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August 19, 2021

Via U.S. Mail

Ellen Leonida – PRA Responses
BraunHagey & Borden LLP
351 California Street, 10th Floor
San Francisco, CA 94104

Re: California Public Records Act Request

Dear Ms. Leonida:

Thank you for your recent requests for the following:

"1. Any and all written policies, memoranda, or guidance documents regarding: a. Diversion eligibility and/or programming; b. Custody and/or bail recommendations; c. Charging recommendations and/or decisions, including, but not limited to: i. Charging recommendations and/or decisions regarding enhancements; ii. Charging recommendations and/or decisions regarding special circumstances; or iii. Charging recommendations and/or decisions regarding wobblers; d. Compliance with Brady v. Maryland, 373 U.S. 83 (1963); e. Jury selection; f. Sentencing recommendations; g. Prosecution of minors; h. Parole recommendations; i. Pardon and commutation recommendations; j. Reports to the State Bar relating to discipline and/or prosecutorial misconduct; k. Data collection relating to criminal matters, including demographic data of defendants and victims; or l. Referral of cases for federal prosecution.

2. Any and all policies regarding training as well as any training materials, recorded trainings, or related materials: a. Which are mandatory for prosecutors; b. Which are optional for prosecutors; c. Which relate to jury selection; d. Which relate to bias, implicit bias, unconscious bias, and/or racism; or e. Which relate to presentation and/or use of evidence from social media platforms (including but not limited to YouTube, Snapchat, Instagram, TikTok, Twitter, Facebook, Reddit and Tumblr) and other media (including but not limited to movies, song lyrics, and videos).

3. Records concerning the Racial Justice Act: a. Implementation of and compliance with the RJA; b. Communications concerning the RJA; or c. Trainings related to the RJA.

4. All investigations into Batson-Wheeler motions, including, but not limited to: a. Motions filed; b. Motions granted; c. Internal training and/or discipline; or d. Reports to the State Bar relating to any Batson-Wheeler motions made and granted."

The Imperial County Office of the District Attorney (ICDA) will comply with the above-referenced request to inspect public records. We have identified records potentially responsive to this request, continue to search for records, and are compiling them for your review.

Please be aware that some records otherwise responsive to this request may not be subject to disclosure pursuant Government Code sections 6254(k) and 6276.04 [privilege]. Other records may not subject to disclosure pursuant to Government Code section 6255 and relate to deliberative process reflecting predecisional opinions and recommendations by which government policy is formulated. To the extent the request seeks documents that are protected by the deliberative process privilege, the attorney-client privilege, the work product doctrine, or other applicable privilege or protection, such information is exempt from production pursuant to California Government Code sections 6254(k) and 6276.04, Evidence Code sections 952, 954, 1040, and 1060, Business and Professions Code section 6068, and Code of Civil Procedure sections 2018.010 *et seq.* In addition, some training materials may be copyrighted through the California District Attorneys' Association (CDAA). Because we have not yet completed our search and review of potentially responsive records, we may assert additional exemptions or other grounds for nondisclosure as they become apparent.

Please note also that the California Supreme Court has held that even a clearly-framed public records request which requires an agency to search an enormous volume of data for a "needle in a haystack" or, conversely, a request which compels the production of a huge volume of material may be objectionable as unduly burdensome. See *California First Amendment Coalition v. Superior Court of Sacramento* (1998) 67 Cal.App.4th 159, 166; *American Civil Liberties Union Foundation v. Deukmejian* (1982) 32 Cal.3d 440, 463; *Rosenthal v. Hansen* (1973) 34 Cal.App.3d 754, 761; 64 Ops.Cal.Atty.Gen. 186.

With this preface, ICDA staff are currently searching to locate and process responsive documents. Staff are working diligently to locate, identify, organize, and produce the requested records as soon as possible, and anticipate being able to send you additional responsive records promptly. Due to the volume of materials to search through, compile in a compatible electronic format, and review for pertinent exemptions, it is anticipated that any responsive and non-protected documents will be made available to you within 2-4 weeks.

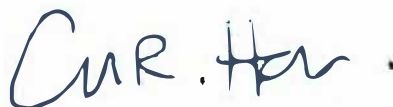
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If you have any questions regarding this response, please contact me at (442) 265-1120.

Sincerely,

ADAM G. CROOK
COUNTY COUNSEL

A handwritten signature in blue ink, appearing to read "Eric Havens", written over the printed name.

By: Eric Havens
Assistant County Counsel