



TONY RACKAUCKAS
ORANGE COUNTY DISTRICT ATTORNEY

ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE
401 CIVIC CENTER DRIVE WEST • SANTA ANA, CA 92701 (714) 834-3636

January 4, 2016

The Honorable Loretta E. Lynch
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Re: Request for Federal Investigation of the Orange County District Attorney's Office
Informant Policies and Practices

Dear Attorney General Lynch:

In 2015, I assembled a group of lawyers and a retired Orange County Judge independent of my office to examine the Orange County District Attorney's Office (OCDA) policies and practices regarding the use of jailhouse informants. The committee was named the Informant Policies & Practices Evaluation Committee (IPPEC). The IPPEC proceeded to conduct a six-month evaluation to conduct a thorough review and assessment of the OCDA policies and practices regarding the use of jailhouse informants. At the conclusion of the review, they prepared a report containing recommendations regarding the OCDA use of jailhouse informants in order to assist me in ensuring that the OCDA policies and practices and its interactions with its law enforcement partners are lawful.

Today, the IPPEC presented me with the written report of their findings. Please see the enclosed report entitled ORANGE COUNTY DISTRICT ATTORNEY INFORMANT POLICES & PRACTICES EVALUATION COMMITTEE REPORT for your review and reference. In the report, the IPPEC makes 10 specific recommendations which I am in the process of reviewing and implementing. In addition to these 10 specific recommendations, on page 3 of the report, the IPPEC recommends the following:

...that the jailhouse informant controversy in Orange County be investigated by an entity with document subpoena power and the ability to compel witnesses to be questioned under oath. The Orange County Grand Jury, the California Attorney General, or the United States Department of Justice are possible entities with such power. This recommendation is not meant to suggest that the IPPEC has reached any conclusion regarding any allegations of criminal wrongdoing. It is worth noting that almost every member of the OCDA's Office who was interviewed said that he or she would welcome an investigation and was confident the investigation

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would find, with perhaps one or two outliers, no intentional misconduct by a member of the OCDA's Office. The IPPEC respectfully suggests that at a minimum, the OCDA request that an Investigative Grand Jury conduct such an inquiry to demonstrate transparency and foster confidence in the Orange County criminal justice system.

I am respectfully requesting and welcoming your office to conduct any review you deem appropriate in regard to the OCDA Informant Policies and Practices. In order to facilitate this, I am offering The United States Department of Justice unfettered access to any documents and/or personnel of the OCDA. Both myself and my staff welcome the opportunity to discuss this matter with your department. I can be reached at the following phone number (714) 834-3600.

Sincerely,



Tony Rackauckas
District Attorney

TR:vlb

Cc: The Hon. Kamala Harris
Attorney General, State of California

Attachment: Report of Informant Policies & Practices Evaluation Committee