

The County of Yuba

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September 10, 2021

Ellen Leonida
PRA Responses
BraunHagey & Borden LLP
351 California Street, 10th Floor
San Francisco, CA 94104
Sent via e-mail only to: praresponse@braunhagey.com

Re: Your Public Records Act Request to Yuba County

Dear Ms. Leonida,

This letter serves as Yuba County's ("the County") response to your Public Records Act request dated July 23, 2021, where you seek records from the County regarding (1) a renewed records request dated July 29, 2019 from the ACLU seeking training materials concerning jury selection and Batson/Wheeler requirements; (2) written policies re various DA recommendation procedures; and (3) policies and training materials provided to prosecutors and related to jury selection, bias and/or social media.

Please note that the County will not produce privileged records or documents that are otherwise exempt from disclosure pursuant to California Government Code section 6254(k), including, but not limited to, the deliberative process privilege; preliminary notes, drafts and memoranda exemption (Gov. Code §6254(a)); investigative records (Gov. Code §6254(f)); attorney-client privilege and/or attorney work product (Gov. Code §6254(k)); official information privilege (Evid. Code §1040; Gov. Code §6254(k)); permit applicant's personal financial data information (Gov. Code § 6254(n)); and the public interest exemption (Gov. Code §§ 6254(a); 6255). Further, as we gather the records for production, we may discover other applicable privileges or exemptions or both under Government Code sections 6254, 6255, 6256, or other applicable state or federal laws, and we reserve any and all rights to assert such privileges or exemptions at any time.

Without waiving the above exemptions, the County provides its responses below relative to each of the categories requested:

Request No. 1:

[From 2015 to present] any and all written policies, memoranda, or guidance documents regarding:

- a. Diversion eligibility and/or programming;

To the extent this request seeks records regarding individual cases, these records are exempt from disclosure under the Deliberative Process Exception, Cal. Gov't Code, §6255(a); the Official Information Privilege, Cal. Evid. Code §1040; and the request is overly burdensome, Cal. Gov't Code §6255(a). The County will provide non-exempt records.

b. [Custody and/or bail recommendations;](#)

To the extent this request seeks records regarding individual cases, these records are exempt from disclosure under the Deliberative Process Exception, Cal. Gov't Code, §6255(a); the Official Information Privilege, Cal. Evid. Code §1040; and the request is overly burdensome, Cal. Gov't Code §6255(a). The County will provide non-exempt records.

c. [Charging recommendations and/or decisions, including, but not limited to:](#)

To the extent this request seeks records regarding individual cases, these records are exempt from disclosure under the Deliberative Process Exception, Cal. Gov't Code, §6255(a); the Official Information Privilege, Cal. Evid. Code §1040; and the request is overly burdensome, Cal. Gov't Code §6255(a). The County will provide non-exempt records.

i. [Charging recommendations and/or decisions regarding enhancements;](#)

To the extent this request seeks records regarding individual cases, these records are exempt from disclosure under the Deliberative Process Exception, Cal. Gov't Code, §6255(a); the Official Information Privilege, Cal. Evid. Code §1040; and the request is overly burdensome, Cal. Gov't Code §6255(a). The County will provide non-exempt records.

ii. [Charging recommendations and/or decisions regarding special circumstances; or](#)

To the extent this request seeks records regarding individual cases, these records are exempt from disclosure under the Deliberative Process Exception, Cal. Gov't Code, §6255(a); the Official Information Privilege, Cal. Evid. Code §1040; and the request is overly burdensome, Cal. Gov't Code §6255(a). The County will provide non-exempt records.

iii. [Charging recommendations and/or decisions regarding wobblers;](#)

To the extent this request seeks records regarding individual cases, these records are exempt from disclosure under the Deliberative Process Exception, Cal. Gov't Code, §6255(a); the Official Information Privilege, Cal. Evid. Code §1040; and the request is overly burdensome, Cal. Gov't Code §6255(a). The County will provide non-exempt records.

