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Attorneys for Respondents/Defendants, TODD SPITZER and  
the COUNTY OF ORANGE

*Exempt from Filing Fees Pursuant to Gov't Code § 6103*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF ORANGE – CENTRAL JUSTICE CENTER**

CHICANXS UNIDXS DE ORANGE COUNTY,  
AMERICAN CIVIL LIBERTIES UNION OF  
NORTHERN CALIFORNIA, AMERICAN CIVIL  
LIBERTIES UNION OF SOUTHERN  
CALIFORNIA

Petitioners/Plaintiffs,

v.

TODD SPITZER, in his official capacity as the  
District Attorney of Orange County, COUNTY OF  
ORANGE,

Respondents/Defendants.

Case No. 30-2022-01291297-CU-WM-CJC

ASSIGNED FOR ALL PURPOSES TO  
HONORABLE WALTER SCHWARM

**RELATED TO ROA NO. 53**

**DECLARATION OF JOHANNA KIM IN  
SUPPORT OF RESPONDENTS'  
OPPOSITION TO PLAINTIFFS' MOTION  
FOR JUDGMENT ON VERIFIED WRIT  
OF MANDATE AND COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF**

**[Opposition to Plaintiffs' Motion for  
Judgment, and Request for Judicial Notice  
filed concurrently herewith]**

DATE: June 13, 2023  
TIME: 9:00 a.m.  
DEPT: C32

Action Filed: October 31, 2022  
Trial Date: June 13, 2023

1 I, Johanna Kim, declare:

2 1. I am a Senior Deputy District Attorney employed by the Orange County District  
3 Attorney's office ("OCDA") in the Conviction Integrity Unit. During most of the times relevant to this  
4 action, I was assigned to the Special Prosecutions Unit.<sup>1</sup> I have personal knowledge of the facts set forth  
5 herein, except as stated on information and belief and, if called upon as a witness, could and would  
6 testify competently hereto.

7 2. As a Senior Deputy District Attorney in OCDA's Special Prosecutions Unit, my job  
8 duties included, among other things, handling incoming information requests from the public pursuant to  
9 the California Public Records Act ("CPRA") on behalf of OCDA. I am familiar with the requirements  
10 of the CPRA and various exemptions thereto. I have also reviewed the Petition for Writ of Mandate and  
11 Complaint for Declaratory and Injunctive Relief ("Petition") in this matter, and the exhibits attached  
12 thereto. As a Senior Deputy District Attorney, I am also familiar with OCDA's Case Management  
13 System ("CMS"), which contains a local summary criminal history master record. The criminal history  
14 data contained in CMS consists of identification and criminal history of persons, including but not  
15 limited to name, date of birth, physical description, dates of arrests, arresting agencies and booking  
16 numbers, charges, dispositions, etc.

17 3. During the pendency of a majority of the CPRA requests at issue in this lawsuit, I was the  
18 only individual assigned to respond to CPRA requests on behalf of OCDA. In addition to responding to  
19 CPRA requests, I was responsible for Penal Code section 1381 demands, Penal Code section 1381.5  
20 demands, Writs of Habeas Corpus Ad Prosequendum, back-up extraditions (international and domestic),  
21 *Brady* reviews, responding to miscellaneous letters, special projects requiring extensive legal research  
22 and drafting memorandums and letters for executive management staff.

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27 \_\_\_\_\_  
28 <sup>1</sup> I came to the unit in May of 2021, so I did not handle the ACLU of Northern California's  
February 4, 2021, request. That was handled by my predecessor Senior Deputy District Attorney,  
Denise Hernandez.

**Petitioners' CPRA Requests for Prosecutorial Data**

4. I am informed and believe there are essentially four requests for prosecutorial data at issue in this case: (1) ACLU of Northern California's February 4, 2021 Request; (2) ACLU of Southern California's September 27, 2021 Request; (3) ACLU of Northern California's February 18, 2022 Request; (4) Chicaxs Unidxs' July 8, 2022 Request. Petitioners also reference requests made by two non-parties, Abby Taylor of the Orange County Public Defender's office and Lee Stonum of the Alternate Defender's office, who made CPRA requests for prosecutorial data on May 10, 2021, and June 10, 2022, respectively. Collectively, these requests sought data elements including but not limited to the following (from as early as 2015 to present):

