

**From:** [California District Attorneys Association](#)  
**To:** [Venus D. Johnson](#)  
**Subject:** AB 2542 Racial Justice Act Digest for Thursday January 28, 2021  
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## **AB 2542 Racial Justice Act**

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started 9 hours ago, [Anne Masterson](#) (0 replies)

#### **Sonoma Co Update and Request for Input**



1. [Hi, all, I'm updating the message from Carla...](#) [Anne Masterson](#)



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Jan 28, 2021 8:38 PM  
[Anne Masterson](#)

Hi, all,

I'm updating the message from Carla Rodriguez from about a month ago, and wanted see if anyone has had any developments in your offices since then. We are working on a robust training curriculum on Unconscious Biases for the entire office, not just attorneys, and Carla and I are embarking on a deep dive into our database to analyze the demographics of our prosecutions, alongside the demographics of the county at large. We've also taken the advice given in the CDAA training in December, and are hiring an outside statistician/consultant to evaluate our data and reports. Anyone else working on similar processes internally?

Has anyone received any petitions under PC745 yet? Has anyone developed a workflow or pleadings for responses yet?

I am also reaching out to the LEAs in our county to assess where their data is coming from, as their demographic data is imported directly into our system.

In one of those conversations, I was informed of another law which I think is going to conflict with law enforcement's ability to gather and share relevant data, and which will in turn possibly have an impact on our ability to respond to an allegation under PC745.

The Racial Identity Profiling Act (GC 999.224) requires LEAs to collect and report demographic data directly to a DOJ database. They are not permitted to share this data or these reports with any other agency, including the DA or the courts.

Additionally, they are not permitted to ask a person being detained how they identify themselves (and I can imagine a dozen ways that conversation could go, none of them well) in order to gather the data. The officers are required to report their own *perceptions* of race, ethnicity, gender, age, and a whole host of demographic data that goes well beyond the Racial Justice Act.

(Caveat: They can only ask National Origin questions during booking when they have reason to believe the subject is a foreign citizen, in order to give them their consulate advisement, etc.)

I'm trying to anticipate how this may impact litigation under PC745. Anyone else come across this yet? Thoughts?

Very curious to see how this plays out.

Thanks for sharing anything you have to add. I'll continue to share whatever we can that might be of help.

Anne

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