

**San Diegans for  
Criminal Justice Reform**



justiceforsandiego@gmail.com

**August 14, 2018**

**VIA EMAIL AND U.S. MAIL**

**District Attorney Summer Stephan  
Office of the District Attorney  
330 W. Broadway  
San Diego, CA 92101**

**Re: Recusal of DA's Office from the Investigation into the Death of Earl McNeil.**

Dear District Attorney Stephan:

In light of well-established American Bar Association rules that prosecutors should avoid a conflict of interest with respect to their official duties, should know and abide by the ethical rules regarding conflicts of interest, and be sensitive to facts that may raise conflict issues, the below signed organization and community members hereby request that the San Diego County District Attorney's Office recuse itself from the investigation into the death of Earl McNeil.

On May 26, 2018, Mr. McNeil went to the National City Police Department ("NCPD") and used a telephone outside the station to speak with dispatchers. Because of the erratic nature in which he was speaking, Mr. McNeil was suspected of being under the influence of drugs. He was ultimately arrested and outfitted with a spit hood and a Wrap, a device that severely restricted his freedom to move. While in the custody of NCPD, Mr. McNeil suffered unknown injuries to his body which left him in a coma and showing signs of trauma. He was admitted to the hospital where he was placed on life support. He remained brain dead and in continuous custody of National City police officers until his death on July 7, 2018 when family members withdrew him from life support. Mr. McNeil's family and community members have been asking for answers about his death to no avail. On Friday, August 10, 2018 the National City Police Department turned over the investigation into Earl McNeil's death to the San Diego County District Attorney's Office.

Court documents show that Mr. McNeil was used by the office as a paid informant on several cases. And it is documented that he was compensated monetarily for his work as the office's law enforcement informant. Additionally it is well-documented that Mr. McNeil suffered from mental illness that caused delusions. It is documented that the DA's Office was fully aware of his mental health issues yet continued to use him as a paid informant.

**San Diegans for Criminal Justice Reform**  
[www.justiceforsandiego.com](http://www.justiceforsandiego.com)  
[justiceforsandiego@gmail.com](mailto:justiceforsandiego@gmail.com)



@SDforCJR

## San Diegans for Criminal Justice Reform



justiceforsandiego@gmail.com

It is also known that Mr. McNeil, in meetings with various officials and employees within the District Attorney's Office, recanted his testimony that had secured serious felony convictions of several incarcerated persons over the years. Even after receiving critical information that his testimony was perjured and based on schizophrenic delusions, the DA's Office never reopened any of those cases.

Additionally, it is well-known that Bill Cahill, in his capacity as a detective with the San Diego Police Department, acted as Mr. McNeil's handler while Mr. McNeil did his work as a paid DA informant. Bill Cahill is now currently employed by the District Attorney's office as an investigator. According to witnesses, Mr. Cahill even showed up at Mr. McNeil's bedside in the hospital while he was still on life support.

Given that Earl McNeil was a paid DA informant who was being "handled" by a current investigator with the District Attorney's Office, there is an apparent conflict of interest for the office to be at the helm of the investigation into his death. Due to these many conflicts, and the already heightened sensitivities around this case due to the delayed (and yet to be) released information from the NCPD, National City City Council, and Mayor's Offices, the public will not trust the District Attorney's office's ability to lead a fair, just, and transparent investigation into Mr. McNeil's death.

As District Attorney, you have recused yourself and/or your office from investigations for much less. In the wake of the Soccer City scandal, you went on record in an interview with the San Diego Union-Tribune explaining why you referred the matter to the Attorney General. According to the U-T article, you recused your office from the investigation **"to ensure public trust in the impartiality"**. Additionally, in an interview with the Voice of San Diego you indicated your campaign treasurer **"had been an outspoken proponent of the SoccerCity proposal,"** and admittedly wondered -- in a situation that simply involved your campaign treasurer: **"...[A]re people going to have confidence in this decision...? Are they going to have trust? Are they going to think about it?...[a]nd that's one of the things that I considered in addition to talking with the attorney general's office. And I think we both reached the conclusion that that was the right decision."** You believed in that minor situation that although you **"felt [you]r office could have conducted the investigation fairly, [you] passed it to the attorney general to prevent even the public perception of a conflict for a few reasons."**

As the District Attorney, you must consider the adverse impact on public perception and the administration of justice if your office continues to involve itself in the investigation into Mr. McNeil's death while in the custody of the National City Police Department. We are hereby calling on you to recuse the District Attorney's office from the investigation into Mr. McNeil's death while in the custody of NCPD. We also ask that you re-open every case where Earl McNeil was used as a law enforcement informant. Justice and protocol demand both actions.

Sincerely,  
San Diegans for Criminal Justice Reform

CC:/ See Proof of Service

San Diegans for Criminal Justice Reform  
[www.justiceforsandiego.com](http://www.justiceforsandiego.com)  
[justiceforsandiego@gmail.com](mailto:justiceforsandiego@gmail.com)



@SDforCJR