



Chesa Boudin
District Attorney

November 29, 2021

Ellen Leonida
praresponse@braunhagey.com
BraunHagey & Borden LLP

Re: Your Public Record Act request received on July 26, 2021.

Dear Ellen Leonida:

This letter is in response to your Public Record Act request received by our office via email on July 26, 2021, making the following 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
 - 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;

(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.

Under the Public Records Act and the Sunshine Ordinance, a “public record” is broadly defined to include “any writing containing information relating to the conduct of the public’s business prepared, owned, used or retained by any state or local agency, regardless of the physical form or characteristics.” Cal. Govt. Code §6252(e). If the department has no records responsive to the specific request, the department has no duty to create or recreate one.

For your first request, you can access many of the policies of the San Francisco District Attorney’s Office at <https://sfdistrictattorney.org/policy/policy-bank/>, additionally, we have attached policies directly responsive to your request to this email and detailed where we have responsive records below:

- a. Diversion eligibility and/or programming;
see attached documents
- b. Custody and/or bail recommendations;
see attached documents
- c. Charging recommendations and/or decisions, including, but not limited to:
see attached documents
 - i. Charging recommendations and/or decisions regarding enhancements
see attached documents
 - ii. Charging recommendations and/or decisions regarding special circumstances; or
There are no responsive records for this request.
 - iii. Charging recommendations and/or decisions regarding wobblers;
There are no responsive records for this request.
- d. Compliance with *Brady v. Maryland*, 373 U.S. 83 (1963);
see attached documents
- e. Jury selection;
There are no responsive records for this request.
- f. Sentencing recommendations;
see attached documents
- g. Prosecution of minors;
There are no responsive records for this request.
- h. Parole recommendations;
There are no responsive records for this request.

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE DISTRICT ATTORNEY

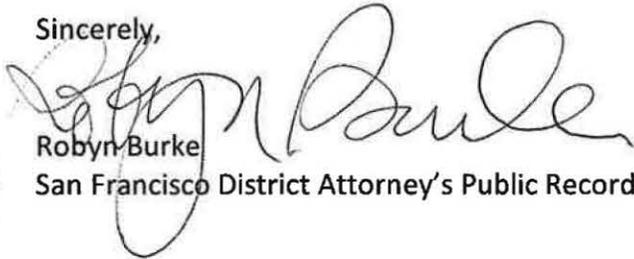
- i. Pardon and commutation recommendations;
see attached documents
- j. Reports to the State Bar relating to discipline and/or prosecutorial misconduct;
see attached documents
- k. Data collection relating to criminal matters, including demographic data of
defendants and victims; or
There are no responsive records for this request.
- l. Referral of cases for federal prosecution.
There are no responsive records for this request.

For your second request, please see the attached training list. The materials are too voluminous to send over email, but if there are particular trainings for which you would like to have the materials sent, please let us know.

For your third request, please see the attached responsive records. We have redacted personal emails and phone numbers under the right to privacy afforded by the California Constitution, Art. I, §§ 1, 3(b); Admin. Code §67.1(g).

For your fourth request, there are no responsive records to this request.

Sincerely,



Robyn Burke
San Francisco District Attorney's Public Records