



PUBLIC DEFENDER

Contra Costa County

CENTRAL/EAST OFFICE

Ellen McDonnell
Public Defender

March 30, 2023

Diana Becton
Office of the District Attorney
900 Ward Street
Martinez, CA 94553

Dear Diana,

The news media recently reported that an additional eight Antioch Police Department officers were placed on leave this week for sending racist and homophobic texts. I request you identify the involved officers.

I further request you identify all pending cases involving these officers, as well as all previous cases they were involved in. Please provide us with a list of such cases in which the client is or was represented by the Office of the Public Defender or the Office of the Alternate Defender.

The requested material is essential to our ability to conduct independent review of potentially affected clients. Disclosure is mandated by the United States Constitution, Amendments V, VI, and XIV; *Brady v. Maryland* (1963) 373 U.S. 83 and its progeny; and California case law. The requested material does not constitute personnel records protected by *Pitchess*, as it was not generated in connection with appraisal or discipline, was generated independently of internal investigation, and arose in the context of a criminal investigation. (*Pasadena Police Officers Association v. Superior Court* (2015) 240 Cal.App.4th 268, 287-288, 292; *City of Eureka v. Superior Court* (2016) 1 Cal.App.5th 755.) Further, we understand the eight Antioch Police Department officers most recently placed on leave are not being criminally investigated, such that concerns about protecting the integrity of an investigation are not applicable.

Thank you in advance for your assistance and cooperation with this matter. If you have any questions about this request, please let me know.

Sincerely,

Ellen McDonnell
Public Defender
Contra Costa County