



OFFICE OF THE
DISTRICT ATTORNEY
ORANGE COUNTY, CALIFORNIA
TODD SPITZER

Via Email Transmission: EMacLean@aclunc.org

October 5, 2022

Emi MacLean
Senior Staff Attorney
ACLU of Northern California
EMacLean@aclunc.org

Dear Ms. MacLean,

In compliance with Government Code § 6253, this response addresses your letter dated September 21, 2022, regarding two previous California Public Records Act (Gov. Code § et seq) requests dated July 23, 2021 and February 18, 2022.

Please find below your requests and our responses to those requests.

DATA REQUEST (FEBRUARY 28, 2022): On February 18, 2022, the ACLU, via the law firm of Braun Hagey & Borden LLP ("BHB"), requested OCDA produce prosecutorial data from 2015 to the present.

Response: We previously responded to this request on March 14, 2022. Please see attached.

POLICY REQUEST (JULY 23, 2021): On July 23, 2021, the ACLU, via BHB, requested a series of records related to OCDA's (1) policies, (2) trainings, (3) records concerning the Racial Justice Act ("RJA") and its implementation, and (4) investigations into *Batson-Wheeler motions*.

Response: We have produced records in response to your request on August 19, 2021, November 9, 2021, December 13, 2021, February 14, 2022, June 15, 2022, and July 15, 2022. We will produce what records we have as of the date of this response. We continue to search for additional responsive records. Records must be reviewed to segregate non-exempt portions of records from exempt portions prior to production. Records are being reviewed, and we will make responsive, non-exempt records available to you on a continuous rolling basis until complete. Nothing in this response should be construed as a representation that the OCDA has additional

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records, or that such records (if they exist) are subject to public disclosure.

In conclusion, 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 or 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.

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

Sincerely,

Johanna Kim

Johanna Kim
Sr. Deputy District Attorney
Special Prosecutions Unit