



OFFICE OF THE  
**DISTRICT ATTORNEY**  
ORANGE COUNTY, CALIFORNIA  

---

TODD SPITZER

VIA EMAIL TRANSMISSION: [nqerda@gmail.com](mailto:nqerda@gmail.com)

February 18, 2020

Mr. Nick Gerda  
Staff Writer  
Voice of OC

Dear Mr. Gerda,

In compliance with Government Code § 6253, this letter addresses your California Public Records Act (Gov. Code § 6250 *et seq*) request dated February 8, 2020. This letter constitutes our formal response, which is made within that statutorily required time to your public record demand.

You requested "...dates of the letters notifying deputies of the decision not to file criminal charges." after receiving our formal response to your Public Records Act request of January 29, 2020 for "all written communications, including letters, since Jan. 1, 2017 from the Orange County District Attorney's Office clearing, or announcing a decision to not file charges, against the 17 deputy sheriffs reviewed for potential criminal filing related to evidence booking and reports."

We are treating your request as a request for the dates of written communications from our office to the OCSD since Jan. 1, 2017 regarding a decision or decisions to file criminal charges against the 17 OCSD deputy sheriffs whose conduct as to booking of evidence was investigated.

The dates of these records are disclosed below in conjunction with the referrals our office received on the deputies. This information was previously provided to you in our formal response to your Public Records Act requests of December 4 and 5, 2019.

<u>Referral 1:</u>	September 28, 2017
<u>Referral 2:</u>	November 9, 2018
<u>Referral 3:</u>	September 17, 2018
<u>Referral 4:</u>	January 17, 2019
<u>Referral 5:</u>	July 19, 2018
<u>Referral 6:</u>	January 21, 2019
<u>Referral 7:</u>	January 17, 2019
<u>Referral 8:</u>	July 19, 2018
<u>Referral 9:</u>	January 17, 2019

REPLY TO: ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE

WEB PAGE: <http://orangecountyda.org/>

MAIN OFFICE  
401 CIVIC CENTER DR W  
P.O. BOX 808  
SANTA ANA, CA 92701  
(714) 834-3600

NORTH OFFICE  
1275 N. BERKELEY AVE.  
FULLERTON, CA 92832  
(714) 773-4480

WEST OFFICE  
8141 13<sup>TH</sup> STREET  
WESTMINSTER, CA 92683  
(714) 895-7281

HARBOR OFFICE  
4601 JAMBOREE RD.  
NEWPORT BEACH, CA 92660  
(949) 476-4650

JUVENILE OFFICE  
341 CITY DRIVE SOUTH  
ORANGE, CA 92668  
(714) 935-7824

CENTRAL OFFICE  
401 CIVIC CENTER DR. W  
P.O. BOX 808  
SANTA ANA, CA 92701  
(714) 834-3952

Referral 10: September 19, 2018  
Referral 11: January 9, 2019  
Referral 12: January 22, 2019  
Referral 13: December 18, 2018  
Referral 14: January 17, 2019  
Referral 15: January 17, 2019  
Referral 16: July 18, 2019  
Referral 17: July 22, 2019

The records from which these dates were obtained will not be disclosed because they are exempt from disclosure pursuant to the following exemptions:

1. Government Code § 6254, subsection (f), records of investigatory files of a local police agency, or any investigatory files compiled by a local police agency for law enforcement purposes. This section applies to law enforcement investigatory files and records, including district attorney case files. (See *Rackauckas v. Superior Court* (2002) 104 Cal.App.4th 169; *Rivero v Superior Court* (1997) 54 Cal.App.4th 1048; *Williams v. Superior Court* (1993) 5 Cal.4th 337)
2. Government Code section 6254, subdivision (k); Records the disclosure of which is exempted or prohibited pursuant to federal or state law, specifically: Code of Civil Procedure section 2018.030, Attorney Work Product and Penal Code section 832.7, as records of information obtained from personnel records of peace officers.
3. Government Code Section 6255, subsection (a), the public interest in non-disclosure of the requested records clearly outweighs the public interest in disclosure of the records. The investigation into the 17 OCSD deputy sheriffs' conduct is ongoing and the disclosure of the requested records to the public would compromise the integrity of that investigation.

While we have set forth our reasons for any denials, we reserve the right to present additional theories and authority for non-disclosure in the future.

The OCDA claims for its records, such as might exist, all applicable exemptions from the California Public Records Act disclosure. In maintaining the lawful confidentiality of these records, the OCDA claims, enforces, and applies all applicable exemptions, privileges, and proscriptions against public disclosure of records, including but not limited to, those listed in Article 2 of Government Code, Title 1, Division 7, Chapter 3.5, the California Evidence and Penal Codes, and the Federal Rules of Evidence.

Sincerely,



Denise Hernandez  
Senior Deputy District Attorney  
Special Prosecutions