



George Gascón
District Attorney

CRISTINE DE BERRY
Chief of Staff

DIRECT DIAL: (415) 553-1747

E-MAIL: CRISTINE.DEBERRY@SFGOV.ORG

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VIA EMAIL

Larry Bush
CitiReport
sfwtrail@mac.com

RE: February 28, 2011 Record Request

Dear Mr. Bush:

I am writing in response to your public record request, received by the District Attorney's Office via email on February 28, 2011. You requested the following:

"all documents, memos, emails or other communications from the California Fair Political Practices Commission or the California Attorney General referring cases within the jurisdiction of San Francisco involving violations of the California Political Reform Act or other laws governing public records or ethics, for the period January 2005 through December 31, 2010."

The District Attorney's Office does not have any records responsive to your request. Moreover, if we did have responsive records, those records would be included in District Attorney investigation files. District Attorney investigation files, which cannot be disclosed in response to a records request. District Attorney investigation files are not subject to the California Public Records Act or the San Francisco Administrative Code. All District Attorney records are maintained confidential, even after an investigation has concluded. Government Code section 6254(f) recognizes this by exempting from disclosure "Records of complaints to, or investigations conducted by...any state or local police agency..." The same material is also considered to be "official information" which is privileged pursuant to Evidence Code section 1040 (and therefore exempt from disclosure pursuant to Government Code section 6254(k)), and that the public interest served by not disclosing such records outweighs the public interest served by disclosure of the records (Government Code section 6255(a).)

The reasoning for this position is further set forth in *Rivero v. Superior Court* (1997) 54 Cal. App. 4th 1048; *Williams v. Superior Court* (1993) 5 Cal. 4th 337 and California Government Code §25303. Briefly, compelled disclosure would obstruct the investigatory and prosecutorial function of the District Attorney and have a chilling effect on potential witnesses in other matters if they knew sensitive information would be subject to public review, at any time.

Sincerely,

Cristine DeBerry
Chief of Staff