



OFFICE OF THE  
**DISTRICT ATTORNEY**  
ORANGE COUNTY, CALIFORNIA  

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TODD SPITZER

**FOR IMMEDIATE RELEASE**

**PRESS RELEASE**

Date: December 23, 2025

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**Orange County District Attorney's Office Announces Successful Conclusion  
of the United States Department of Justice Informant Investigation**

SANTA ANA, Calif. – Orange County District Attorney Todd Spitzer is pleased to announce the successful conclusion of the United States Department of Justice (DOJ) investigation into the use of custodial informants, an investigation which the federal government launched in 2016 under then-District Attorney Tony Rackauckas.

Upon being sworn in as the Orange County District Attorney in January 2019, Todd Spitzer immediately implemented significant and meaningful reforms to safeguard the criminal justice system and to protect against the errors of the prior administration.

In October of 2022, the DOJ released its report documenting findings from their investigation into the use of custodial informants by the Orange County Sheriff's Department and the Orange County District Attorney's Office between 2007 and 2016.

For the duration of the DOJ investigation, District Attorney Spitzer has fully cooperated with our partners at the DOJ Civil Rights Division to proactively prevent those constitutional violations which occurred under the prior administration from being repeated, and to provide relief to those defendants whose constitutional rights had been violated.

The DOJ's 2022 report recognized these efforts, highlighting that the "OCDA, in particular, has made a number of positive changes under its current leadership to its management structure, policies, training, supervision, and staffing that are intended to prevent the kinds of Sixth and Fourteenth Amendment violations that led to our investigation."

Throughout this multi-year investigation, District Attorney Spitzer repeatedly asked the DOJ for input on the numerous reforms he implemented, including the prohibition of utilizing a jailhouse informant without the express consent of the elected District Attorney, and asked for suggestions on additional reforms that the DOJ would like to have in place. Throughout the entirety of the DOJ investigation, the OCDA has continued to demonstrate its commitment to reform through painstaking case reviews, additional training, improved policies, enhanced processes, comprehensive audits, and significant investment in advanced digital resources.

After learning the California Attorney General had abandoned its probe into the OCDA and OCSD and while waiting for the DOJ to conclude its review, District Attorney Spitzer launched his own outside investigation into the informant issue. As a result, District Attorney Spitzer fired a senior assistant district attorney for failing to

properly disclose informant information to the defense in a homicide case. Two other veteran homicide prosecutors resigned or retired while they were under investigation. The report ultimately concluded that those two prosecutors committed intentional negligence in connection with the prosecution of People v. Dekraai.

The termination of the Agreement with the DOJ represents an acknowledgment by the DOJ that the OCDA has not only achieved substantial compliance with the provisions of the Agreement but has also sustained that substantial compliance based on DOJ's assessment.

*"The violation of a single defendant's constitutional rights calls into question the fairness of the entire criminal justice system," said Orange County District Attorney Todd Spitzer. "After nearly a decade of investigation by the Department of Justice, the "win at all costs mentality" chapter of the prior administration can finally be closed once and for all, and the residents of Orange County can have confidence that transparency has replaced the shroud of darkness under which the criminal justice system was allowed to operate under the prior District Attorney. The rule of law exists to protect the accused and the victimized, and the rights of one cannot and must not be sacrificed in favor of the other. The collective efforts we have made within the District Attorney's Office to restore trust and accountability to a system which at times seemed irreparably damaged have forged a path forward which safeguards the criminal system and ensures the fair administration of justice for all."*

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