



State of California  
Office of the Attorney General

XAVIER BECERRA  
ATTORNEY GENERAL

July 10, 2020

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CITY MANAGER'S OFFICE  
City of Vallejo

Mr. Greg Nyhoff  
City Manager  
City of Vallejo  
555 Santa Clara Street  
Vallejo, CA 94590

Dear City Manager Nyhoff:

I have received your letter requesting that my office conduct an additional third-party criminal investigation into the officer involved shooting of Sean Monterrosa. To begin, I want to extend my condolences to Mr. Monterrosa's family and the people of Vallejo and San Francisco. I know that Mr. Monterrosa's death is deeply concerning to people throughout our State, and I appreciate Vallejo's commitment to a thorough investigation. 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 the shooting is being jointly investigated by the Solano County District Attorney's Office and the Vallejo Police Department Detective Division, under the Solano County Fatal Incident Protocol. You further note that the Vallejo Police Department has also requested that the OIR Group, an independent consultant, conduct a third-party administrative investigation into the incident. It is my understanding that the OIR Group has agreed to conduct that investigation.

With respect to the Solano County District Attorney's Office, you are likely aware of that office's recent public statement that it was "recusing" itself from the investigations into the officer involved shootings of both Mr. Monterrosa and Mr. Willie McCoy. As we have informed the District Attorney's Office, there is no legal basis for it to recuse itself. It is absolutely critical that the shootings of Mr. McCoy and Mr. Monterrosa receive thorough, fair, and objective evaluations by the prosecuting authority charged with carrying out that duty. The elected District Attorney of Solano County is that authority.



Mr. Greg Nyhoff, City Manager

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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 and prosecutions of officer involved shooting incidents throughout the State. Because our resources are limited, we must be selective in deploying them where necessary and appropriate. As you are aware, we have recently committed to devoting substantial resources to the comprehensive review of the Vallejo Police Department's policies and practices.

In this particular situation, Mr. Monterrosa's shooting is currently being investigated by local authorities, and as you note, the District Attorney is required to evaluate that investigation under the terms of the Solano County Fatal Incident Protocol, as well her general responsibilities as the elected District Attorney of Solano County. There is no apparent conflict of interest in this matter, and the District Attorney has stated on multiple occasions that her office is capable of conducting a fair and thorough investigation of the case. Because we are not aware of information indicating that an additional separate investigation and review by our office is required, we must respectfully decline the request to conduct an additional investigation of the matter.

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 Shawny Williams, Vallejo Police Department  
Honorable Krishna Abrams, Solano County District Attorney

STATE OF CALIFORNIA  
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