- a. Prosecution data for all misdemeanor and felony charge cases filed by OCDA. (Petition ["Pet."], Exhs. A, B, J, Q.)
- b. All documents and records related to all diversion programs offered or used by OCDA, how many people utilized those programs, demographics of those people, the charges they were facing, outcomes of those cases, requirements for completing diversion and any charges or costs associated with those programs. (Pet., Exhs. A, J.)
- c. All records relating to how many parole hearings the office attended, how many hearings OCDA opposed, how many parole hearings opposed when next of kin took no position. (Pet., Exhs. A, B.)
- d. Unique identifiers for each person, charges, and outcomes of all minors prosecuted in adult court in Orange County under Welfare and Institutions Code section 707. (Pet., Exh. B.)
- e. Number of prosecutions for violations of Penal Code sections 314(1) (Indecent Exposure); 372 (Public Nuisance); 647(a) (Lewd Conduct in Public); 647(b) (Solicitation for Sex); 647(b)(1) (Solicitation for Sex – Sex Worker); 647(b)(2) (Solicitation for Sex – Client); 653.22 (Loitering w/Intent); 266(h) (Pimping); and 266(i) (Pandering), broken down by race and gender. (Pet., Exh. C.)
- f. Number of reports written involving sex work related prosecutions broken down by race and gender. (Pet., Exh. C.)

- 1 g. All documents regarding the presence or absence of human trafficking units within  
2 OCDA including the budget of such units, and the number of attorneys assigned.  
3 (Pet., Exh. C.)
- 4 h. Unique identifiers associated with each defendant, each case, and each arrest. (Pet.,  
5 Exhs. J, Q.)
- 6 i. Demographic and other information concerning each defendant, including race,  
7 ethnicity, country of origin or nationality, gender/sex, age or date of birth, prior  
8 criminal convictions. (Pet., Exhs. J, Q.)
- 9 j. Information regarding each arrest including zip code, date of arrest charge identified  
10 by law enforcement referring individual. (Pet., Exhs. J, Q.)
- 11 k. ADA assigned to each case. (Pet., Exh. J.)
- 12 l. Decision to decline to prosecute, including date, identity of person who made  
13 decision, charges declined to prosecute, and reasons for the declinations to prosecute  
14 (including but not limited to police misconduct involved in case, injuries to persons  
15 involved, injuries to suspect, financial loss to persons involved, prior criminal record  
16 of suspect, and victim's level of cooperation in prosecuting case). (Pet., Exh. J.)
- 17 m. Diversion offers and decisions (formal and informal, and including collaborative  
18 court and deferred prosecution), including date of diversion offer, type of diversion  
19 offered, whether diversion accepted and whether diversion completed. (Pet., Exh. J.)
- 20 n. Charges filed including statutes, severity, enhancements and maximum sentence.  
21 (Pet., Exhs. J, Q.)
- 22 o. Factors considered in deciding charges to file, including injuries to persons, financial  
23 loss to persons, status of victim (i.e., law enforcement, child, spouse, etc.), prior  
24 criminal history of defendant, victim cooperation. (Pet., Exh. J.)
- 25 p. Bail/custody information, including bail amount requested, detention orders sought,  
26 whether bail was set or denied, whether individuals were released on bail or not, pre-  
27 plea/pre-trial custody status. (Pet., Exh. J.)
- 28 q. Plea offers, including charges offered including severity and enhancements; dates of

plea offers; sentences/dispositions offered; records of whether any plea offer was accepted, including date of acceptance. (Pet., Exhs. J, Q.)

- r. Case outcomes, including charges of conviction, dismissed charges, sentences. (Pet., Exhs. J, Q.)
- s. Counsel for defendant, whether public or private counsel. (Pet., Exh. J.)
- t. Demographic and other information concerning victims, including race, ethnicity, gender/sex. (Pet., Exhs. J, Q.)
- u. Recommendations regarding parole. (Pet., Exh. J.)
- v. Recommendations regarding pardon or commutation. (Pet., Exhs. J.)
- w. All investigations into *Batson-Wheeler* motions, including motions filed, motions granted, internal training and/or discipline, and/or reports to the State Bar. (Pet., Exh. V.)

