

HALL OF JUSTICE
330 WEST BROADWAY
SAN DIEGO, CA 92101
(619) 531-4040
SanDiegoDA.com


**OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO**
**SUMMER STEPHAN
DISTRICT ATTORNEY**

DWAIN D. WOODLEY
ASSISTANT DISTRICT ATTORNEY

February 25, 2022

Ellen Leonida
leonida@braunhagey.com

Re: California Public Records Act Request
Reference No. 21-104 PRA
Response Letter #1

Dear Ellen Leonida,

As explained in previous correspondence, I am a designated custodian of records for the San Diego County District Attorney's Office responsible for compliance with the California Public Records Act (CPRA). On July 23, 2021, this office received your three-part CPRA request on behalf of the American Civil Liberties Union of Northern California (ACLU).

On August 2, 2021, this office emailed you to extend the response time to August 16, 2021, pursuant to Government Code section 6253, subdivision (c).

On August 16, 2021, this office emailed you Response Update #1 which sought clarification of Part 2, Request 1 and payment for the cost of data extraction for that request. The letter explained additional time was needed to collect and review records, and that a further update would be provided by September 20, 2021.

On September 20, 2021, this office emailed you Response Update #2 which indicated additional time was needed to collect and review potentially responsive records, and that a further update would be provided to you by November 19, 2021.

On October 18, 2021, this office received an email from Yakaterina "Katie" Kushnir at preresponse@braunhagey.com. That email provided the requested clarification for Part 2, Request 1 and indicated payment would be remitted for the data extraction for this request. On October 25, 2021, this office received your payment of \$354.76. The email also inquired whether any additional payments will be required to produce the requested records. At this time, there may be a balance owed to you as explained on page 8 of this letter.

On November 18, 2021, this office emailed you Response Update #3 which indicated that progress has been made on processing your request, but that additional time was needed to complete the collection and review of responsive records. That letter informed you an update would be provided to you by February 28, 2022.

On November 24, 2021, this office received an email from Joshua Wilner at wilner@braunhagey.com acknowledging receipt of Response Update #3 and requesting that this office produce documents on a rolling basis.

This office conducted a reasonable search for the requested records and herein responds to your request. All responsive records will be provided to you via Serv-U file sharing. A link to download the records from Serv-U will be emailed to you.

General Response Regarding Internal Policies, Memoranda, Guidance Documents, and Training Materials

Internal policies, memoranda, guidance documents, and training materials are protected by numerous exemptions under the CPRA: the deliberative process exemption¹, the core work product privilege², the doctrines of confidentiality³ and/or privacy⁴, and provisions of law prohibiting disclosure of particular types of information such as copyrighted materials⁵, criminal history information⁶, and personal identifying information⁷.

The deliberative process exemption protects records that would reveal the deliberative processes of elected members and employees of a government agency.⁸ This exemption protects candid discussion within the office. Disclosure of internal policies, memoranda, guidance documents, or training materials would expose the decision-making process in such a way as to discourage candid discussion, and thereby undermine the ability of the District Attorney's office to perform its function of ensuring the fair administration of justice. The public interest in protecting the freedom to engage in open dialogue to ensure the fair administration of justice clearly outweighs the public interest in disclosing those thought processes.⁹ Even records that contain purely factual information are exempt under the deliberative process exemption where the existence of such records would reveal the deliberative process of this office.¹⁰

The core work product privilege provides that “[a]ny writing that reflects an attorney’s impressions, conclusions, opinions or legal research or theories shall not be discoverable under

¹ *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, 1343; *California First Amendment Coalition v. Superior Court* (1998) 67 Cal.App.4th 159, 170; Gov. Code, § 6255, subd. (a).

² Code Civ. Pro., §2018.030; Gov. Code, § 6254, subd. (k); see *Ardon v. City of Los Angeles* (2016) 62 Cal.4th 1176; *Izazaga v. Superior Court* (1991) 54 Cal.3d 356, 381.

³ Gov. Code, § 6254, subd. (k), including, but not limited to, Evid. Code, §§ 1040-1041.

