland due to a high volume of complaints and serious conflicts of interest.***

Professor Samuel Walker of the University of Nebraska-Omaha, a national expert on police accountability, has closely monitored OPD's difficulties under the federal consent decree. He believes California's size and large law enforcement community warrants a permanent special prosecutor to handle investigations when police departments and DAs fail to do so. "A special unit in the state Attorney General's office is absolutely called for," Walker said. He added that the failure to properly scrutinize law enforcement is "a symptom of management dysfunction that endangers the civil rights and safety of the community" and must be taken seriously. "Usually, special prosecutors are pretty episodic and rare," said Walker, who will speak further on the matter at a May 19 meeting of the ACLU of Northern California's Paul Robeson chapter. "However, it's clear that in California something more is needed."

Eugene O'Donnell, a former New York Police Department lieutenant who teaches criminology

at John Jay College of Criminal Justice at CUNY, believes a permanent independent entity would combat many of the conflicts of interest that arise when police and prosecutors are called on to suss out and punish wrongdoing amongst their own. "There are so many issues of accountability with district attorney's offices that a special prosecutor would be better equipped to deal with," O'Donnell said.

In the aftermath of the Los Angeles Police Department's Rampart scandal twelve years ago, current UC Irvine law school dean Erwin Chemerinsky issued a report for the LA Police Protective League, recommending aggressive independent reviews and the appointment of a permanent special prosecutor for police misconduct. Chemerinsky's recommendation, however, was never acted upon by the LA DA.

Chemerinsky believes a standing office for law enforcement misconduct is necessary to supersede the tight relationship between police and prosecutors. "District attorneys are so loath to investigate and charge the police they work with every day," Chemerinsky said in an interview. "It's naïve to think that the district attorney is going to be that external oversight for the police."

In 1973, the New York state legislature and Governor Nelson Rockefeller created the Special State Prosecutor for the New York City Criminal Justice System on the recommendations of the Knapp Commission, an independent body convened to root out the systematic police corruption exposed by NYPD officer Frank Serpico two years earlier.

But the office did have its defenders: In a 1993 letter to The New York Times, John Kenney, the chair of the New York City Bar Association's Committee on Criminal Law, argued that the special prosecutor's office should be reinstated because of a backsliding in NYPD discipline against officers accused of brutality.

<http://www.eastbayexpress.com/oakland/is-it-time-for-a-special-prosecutor/Content?oid=3204051>

SIX:

ACLU Asks Justice Department To Appoint Independent Prosecutor To Investigate Torture

March 18, 2009 Following Red Cross Report, Group Sends Letter To Attorney General Holder

The ACLU's letter, signed by Executive Director Anthony D. Romero, states in part:

"The fact that such crimes have been committed can no longer be doubted or debated, nor can the need for an independent prosecutor be ignored by a new Justice Department committed to restoring the rule of law ... Given the increasing evidence of deliberate and widespread use of torture and abuse, and that such conduct was the predictable result of policy changes made at

the highest levels of government, an independent prosecutor is clearly in the public interest. The country deserves to have these outstanding matters addressed, and have the assurance that torture will stop and never happen again. An independent prosecutor is the only sure way to achieve these goals."

<https://www.aclu.org/national-security/aclu-asks-justice-department-appoint-independent-prosecutor-investigate-torture>

SEVEN:

ACLU of Southern California Calls for Special Prosecutor to Investigate Police Corruption Scandal

September 23, 1999 FOR IMMEDIATE RELEASE

The special prosecutor must be empowered with:

- *the power to subpoena and prosecute to the full extent of the law,*
- *the ability to independently investigate, without impediment, allegations of police wrongdoing, and,*
- *the resources and complete support of the District Attorney and his staff.*

https://www.aclu.org/racial-justice_prisoners-rights_drug-law-reform_immigrants-rights/aclu-southern-california-calls-spe

EIGHT:

Police Brutality: Deal With It

Norm Stamper, Retired Seattle police chief

So, how do we prevent this kind of behavior in the future?

*Please don't say through (1) more thorough screening of law enforcement candidates, or (2) better training. They're both important, of course. Critical, in fact. **But law enforcement, for the most part, doesn't pick bad apples. It makes them, and not through academy training.***

Forty-three years ago I was an idealistic, vaguely liberal 21-year-old when the San Diego Police Department hired

me. The last thing on my mind was taking to the streets to punish people. And lest there be any doubt about the department's policy, the police academy, even then, drove it home: excessive force was grounds for termination.

So, why did I abuse the very people I'd been hired to serve?

Not to get too psychological, I did it because the power of my position went straight to my head; because other cops I'd come to admire did it; and because I thought I could get away with it. Which I did--until a principled prosecutor slapped me upside the head and demanded to know whether the U.S. Constitution meant anything to me.

It comes down to this: real cops, those with a conscience, those who honor the law, must step up and take control of the cop culture.

http://www.huffingtonpost.com/norm-stamper/police-brutality-deal-wit_b_173427.html

PLEASE DESCRIBE ANY FINANCIAL IMPACTS (i.e., costs, savings, or revenue) YOU ANTICIPATE MAY BE ASSOCIATED WITH YOUR PROPOSAL:

There will be an initial increase in the cost of the justice system as policing and prosecuting agencies transition to the new structure to the justice system. Once the restructuring has been complete there should be a net savings to tax payers as a result of implementing this legislation.