5. In several of these instances, we responded, in a timely manner, with either a substantive response, or with reference to data that could be obtained from other sources. For example, in response to a request for documents regarding the presence or absence of human trafficking units within OCDA, I referred Petitioners to the OCDA website for a document entitled “Proposition 35 and The OCDA’s HEAT Unit,” as well as two reports from 2019 and 2021, respectively, entitled “Orange County Human Trafficking Task Force’s Human Trafficking Victim Report. (Pet., Exhs. D, E.) I also referred Petitioners to the criminal justice data contained on the California Department of Justice website to assist with their requests. (Pet., Exh. U.) For the remainder of the requests for prosecutorial data, however, we asserted that the records were exempt from disclosure based on numerous exemptions, including but not limited to Government Code sections 6254(k) and 6255.<sup>2</sup> (Pet., Exhs. B, D, N, R, U, X, CC.)

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<sup>2</sup> These were the sections of the Government Code that I asserted in my responses. However, I am informed and believe that the CPRA has since been renumbered. Accordingly, I believe the renumbered Government Code sections would be 7927.705 and 7922.000, respectively.

1           6.       While OCDA may have produced certain types of prosecutorial data prior to 2019, I am  
2 informed and believe that it has never produced the specific data sought by Petitioners in this case, in the  
3 format requested.

4                               **Petitioners' Request for Training Materials**

5           7.       In conjunction with its July 23, 2021, request for prosecutorial data, the ACLU of  
6 Northern California also requested policies, training materials, and other records relating to the  
7 implementation of the Racial Justice Act. (Pet., Exh. V.) In response, my office produced a significant  
8 number of records that were carefully redacted based on responsiveness and various exemptions,  
9 including but not limited to the deliberative process privilege, undue burden, attorney work product, and  
10 the investigative file exemption/privilege. A true and correct copy of the Privilege Log I prepared  
11 relating to these redactions is attached hereto as **Exhibit 1**, for the Court's ease of reference. In  
12 addition, at the request of the ACLU of Northern California, I prepared and sent a letter to them  
13 detailing the reasons for the redactions. (Pet., Exhs. O, P.)

14           8.       Deliberative Process. The records that we redacted based on the deliberative process  
15 privilege consisted of team meeting agendas, training bulletins and alerts, weekly reports, PowerPoint  
16 presentations, and training handouts. We redacted from these records information relating to the thought  
17 processes of how attorneys ought to proceed in a given circumstance. For example, the team meeting  
18 agendas contain reference to litigation strategy and issues for attorneys to consider. Similarly, the  
19 training bulletins and alerts contain reference to investigative and litigation strategy. The weekly reports  
20 were redacted mainly made because they contained references to other cases that were not responsive to  
21 the CPRA requests and we only included the portions that were responsive. The names, email  
22 addresses, and phone numbers of staff who prepared the reports were redacted as well.

23           9.       Attorney Work Product. The records that we redacted based on the attorney work  
24 product privilege consisted of team meeting agendas, training bulletins and alerts, and PowerPoint  
25 presentations, and training handouts. The redacted attorney work product consists of attorney opinions  
26 and advice, personal impressions, legal research, theories and conclusions. For example, the team  
27 meetings discuss litigation strategy, the training bulletins discuss investigative and litigation strategy,  
28 and the PowerPoint presentations and training handouts contain attorney advice on how to handle certain

1 legal issues.

2 10. Investigative File Records. The records that we redacted based on the investigative file  
3 exemption consisted of portions of team meeting agendas and PowerPoint presentations and training  
4 handouts that were redacted because they contained private and sensitive information relating to victims,  
5 as well as other information from our investigative files.

6 11. Copyright. We withheld training materials that included records created by attorneys  
7 from other counties and government agencies that were subject to the Federal/State Law Copyright  
8 Exemption. (Civ. Code, § 980; 17 U.S.C.A. § 102 et seq.)

9 12. Undue Burden. The records that OCDA withheld based on undue burden consisted of all  
10 other training materials for mandatory and optional trainings that were not responsive to the request for  
11 specific categories of training materials. They would be unduly burdensome to produce because I am  
12 informed and believe that the OCDA has training materials for over 3,000 trainings since 2015, and due  
13 to our limited staff, the time, expense, and resources needed from attorneys and staff to review, redact,  
14 and produce all of the training materials would be staggering.