⁴ Gov. Code, § 6254, subd. (k), including, but not limited to, Cal. Const. art 1, § 1; Gov. Code, § 6250.

⁵ Gov. Code, § 6254, subd. (k), including, but not limited to, Civ. Code, § 980; Title 17 U.S.C. § 101 et seq.

⁶ Gov. Code, § 6254, subd. (k), including, but not limited to, Pen. Code, § 11105.

⁷ Gov. Code, § 6254, subd. (k), including, but not limited to, Pen. Code, §§ 530.5-530.55.

⁸ *Times Mirror Co. v. Superior Court*, *supra*, 53 Cal.3d at p. 1343; *California First Amendment Coalition v. Superior Court*, *supra*, 67 Cal.App.4th at p. 170; Gov. Code, § 6255, subd. (a).

⁹ Gov. Code, § 6255, subd. (a); *Times Mirror Co. v. Superior Court*, *supra*, 53 Cal.3d 1328.

¹⁰ *Times Mirror Co. v. Superior Court*, *supra*, 53 Cal.3d at pp. 1341-1344.

any circumstances.”¹¹ This privilege protects such writings even if the writing was not prepared with a specific case in mind or in anticipation of litigation.¹²

PART 1

You requested the following records for the time-period of 2015 to the present (July 23, 2021):

Part 1, 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.

Response:

Please refer to the above general response regarding requests for internal office policies, memoranda, guidance documents, and training materials. The written policies, memoranda, and guidance documents requested in sections (a) through (l) are exempt from disclosure as explained in the general response.

Nevertheless, the District Attorney has waived applicable exemptions with respect to this office’s Legal Policies Guide and has made it available on this office’s public website. A copy

¹¹ Code Civ. Pro., §2018.030; Gov. Code, § 6254, subd. (k).

¹² *National Assoc. of Criminal Defense Lawyers v. Dept. of Justice Exec. Office for United States Attorneys* (D.C. Cir. 2016) 844 F.3d 246; *Laguna Beach County Water Dist. V. Superior Court*; (2004) 124 Cal.App.4th 1453, 1461; *Aetna Casualty & Surety Co. v. Superior Court* (1984) 153 Cal.App.3d 467, 478-479; *Rumac, Inc. v. Bottomley* (1983) 143 Cal.App.3d 810.

will be provided to you, but you may also find an electronic copy at:
<https://www.sdcdca.org/content/prosecuting/Legal%20Policies%20Guide.pdf>.

With respect to diversion records requested in section (a), please refer to this office's response in Part 2, Request 2, below.

For sections (b) and (d), additional non-exempt records will be provided.

With respect to sections (c) and (f), in addition to the overarching exemptions identified above, written policies concerning how prosecutors will exercise their discretion in charging and sentencing are not subject to discovery.¹³ Moreover, a prosecutor's office generally has discretion whether to issue felony charges, misdemeanor charges, or to refrain from filing a criminal complaint altogether.

Making public any internal guidelines on charging or sentencing would encourage some members of the public to commit crime, believing they would not be prosecuted by this office. Any charging and sentencing guidelines were created to aid and assist in the investigation and prosecution of criminal activity. As such, providing these records to the public would seriously inhibit and compromise this office's ability to successfully investigate and prosecute criminal offenses, and thus, are exempt under the deliberative process exemption and core work product privilege. Additionally, for the above reasons, the public interest served by withholding the records clearly outweighs the public interest served by disclosure.¹⁴

With respect to jury selection guidance documents requested in section (e), please see this office's response to Part 3, Request 1, below.

To the extent the records produced to you do not contain information responsive to your requests in sections (a) through (l), this office either did not locate records responsive to those sections or such responsive records are exempt from disclosure as detailed above. Under the CPRA, an agency does not have an obligation to create a new record in order to satisfy a CPRA request.¹⁵

Part 1, 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).

¹³ *Keenan v. Superior Court* (1981) 126 Cal.App.3d 576.

¹⁴ Gov. Code, § 6255, subd. (a).

¹⁵ *Sander v. Superior Court* (2018) 26 Cal.App.5th 651, 665-667.

