



COUNTY OF SONOMA
OFFICE OF THE DISTRICT ATTORNEY

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JILL RAVITCH
District Attorney

Sent Via Email

January 15, 2020

ACLU Northern California
Shilpi Agarwal
39 Drumm Street
San Francisco, CA 94111
415.621.2493
sagarwal@aclunc.org

RE: Public Records Request – Training Materials –Jury Selection/BatsonWheeler.

Ms. Shilpi:

I am the designated representative to oversee your California Public Records request from the Sonoma County District Attorney's Office. On January 14, 2019, the Sonoma County District Attorney's Office received an email from you titled "Request of Records Pursuant to the California Public Records Act". Your two (2) page email, dated January 14, 2020 requests two (2) types of records. Specifically, your requests and our responses are as follows:

Request One:

I seek copies of the following materials in the agency's possession, regardless of who wrote them, from 1990 onwards:

1. *Any training materials related to jury selection.*

Response One:

See Attachment A: Sonoma County District Attorney Policy and Procedure Manual Article 7, Section 7.18

Other than Attachment A, the only other responsive records in the Sonoma County District Attorney's possession are materials published by the California District Attorneys Association (CDAA). The CDAA does not distribute its materials to non-law enforcement related agencies: "The publications produced by the California District Attorneys Association are intended primarily to inform and educate members of the California's prosecutorial and law enforcement agencies. Some of our publications are funded by state and deferral grants, which govern their distribution." (<https://www.cdaa.org/publications/distribution-policy>).

The California Public Records Act also specifically exempts these materials from disclosure: “[r]ecords, the disclosure of which is exempted or prohibited pursuant to federal or state law” (Govt. Code §6254(k).) The federal Copyright Act prohibits a local agency from distributing a copy of a document in which a third party holds a protectable copyright interest. In a 1981 opinion, the California Attorney General concluded that a public entity could properly “refuse to honor a request pursuant to the California Public Records Act” where doing so would constitute copyright infringement or where it “would place an unreasonable burden on the school authorities to provide such a copy in compliance with copyright restrictions.” (64 Cal. Op. Atty. Gen. 186 (1981).)

Therefore, the Sonoma County District Attorney’s Office respectfully declines to produce any records pursuant to Request One.

Request Two:

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.*

Response Two:

See Response One.

The Sonoma County District Attorney’s practice is to cooperatively comply with all Public Records Act requests. The District Attorney’s Office is committed to providing public records to the extent such documents are subject to disclosure pursuant to the Public Records Act.

Sonoma County District Attorney’s Office claims for its records, such as might exist, any and all applicable exemptions from CPRA disclosure. In maintaining the lawful confidentiality of these records, the Office claims, enforces, and applies any and all applicable exemptions, privileges, and proscriptions against public disclosure of records, including, but not limited to, those listed in Article 2 of Government Code, Title 1, Division 7, Chapter 3.5, the California Evidence and Penal Codes, California Constitution, California case law, U.S. Constitution, Federal case law, Federal Statutes and Guidelines, and the Federal Rules of Evidence.

Should you have any questions regarding this matter, please do not hesitate to contact the undersigned directly at (707) 565-2311 or via e-mail at william.brockley@sonoma-county.org.

Sincerely,



William J. Brockley
ASSISTANT DISTRICT ATTORNEY