



OFFICE OF THE DISTRICT ATTORNEY
CONTRA COSTA COUNTY

Diana Becton
DISTRICT ATTORNEY

August 23, 2021

Ellen Leonida
Braun Hagey & Borden LLP
leonida@braunhagey.com

RE: PRA Request, July 28

Dear Ellen Leonida:

This is a further response of the Office of the District Attorney to your Public Records Act request dated July 23, 2021 that we received during the normal course of business on July 28. Specifically, your records request is attached as a reference. We responded to your initial letter on August 9 and sought a 14-day extension as allowed under state law. We also asked for clarification on certain aspects of your request, but have not received any response. The Office cannot proceed with responding to the request, without clarification from you regarding the scope of the request.

May 13, 2019 “Renewed” Request

Please specify which items from the ACLU’s May 13, 2019, PRA request that the ACLU is still seeking records? We completed this request in July of 2019. We provided records to the ACLU related to this request and some of this information is similar and duplicative of your July 28, 2021 request as beginning on p. 2 of your request.

Further, you did not respond to our initial question on August 9. Again, please confirm the new request is for records from between 2019 and July 23, 2021. In terms of prosecutorial data you requested in 2019, our case management system does not track or maintain records in the manner in which you requested them then – the same case management system, Prosecutor by Karpel, remains in place. Therefore, we do not have any responsive records related to the portions of your request about diversion. Upon clarification of the timeframe and scope of this request, this Office will proceed with preparing the records for release to you, consistent with the records provided in response to the May 2019 request.

July 29, 2019 “Renewed” Request

Please clarify the timeframe for this request. The original request sought records dating back to 1990. However, it is unclear whether this “renewed” request is for records from 2015 to the date of the request, or from 1990 to the date of the request.

Additional Records Request on p. 2 of Your Letter, from 2015 to the Date of the Request:

Given the large number of items and potentially responsive records related to your request, we will need additional time to search for records and respond to the request. We are requesting until

September 21 to respond. Please let us know as soon as possible if you are not amenable to this additional time. If we are able to respond before this date, we will certainly do so.

Please also clarify the scope of the “communications” listed in Item 3. Is your request intended to include any communication that relates to the Racial Justice Act? Or, are you requesting communications related to implementation of the Act? If the request is for any communication related to the Act, this would involve a search of emails and other records of dozens of employees in our office, from clerical staff, senior inspectors, victim advocates, and attorneys, and would include communications regarding involved individuals and specific cases. This raises issues of confidentiality and privacy, as well as attorney work product, and potential interference with pending cases.

You also do not cite a specific timeframe for which you are seeking “communications.” While p. 2 of your letter references 2015, the Racial Justice Act was enacted in 2020. Please define a reasonable timeframe for these records and provide information regarding the scope of the request as noted above. Without this information, this portion of your request is not a focused and effective request that reasonably describes an identifiable set of records. We are available to work with you to overcome the practical limitations with this portion of your request. For example, you could identify specific individuals within the office or a specific case of interest.

Please specify what you mean by “investigations” listed in Item 4. Are you requesting internal investigations by this Office or some other type of investigation?

I am available to discuss our questions and requests for clarification, as well as to assist you in identifying potentially responsive records and overcoming the limitations in your request as drafted.

Respectfully,

A handwritten signature in black ink, appearing to read "S. Alonso", written in a cursive style.

Scott Alonso
Public Information Officer
Office of the District Attorney
925-957-8638 office