Response:

This office conducted a reasonable search for policies regarding training and did not locate responsive records.

Please refer to the above general response regarding requests for internal office policies, memoranda, guidance documents, and training materials. Training materials including recorded trainings and related materials are exempt from disclosure as explained in the general response.

However, with respect to records related to jury selection, bias, implicit bias, unconscious bias, and/or racism in sections (c) and (d), records will be produced to you as explained in this office's response to Part 3, Request 1, below.

Furthermore, the requests in sections (a) and (b) are overbroad, and the search for and collection of records and subsequent review and redaction of exempt material would be unduly burdensome. The request seeks materials from every training conducted by this office or attended by any prosecutor in this office over a seven-year period. This office employs over 350 prosecutors working in at least five locations throughout San Diego County. The time and resources it would take to complete this request is substantial. A request which "compels the production of a huge volume of material," such as this, may be objectionable as "unduly burdensome."¹⁶ If a search would involve excessive time and expense in locating and segregating non-exempt from exempt information, this may provide grounds to deny such a request.¹⁷ Additionally, there is no identifiable public interest that "supports such a wholesale production of documents."¹⁸ Accordingly, the public interest served by nondisclosure of the records clearly outweighs any public interest served by collection and disclosure of the records.¹⁹

This office invites you to narrow your request by topic and time. However, please note we cannot guarantee that a more narrowed request will result in disclosure of responsive records, as training materials are exempt pursuant to the exemptions discussed above in the general response regarding requests for internal office policies, memoranda, guidance documents, and training materials.

Part 1, 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.

¹⁶ *California First Amendment Coalition v. Superior Court*, *supra*, 67 Cal.App.4th at p. 166.

¹⁷ *American Civil Liberties Union Foundation v. Deukmejian* (1982) 32 Cal.3d 440, 453, fn. 13; *County of Santa Clara v. Superior Court* (2009) 170 Cal.App.4th 1301, 1321; *Bertoli v. City of Sebastapol* (2015) 233 Cal.App.4th 353, 360-363, 372.

¹⁸ *Times Mirror Co. v. Superior Court*, *supra*, 53 Cal.3d at p. 1345.

¹⁹ Gov. Code, § 6255, subd. (a).

Response:

This office is still reviewing records potentially responsive to this request. A further update or responsive records will be provided by April 29, 2022.

Part 1, 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:

With respect to internal training materials in section (c) of this request, please see this office's response to Part 3, Request 1, below. As to the remainder of this request, this office conducted a reasonable search and did not locate responsive records.

PART 2

Renewal of the ACLU's request from a letter dated May 13, 2019, seeking the following records, "updated to the present day" (July 23, 2021):

Part 2, Request 1:

Records of prosecution data within your possession for calendar year 2017 and 2018, including but not limited to,

- a. Unique identifiers for each person, charges, and outcomes for all minors (any persons under the age of 18) prosecuted directly in adult court in San Diego County (adult court is defined as a court of criminal jurisdiction) (otherwise known as "pipeline" or "direct file" cases) under Welfare and Institutions Code section 707.
 - i. Unique identifiers for each person, charges, and outcomes for all minors prosecuted in adult court in San Diego County after any one of the following:
 1. a judicial certification to adult court following a juvenile transfer hearing under the newly amended Welfare and Institutions Code section 707 subsection (a);
 2. a juvenile defendant's waiver of transfer hearing or stipulation to adult court following the District Attorney's motion to transfer to adult court.
- b. Unique case identifiers, charges, and outcomes for all minors prosecuted in juvenile court in San Diego county, including, but not limited to

demographic data, charges filed, and case outcomes during the calendar year of 2017 and 2018.

- c. Unique case identifiers, charges, and outcomes (including diversion) of all misdemeanor charges for minors and adults in San Diego county.
- d. Unique case identifiers, charges, enhancements and outcomes (including diversion) of all felony charges for minors and adults in San Diego county.