d. [Compliance with *Brady v. Maryland*, 373 U.S. 83 \(1963\);](#)

To the extent this request seeks records regarding individual cases, these records are exempt from disclosure under the Deliberative Process Exception, Cal. Gov't Code, §6255(a); the Official Information Privilege, Cal. Evid. Code §1040; and the request is overly burdensome, Cal. Gov't Code §6255(a). The County will provide non-exempt records.

e. Jury selection;

To the extent this request seeks records regarding individual cases, these records are exempt from disclosure under the Deliberative Process Exception, Cal. Gov't Code, §6255(a); the Official Information Privilege, Cal. Evid. Code §1040; and the request is overly burdensome, Cal. Gov't Code §6255(a). The County will provide non-exempt records.

f. Sentencing recommendations;

To the extent this request seeks records regarding individual cases, these records are exempt from disclosure under the Deliberative Process Exception, Cal. Gov't Code, §6255(a); the Official Information Privilege, Cal. Evid. Code §1040; and the request is overly burdensome, Cal. Gov't Code §6255(a). The County will provide non-exempt records.

g. Prosecution of minors;

To the extent this request seeks records regarding individual cases, these records are exempt from disclosure under the Deliberative Process Exception, Cal. Gov't Code, §6255(a); the Official Information Privilege, Cal. Evid. Code §1040; and the request is overly burdensome, Cal. Gov't Code §6255(a). Juvenile records are also exempt under Welfare & Institutions Code §827. The County will provide non-exempt records.

h. Parole recommendations;

To the extent this request seeks records regarding individual cases, these records are exempt from disclosure under the Deliberative Process Exception, Cal. Gov't Code, §6255(a); the Official Information Privilege, Cal. Evid. Code §1040; and the request is overly burdensome, Cal. Gov't Code §6255(a). The County will provide non-exempt records.

i. Pardon and commutation recommendations;

To the extent this request seeks records regarding individual cases, these records are exempt from disclosure under the Deliberative Process Exception, Cal. Gov't Code, §6255(a); the Official Information Privilege, Cal. Evid. Code §1040; and the request is overly burdensome, Cal. Gov't Code §6255(a). The County will provide non-exempt responsive records.

j. Reports to the State Bar relating to discipline and/or prosecutorial misconduct;

No responsive records.

k. Data collection relating to criminal matters, including demographic data of defendants and victims; or

No responsive records.

l. Referral of cases for federal prosecution.

No responsive records.

Request No. 2:

[From 2015 to present] any and all policies regarding training as well as any training materials, recorded trainings, or related materials:

- a. Which are mandatory for prosecutors;

No responsive records.

- b. Which are optional for prosecutors;

The County will provide responsive records.

- c. Which relate to jury selection;

The County will provide responsive records.

- d. Which relate to bias, implicit bias, unconscious bias, and/or racism; or

The County will provide responsive records.

- 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).

No responsive records.

Request No. 3:

[From 2015 to present] records concerning the Racial Justice Act:

- a. Implementation of and compliance with the RJA;

To the extent these records exist, they are exempt from disclosure under the Deliberative Process Exception, Cal. Gov't Code, §6255(a); and the Official Information Privilege Cal. Evid. Code §1040.

- b. Communications concerning the RJA; or

To the extent these records exist, they are exempt from disclosure under the Deliberative Process Exception, Cal. Gov't Code, §6255(a); and the Official Information Privilege Cal. Evid. Code §1040.

- c. Trainings related to the RJA.

The County will provide responsive records.

Request No. 4:

[From 2015 to present] all investigations into *Batson-Wheeler* motions, including, but not limited to:

- a. Motions filed;

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No responsive records.

b. **Motions granted;**

No responsive records.

c. **Internal training and/or discipline; or**

No responsive records.

d. **Reports to the State Bar relating to any *Batson-Wheeler* motions made and granted.**

No responsive records.

If you have any further questions or concerns, please do not hesitate to contact our office.

Sincerely,
Yuba County Counsel's Office



Anastasia M. Sullivan
Deputy County Counsel