



PUBLIC DEFENDER

Contra Costa County

Ellen McDonnell
Public Defender

Brandon Banks
Chief Assistant Public Defender

April 14, 2023

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

Dear Diana,

I am in receipt of redacted versions of Contra Costa County District Attorney Senior Inspector Larry Wallace's investigative reports.¹ The Antioch Police Department (APD) text messages discussed in the reports reveal a deeply entrenched, department-wide culture of racism, homophobia, targeted violence against Black people, selective enforcement of laws against Black people, fabrication of evidence, and utter disregard of civil and human rights. At least forty-five APD officers² were on the text chains disclosed thus far. The officers run the gamut from patrol officers to lieutenants. Of the twelve non-CSO senior officers³ in APD's investigations bureau⁴, eleven were recipients or active participants in the text chains. The president of the Antioch Police Officers Association, an APD sergeant, was actively involved. Even the internal affairs sergeant participated in the group sending these vile text messages. At least sixteen of the forty-five officers are in leadership roles at APD as detectives, sergeants, and lieutenants showing they endorsed and shared in these views.

The public simply cannot have trust or confidence in **any** criminal prosecution involving APD. No one should be charged with a crime based on the report of a police department so thoroughly riddled with corruption. I request you immediately dismiss all pending Public Defender cases involving APD, agree to release our incarcerated clients, and cease filing any APD related cases.

Following up on my March 30, 2023 letter, incorporated by reference, I request you identify all law enforcement officers involved in the text messages (whether as active participants or recipients), as well as all Public Defender and Alternate Defender pending and closed cases where the officers were involved in the investigation. I also request that you provide unredacted copies of Inspector Wallace's reports and further disclose all of the text messages themselves.

The vile text messages were apparently discovered while investigating other acts of moral turpitude by members of APD and the Pittsburg Police Department (PPD). News reports have characterized the acts being investigated as "using cocaine and steroids, cheating on tests or misrepresenting their own training, and assaulting people, among other offenses"⁵ and "trying to fraudulently obtain college degrees in order to collect pay bumps."⁶ At least one PPD officer has been charged with selling AR-15 firearms. (*People v. Armando Montalvo*, Contra Costa Superior Court docket no. 01-22-02142.)

News reports indicated a grand jury was convened and indictments were expected in or around December 2022.⁷ It has now been over a year since the news first broke of your office's joint investigation with the Federal Bureau of Investigations of criminal conduct by APD and PPD police officers. I request information regarding the status of this investigation and its estimated end date.

Following up on my March 28, 2022, letter, incorporated by reference, I request you identify all APD and PPD officers that were or are being investigated for crimes of moral turpitude, as well as all Public Defender and Alternate Defender pending and closed cases where the officers were involved in the investigation. I further request you provide police reports and other investigative materials without insisting on a protective order. The extent of the hatred and lawlessness that has recently been revealed within APD is unfathomable. Continuing to prosecute the victims of APD's targeted, violent, racist policing while simultaneously shielding the officers' identities and the full extent of their misconduct and criminal activities is manifestly unjust. I request immediate full discovery and complete transparency. Please see the attachment for a specific list of items requested.

Thank you in advance for your assistance and cooperation with this matter. If you have any questions about this request, please let me know. I look forward to discussing this matter with you on Monday, April 17 at 1:00 p.m.

Sincerely,



Ellen McDonnell
Public Defender
Contra Costa County

¹ Nos. 01-1046493/21-001905, dated March 28, 2023, and 013-1046493, dated March 27, 2023.

² As of March 14, 2019, APD's roster contained 115 staff. Assuming the current roster is similarly sized and consists entirely of sworn officers, approximately 40% of APD officers are party to the text message chains.

³ Nine are detectives, two are sergeants and one is a lieutenant.

⁴ <https://www.antiochca.gov/police/contact-information/>

⁵ <https://www.mercurynews.com/2022/09/10/exclusive-fbi-criminal-investigation-of-antioch-pittsburg-cops-grows-grand-jury-convening/>

⁶ <https://www.ktvu.com/news/antioch-pittsburg-police-under-investigation-for-fraudulent-college-degrees-report>

⁷ *Id.*

Attachment to April 13, 2023 Letter to Diana Becton – Discovery Request

This discovery request is made pursuant to the United States Constitution, Amendments V, VI, and XIV; *Brady v. Maryland* (1963) 373 U.S. 83 and its progeny; California Penal Code section 1054.1; 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.)

Please provide the following materials:

1. A list of all Antioch Police Department (APD) and Pittsburg Police Department (PPD) officers being investigated by Contra Costa District Attorney's Office and/or the Federal Bureau of Investigations for acts of moral turpitude;
2. Investigative reports, recordings, videos, phone records, and/or any other materials gathered during the course of the investigation, in complete and unredacted form, without any limiting protective order;
3. A list of all law enforcement officers involved in the text chains that were discovered by your office during the investigation of acts of moral turpitude, and the agency each officer is employed by;
4. Unredacted copies of any reports regarding the text messages, including but not limited to Contra Costa County District Attorney Senior Inspector Larry Wallace's reports;
5. Copies of all the text messages discovered to date, including any that may have also been sent or received by PPD officers or officers in any other law enforcement agencies;
6. Any other investigative reports, recordings, videos, phone records, and/or any other materials gathered during the course of investigating the text messages, in complete and unredacted form, without any limiting protective order;
7. A complete list of all pending and closed Public Defender and Alternate Defender cases in which the officers engaged in the text messages, whether as recipients or active participants, and/or under investigation for crimes of moral turpitude, were involved;

Please consider this request as ongoing. As your office obtains new material, please continue to provide complete, unredacted discovery and provide an updated list of affected cases.