The clarification for this request that Yakaterina "Katie" Kushnir from your office provided on October 18, 2021, is as follows:

- The term "unique identifiers" refers to "any internal number, letter, or other form of identification that is used to differentiate between entities within a given system." Specifically, "any internal codes that are generated by the County or automatically generated by its systems to uniquely identify minors and adults prosecuted in San Diego County."
- The term "demographic data" refers to "the specific demographic data that San Diego County collected for all minors prosecuted in juvenile court."
- The term "including but not limited to" is "meant to include any other records of prosecution data that San Diego possessed . . . that are not covered by subdivisions a-d."

Response:

Proposition 57, which prohibits directly prosecuting a minor in adult court, was approved in November 2016. This prohibition is currently in effect. As a result, this office did not direct file any cases between 2017 and 2021 and thus, has no responsive records for section (a).

With respect to sections (a)(i)(1) and (2), the Excel spreadsheet for section (d) of this request titled "Adult Data" includes data for felony prosecutions of minors in adult court. The "Defendant Earliest Offense Age" column will indicate if the defendant was a minor at the time of the offense.

The misdemeanor and felony data requested for adults in sections (c) and (d) is provided in a document titled "Adult Data." It contains a list of all cases charged by this office in adult court for the timeframe of January 1, 2017, through July 23, 2021. Please note that the data provided is obtained from this office's internal electronic case management system (CMS). The data is only as accurate as the information input into CMS. All data is manually input into the system. The race and gender data is obtained from police reports and is not independently determined or verified by this office.

Additionally, the San Diego City Attorney, not this office, prosecutes adult misdemeanor offenses that occur in the City of San Diego. Because the data for those cases is not possessed by this office, that data is not provided.

Although Penal Code section 13300, subdivision (h), allows disclosure of statistical case information, it prohibits providing information that reveals the identity of the subject of the record. Accordingly, any "unique identifier" associated with each defendant or case is exempt

from disclosure, as such information can be used to reveal the identity of the subject of the record.²⁰

With respect to cases where a defendant participated in a diversion program, and that participation was tracked in CMS, please see this office's response to Part 2, Request 2.

With respect to the juvenile data requested in sections (b), (c), and (d), Welfare and Institutions Code, section 827, subdivision (a)(4), expressly prohibits the dissemination of any "information relating to the content of the juvenile case file." Unlike Penal Code section 13300, the Welfare and Institutions Code does not contain an exception for statistical data. Accordingly, the juvenile data requested is prohibited by law from disclosure.²¹

Information Regarding Costs:

The actual cost to extract data from CMS was \$158.32 less than initially estimated.

The original cost estimate was \$354.76, composed of 1 hour at \$63.44/hour and 4 hours at \$72.83/hour. This original estimate included the cost to extract juvenile case data requested in sections (b), (c), and (d). However, because this office has since determined that we are prohibited by law from disclosing juvenile court case data, juvenile data was not extracted from CMS. Additionally, two hours of data extraction were conducted by an employee with an hourly rate of \$66.50/hour instead of \$72.83/hour. Thus, the actual cost to extract the data provided to you was \$196.44 (1 hour x \$63.44/hour + 2 hours x \$66.50/hour).

Because the actual cost to extract data is less than the amount you paid, you have two options for the balance: 1) a refund; or 2) application of the balance to your other records request (reference number 22-14). Your subsequent PRA request 22-14 also requires computer programming, services, and data extraction to produce the requested records. Pursuant to Government Code section 6253.9, the total estimated for request 22-44 is \$317.20. (A detailed response regarding payment for that request will be emailed to you no later than March 4, 2022.)

Please let me know at kimberly.roth@sdca.org if you would like a refund or to apply the \$158.32 to the data extraction cost for PRA 22-14. Applying it to the data extraction cost will leave a balance of \$158.88 due for PRA 22-14.