15 **Timeliness of Response**

16 13. We provided a timely response to each of the above CPRA requests, producing the  
17 records we had as soon as they became available on a rolling basis, only taking extensions as necessary  
18 to continue our review and production.

19 14. Because the process of searching for and compiling records was both labor intensive and  
20 time-consuming due to the volume of records needed to be searched as well as the time frame requested,  
21 I requested the assistance of the Professional Responsibility and Training Unit (PRTU) to respond to the  
22 above CPRA requests for records. I am informed and believe that a team of attorneys and paralegals  
23 from the PRTU scanned voluminous training materials and made the records searchable by Optical  
24 Character Recognition (OCR) so they could conduct a search of the materials for potentially responsive  
25 records and that, due to the voluminous nature of the request, it was not possible for the limited staff of  
26 the PRTU to conduct a manual review, and this necessitated making the training materials searchable by  
27 OCR to even conduct a preliminary search of the training materials for potentially responsive records.  
28 This process alone took months and did not result in the production of any responsive records because

1 this process was necessary before a search for responsive records could even be conducted. I am  
2 informed and believe that during this time, PRTU also lost some staff members who were available to  
3 work on this request due to medical issues and other office operation needs and this resulted in more  
4 time being needed to work on this request.

5 15. After PRTU conducted its preliminary review for responsive records, the records were  
6 forwarded to my attention so that I could conduct another review for responsiveness. After I finished  
7 my review of the records, I forwarded the records to my paralegal so that the necessary redactions could  
8 be made prior to the production of records. As of the date of this declaration, I have reviewed  
9 approximately 300 documents for privilege and responsiveness, spending in excess of 200 hours since  
10 the first request in 7/23/21, and we have produced in excess of 800 pages of documents responsive to  
11 Petitioners' requests, and were still in the process of reviewing and producing responsive records when  
12 the writ petition was filed. Since receiving the first CPRA request dated 7/23/21 until 11/18/22, the date  
13 we were served with the writ of mandate, I was also working on and responding to over 230 other  
14 CPRA requests from various requesters.

15 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
16 true and correct.

17 Executed this 22<sup>nd</sup> day of March, 2023, in Santa Ana, California.

18 

Johanna Kim, Declarant



# EXHIBIT

1

**ACLU RJA PRA (7-23-21) – RECORDS PRODUCED**

<b>Bates Nos.</b>	<b>Document</b>	<b>Information Redacted/Withheld</b>	<b>Privileges Claimed</b>	<b>Date Produced</b>
N/A	OCDA Bureau Policy Manual [hyperlink to records on OCDA website provided]	N/A	N/A	8-19-21
N/A	OCDA Informant Policy Manual [hyperlink to records on OCDA website provided]	N/A	N/A	8-19-21
N/A	Role of a Prosecutor and the Guiding Principles for the Orange County District Attorney's Office [hyperlink to records on OCDA website provided]	N/A	N/A	8-19-21
N/A	<i>People v. Gonzalez</i> (Jan. 15, 2019, No. G055157) ___ Cal.App.5th___ [2019 Cal. App. Unpub. LEXIS 376.] [case cite provided]	N/A	N/A	8-19-21
N/A	<i>People v. Munoz</i> (July 30, 2019, No. G056052) ___ Cal.App.5th___ [2019 Cal. App. Unpub. LEXIS 5069.] [case cite provided]	N/A	N/A	8-19-21
N/A	<i>People v. Penaloza</i> (Sep. 6, 2019, No. G055244) ___ Cal.App.5th___ [2019 Cal. App. Unpub. LEXIS 5964.] [case cite provided]	N/A	N/A	8-19-21
1-21	ACLU PRA Diversion Info (Pacific Educational Services - OCDA DEJ Misdemeanor Program Handbook)	N/A	N/A	8-19-21
22-45	2020 Uniform Bail Schedule (Felony and Misdemeanor)	N/A	N/A	8-19-21
46	Team Meeting – Agenda April 23	Names of cases and Judge	Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	8-19-21

