



July 25, 2024

Via **EMAIL:** sfda.publicrecords@sfgov.org

San Francisco District Attorney's Office
350 Rhode Island Street
North Building, Suite 400N
San Francisco, CA 94103

California Public Records Request: Communications of the Former San Francisco District Attorney Kamala Harris

Dear Sir or Madam:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL's X page has over 250,000 followers and the X page of our Founder and President has over 674,000 followers.

We are requesting access to the records and electronic systems of former California Attorney General Kamala Harris, in possession or control of the California Attorney General's Office, for the purposes of inspection and copying pursuant to the California Public Records Act, California Government Code § 7920.000 et seq. ("CPRA"), and the California Constitution, CONST. art. I, § 3(b). AFL is investigating the circumstances of former San Francisco District Attorney Kamala Harris not seeking the death penalty for a cop killer.¹ In 2004, during a routine traffic stop, a black gang member, David Hill, gunned down SFPD officer, Isaac Espinoza, with an AK-47 assault rifle.² Investigative details revealed Espinoza, who left behind a wife and young daughter, had no chance to defend himself.³ The San Francisco Police Officers Association,

¹ Mark Pulliam, *The Next Obama*, CITY J. (2016), <https://tinyurl.com/3fup79yt>.

² *Id.*

³ *Id.*

which had endorsed Harris in 2003, vigorously opposed her decision.⁴ In her campaign for District Attorney, Harris ran as an opponent of capital punishment, contending that it gets applied disproportionately to members of minority groups.⁵ Spurning pleas from Espinoza’s family, Harris said, “I approach the work of being a prosecutor as the responsibility to do justice. It’s not about the responsibility to lock people up for the maximum amount of time. It is the responsibility to make sure the criminal justice system has integrity.”⁶ In opposition to the decision, California Attorney General Bill Lockyer noted that he would have sought a death sentence if he were the District Attorney.⁷ Both Senator Dianne Feinstein and Senator Barbara Boxer publicly disagreed with Harris’ decision, and Boxer went so far as to urge the case be prosecuted under Federal death penalty laws.⁸ Even Gavin Newsom, then-Mayor of San Francisco, said the case “rattled” his opposition to capital punishment.⁹

In 2009, District Attorney Harris announced that she would seek life imprisonment instead of capital punishment when an illegal alien from El Salvador and MS-13 gang member named Edwin Ramos, who murdered a father and two of his sons in a drive-by shooting the year before (a third son, critically wounded, survived).¹⁰

I. Requested Records

Pursuant to the CPRA, Cal. Gov’t Code §§ 7920.000, et seq., and the California Constitution, CAL. CONST. art. I, § 3(b). art. I, § 3(b), AFL requests disclosure of the following information:

We request all records within the record and electronic systems of former San Francisco D.A. Kamala Harris referring and relating to:

- A. All prosecution memos concerning the prosecution of David Hill, drafted by staff attorneys and provided to Kamala Harris for her review, including communications contained within or otherwise referencing or relating to recommendations concerning the death penalty;
- B. All sentencing memos concerning the prosecution of David Hill, drafted by staff attorneys and provided to Kamala Harris for her review, including communications contained within or otherwise referencing or relating to recommendations concerning the death penalty;

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

- C. All prosecution memos concerning the prosecution of Edwin Ramos, drafted by staff attorneys and provided to Kamala Harris for her review, including communications contained within or otherwise referencing or relating to recommendations concerning the death penalty;
- D. All sentencing memos concerning the prosecution of Edwin Ramos, drafted by staff attorneys and provided to Kamala Harris for her review, including communications contained within or otherwise referencing or relating to recommendations concerning the death penalty;
- E. All records, including drafts and related communications, concerning Harris' amicus brief with the U.S. Supreme Court in *District of Columbia v. Heller*.¹¹
- F. All records, including related communications, concerning Kamala Harris' refusal to defend Proposition 8, a voter-approved state constitutional amendment supporting traditional marriage, on appeal.

The time period for all items above is from January 8, 2004, through January 3, 2011.

II. Processing and Production

If you have any questions about our request or believe further discussions regarding search and processing would facilitate more efficient production, then please contact me at FOIA@aflegal.org. Further, please advise if the records are available for inspection pursuant to Cal Gov't Code § 7922.525 (a), (b).

To accelerate your release of responsive records, AFL welcomes production on an agreed-upon rolling basis. Please email responsive records in electronic format. Alternatively, please send responsive records in native format or PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

Thank you in advance for your cooperation.

Sincerely,

/s/ Will Scolinos
America First Legal Foundation

¹¹ 554 U.S. 570 (2008).