Part 2, Request 2:

All documents and records related to all diversion programs offered or used by the DA's office, how many people utilized those programs, demographics of those people, the charges they were facing, outcomes of those cases, requirements for

²⁰ Gov. Code, § 6254, subd. (k); Pen. Code, §§ 11141, 11142, 13300-13303; *Westbrook v. County of Los Angeles* (1994) 27 Cal.App.4th 157, 164-166; see *American Civil Liberties Union Foundation v. Deukmejian, supra*, 32 Cal.3d at p. 450 ["Not only names, aliases, addresses, and telephone numbers must be excluded, but also information which might lead the knowledgeable or inquisitive to infer the identity of the individual in question"].

²¹ Gov. Code, § 6254, subd. (k); Welf. & Inst. Code, § 827, subd. (a)(4).

completing diversion, and any charges or costs associated with those diversion programs for calendar years 2017 and 2018.

Response:

This office conducted a reasonable search for records. Non-exempt responsive records will be provided, including eight Excel documents which contain raw case data extracted from this office's internal electronic case management system (CMS).

This office maintains some data regarding participation in diversion programs. Because every diversion program is different, the data for each program is tracked differently within CMS. The only way to extract diversion data from CMS is to extract the data from specific diversion hearings.

The CMS data provided consists of a list of cases where a specific diversion-related hearing occurred between January 1, 2017, and July 23, 2021. Each case will contain the demographic data of the defendant, the charges on the latest complaint, and the date and result from the diversion hearing. The results for certain hearings may indicate if the defendant successfully completed the diversion program. From this data, you may calculate the aggregate numbers you requested.²²

Please note, again, that the data is only as accurate as the information input into CMS. All data is manually input into the system. The race and gender data is obtained from police reports and is not independently determined or verified by this office.

To the extent this office possesses responsive internal policies, memoranda, guidance documents, or training materials, such records are exempt as explained in the above general response regarding requests for internal office policies, memoranda, guidance documents, and training materials.

Part 2, Request 3:

All records relating to how many parole hearings the office attended, how many hearings your office opposed, and how many parole hearings your office opposed when the next of kin took no position in the calendar years of 2017 and 2018.

²² Please note the data provided is per case, not per defendant. It is possible that a single defendant may have more than one case for which they are participating in a diversion program. Additionally, the data provided includes every diversion related hearing from CMS that occurred during the requested time period. It is possible that a defendant had multiple hearings for that case during the requested time period. The "Case Defendant Row Count" column indicates if there were multiple hearings for that specific defendant in that specific case. Finally, the fact a diversion related hearing occurred does not necessarily mean the defendant participated in diversion in that case. It is necessary to review the result column for the specific hearing to determine a defendant's actual participation in the diversion program for that case.

Response:

This office conducted a reasonable search for the requested information. The following are the number of parole hearings this office attended between 2017 and July 2021:

- 279 hearings in 2017
- 233 hearings in 2018
- 217 hearings in 2019
- 280 hearings in 2020
- 183 hearings in 2021 (through July 31)

These hearings include parole suitability hearings, elderly parole hearings, medical parole hearings, youthful offender parole hearings, reconsideration hearings, and rescission hearings.

The final decision of this office to oppose, remain neutral, or support release on parole occurs at the parole suitability hearing after a consideration of all evidence presented at the hearing. This office does not keep a record of how many hearings we ultimately opposed. Additionally, this office does not keep a record of what position the next of kin took, if any. Under the CPRA, an agency does not have an obligation to create a new record in order to satisfy a CPRA request.²³

Part 2, Request 4:

Copies of all office policies, including but not limited to *Brady* compliance policy, charging and plea deal offer policies, pardons and commutations, etc. Request #3 is not limited to calendar year 2017 and 2018.

Response:

Please refer to the above general response regarding requests for internal office policies, memoranda, guidance documents, and training materials, as well as the response for Part 1, Request 1. To the extent the records provided in Part 1, Request 1 do not contain information responsive to your request, this office either does not possess records responsive to those topics or such responsive records are exempt from disclosure as detailed above. Note, however, that the Legal Policies Guide is being provided to you.

Part 2, Request 5:

Copies of all office policies that relate to immigration including but not limited to:

- a. Records that refer to office efforts to implement its obligations under Penal Code 1016.3(b).
- b. Records that refer to office efforts to implement its obligations under Penal Code 1473.7.
- c. Records, memoranda, and emails that relate to the creation and development of an immigration policy for the office.
- d. Request #5 is not limited to calendar year 2017 and 2018.

