



TODD SPITZER
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May 22, 2017

The Honorable Jeff Sessions
Attorney General of the United States
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Subject: Orange County, CA District Attorney's Office

Dear Mr. Attorney General,

As Third District Supervisor on the Orange County, CA, Board of Supervisors, I am respectfully requesting that the U.S. Department of Justice intervene immediately in the deepening crisis within the Orange County District Attorney's Office. Immediate action is necessary in order to prevent further damage by our elected D.A. and reverse eroding public confidence in our judicial system. The depth, denial and cover-up of serious misconduct threatens the foundation of our criminal justice system. I am writing solely on my personal behalf, not for the County or the Board of Supervisors.

Continuing revelations of scandal emerging from the office under D.A. Tony Rackauckas is now beyond critical proportions. I am respectfully requesting that you expand the current Department of Justice investigation into new allegations of corruption and documented misconduct. As it is within your power to do so, **I urge you to take control the OCDA office by consent decree.**

In upholding a Superior Court ruling last year removing the D.A.'s office from the County's highest profile case, the 4th District Court of Appeal stated, "the magnitude of the systemic problems cannot be overlooked". See *People v. Dekraai*, 5 Cal.App.5th 1110, 1149 (2016). These pervasive issues are not limited to the 'snitch scandal' scope of the DOJ's current investigation.

The high-profile scandal continues to draw scrutiny from the national press for more than three years. CBS News' *60 Minutes* aired a segment last night, Sunday, May 21, 2017, in which Tony Rackauckas contradicted himself and the members of a blue ribbon panel he convened to investigate his office.

When confronted by the interviewer with his own IPPEC report describing the office as, "a must win mentality", "a rudderless ship" and "a failure of leadership", the D.A. dismissed the written report by saying the findings were not what members of the blue ribbon panel told him privately. Tony Rackauckas continues to argue that everybody investigating the wrongdoings in his office are not trustworthy. Mr. Attorney General, Tony Rackauckas cannot be trusted.

Since the Department of Justice opened an investigation in to the notorious Orange County snitch scandal last December, further damning evidence of potential criminal actions within OCDA operations under Rackauckas have come to light:

- **A liability claim was filed by the D.A.'s former Chief Investigator after he was relieved of duty in April, 2017. The action filed by former lead investigator Craig Hunter alleges:**
 - Rackauckas interfered with political corruption investigations.
 - Rackauckas failed to disclose 'behest payments'. Under California law, elected officials who solicit contributions from private entities in excess of \$5,000 for an event or project are required to disclose those contributions and file a form with the Orange County Registrar of Voters.
 - Rackauckas allowed his Chief of Staff, Susan Kang Schroeder, to conduct campaign activities and personal business using County time and resources.
- **In April 2017, it was revealed Rackauckas hired an unauthorized private defense attorney to represent a Deputy District Attorney in State Bar disciplinary proceedings. She is accused of withholding exculpatory evidence in a child abuse case.** This matter is in no way related to the snitch scandal that the DOJ is currently investigating and violates County code:
 - The hiring of an outside attorney to defend a prosecutor without express Board of Supervisors approval on a public agenda is a violation.
 - I have a good faith and belief that other prosecutors are being investigated by the State Bar and that private outside counsel has also been retained or consulted without Board approval.
 - Deputy District Attorney Sandra Nassar faces disbarment for withholding evidence that could exonerate the defendant who is now serving a 12-year sentence.
- **The most recent revelation is a Superior Court ruling on May 17, 2017 that a Deputy District Attorney under Rackauckas displayed "serious misconduct" by failing to reveal exculpatory evidence in a 2006 first-degree murder case resulting in conviction:**
 - It was discovered the original police report taken at the scene was destroyed and replaced by second report favoring the prosecution.
 - The prosecutor withheld knowledge of the original report from the defense and jurors.
 - The Judge has now ruled the defendant, who has spent 11 years in prison, must be retried and cannot be charged with first-degree murder.

The District Attorney's actions have left the County, the courts, the judicial system, and the public no other course of action. I am respectfully requesting that the U.S. Department of Justice expand the current investigation and employ all resources to restore order immediately and halt the continuing decay within our County judicial system.

Sincerely,



Supervisor Todd Spitzer
Orange County, CA, Board of Supervisors, Third District

cc: The Honorable Darrell Issa, CD 49
The Honorable Dana Rohrabacher, CD 48
The Honorable Mimi Walters, CD 45
The Honorable Ed Royce, CD 39
The Honorable Xavier Becerra, Attorney General of the State of California
The Honorable John Moorlach, SD 37
The Honorable Patricia Bates, SD 36
The Honorable Bill Brough, AD 73
The Honorable Steven Choi, AD 68
Orange County Board of Supervisors
Frank Kim, Orange County Chief Executive Officer
Leon Page, Orange County County Counsel

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