**ACLU RJA PRA (7-23-21) – RECORDS PRODUCED**

<b>Bates Nos.</b>	<b>Document</b>	<b>Information Redacted/Withheld</b>	<b>Privileges Claimed</b>	<b>Date Produced</b>
47-48	Team Meeting – Agenda Feb 5	Attorney impressions, opinions and thought processes; internal office procedure	1. Attorney work product (Gov. Code § 6254(k); Code Civ. Proc., § 2018.030) 2. Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	8-19-21
49	Team Meeting – Agenda Feb 26-final_	Attorney impressions, opinions and thought processes	1. Attorney work product (Gov. Code § 6254(k); Code Civ. Proc., § 2018.030) 2. Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	8-19-21
50-98	Brady Policy for OCDA – Policy and Procedures Manual Revised JANUARY 2019	N/A	N/A	8-19-21
99-107	OCDA POLICY FOR REPORTING STATE BAR CONTACTS FINDINGS OF MISCONDUCT REQUEST FOR COUNSEL (JANUARY 2021)	N/A	N/A	8-19-21
108-116	TRAINING BULLETIN 21-001 – The California Racial Justice Act of 2020 (AB 2542)	N/A	N/A	8-19-21
117-160	A Prosecutor’s Guide for Advance Racial Justice	N/A	N/A	11-9-21
161-165	Justice for All? Challenging Racial Disparities in the Criminal Justice System	N/A	N/A	11-9-21
166-239	Reducing Racial Disparity in the Criminal Justice System – A Manual for Practitioners & Policymakers	N/A	N/A	11-9-21

**ACLU RJA PRA (7-23-21) – RECORDS PRODUCED**

<b>Bates Nos.</b>	<b>Document</b>	<b>Information Redacted/Withheld</b>	<b>Privileges Claimed</b>	<b>Date Produced</b>
240-309	Social Media 101 (7-19-18)	Attorney impressions, opinions and thought processes	1. Attorney work product (Gov. Code § 6254(k); Code Civ. Proc., § 2018.030) 2. Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	12-13-21
310-367	OCDA Bias (Josef Levy 3-31-17 – Office-Wide) – Building and Maintaining a Safe, Respectful and Inclusive Community	N/A	N/A	2-14-22
368-371	TRAINING BULLETIN 19-005 (Hate Crimes for Law Enforcement)	Attorney impressions, opinions and thought processes	1. Attorney work product (Gov. Code § 6254(k); Code Civ. Proc., § 2018.030) 2. Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	6-15-22
372	2019-09-04 (Brady Alerts) P and A P. 10	Non-responsive records; Names, email address, and phone numbers of staff	Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	7-15-22
373	Weekly Report 2019-08-23 Revised-P.5	Non-responsive records; Names, email address, and phone numbers of staff	Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	7-15-22

**ACLU RJA PRA (7-23-21) – RECORDS PRODUCED**

<b>Bates Nos.</b>	<b>Document</b>	<b>Information Redacted/Withheld</b>	<b>Privileges Claimed</b>	<b>Date Produced</b>
374	Weekly Report 2019-10-04.docx-P.5	Non-responsive records; Names, email address, and phone numbers of staff	Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	7-15-22
375	Weekly Report 2019-12-13-P.1	Non-responsive records; phone number of staff	Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	7-15-22
376	Weekly Report 2020-04-07-P.1	Non-responsive records; phone number of staff	Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	7-15-22
377-378	Weekly Report 2020-06-26-PP.1-2	Non-responsive records; Names and phone numbers of staff	Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	7-15-22
379	Weekly Report 2021-02-05-P.4	Non-responsive records; Names and phone numbers of staff	Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	7-15-22
380	Weekly Report 2021-06-18-P.4	Non-responsive records; Name, email address, and phone numbers of staff	Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	7-15-22
381	CASE UPDATE_People v. Baker (2-1-21) ____ Cal.5th ____ (2021 Cal.LEXIS 699)	N/A	N/A	7-15-22

