



COC Initial Request

COUNTY OF LOS ANGELES SHERIFF CIVILIAN OVERSIGHT COMMISSION

World Trade Center
350 South Figueroa Street, Suite 288, Los Angeles California 90071

October 22, 2019

The Honorable Alex Villanueva, Sheriff
Los Angeles County Sheriff's Department
211 West Temple Street
Los Angeles, CA 90012

Dear Sheriff Villanueva:

Attached please find a copy of a resolution unanimously passed by the Civilian Oversight Commission (COC) at its meeting on October 22, 2019. As you will note, the resolution calls for the Los Angeles County Sheriff's Department (LASD) to maintain and turn over a *Brady* list to the District Attorney's Office.

As I am sure that you are aware, the COC believes the decision in *Brady v. Maryland* and the recent California Supreme Court decision *ALADS v. Los Angeles Superior Court* are central to our criminal justice system. It is our hope that the LASD abide by our request that a *Brady* list be maintained by the LASD and that this list be turned over to the Los Angeles County District Attorney's Office.

We invite you to our November 19, 2019 meeting to describe the LASD's efforts to comply with the *Brady* rule. Thank you for your anticipated cooperation in this matter and we look forward to collectively working with you in the future to better our criminal justice system.

Very truly yours,

Brian K. Williams, Executive Director
Sheriff Civilian Oversight Commission

BKW:sa

Enclosure

Brian K. Williams
Executive Director

MEMBERS

Patti Giggans
Chair

Robert C. Bonner
Commissioner

James P. Harris
Commissioner

Sean Kennedy
Commissioner

Priscilla Ocen
Commissioner

Lael Rubin
Vice-Chair

Xavier Thompson
Commissioner

Casimiro Tolentino
Commissioner

Hernán Vera
Commissioner



RESOLUTION OF THE SHERIFF CIVILIAN OVERSIGHT COMMISSION

LOS ANGELES COUNTY SHERIFF CIVILIAN OVERSIGHT COMMISSION RESOLUTION RE *BRADY* LIST

WHEREAS the United States Supreme Court has held in a long line of cases, starting with *Brady v. Maryland*, 373 U.S. 83 (1963), that Due Process requires the prosecution to disclose materially exculpatory and impeachment evidence to the accused prior to trial;

WHEREAS in 2016 the Los Angeles County Sheriff's Department created a "*Brady* list" of 300 deputy sheriffs whose personnel files purportedly contain findings of serious misconduct that may impeach their credibility as prosecution witnesses at trial, and sought to give that *Brady* list to the Los Angeles County District Attorney's Office;

WHEREAS the California Supreme Court unanimously held in *ALADS v. Los Angeles Superior Court*, 8 Cal. 5th 28 (2019), that a sheriff may properly give a *Brady* "alert" to a district attorney's office and is not prohibited from maintaining a *Brady* list, in order to ensure full compliance with Due Process;

WHEREAS Chief Justice Cantil-Sakauye wrote for the entire court: "Law enforcement personnel are required to share *Brady* material with the prosecution. ... The harder it is for the prosecution to access the material, the greater the need for the deputies to produce it."

WHEREAS *Brady* violations are one of the leading causes of wrongful convictions and threaten the integrity and legitimacy of the criminal justice system in Los Angeles County;

WHEREAS *Brady* violations have also resulted in Los Angeles County paying myriad multi-million dollar settlements and judgments to exonerees pursuing civil rights lawsuits in connection with their wrongful convictions;

THEREFORE, BE IT RESOLVED that Sheriff Alex Villanueva should give the *Brady* list to the Los Angeles County District Attorney's Office.



RESOLUTION OF THE SHERIFF CIVILIAN OVERSIGHT COMMISSION

LOS ANGELES COUNTY SHERIFF CIVILIAN OVERSIGHT COMMISSION RESOLUTION RE *BRADY* LIST

COUNTY OF LOS ANGELES

I, Brian K. Williams, Executive Director of the County of Los Angeles Sheriff Civilian Oversight Commission, do hereby certify that the above is true and correct copy of a Resolution duly adopted by the Los Angeles Sheriff Civilian Oversight Commission at its meeting held on October 22, 2019 and as same appears of record in the Official Minutes of said Commission.

GIVEN UNDER MY HAND AND OFFICIAL SEAL of the Los Angeles Sheriff Civilian Oversight Commission this 22nd day of October 2019.

Brian K. Williams, ~~Executive~~ Director



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



November 5, 2019

Brian K. Williams, Executive Director
Civilian Oversight Commission
World Trade Center
350 South Figueroa Street, Suite 288
Los Angeles, California 90012

Dear Mr. Williams:

BRADY LIST COMPLIANCE

Thank you for providing the Civilian Oversight Commission's (COC) resolution concerning the *Brady* list. The Los Angeles County Sheriff's Department (LASD) is currently seeking a legal opinion from County Counsel about the Supreme Court decision and other on-going litigation involving *Brady* material. Once an opinion has been provided, LASD will inform the COC as to how we plan to proceed.

The COC's invitation to speak at the November 19, 2019 meeting will be determined at a later date as it is unclear at this time when the above mentioned legal opinion will be reached by County Counsel.

Please contact me at _____ should you wish to discuss this further.

Sincerely,

ALEX VILLANUEVA, SHERIFF

TIMOTHY ~~K~~ MURAKAMI
UNDERSHERIFF

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service
— Since 1850 —