



OFFICE OF THE
DISTRICT ATTORNEY
ORANGE COUNTY, CALIFORNIA

TODD SPITZER

[REDACTED]

April 22, 2021

[REDACTED]

Dear [REDACTED]

In compliance with Government Code § 6253, this letter addresses your California Public Records Act (Gov. Code § 6250 et seq) request dated March 29, 2021. On April 2, 2021, we extended our time to respond to your request pursuant to Government Section 6253(c).

Please find as follows your requests for records regarding former Deputy District Attorney Peter Hardin and our responses to those requests.

Request No. 1: “Peter Hardin’s personnel file from his time at the Orange County District Attorney’s office.”

Response: Personnel records of employees are subject to disclosure, unless the disclosure of such records would constitute an unwarranted invasion of personal privacy. (Government Code § 6254(c).) “Under *section 6254, subdivision (c)*, the court balances the public interest in disclosure against the individual’s interest in privacy.” (*Los Angeles Unified School Dist. v. Superior Court* (2014) 228 Cal.App.4th 222, 240.) After applying the court’s balancing test, we have identified responsive records that are being produced to you along with this correspondence. We have identified additional responsive records the disclosure of which would constitute an unwarranted invasion of Mr. Hardin’s personal privacy. Accordingly, the additional records will not be disclosed.

Request No. 2: “Any references to indiscretions or incidents from his service in the military relating to Mr. Hardin, including background findings, i.e. did your office discover our article about his court-marshal proceedings? Why did you hire him despite these incidents in his history?”

Response: Please see the response to Request No. 1. After applying the court’s balancing test, we have identified responsive records. In the opinion of county counsel, the disclosure of the responsive records would constitute an unwarranted invasion of Mr. Hardin’s personal privacy. Accordingly, the additional records will not be disclosed.

REPLY TO: ORANGE COUNTY DISTRICT ATTORNEY’S OFFICE

WEB PAGE: <http://orangecountyda.org/>

MAIN OFFICE
300 N. FLOWER ST.
SANTA ANA, CA 92703
PO. BOX 808 (92702)
(714) 834-3600

NORTH OFFICE
1275 N. BERKELEY AVE.
FULLERTON, CA 92832
(714) 773-4480

WEST OFFICE
8141 13TH STREET
WESTMINSTER, CA 92683
(714) 896-7261

HARBOR OFFICE
4601 JAMBOREE RD.
NEWPORT BEACH, CA 92660
(949) 476-4650

JUVENILE OFFICE
341 CITY DRIVE SOUTH
ORANGE, CA 92668
(714) 935-7624

CENTRAL OFFICE
300 N. FLOWER ST.
SANTA ANA, CA 92703
PO. BOX 808 (92702)
(714) 834-3952

Request No. 3: “Any admissions, oral or in writing, by Mr. Hardin, when confronted with the allegations of his military history.”

Response: We do not have any responsive records to this request.

Request No. 4: “Follow up with Mr. Hardin while in your employ regarding other extra-marital affairs including the birth of a male child by a woman named Amber (unknown last name) and whether that relationship was reported or caused problems with his work in the workplace.”

Response: We do not have any responsive records to this request.

Request No. 5: “Your office’s inquiry into contested child custody issues currently pending, but apparently under seal in the Orange County Superior Court.”

Response: We do not have any records that are responsive to this request.

Request No. 6: “Any references to issues of sexual misconduct or issues relating to Mr. Hardin.”

Response: This request is vague. Please see the response to Request No. 1. Records from Mr. Hardin’s personnel file subject to release under the Public Records Act are being produced, and records in which disclosure would constitute an unwarranted invasion of Mr. Hardin’s personal privacy are not being produced. Background checks of County employees are confidential and not subject to disclosure under Government Code sections 6254(c) and 6255.

Request No. 7: “Any and all records relating to Mr. Hardin’s abrupt reason for leaving the District Attorney’s office after only serving so briefly.”

Response: We are interpreting this request as a request for records identifying Mr. Hardin’s resignation from employment from the County of Orange. We have a responsive record, Mr. Hardin’s letter of resignation, to your request that will be disclosed. We do not have any other responsive records to this request.

Request No. 8: “Any and all complaints against Mr. Hardin.”

Response: We are interpreting your request to be for records of complaints as to Mr. Hardin while he was employed as a Deputy District Attorney with this office; we do not have any responsive records to this request.

Request No. 9: “Any and all information regarding Mr. Hardin’s cases and whether he engaged in any inappropriate conduct in the handling of cases assigned to him.”

Response: Mr. Hardin was employed with the Orange County District Attorney’s office from October 24, 2014 to November 25, 2015 as a Deputy District Attorney assigned to the Harbor Justice Center where he was assigned initially to the felony team and then in April 2015 to the misdemeanor team. Mr. Hardin did not have specific cases assigned to him but rather handled varying cases that were on the court’s calendar each day. We have responsive records consisting of records from cases Mr. Hardin handled through jury trial or guilty plea that will be disclosed.

We do not have a responsive record to the portion of your request, “whether he engaged in any inappropriate conduct in the handling of cases assigned to him.”

Request No. 10: “Any and all emails from or to Mr. Peter Parrish Harden at any time regarding employment in the present, for the future and to be re-hired back after 2015.

Response: We do not have any responsive records.

In conclusion, the OCDA claims for its records, such as might exist, any and all applicable exemptions from the California Public Records Act disclosure. In maintaining the lawful confidentiality of these records, the OCDA claims, enforces, and applies any and all applicable exemptions, privileges, and proscriptions against public disclosure of records, including but not limited to, those listed in Article 2 of Government Code, Title 1, Division 7, Chapter 3.5, the California Evidence and Penal Codes.

Sincerely,



Denise Hernandez
Senior Deputy District Attorney
Special Prosecutions Unit