



DIVISION OF LAW ENFORCEMENT
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July 25, 2013

Michelle McNamara
MuckRock News
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Re: California Public Records Act Request

Dear Ms. McNamara:

This letter is in response to your correspondence which is being handled pursuant to the California Public Records Act as set forth in Government Code section 6250 et seq. Specifically, you requested:

“Pursuant to the California’s Sunshine Amendment (Cal. Const. Art. I, § 3(b)), I hereby request the following records:

Murder book/police files of the double homicide of Lyman and Charlene Smith on March 13, 1980 in Ventura, California, obtained from Ventura County Sheriff’s or D.A.”

For the reasons set forth below, we must decline your request.

You have requested investigative records from this office. To the extent that these records exist, they are investigative or security files of the Attorney General and the Department of Justice that are expressly exempt from disclosure pursuant to Government Code section 6254, subdivision (f).

In the case of *Dick Williams v. Superior Court* (1993) 5 Cal.4th 337, 354 the California Supreme Court held that investigative records in the possession of law enforcement agencies are exempt from disclosure. The Court also ruled that investigation documents did not lose their exempt status due to a failure to prosecute, or the close of an investigation. (Id. at p. 355.)

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We note that your public records request is directed to the Department of Justice but seeks records from another department. Absent a request for representation by another agency, the Department of Justice responds on its own behalf, and not on behalf of other departments. If you wish to review records that are in the custody or control of another state or local agency, we suggest that you direct your request to that agency.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent Orick". The signature is fluid and cursive, with the first name "Brent" being more prominent than the last name "Orick".

BRENT ORICK, Special Agent in Charge
Professional Standards Group
Division of Law Enforcement

For KAMALA D. HARRIS
Attorney General