

TULARE COUNTY COUNSEL

County Counsel

Jennifer M. Flores

Chief Deputies

John A. Rozum
Kathleen A. Taylor
Jeffrey L. Kuhn
Diana L. Mendez

Special Assistants

Clinton O. Sims
Jennifer Nielsen
Barbara B. Grunwald



Attorneys

Judith D. Chapman	Allison K. Pierce
Amy-Marie Costa	Ameet K. Nagra
Carol E. Holding	Jennifer M. Shiffert
Jason G. Chu	Matthew C. Pierce
Abel C. Martinez	Charles W. Felix
Marit Erickson	Aaron Zaheen
Chris Sorich	Amy I. Myers
Stephanie R. Smittle	
Eric M. Scott	

2900 W. Burrel, County Civic Center, Visalia, CA 93291

Telephone: (559) 636-4950

Fax: (559) 737-4319 or (559) 713-3240

Sent via E-mail

September 14, 2021

Ellen Leonida

Braun Hagey & Borden LLP

leonida@braunhagey.com

RE: Public Records Act (PRA) Request from Braun Hagey & Borden, LLP for Racial Justice Act (RJA) records
Our File No.: 20211143

Dear Ms. Leonida:

Our office represents the County of Tulare. This letter is to acknowledge our receipt of your request for records on September 8, 2021. Please be advised that nothing in this response should be considered as a waiver of the right of the County to assert any and all claims of exemptions or privileges to the inspection of the whole or any part of the records.

In your letter, you requested the following:

1. Unique identifier(s) associated with each defendant, each case, and each arrest

- a. Name of defendant
- b. Court case number(s)
- c. Arresting agency number(s)
- d. Any other unique identifier(s)

2. Demographic and other information concerning each defendant

- a. Race
- b. Ethnicity
- c. Country of origin or nationality
- d. Gender/sex
- e. Age or date of birth
- f. Prior criminal convictions of a defendant

3. Information regarding each arrest

- a. Zip code of arrest
- b. Date of arrest
- c. Charge identified by law enforcement referring individual (including top charge by law enforcement referring)

4. ADA assigned to the case

5. Decisions to decline to prosecute

- a. Date of decision to decline to prosecute
- b. Identity of person who made final decision to decline prosecution
- c. Charges declined to prosecute (charge-level declinations as opposed to individual- or case-level where available)
- d. Reasons for the declinations to prosecute, including but not limited to:
 - i. police misconduct involved in case;
 - ii. injuries to persons involved;
 - iii. injuries to suspect;
 - iv. financial loss to persons involved;
 - v. prior criminal record of suspect; and
 - vi. victim's level of cooperation in prosecuting case.

6. Diversion offers and decisions (formal and informal, and including collaborative court and deferred prosecution)

- a. Date of diversion offer
- b. Type of diversion offered
- c. Whether diversion accepted
- d. Whether diversion completed

7. Charges filed

- a. Statutes (applicable code section)
- b. Severity (i.e., infraction, misdemeanor, wobbler, felony)
- c. Any enhancements⁵
- d. Maximum sentence

8. Factors considered in deciding charges to file, and level of charges, including

- a. Injuries to persons
- b. Financial loss to persons
- c. Status of victim (i.e., law enforcement, child, spouse, etc.)
- d. Prior criminal history of defendant
- e. Victim's cooperation

9. Bail/custody information

- a. Bail amount requested
- b. Detention orders sought
- c. Whether bail was set or denied
- d. Whether individuals were released on bail or not
- e. Pre-plea/pre-trial custody status

10. Plea offers

- a. Charge(s) offered, including severity (i.e., infraction, misdemeanor, felony), including enhancements
- b. Dates of plea offers

- c. Sentence(s)/disposition(s) offered
- d. Records of whether any plea offer was accepted, including date of acceptance

11. Case outcomes

- a. Charges of conviction
- b. Dismissed charges
- c. Sentences

12. Counsel for defendant, whether public defender or private counsel

13. Demographic and other information concerning victims

- a. Race
- b. Ethnicity
- c. Gender/sex

14. Recommendations regarding parole

15. Recommendations regarding pardon or commutation

The Department is attempting to locate the requested records. However, pursuant to Government Code § 6253(c), due to the volume of records to be searched, we are providing notice to you that we will require an additional 14 days to complete our search. We will respond to your request by September 28, 2021.

Pursuant to *Ardon v. City of Los Angeles* (2016) 62 Cal.4th 1176, inadvertent disclosure of documents in response to Public Records Act requests do not waive attorney-client and work product privileges. If you have any additional questions in the interim, please contact the undersigned at 559-636-4950, or by e-mail at cwfelix@tularecounty.ca.gov.

Very truly yours,
JENNIFER M. FLORES
County Counsel

By Charles W. Felix
Charles W. Felix
Deputy County Counsel

cc. Daniel Underwood