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December 29, 2020

Paul Detrick

Re: Public Records Act Request

Dear Mr. Detrick:

This letter is in response to your request under the California Public Records Act (CPRA, Gov. Code, § 6250 et seq.), dated and received December 17, 2020. You request all summaries written by the Ventura County District Attorney's Office about the genealogy DNA investigation of Joseph DeAngelo. Specifically, you seek an explanation of the use of MyHeritage by genealogist Barbara-Rae Venter.

We are providing you with copies of the following records: A PowerPoint presentation publicly displayed to a crime victims' group, though it does not include a summary by genealogist Venter.

I have not located documents specifically identifying an explanation of the use of MyHeritage by genealogist Barbara-Rae Venter. If you have more specifics about the nature of the document you seek that might be of assistance in locating the document, I would be happy to consider them. Please keep in mind that the prosecutorial file regarding Mr. DeAngelo is quite voluminous and is exempt from disclosure under California Government Code section 6254(f). If the document you seek is a document prepared or used for law enforcement purposes in the investigation or prosecution of Mr. DeAngelo, it will be withheld as exempt from disclosure under the CPRA.

We are not providing documents prepared or maintained as part of our investigation and prosecution of Joseph DeAngelo, PowerPoint presentations that were displayed internally to assist decision-makers regarding the Joseph DeAngelo

prosecution, or those displayed to law enforcement and prosecutorial groups for the purpose of training on genetic genealogy investigative techniques.

Such documents are exempt from disclosure under the following provisions of the CPRA:

- Investigatory files compiled by a local agency for law enforcement purposes. (Gov. Code, § 6254 (f).)

- Attorney core work product. (Gov. Code, §§ 6254(k), 6276.04; Code Civ. Proc., § 2018.030(a); Pen. Code, § 1054.6.)

- Deliberative process privilege. (Gov. Code, §§ 6254(k), 6276.32; Evid. Code, § 1040; *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325; *Gomez v. City of Nashua, N.H.* (D.N.H. 1989) 126 F.R.D. 432; *United States v. Fernandez* (9th Cir. 2000) 231 F.3d 1240.)

- Communications protected by official information privilege. (Gov. Code, §§ 6254 (k), 6276.32; Evid. Code, § 1040.)

- Personal information. (Gov. Code, §§ 6254(k), 6276.34; Civ. Code, §§ 1798.3, 1798.24; Code Civ. Proc., § 1985.4.)

- Information protected by right to privacy. (Gov. Code, §§ 6254(k), 6255; Cal. Const., art. I, sec. 1; *Central Valley Ch. 7th Step Foundation, Inc. v. Younger* (1989) 214 Cal.App.3d 145, 161-162; *Younger v. Berkeley City Council* (1975) 45 Cal.App.3d 825, 832.)

- Personal information of victims and witnesses. (Gov. Code, §§ 6254(k), 6255; Pen. Code §§ 841.5, 964, 1054(c), 1054.2.)

- Drafts. (Gov. Code, § 6254(a).)

- The public interest in not disclosing the records withheld outweighs the public interest in disclosure. The public interest in preserving confidentiality of law enforcement training pertaining to investigative techniques outweighs the public interest in disclosure. Maintaining confidentiality preserves the effectiveness of these investigative techniques pertaining to the most serious of offenses including crimes such as murder, attempted murder, and sexual assault. Disclosure risks

educating offenders about law enforcement investigative techniques and may result in violent offenders evading apprehension. (Gov. Code, § 6255.)

Very truly yours,

CHUCK HUGHES
Chief Deputy District Attorney

Via E-mail: 106109-94183214@requests.muckrock.com

Enclosure