



A LAW FIRM FOUNDED ON THE
PRINCIPLE OF SERVICE

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****Via Email: praresponse@braunhagey.com; wilner@braunhagey.com****

Ellen Leonida, Esq.
Josh Wilner
Braunhagey & Borden, LLP

Re: PRA Request Dated July 23, 2021 – California's Racial Justice Act

Dear Ms. Leonida & Mr. Wilner:

Our office represents the County of Sierra in the capacity as County Counsel. Please accept this as the County of Sierra's response to the above-referenced PRA request, which was received by the County on October 25, 2021. Below is a summary of your requests and a specific response to each of the requests.

Request #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

- I. Referral of cases for federal prosecution.

Request #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).

Request #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.

Request #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.

Response to #1-4: After a diligent search and reasonable inquiry, the County of Sierra did not identify any records in its possession, custody or control that were responsive to your request. The relevant continuing education and/or training materials—including those pertaining to ethics and social justice topics—are the property of California District Attorneys Association (CDAA), and therefore subject to federal copyright law. As such, the County has no records to provide that are subject to disclosure (Gov. Code, § 6254(k).) However, you may wish to contact the CDAA directly for additional information on obtaining the requested documents <<https://www.cdaa.org/>>.

The County considers your request complete. Please do not hesitate to contact our office should you require any additional information or wish to discuss this matter further.

Regards,
PRENTICE LONG, PC



Michelle Nasise

cc: Sandra Groven, Sierra County District Attorney