



OFFICE OF  
THE DISTRICT ATTORNEY  
COUNTY OF RIVERSIDE

MICHAEL A. HESTRIN  
DISTRICT ATTORNEY

September 30, 2019

Shilpi Agarwal  
American Civil Liberties Union  
Foundation of Northern California  
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San Francisco, CA 94111

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[ermartinez@aclunc.org](mailto:ermartinez@aclunc.org)

Subject: California Public Records Act Request

Dear Ms. Agarwal:

Your request dated July 29, 2019 was received by our office and referred to me for response. You have requested the following document(s) from 1990 to present:

1. Any training materials related to jury selection; and
2. 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.

Enclosed with this letter are the documents responsive to your request that can be released under the California Public Records Act (CPRA). The documents have been redacted for attorney work product as defined in Government Code section 6254, subdivision (k).

Additional items will not be disclosed for following reasons:

- 1) There are no additional records responsive to your request;

- 2) The items you request are exempt from disclosure because they contain attorney work product, as defined in section 6254, subdivision (k), of the Government Code (*Dowden v. Superior Court* (1999) 73 Cal.App.4th 126, 128-135; *Fellows v. Superior Court (Los Angeles County)* (1980) 108 Cal.App.3d 55, 63);
- 3) The records you have requested are exempted pursuant to other statutes or statutory privileges. (Gov. Code, § 6454, subd. (k).)
- 4) To the extent you request a log of the items exempt from disclosure, we are declining your request as it would require we create a record not currently in existence, which we are not required to do under the CPRA. (Gov. Code, § 6253, subd. (b); *State Bd. of Equalization v. Superior Court* (1992) 10 Cal.App.4th 1177; *Rosenthal v. Hansen* (1973) 34 Cal.App.3d 754.)

Additionally, please be aware that pursuant to the CPRA, most documents contained in a law enforcement file are exempt from disclosure, including:

- 1) Investigative files compiled by local agencies for law enforcement purposes, such as police reports or investigative summaries, pursuant to Government Code section 6254(f) and the holdings of *Williams v. Superior Court* (1993) 5 Cal.4th 337, 351, 354, 362, and *Rivero v. Superior Court* (1997) 54 Cal.App.4th 1048, 1059. The phone examination report which you seek is exempt from production under this section.
- 2) Records protected by the deliberative process privilege, pursuant to Government Code section 6255. (*Rogers v. Superior Court* (1993) 19 Cal.App.4th 469; *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325.)
- 3) Documents provided to one governmental agency by another with an agreement to treat them as confidential, pursuant to Government Code section 6254.5(e).
- 4) Documents which are determined to be within the "catchall" exemption, Government Code section 6255, wherein the public interest served by disclosure is outweighed by the public interest served by non-disclosure. (*Wilson v. Superior Court* (1997) 51 Cal.App.4th 1136, 1139-1143.)

If you have any questions or concerns, you may contact our office at (951) 955-5400.

Very truly yours,

MICHAEL A. HESTRIN  
District Attorney  
County of Riverside

/ s /

NATALIE M. LOUGH  
Deputy District Attorney