



OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF RIVERSIDE

MICHAEL A. HESTRIN
DISTRICT ATTORNEY

November 19, 2021

Ellen Leonida
Attorney for ACLU of
Northern California
Leonida@braunhagey.com

Subject: California Public Records Act Request

Dear Ms. Leonida:

The Riverside County District Attorney's Office is in receipt of your letter dated November 10, 2021, regarding your California Public Records Act (CPRA) request on behalf of your client, the ACLU of Northern California. We thank for your input and analysis. We are mindful of the concerns you voice and the legal requirements of the CPRA. Consequently, we are in the process of reevaluating our process of responding to CPRA requests in order to address your feedback.

With regard to your client's particular CPRA, it was not our intent to blanket assert the ten exemptions listed at the beginning of our letter. It is understandable that it was interpreted in that manner, however, and we apologize for the confusion. To be clear, we will explain our production to each request below.

Request 1: You requested "written policies, memoranda, or guidance documents" regarding twelve separate categories. Existing policies falling under these categories were provided, redacted for attorney work product as defined in Government Code section 6254, subdivision (k). This included the Office's policies regarding custody and bail recommendations, charging recommendations, compliance with *Brady v. Maryland*, prosecution of minors, parole recommendations, and State Bar reporting. The Office does not have policies regarding the remaining categories that you have sought and thus no further documents were provided.

Request 2: You requested policies regarding training and training materials regarding five separate categories. Trainings presented by this Office's Training and Recruitment Division that fall under those categories were provided, redacted for attorney work product as defined in Government Code section 6254, subdivision (k). The Office

does not have trainings responsive to request 2.e.

Request 3: You have requested records “concerning the Racial Justice Act” (RJA). Training materials regarding the Racial Justice Act were provided, redacted for attorney work product as defined in Government Code section 6254, subdivision (k). Although the Office is actively working with a third-party research group to prepare and analyze data relevant to implementation and execution of the RJA, nothing has yet been completed or produced by that third-party and thus there are no responsive documents that can be produced at this time.

Request 4: You requested documents related to *Batson-Wheeler* motions, including motions filed, motions granted, internal training and/or discipline, and reports to the State Bar. Our Case Management System (CMS) does not record when *Batson-Wheeler* motions are filed or granted in a case. If data is present in CMS as a database element or field (such as the Penal Code sections charged, the demographic information of the defendants), we can retrieve the data. If the information is not in the database and thus cannot be retrieved by reference to a database element or field, the only way to retrieve this information would be by a hand search of case files. Because we file and dispose of tens of thousands of cases every year, a hand search of our criminal case files would be unduly burdensome, and thus not in the overall public interest, and we will not undertake a hand search of the case files to retrieve the data. (Gov. Code, § 6255; *County of Los Angeles v. Superior Court* (1993) 18 Cal.App.4th 588.)

Training regarding *Batson-Wheeler* is included within the enclosed documents, redacted for attorney work product as defined in Government Code section 6254, subdivision (k). With regard to your request for discipline or State Bar reports regarding *Batson-Wheeler* violations, it should be noted that the granting of a *Batson-Wheeler* motion does not require a self-report to the State Bar (Bus. & Prof. Code, §§ 6086.7, subd. (a)(2), 6068, subd. (o)(7)), and, again, the Office does not maintain any database tracking when *Batson-Wheeler* motions are made or granted.

Again, thank you for letter and we apologize for the confusion it created. Should you have any further questions or concerns, please contact me.

Very truly yours,

MICHAEL A. HESTRIN
District Attorney

Alan D. Tate

ALAN TATE
Managing Deputy District Attorney