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November 21, 2011

Governor Jerry Brown  
State Capitol, Suite 1173  
Sacramento, Ca 95814

Kamala Harris  
Attorney General  
California Department of Justice  
P.O. Box 944255  
Sacramento, CA 94244-2550

Jeff Reisig  
Yolo County District Attorney  
301 Second Street  
Woodland, Ca 95695

Benjamin Wagner  
US Attorney for the Eastern District of California  
501 "I" Street, Suite 10-100  
Sacramento, Ca 95814

Dear Governor Brown, Attorney General Harris and District Attorney Reisig and US Attorney Benjamin Wagner:

I am writing to you of a matter of extreme importance concerning the protection of civil rights and civil liberties in the State of California. This letter will an "open letter" and is being distributed to the press and the public.

As you might know, on Friday, November 18, 2011, students sitting on the grass in the Quad at University of California at Davis were attacked with pepper spray by uniformed officers of the UC Davis campus police.

These actions are in violation of the constitutional rights of the students and are thus susceptible to civil litigation pursuant to 42 USC 1983. Use of pepper spray on non-violent passive individuals is a clear violation of established federal law under the holding of *Headwaters Forrest Defense v. County of Humboldt*, 276 F. 3d 1125 (9<sup>th</sup> Cir. 2002).

However, while the pursuit of civil litigation is a right that the injured parties possess, the actions of the officers constitute crimes under both State and Federal law and therefore your agencies must take immediate action.

Physical attacks on persons violate California Penal Code § 242 (Battery) and such violence perpetrated by those in uniform is a criminal violation of Federal civil rights law 18 USC 242.

While the University of California is stating that it will investigate the violence of the police officers such an investigation is clearly self-serving and bears resemblance to the investigation conducted by Penn State into the allegations of sex crimes by Jerry Sandusky, an investigation that was used to protect the university and not the victims.

The University of California has an obvious conflict of interest in determining whether its employees committed violations of the law as the University could be liable for damages in subsequent litigation. Moreover, the University does not have the power to initiate criminal proceedings against the perpetrators of the violence.

Thus, it is imperative that proper action be taken by County, State and Federal authorities. Such actions should include initiating criminal proceedings including the arrest of those who committed the acts of violence or bringing the issues before a grand jury. Further, the Federal Bureau of Investigation should begin the process of a Federal civil rights criminal investigation. Leaving the matter solely in the hands of the University is not a reasonable option under the circumstances.

To assist you in this task, my office will be willing to assemble the various video images of the attack and provide them to you.

I look forward to your response.

Sincerely,

  
Jeff Kravitz  
Attorney at Law

Additionally cosigned by:

Richard Dudek  
Attorney at Law

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Les Kleinberg

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