**ACLU RJA PRA (7-23-21) – RECORDS PRODUCED**

<b>Bates Nos.</b>	<b>Document</b>	<b>Information Redacted/Withheld</b>	<b>Privileges Claimed</b>	<b>Date Produced</b>
382-403	A Conversation About the Impact of Race in the Criminal Justice System (Panelists – 6-19-2020)	N/A	N/A	10-5-22 & 10-6-22
404-422	A Look at Far Right Extremist Groups in the United States Webinar (Friedfeld 04-26-21)	N/A	N/A	10-5-22 & 10-6-22
423-600	A Talk with DRE (Change-Le-Franke-Espanto 03-04-21)	Attorney impressions, opinions and thought processes; non-responsive records	1. Attorney work product (Gov. Code § 6254(k); Code Civ. Proc., § 2018.030) 2. Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	10-5-22 & 10-6-22
601-604	Active Shooter Response & Impact of Workplace Violence (Williams, Millhollon-05-02-16)	Non-responsive records; Names, signatures, and email address of staff	Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	10-5-22 & 10-6-22
605	Analyzing Defendant Interviews to Determine Guilt or Innocence (Montgomery 1-17-19)	Attorney impressions, opinions and thought processes; non-responsive records; records of investigatory files	1. Attorney work product (Gov. Code § 6254(k); Code Civ. Proc., § 2018.030) 2. Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process]) 3. Records of investigatory files (Gov. Code § 6254(f))	10-5-22 & 10-6-22

**ACLU RJA PRA (7-23-21) – RECORDS PRODUCED**

<b>Bates Nos.</b>	<b>Document</b>	<b>Information Redacted/Withheld</b>	<b>Privileges Claimed</b>	<b>Date Produced</b>
606	ARIDE (Chang 5-16-19)	Attorney impressions, opinions and thought processes; non-responsive records; Name and email address of staff	1. Attorney work product (Gov. Code § 6254(k); Code Civ. Proc., § 2018.030) 2. Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	10-5-22 & 10-6-22
607	Asian Gang Conference (06-12 – 06-16-17)	Names, email addresses, and signatures of staff; non-responsive records	Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	10-5-22 & 10-6-22
608	Attorney Client Privilege Training (Pennington – 9-22-20)	Attorney impressions, opinions and thought processes; non-responsive records; Names and email addresses of staff	1. Attorney work product (Gov. Code § 6254(k); Code Civ. Proc., § 2018.030) 2. Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	10-5-22 & 10-6-22
609	Brady Update (Kim 04-20-21)	Attorney impressions, opinions and thought processes; non-responsive records; Name, phone number and email address of staff	1. Attorney work product (Gov. Code § 6254(k); Code Civ. Proc., § 2018.030) 2. Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	10-5-22 & 10-6-22

# **ACLU RJA PRA (7-23-21) – RECORDS PRODUCED**

<b>Bates Nos.</b>	<b>Document</b>	<b>Information Redacted/Withheld</b>	<b>Privileges Claimed</b>	<b>Date Produced</b>
610-612	CA Criminal Discovery – An Overview and Update (Hoffstadt 12-12-19)	Non-responsive records	Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	10-17-22
613-667	Cross-Examination (Chrisopolous – 10-08-15)	Attorney impressions, opinions and thought processes; non-responsive records	<ol style="list-style-type: none"> <li>1. Attorney work product (Gov. Code § 6254(k); Code Civ. Proc., § 2018.030)</li> <li>2. Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])</li> </ol>	10-17-22
668-670	Discovery Obligations (Bugman 05-11-21)	Attorney impressions, opinions and thought processes; non-responsive records	<ol style="list-style-type: none"> <li>1. Attorney work product (Gov. Code § 6254(k); Code Civ. Proc., § 2018.030)</li> <li>2. Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])</li> </ol>	10-17-22
671-675	Documentary Evidence (Bonini – 08-21-2020)	Attorney impressions, opinions and thought processes; non-responsive records	<ol style="list-style-type: none"> <li>1. Attorney work product (Gov. Code § 6254(k); Code Civ. Proc., § 2018.030)</li> <li>2. Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])</li> </ol>	10-17-22



**ACLU RJA PRA (7-23-21) – RECORDS PRODUCED**

<b>Bates Nos.</b>	<b>Document</b>	<b>Information Redacted/Withheld</b>	<b>Privileges Claimed</b>	<b>Date Produced</b>
676-773	PSYCHOPHYSICAL TESTS FOR DWI ARREST (1)	Non-responsive records	Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	10-17-22
774-826	PSYCHOPHYSICAL TESTS FOR DWI ARREST (2)	Non-responsive records	Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	10-17-22
827-850	Voir Dire in light of AB 3070	Attorney impressions, opinions and thought processes; non-responsive records	1. Attorney work product (Gov. Code § 6254(k); Code Civ. Proc., § 2018.030) 2. Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	10-17-22
851	DUIDUID Training (Franke & Wahab 1-23-19)	Attorney impressions, opinions and thought processes; non-responsive records; Names, phone numbers and email addresses of staff	1. Attorney work product (Gov. Code § 6254(k); Code Civ. Proc., § 2018.030) 2. Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	11-14-22

