

The County of Yuba

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December 28, 2022

Ellen Leonida
PRA Responses
BraunHagey & Borden LLP
351 California Street, 10th Floor
San Francisco, CA 94104
Sent via e-mail to: praresponse@braunhagey.com

Re: Public Records Act Request to Yuba County

Dear Ms. Leonida,

This letter serves as Yuba County's ("the County") response, under California Government Code §§ 6253(c) and 6255(b), response to your Public Records Act request dated July 23, 2021, where you seek records from the County regarding (1) a renewed records request dated July 29, 2019 from the ACLU seeking training materials concerning jury selection and Batson/Wheeler requirements; (2) written policies re various DA recommendation procedures; and (3) policies and training materials provided to prosecutors and related to jury selection, bias and/or social media.

Please note that the County will not produce privileged records or documents that are otherwise exempt from disclosure pursuant to California Government Code section 6254(k), including, but not limited to, the deliberative process privilege; preliminary notes, drafts and memoranda exemption (Gov. Code §6254(a)); investigative records (Gov. Code §6254(f)); attorney-client privilege and/or attorney work product (Gov. Code §6254(k)); official information privilege (Evid. Code §1040; Gov. Code §6254(k)); permit applicant's personal financial data information (Gov. Code § 6254(n)); and the public interest exemption (Gov. Code §§ 6254(a); 6255).

Without waiving the above exemptions, the County provides its responses below relative to each of the categories requested:

Request No. 1:

[From 2015 to present] any and all written policies, memoranda, or guidance documents regarding:

a. **Diversion eligibility and/or programming;**

The County has identified responsive records. The County is providing: Chapter 5 - Crime Charging Standards, Chapter 6 - Case Settlement Policies, Chapter 6 Updates (Effective July 2003) and Chapter 7 - Specific Crimes.

b. **Custody and/or bail recommendations;**

The County has identified responsive records. The County is providing: Chapter 5 - Crime Charging Standards, Chapter 6 - Case Settlement Policies, Chapter 6 Updates (Effective July 2003) and Chapter 7 - Specific Crimes.

c. Charging recommendations and/or decisions, including, but not limited to:

i. Charging recommendations and/or decisions regarding enhancements;

The County has identified responsive records. The County is providing: Chapter 5 - Crime Charging Standards, Chapter 6 - Case Settlement Policies, Chapter 6 Updates (Effective July 2003) and Chapter 7 - Specific Crimes.

ii. Charging recommendations and/or decisions regarding special circumstances; or

The County has identified responsive records. The County is providing: Chapter 5 - Crime Charging Standards, Chapter 6 - Case Settlement Policies, Chapter 6 Updates (Effective July 2003) and Chapter 7 - Specific Crimes.

iii. Charging recommendations and/or decisions regarding wobblers;

The County has identified responsive records. The County is providing: Chapter 5 - Crime Charging Standards, Chapter 6 - Case Settlement Policies, Chapter 6 Updates (Effective July 2003) and Chapter 7 - Specific Crimes.

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

The County has identified responsive records. The County is providing: Chapter 5 - Crime Charging Standards, Chapter 6 - Case Settlement Policies, Chapter 6 Updates (Effective July 2003) and Chapter 7 - Specific Crimes.

e. Jury selection;

The County provided responsive records on January 28, 2022.

f. Sentencing recommendations;

The County has identified responsive records. The County is providing: Chapter 5 - Crime Charging Standards, Chapter 6 - Case Settlement Policies, Chapter 6 Updates (Effective July 2003) and Chapter 7 - Specific Crimes.

g. Prosecution of minors;

The County has identified responsive records. The County is providing: Chapter 5 - Crime Charging Standards, Chapter 6 - Case Settlement Policies, Chapter 6 Updates (Effective July 2003) and Chapter 7 - Specific Crimes.

h. Parole recommendations;

The County has identified responsive records. The County is providing: Chapter 5 - Crime Charging Standards, Chapter 6 - Case Settlement Policies, Chapter 6 Updates (Effective July 2003) and Chapter 7 - Specific Crimes.

i. Pardon and commutation recommendations;

The County has identified responsive records. The County is providing: Chapter 5 - Crime Charging Standards, Chapter 6 - Case Settlement Policies, Chapter 6 Updates (Effective July 2003) and Chapter 7 - Specific Crimes.

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

No responsive records.

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

No responsive records.

l. Referral of cases for federal prosecution.

No responsive records.

Request No. 2:

[From 2015 to present] any and all policies regarding training as well as any training materials, recorded trainings, or related materials:

a. Which are mandatory for prosecutors;

No responsive records.

b. Which are optional for prosecutors;

The County provided responsive records on January 28, 2022.

c. Which relate to jury selection;

The County provided responsive records on January 28, 2022.

d. Which relate to bias, implicit bias, unconscious bias, and/or racism; or

The County provided responsive records on January 28, 2022.

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).

No responsive records.

Request No. 3:

[From 2015 to present] records concerning the Racial Justice Act:

a. Implementation of and compliance with the RJA;

No responsive records.

b. Communications concerning the RJA; or

The County provided responsive records on October 14, 2022.

c. Trainings related to the RJA.

The County provided responsive records on January 28, 2022.

Request No. 4:

[From 2015 to present] all investigations into *Batson-Wheeler* motions, including, but not limited to:

a. Motions filed;

No responsive records.

b. Motions granted;

No responsive records.

c. Internal training and/or discipline; or

No responsive records.

d. Reports to the State Bar relating to any *Batson-Wheeler* motions made and granted.

No responsive records.

The decision to release certain records and/or to object to the release of other records was made by Yevgeniy P. Pislar, Deputy County Counsel.

If you have any further questions or concerns, please do not hesitate to contact our office.

Sincerely,
Yuba County Counsel's Office
Yevgeniy P. Pislar
Deputy County Counsel