



# COUNTY OF YOLO

Office of the County Counsel

625 Court Street, Room 201 ▪ Woodland, CA 95695  
Main: (530) 666-8172 ▪ Fax: (530) 666-8279  
www.yolocounty.org

*Philip J. Pogledich*  
County Counsel

*Eric May*, Senior Deputy  
Direct: (530) 666-8278  
eric.may@yolocounty.org

September 17, 2021

## VIA ELECTRONIC MAIL

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

### **RE: Response to September 7, 2021 PRA Request**

Dear Ms. Leonida,

I write in response to your September 7, 2021 Public Records Act request to the Yolo County District Attorney's Office ("D.A.'s Office"). In your request, you seek approximately 49 categories of data for all cases considered for prosecution or prosecuted by the D.A.'s Office during a six-and-a-half year period.

Several categories of data are not maintained in the databases maintained by the D.A.'s Office that can be extracted through a computer query, namely:

- Dates of plea offers
- Records of whether plea offer was accepted, including date of acceptance
- Counsel for defendant
- Recommendation regarding parole
- Recommendation regarding pardon or commutation
- Zip code
- Maximum sentence
- Injuries to persons
- Financial loss to persons
- Victim's cooperation
- Detention orders sought
- Ethnicity of victims

To the extent your request seeks this information from the case files of the approximately 50,000 cases during the relevant time period, the request is unduly burdensome.

Further, the request seeks information that constitutes criminal offender record information. *See* Gov. Code § 6254(k); Penal Code §§ 13300-13302; *Weaver v. Superior Court*, 224 Cal. App. 4th 746, 751 (2014); 89 Ops. Cal. Atty. Gen. 204, 212 (2006). Specifically, the following data would allow identification of particular defendants and is therefore exempt from disclosure:

- Name of defendant
- Court case numbers
- Arresting agency numbers
- Any other unique identifiers
- Date of birth
- Prior criminal history of defendant

This criminal offender record information also is exempt from disclosure under the Act's "catch-all exemption," because the public interest served by not disclosing this information clearly outweighs the public interest served by disclosure. *See* Gov. Code § 6255.

The following information can be extracted and compiled from the DA's Office's database without disclosing criminal offender information:

- Race
- Ethnicity
- Country of origin or nationality
- Gender/sex
- Date of arrest
- Age
- Charge identified by law enforcement referring individual
- ADA assigned to the case
- Date of decision to decline to prosecute
- Reasons for the declinations to prosecute,
- Identity of person who made final decision to decline prosecution
- Charges declined to prosecute
- Type of diversion offered
- Date of diversion offer

- Whether diversion accepted
- Whether diversion completed
- Statutes (applicable code section)
- Severity (i.e., infraction, misdemeanor, wobbler, felony)
- Any enhancements
- Status of victim (i.e., law enforcement, child, spouse, etc.)
- Bail amount requested
- Whether bail was set or denied
- Whether individuals were released on bail or not
- Pre-plea/pre-trial custody status
- Charge(s) offered in plea, including severity
- Sentence(s)/disposition(s) offered
- Date of acceptance
- Charges of conviction
- Dismissed charges
- Sentences
- Race of victims
- Gender/sex of victims

Please note that for some of these categories, the data may be incomplete, based on when the information started being coded in the system or whether the data existed for the specific cases.

Staff estimates that extraction and compilation of the non-exempt data will take approximately 72 hours of staff time, at an hourly rate of \$81.49/hour, for an estimated cost of \$5,867.28. These data extraction and compilation costs would be paid by the requesting party. *See* Gov. Code § 6253.9(b)(2). The D.A.'s Office has only one programmer who can perform the extraction and compilation tasks, and it is estimated that this project likely will take a number of months before the D.A.'s Office can produce the data, given the other priority projects the programmer is working on.

If you would like for the D.A.'s Office to undertake this extraction and compilation project for you, please send a check in the full amount made out to "County of Yolo" to me at 625 Court Street, Room 201, Woodland, CA 95695. If the cost exceeds the deposit, I will let you know of the additional cost due before the documents are produced. If the cost is less than the deposit, a refund will be issued for the difference.

Ellen Leonida  
September 17, 2021  
Page 4

Please let me know if you have any questions.

Sincerely,



Eric May  
Senior Deputy County Counsel