**ACLU RJA PRA (7-23-21) – RECORDS PRODUCED**

<b>Bates Nos.</b>	<b>Document</b>	<b>Information Redacted/Withheld</b>	<b>Privileges Claimed</b>	<b>Date Produced</b>
852-853	Effective DUI Techniques (Walker-09-06-16)	Attorney impressions, opinions and thought processes; non-responsive records; Names and signatures of staff	1. Attorney work product (Gov. Code § 6254(k); Code Civ. Proc., § 2018.030) 2. Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	11-14-22
854	Ethics & Professionalism (Kirvin-08-08-16)	Attorney impressions, opinions and thought processes; non-responsive records; Name and phone number of staff	1. Attorney work product (Gov. Code § 6254(k); Code Civ. Proc., § 2018.030) 2. Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	11-14-22
855	Ethics (Sacks-06-05-18)	Attorney impressions, opinions and thought processes; non-responsive records; Names and signatures of staff	1. Attorney work product (Gov. Code § 6254(k); Code Civ. Proc., § 2018.030) 2. Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	11-14-22
856	Evidence.com User Training – New DA Investigators (Hayashida, Vega 3-26-19)	Non-responsive records; Records of investigatory files; Names, phone numbers and email addresses of staff	1. Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process]) 2. Records of investigatory files (Gov. Code § 6254(f))	11-14-22

**ACLU RJR PRA (7-23-21) – RECORDS PRODUCED**

<b>Bates Nos.</b>	<b>Document</b>	<b>Information Redacted/Withheld</b>	<b>Privileges Claimed</b>	<b>Date Produced</b>
857	Evidence.com User Training (Hayashida 1-15-19)	Non-responsive records; Records of investigatory files; Names, phone numbers and email addresses of staff	1. Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process]) 2. Records of investigatory files (Gov. Code § 6254(f))	11-14-22
858-870	Evidentiary Foundation (Gupta-06-18-18)	Attorney impressions, opinions and thought processes; non-responsive records; Records of investigatory files; Name, phone number and email address of staff	1. Attorney work product (Gov. Code § 6254(k); Code Civ. Proc., § 2018.030) 2. Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process]) 3. Records of investigatory files (Gov. Code § 6254(f))	11-14-22
871	Exhibits & Voir Dire (Brown-02-02-2018)	Attorney impressions, opinions and thought processes; non-responsive records; Names and signatures of staff	1. Attorney work product (Gov. Code § 6254(k); Code Civ. Proc., § 2018.030) 2. Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	11-14-22
872-882	IFP-Exhibits (Claustro 8-13-19)	Attorney impressions, opinions and thought processes; non-responsive records	1. Attorney work product (Gov. Code § 6254(k); Code Civ. Proc., § 2018.030) 2. Public interest in nondisclosure clearly outweighs public interest in disclosure (Gov. Code, § 6255(a) [deliberative process])	11-14-22

**PROOF OF SERVICE**

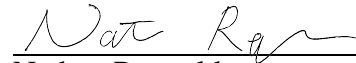
I declare that I am a citizen of the United States employed in the County of Orange, over 18 years old and that my business address is 400 West Civic Center Drive, Suite 202, Santa Ana, California 92701; and my email address is nathan.reynolds@coco.ocgov.com. I am not a party to the within action.

On March 27, 2023, I served the following document, **DECLARATION OF JOHANNA KIM IN SUPPORT OF RESPONDENTS' OPPOSITION TO PLAINTIFFS' MOTION FOR JUDGMENT ON VERIFIED WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**, on all other parties to this action in the following manner:

BY ELECTRONIC SERVICE: Pursuant to California Rules of Court, rule 2.251(c), et seq., I caused an electronic version of the document(s) to be sent to the person(s) listed below.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: March 27, 2023

  
Nathan Reynolds

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