



COUNTY OF YOLO

Office of the County Counsel

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November 5, 2021

VIA ELECTRONIC MAIL

Ellen Leonida
Braun Hagey & Borden LLP
leonida@braunhagey.com

RE: Public Records Act Request

Dear Ms. Leonida,

I write on behalf of the Yolo County District Attorney's Office ("D.A.'s Office"), which has completed its review for records responsive to your July 23, 2021 Public Records Act request for documents.

For the first category of documents, you requested "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." The D.A.'s Office interprets your request for "memoranda or guidance documents" as being the policy direction from the D.A.'s Office. Accordingly, the production will include policies/office memoranda/office guidance documents related to those topics that were identified after a diligent search and reasonable inquiry.

For the second category of documents, you requested "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)." This request for all mandatory and optional prosecutor training materials was quite broad, and the production will include the materials that were identified after a diligent search and reasonable inquiry. Additionally, the D.A.'s Office uses the publications from sister offices for training purposes, which are available at this website: https://le.alcoda.org/publications/point_of_view/.

For the third category of documents, you requested "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." The production will include the materials that were identified after a diligent search and reasonable inquiry.

For the fourth category of documents, you requested "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." After a diligent search and reasonable inquiry, the D.A.'s Office was not able to identify any responsive documents. Part of the reason may be because such motions are rare, and typically are oral motions.

Please note that a small number of third-party training documents responsive to your request were not copied due to copyright restrictions. See Gov't Code § 6254(k). The records are available for inspection at the District Attorney's Office. See Gov't Code § 6253. To be clear, the D.A.'s Office is not claiming an exemption based on a copyright in its own materials. Cf. *Cty. of Santa Clara v. Superior Ct.*, 170 Cal. App. 4th 1301, 1334 (2009) (holding agency's own copyright did not preclude production under CPRA).

The production is approximately 80 MB, which is too voluminous to e-mail. Please let me know if you would like to have the files burned to a CD and mailed to you (for an approximate cost of \$10) or if you would like to set up an FTP or drop-box to transmit the files.

Sincerely,

A handwritten signature in black ink, appearing to read "E. May", with a long horizontal flourish extending to the right.

Eric May
Senior Deputy County Counsel