



OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF SHASTA



Stephanie A. Bridgett
District Attorney

Benjamin L. Hanna
Chief Deputy District Attorney

September 15, 2021

Ellen Leonida, Esq.
PRA Responses
BraunHagey & Borden LLP
351 California Street, 10th Floor
San Francisco, CA 94104

Ms. Leonida:

This is to respond to your California Public Request Act (CPRA) request dated September 7, 2021, which the Shasta County District Attorney's Office (District Attorney's Office) received on the same date.

You requested multiple records relevant to the implementation of the California's Racial Justice Act (RJA) for the time-period from 2015 to present.

The law states that responses to CPRA requests are limited to writings prepared, owned, used, or retained by a local agency. (Gov. Code § 6253(e)). The CPRA does not require the agency to create new records. (*Fredericks v. Superior Court* (2015) 233 Cal.App.4th 209, 227). The District Attorney's Office's case management system (CMS) is not configured in a manner that would readily allow them to generate data reports as you requested. Therefore, your request requires County employees to search and extract the requested information from CMS manually. Currently, we estimate the total time needed to complete your request is about 160 hours of County employee time. This estimate does not include the time required to respond to your requests sections 2, 9, 10, 12, and 13, as this information is not stored in the CMS and will require a manual search of each defendant's paper file within the scope of your request, which is not feasible due to the volume of files. Accordingly, your request does not appear to "make a focused and effective request that reasonably describes an identifiable record or records." (Gov. Code §§ 6253(b), 6253.1(a)). Nor is the request limited, focused, and specific as required by law. (*Rogers v. Superior Court* (1993) 19 Cal.App.4th 469, 480-481). Considering the scope of your request, we doubt the records could be located with "reasonable effort," but rather,

locating these records would require the District Attorney's Office to undertake extraordinarily extensive measures to accomplish its search. (*City of San Jose v. Superior Ct.*, 2 Cal. 5th 608, 627, 389).

Additionally, please be advised some of the requested records appear to be exempt from public disclosure under deliberative process privilege, the work product privilege, and because the public interest served in not disclosing the requested records outweighs the public interest served in disclosing them. (Gov. Code §§ 6255 and 6254(k), see *Regents of Univ. of Calif. v. Sup.Ct. (Molloy)* (1999) 20 C4th 509, 540, *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, and *Rogers v. Superior Court* (1993) 19 Cal.App.4th 469.) The records responsive to your request may also be redacted to withhold confidential information pursuant to Section One of Article I of the California Constitution and California Government Code § 6254(k). Other exemptions may also apply.

Notwithstanding the foregoing, if you would like the District Attorney's Office to proceed with providing you a copy of non-exempt records in response to your request as currently formed, please be advised that your request is subject to a fee pursuant to Shasta County Ordinance No. 755. Under the Ordinance, large requests are subject to a cost recovery fee for the actual time in excess of two hours at the rate of \$25.00 per hour to locate, retrieve, review, prepare, copy, and furnish records. Based on the current estimate, the total fee is \$ 3,950. This estimate does not include the time needed to complete sections 2, 9, 10, 12, and 13 of your requests.

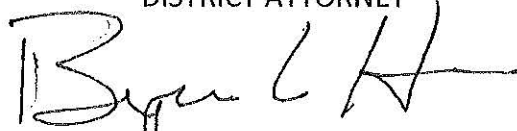
If you wish to receive these records, please confirm by replying to this response and remit payment of \$3,950 to the District Attorney's Office. Upon receipt of payment, the District Attorney's Office will process your request to locate public non-exempt responsive records. Following its search, the District Attorney's Office will inform you when copies of non-exempt records responsive to your request will be provided to you, subject to all applicable redactions and exemptions. The County will not take any further action on your request prior to receipt of payment. If locating, retrieving, and providing the responsive records to you costs less than the estimated fee, the County will refund you the corresponding difference. Conversely, the District Attorney's Office will inform you if completing your request costs more than estimated, and you will be responsible for the additional cost pursuant to Ordinance No. 755.

If you wish to narrow or amend your request, which may reduce the estimated fee, or discuss how to formulate a more focused request, please advise so by replying to this response. Please be advised that Ordinance No. 755 remains applicable to any modified request. If you choose to amend your request, the District Attorney's Office will inform you of any fee you may be charged before completing a search or providing records.

Ellen Leonida, Esq.
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Absent your reply to this response, we will not take further action on your request. If you have any questions, please contact me at 530-245-6310 or via email at bhanna@co.shasta.ca.us.

Sincerely,
STEPHANIE A. BRIDGETT
DISTRICT ATTORNEY

A handwritten signature in black ink, appearing to read "Ben L Hanna", written over the printed name of Benjamin L. Hanna.

Benjamin L. Hanna
Chief Deputy District Attorney