²³ *Sander v. Superior Court, supra*, 26 Cal.App.5th at pp. 665-667.

Response:

Please refer to the above general response regarding requests for internal office policies, memoranda, guidance documents, and training materials, as well as the response for Part 1, Request 1. To the extent the records provided in Part 1, Request 1 do not contain information responsive to your request, this office either does not possess records responsive to those topics or such responsive records are exempt from disclosure as detailed above. Again, note that the Legal Policies Guide is being provided to you.

Part 2, Request 6:

All records concerning implementation of SB 1421, including copies of any new policies, training manuals or procedures regarding SB 1421, including any policies, procedures or training manuals for making SB 1421 requests, maintaining SB 1421 records, disclosures of SB 1421 requests to criminal defendants, revisions of any *Brady* policies in light of SB 1421, and all policies and procedures for reviewing all criminal convictions, arrests and charging decisions, in view of SB 1421. Request #4 is not limited to calendar year 2017 and 2018.

Response:

This office located non-exempt records responsive to your request which will be provided to you. To the extent this office possesses any records concerning implementation of SB 1421, policies, or internal training manuals, they are exempt from disclosure as set forth in the above general response regarding requests for internal office policies, memoranda, guidance documents, and training materials.

PART 3

You renewed the ACLU's prior request from PRA reference number 19-67, "updated to the present day" (July 23, 2021). PRA 19-67 sought the following:

Part 3, Request 1:

[C]opies of the following materials in the agency's possession, regardless of who wrote them, from 1990 onwards:

- Any training materials related to jury selection
- Any training materials related to the constitutional requirements under *Batson v. Kentucky* and *People v. Wheeler*, including training materials related to handling *Batson-Wheeler* claims or motions.

Response:

On August 22, 2019, and July 23, 2020, this office provided Shilpi Agarwal of the ACLU Northern California records responsive to this request. Those records were from the period of 1990 to July 29, 2019.

The following response applies to responsive records from July 29, 2019 to January 21, 2021. Additional time is needed to search for and review potentially responsive records for the period of January 22, 2021 to July 23, 2021. A further update or responsive records will be provided by April 29, 2022.

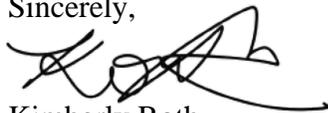
As explained in the above general response regarding requests for internal office policies, memoranda, guidance documents, and training materials, this office's training materials are protected in their entirety by the core work product privilege, the deliberative process exemption, the doctrines of confidentiality and/or privacy, and provisions of law prohibiting disclosure of particular types of information such as copyrighted materials, criminal history information, and personal identifying information.

That determination notwithstanding, the District Attorney is aware of the serious concern surrounding the role unconscious and conscious bias play in jury selection. Notably, in January 2020, the Supreme Court of California announced the formation of a work group tasked to study measures that might be needed to guard against impermissible discrimination in jury selection. The court wrote that this work group would "undertake a thoughtful, inclusive study of how *Batson/Wheeler* operates in practice in California" and the role that unconscious bias may play in the jury selection process.

Therefore, the District Attorney has directed that she will waive the core work product privilege, as well as the deliberative process exemption, for the portions of the responsive records that will be provided to you. Please note that this office does not intentionally waive any proscription against disclosure such as copyright infringement or statutory prohibitions to the extent such materials may inadvertently appear in the records disclosed.

This office endeavors to provide access to information concerning the conduct of the People's business. We reserve the right, however, to maintain the lawful confidentiality of our records, and to claim and enforce any and all applicable exemptions, privileges, and proscriptions against public disclosure of records, including, but not limited to, those listed in Article 2 of the Government Code, Title 1, Division 7, Chapter 3.5, the California Evidence Code, Civil Procedure and Penal Codes, the Federal Rules of Evidence, and those established by case law.

Sincerely,



Kimberly Roth
Deputy District Attorney
Appellate and Training Division