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COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

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February 4, 2022

Ellen Leonida - PRA Responses
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Sent by certified mail.

Re: Response to California Public Records Act Request Dated July 23, 2021 and Renewed December 8, 2021 – Training / Batson-Wheeler / Racial Justice Act

Ms. Leonida,

I am in receipt of your California Public Records Act request received by our office on December 8, 2021. A copy of which is attached. I acknowledge that the request was faxed to our office on or about July 23, 2021 and was misdirected so that our office provided no response. I apologize for that. As discussed by email it has taken significant time to compile the requested items and it was agreed they would be sent to you on Friday February 4, 2022. Thank you for the additional time. The production is being sent on digital media by certified mail to the address above. Following is a list of items produced that correspond to specific categories in your records request.

Records Requested:

1. Any and all written policies, memoranda, or guidance documents regarding:
 - a. Diversion eligibility and/or programming:

Production:

- DA Child Abuse Diversion
- DA HT Diversion
- DA Misd Diversion Program

-  DA NSF Diversion
-  Sup Ct MH Diversion
-  Sup Ct Misd Diversion

b. Custody and/or bail recommendations.

Production:

 2018 Bail Cases	2/4/2022 3:58 PM	File folder	
 COVID Emergency Bail	2/4/2022 4:00 PM	File folder	
 Humphrey Bail	2/4/2022 3:56 PM	File folder	
 PAMP Bail	2/4/2022 4:01 PM	File folder	
 SB 10	2/4/2022 3:57 PM	File folder	
 Prehearing Release of Probationers 20...	12/6/2021 6:35 PM	Adobe Acrobat D...	247 KB

c. Charging recommendations and/or decisions.

Production:

 2019 UCC Manual	3/26/2019 2:36 PM	Adobe Acrobat D...	2,034 KB
 CDAA_Crime_Charging_Standards_Ma...	2/6/2019 8:45 AM	Adobe Acrobat D...	2,848 KB
 Death Penalty Review Process	2/4/2022 1:46 PM	Adobe Acrobat D...	139 KB
 Enh. - Hate Crimes	2/5/2022 10:23 AM	Adobe Acrobat D...	742 KB
 Filing - Intimate Partner Violence	2/5/2022 10:23 AM	Adobe Acrobat D...	747 KB
 Memo to All Attorneys re CDAA Unifo...	2/6/2019 8:45 AM	Adobe Acrobat D...	277 KB

d. Compliance with Brady v. Maryland, 373 U.S. 83 (1963).

Production:

 07-31-17(Brady Alerts and Pitchess).P...	2/4/2022 4:04 PM	Adobe Acrobat D...	458 KB
 09-03-19(Brady Alerts).P&A	2/4/2022 4:04 PM	Adobe Acrobat D...	313 KB
 2017-IPG-31(UPDATED BRADY, STATU...	6/19/2017 11:37 PM	Adobe Acrobat D...	2,461 KB
 2019-IPG_40(UPDATED BRADY, STATU...	3/5/2019 11:40 AM	Adobe Acrobat D...	3,749 KB
 2019-IPG-42(ALADS, SB 1421, & "BRA...	12/2/2019 11:31 AM	Adobe Acrobat D...	555 KB
 2020 BRADY STATUTORY AND ETHICA...	11/19/2020 8:22 AM	Adobe Acrobat D...	3,880 KB
 2020-IPG-47 (BRADY, STATUTORY, AN...	11/19/2020 2:20 PM	Adobe Acrobat D...	4,101 KB

 ALADS One Minute Brief 2019-19	8/28/2019 2:07 PM	Adobe Acrobat D...	181 KB
 Brady - training for Victim Witness 4 2...	10/30/2019 5:29 PM	Adobe Acrobat D...	89 KB
 Brady Oh Brady PowerPoint CDAA Fin...	3/26/2019 1:53 PM	Adobe Acrobat D...	806 KB
 Brady-Silverman-2013-01-23	8/25/2015 10:50 AM	Adobe Acrobat D...	606 KB
 IPG July 2017 re LASO case	8/14/2017 12:01 PM	Adobe Acrobat D...	444 KB
 providing all DDAs with Brady and Dis...	3/5/2019 11:49 AM	Adobe Acrobat D...	476 KB
 SLO County 9-6-19 CDAA	2/4/2022 4:21 PM	Adobe Acrobat D...	1,041 KB
 Vol 32 No 19 - Just When You Though...	2/4/2022 4:22 PM	Adobe Acrobat D...	205 KB

e. Jury selection.

Production:

 2022 Peremptory Challenges AB 3070	2/4/2022 4:31 PM	File folder	
 Batson Wheeler IPG Jan 2020 update	2/4/2022 4:32 PM	File folder	
 Mistrial- Jeopardy rule	2/4/2022 4:32 PM	File folder	
 Racial Justice Act 2020 PC 745 AB 2542	2/4/2022 4:36 PM	File folder	
 04-22-19(DiscoveryofJurySelectionNo...	2/4/2022 4:37 PM	Adobe Acrobat D...	306 KB
 04-25-16 (Batson-Wheeler).P&A	2/4/2022 4:37 PM	Adobe Acrobat D...	358 KB
 05-01-17(BatsonWheeler-SexualOrien...	2/4/2022 4:38 PM	Adobe Acrobat D...	302 KB
 05-15-17(The Deadlocked Jury).P&A	2/4/2022 4:38 PM	Adobe Acrobat D...	342 KB
 05-21-18(BatsonWheeler-Per Se Analy...	2/4/2022 4:39 PM	Adobe Acrobat D...	299 KB
 05-30-17(Juror Misconduct During Tri...	2/4/2022 4:39 PM	Adobe Acrobat D...	382 KB
 06-13-16(Foster v. Chatman).P&A	2/4/2022 4:39 PM	Adobe Acrobat D...	331 KB
 06-19-17(BatsonWheeler-Gutierrez).P...	2/4/2022 4:40 PM	Adobe Acrobat D...	322 KB
 06-20-16(Disclosing DA Notes).P&A	2/4/2022 4:41 PM	Adobe Acrobat D...	484 KB
 06-27-16(Interviewing the Deliberatin...	2/4/2022 4:41 PM	Adobe Acrobat D...	294 KB
 06-29-15(SCOTT- WHEELER BATSON P...	2/4/2022 4:42 PM	Adobe Acrobat D...	340 KB
 08-17-15(JUROR MISCONDUCT Pt. I)...	2/4/2022 4:42 PM	Adobe Acrobat D...	376 KB
 08-24-15(JUROR MISCONDUCT Pt. II)...	2/4/2022 4:43 PM	Adobe Acrobat D...	378 KB
 2015-IPG#8(THE ROGUE JUROR)	8/12/2021 5:28 PM	Adobe Acrobat D...	1,015 KB
 Memo Juror backgrounds 11 12 2021 ...	11/12/2021 11:11 AM	Adobe Acrobat D...	274 KB
 Wheeler-Batson AB 3070 reference gu...	12/6/2021 10:39 AM	Adobe Acrobat D...	173 KB
 Woods Handout -Wheeler Outline 2016	2/4/2022 4:45 PM	Adobe Acrobat D...	306 KB

f. Sentencing recommendations.

Production:

 Bail and Pretrial Release	2/4/2022 4:50 PM	File folder
 Sentencing Recommendations	2/4/2022 4:50 PM	File folder

g. Prosecution of minors.

Production:

 Juvenile Direct Filing	2/5/2022 10:22 AM	Adobe Acrobat D...	1,634 KB
 Juvenile Field Operations	2/5/2022 10:21 AM	Adobe Acrobat D...	7,743 KB
 Juvenile Prop 21	2/5/2022 10:22 AM	Adobe Acrobat D...	1,646 KB

h. Parole recommendations.

- None.

i. Pardon and commutation recommendations;

- None.

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

- None.

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

- None. We use Prosecutor by Karpel, an electronic case management system, that has the capability to gather demographic data, and are working with Measures for Justice for the purpose of creating a publicly accessible web-based dashboard presenting this type of demographic data.

l. Referral of cases for federal prosecution.

- None.

2. Any and all policies regarding training as well as any training materials, recorded trainings, or related materials.

Items responsive to sub-categories, a. through d., are contained in the production.

Production:

- DA Conferences 2014-2020 Partial List
- Trainings General

Additionally:

a. & b. Mandatory vs. optional training - All in-house trainings and most CDAA trainings for which material is enclosed are mandatory for prosecutors unless absence is preapproved by a supervisor. We cannot list the optional trainings as there are dozens of organizations that provide training geared towards a prosecutor's office, all of which are optional. We actively encourage all staff to attend trainings on areas of interest germane to their practice.

c. Jury selection - Trainings related to jury selection are included in the production and generally include Batson-Wheeler, Racial Justice Act and general selection training.

d. Bias, implicit bias, racism, etc. - Training related to bias are included in the production and generally include implicit bias training and even handedness in jury selection.

e. Social media evidence - none.

3. Records concerning the Racial Justice Act.

Production:

Items responsive to sub-categories a. through c. are contained in the production.

 2021-IPG-48 (PC 745 - ALLEGING DIS...	5/5/2021 2:06 PM	Adobe Acrobat D...	8,771 KB
 AB-2542-PC745-Motion-Template-CD...	2/5/2022 11:05 AM	Adobe Acrobat D...	217 KB
 AB-3070-Training-Bulletin-and-Leg.-Di...	12/18/2020 10:02 AM	Adobe Acrobat D...	551 KB
 Bill-Text-AB-2542-Criminal-procedure...	12/18/2020 10:00 AM	Adobe Acrobat D...	399 KB
 couzens AB 2542 - Racial Justice Act J...	5/12/2021 7:26 AM	Adobe Acrobat D...	819 KB
 e-mail to Alameda DA's Office 12 21 2...	2/3/2022 3:44 PM	Adobe Acrobat D...	609 KB
 HANDOUTS-AB-2542-PPT-SLIDES-CD...	12/18/2020 9:58 AM	Adobe Acrobat D...	461 KB
 SLODA Racial Justice Act Group	2/5/2022 11:05 AM	Adobe Acrobat D...	68 KB
 SLODA Racial Justice Act initial ideas 2...	2/3/2022 3:43 PM	Adobe Acrobat D...	808 KB

4. All investigations into Batson-Wheeler motions, including, but not limited to:
 - a. Motions filed – Our office does not track filed Batson-Wheeler motions. Generally, such motions are made orally during jury selection.
 - b. Motions granted – No Batson-Wheeler motions have been granted during the requested period.
 - c. Internal training and/or discipline – There have been no investigation or discipline issued related to a Batson-Wheeler during the requested period.
 - d. Reports to the State Bar relating to any Batson-Wheeler motions made and granted – There have been no Batson-Wheeler motions granted during the requested period. As such, there have been no reports to the State Bar.

Thank you again for your patience. Going forward please send all document requests to me directly at edobroth@co.slo.ca.us, as well as our general fax number of (805) 781-4307.

Sincerely,

Eric Dobroth

Eric Dobroth
Assistant District Attorney
County of San Luis Obispo
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805-781-5819 (Direct)
805-794-9799 (Mobile)

Encl: Thumb drive containing referenced documents.