Policing and prosecuting agencies will no longer have to maintain extensive Internal Affairs departments using valuable resource on expensive investigations and prosecutions of police and prosecutorial misconduct saving tax payers millions of dollars.

The 2½ percent fee levied against policing and prosecuting agencies can be recouped by this act alone.

This legislation will deter peace officers and prosecutors from using incomplete, inaccurate and false evidence resulting in a significant drop in prosecutions and incarcerations where there insufficient evidence to support a prosecution and or conviction saving tax payers millions of dollars in court and incarceration costs.

With a reduction of misconduct activity there will be fewer lawsuits, attorney fees and financial judgments incurred by policing agencies, municipalities and government entities saving tax payers millions of dollars.

The City of Los Angeles paid out \$125 million for the Rampart Scandal alone.

Many of the cases that are currently prosecuted by the Attorney General's Office will be handled by the Independent Special Prosecutor's Office resulting in a reduction of the Budget of the AG's office.

Doing the right thing will not only make society a nicer and better place live but tax payers hundreds of millions if not billions of dollars.

WHO DO YOU THINK WOULD SUPPORT THE BILL?

Do you know of any person who would be willing to put his/her life and limb on the line to defend a government and nation that can and will turn around to use false statements and falsified evidence to incriminate that person of a crime? If you do, please point that person out to me because only a masochist would actively work for his/her own demise.

In addition to every current and past American service man and woman I would that the 848,163 American soldiers who have died defending freedom definitely would want

In addition to numerous Constitutional attorneys and law professors related to public policy there is support from the ACLU, the National Association of Criminal Defense Lawyers, the nonpartisan Constitution Project and the Innocent Project.

Most of the support will come from the thousands of citizens who have been victimized by police officers using falsehoods on reports and in testimony.

8,000 American soldiers died and 25,000 American soldiers were injured during the American Revolutionary War.

140,414 American soldiers died and 281,881 American soldiers were injured during the Civil War.

53,402 American soldiers died and 204,002 American soldiers were injured during World War I.

291,557 American soldiers died and 670,846 American soldiers were injured during World War II.

33, 686 American soldiers died and 92,134 American soldiers were injured during Koren War.

47,424 American soldiers died and 153,303 American soldiers were injured during the Vietnam War.

5,281 American soldiers have died and 50,897 American soldiers have been injured during the Afghanistan and Iraq Wars.

2,717,991 Americans have been killed or injured defending American Freedoms since 1775.

WHO DO YOU THINK WOULD OPPOSE THE BILL?

Most law enforcement officers in the state and nation will oppose this Bill. This begs the question why would law enforcement officers be opposed to a law that ensures that the laws are enforced equally? Answer, law enforcement officers do not want anyone holding them accountable but themselves. Law enforcement officers and their representatives claim that they are capable of holding themselves accountable; however the facts reveal that simply is not true. To demonstrate this I have included a test for any and all law enforcement officers but most specifically Santa Clara County District Attorney Jeff Rosen and his office and California Governor Jerry Brown and California Attorney General Kamala Harris and Senior Assistant Attorney General Gerald Engler.

Each of these people has a duty to enforce the laws of the state of California. Each of them and their respective offices have been provided with the irrefutable evidence of the violation of California Penal Code 135 and other laws committed by Palo Alto Police Officers Manuel Temores, Kelly Burger, Natasha Powers and Chief Dennis Burns which also constitutes a conspiracy, a violation of Calif. PC 182. This evidence was first provided to the DA and AG in 2008 when the crime occurred as well as thoroughly and repeatedly multiple times throughout every year to the present date. Brown, Harris, Engler and Rosen have refused to enforce the law upon the offending Palo Alto police officers.

The statue of limitations on a felony is three years. When a conspiracy is involved the statue of limitations begins with the last act of the conspiracy. For this real world test that would be February 14, 2011 at a minimum when officers Burns, Powers, Temores and Burger submitted declarations to the Federal Court to further their conspiracy to commit obstruction of justice by violating PC 135. Brown, Harris, Engler and Rosen still have the opportunity to enforce the law by filing charges by February 14, 2014. This statue of limitation could actually be as late August 2014 three years after the end of the civil case.

Brown, Harris, Engler and Rosen have asserted that no law has been violated by the Palo Alto Police. That is a lie used by them to avoid having to explain to the public and myself how destroying evidence is not a crime. So this is a test, I will once again provide my evidence of the violation of Penal Code 135. In this instance I am the prosecutor; officers Temores, Burger, Powers and Burns are the defendants; Brown, Harris, Engler and Rosen are the defense attorneys and you Senator Hill are the judge and jury. I will present my evidence and if Brown, Harris, Engler and Rosen are not capable of refuting my evidence or refuse to provide a detailed legal and factual defense then you know that they are covering up the crimes of the Palo Alto Police demonstrating the necessity of enacting this proposed legislation. They claim that no crime has occurred, they should be able to prove it with a detailed response to my specific allegations and evidence.

This challenge goes out to every person who believes that this Bill is not necessary.

Go Here to view and reply to the test:

<http://specialprosecutor.weebly.com/challenge.html>

Evidence is located here as well:

Please return to the Office of Senator Jerry Hill via email at:

Senator.Hill@senate.ca.gov

Or mail it to the District Office:

1528 South El Camino Real, Ste. 303, San Mateo, CA 94402

Phone: (650) 212-3313 ~ Fax: (650) 212-3320