



OFFICE OF  
THE DISTRICT ATTORNEY  
COUNTY OF RIVERSIDE

MICHAEL A. HESTRIN  
DISTRICT ATTORNEY

March 25, 2022

Ellen Leonida  
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Northern California  
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Subject: California Public Records Act Request

Dear Ms. Leonida:

The Riverside County District Attorney's Office is in receipt of your letter dated March 10, 2022, regarding your California Public Records Act (CPRA) request on behalf of your client, the ACLU of Northern California.

We have reconsidered your request for unredacted training materials and will provide you with the Office's *Batson/Wheeler* and Racial Justice Act ("RJA") trainings without redaction.

In request 3, you have requested records concerning the RJA. The only training offered by this office has been provided. A copy of AB 2542 was previously provided because it was distributed as the handout at the training. Since the date of our last letter, the Office has received a request for discovery pursuant to the RJA in the following cases: *People v. Mosby*, *People v. Austin*, *People v. Harris and Leal*, and *People v. Barbarin and Velasquez*. The Office voluntarily provided the requested discovery where available. Those letters are also being produced to you. The Office does not have any other responsive documents.

As we previously explained, this Office has retained a third-party research group to prepare and analyze data relevant to implementation and execution of the RJA. In the course of that analysis, the external research team has identified that up to 43 percent of our data are incomplete or perhaps have errors. Importantly, at least 22 percent of our case management system appears to reflect cases where charges were filed but we do not

have final disposition information or sentencing information. This is true despite many of the cases beginning over a decade ago. We are actively working to backfill this information, but these critical data limitations make it inappropriate for any analyses to be performed on our data in its current state. Consequently, until the process of filling in missing information is completed, the external research team cannot complete their analysis. However, early verbal reports, focused on how we have approached and filed felony cases, reveal that we are indeed filing at a standard and equal rate between White, Black, and Hispanic suspects. Of course, this is when compared to the pool of justice-involved individuals that we are asked to review for potential criminal prosecution.

With regard to request 4, as I have previously explained, the Office does not maintain a record of when a *Batson/Wheeler* motion is made or granted. Likewise, the Office does not maintain a record of when attorneys are asked to report to the State Bar regarding *Batson/Wheeler*. And it should be noted that the granting of a *Batson-Wheeler* motion does not require a report to the State Bar (Business & Professions Code, §§ 6086.7, subd. (a)(2), 6068, subd. (o)(7)). The CPRA does not require the creation of a log or record that is not currently in existence. (Gov. Code, § 6253, subd. (b), *State Bd. of Equalization v. Superior Court* (1992) 10 Cal.App.4th 1177.)

Should you have any further questions or concerns, please contact me.

Very truly yours,

MICHAEL A. HESTRIN  
District Attorney

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ALAN TATE  
Managing Deputy District Attorney