

# The County of Yuba

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September 17, 2021

Ellen Leonida  
PRA Responses  
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351 California Street, 10<sup>th</sup> Floor  
San Francisco, CA 94104  
Sent via e-mail only to: [praresponse@braunhagey.com](mailto:praresponse@braunhagey.com)

**Re: Your Public Records Act Request to Yuba County**

Dear Ms. Leonida,

This letter serves as Yuba County's ("the County") initial response to your Public Records Act request dated September 7, 2021, where you seek records from the County regarding the implementation of California's Racial Justice Act.

Please note that the County will not produce privileged records or documents that are otherwise exempt from disclosure pursuant to California Government Code section 6254(k), including, but not limited to, the deliberative process privilege; preliminary notes, drafts and memoranda exemption (Gov. Code §6254(a)); investigative records (Gov. Code §6254(f)); attorney-client privilege and/or attorney work product (Gov. Code §6254(k)); official information privilege (Evid. Code §1040; Gov. Code §6254(k)); permit applicant's personal financial data information (Gov. Code § 6254(n)); and the public interest exemption (Gov. Code §§ 6254(a); 6255). Further, as we gather the records for production, we may discover other applicable privileges or exemptions or both under Government Code sections 6254, 6255, 6256, or other applicable state or federal laws, and we reserve any and all rights to assert such privileges or exemptions at any time.

Without waiving the above exemptions, the County provides its responses below relative to each of the categories requested:

**Request No. 1:**

[From 2015 to present], 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).

To the extent this request seeks records containing identifying information that constitutes criminal history information that is protected under the Penal Code, the request is denied and the County will not provide such records.

The County may be able to extract some of this information through data extraction, compilation or programming. Under Gov. Code §6253.9(b), the requester is responsible for costs related to extraction, compilation or programming. Please let us know if you wish us to pursue this possibility. Your request for a fee waiver is respectfully declined.

The County has not yet identified responsive records but if such data extraction, compilation, or programming is possible and requested, the County will disclose so long as such records are not exempt from disclosure. The County would also need additional time to apply appropriate redactions prior to disclosing this information.

To the extent the requested data is not otherwise maintained by the County and/or would require the County to create a new record in order to respond to this request, the request is denied and no records will be disclosed. (Sander v. Superior Court, 26 Cal. App. 5th 651, 669 (2018).)

### **Request No. 2:**

[From 2015 to present] 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.

To the extent this request seeks records containing identifying information that constitutes criminal history information that is protected under the Penal Code, the request is denied and the County will not provide such records.

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### **Request No. 3:**

[From 2015 to present], 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).

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#### **Request No. 4:**

[From 2015 to present], ADA assigned to the case.

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#### **Request No. 5:**

[From 2015 to present], 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.

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#### **Request No. 6:**

[From 2015 to present], 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.

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**Request No. 7:**

[From 2015 to present], charges filed

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

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**Request No. 8:**

[From 2015 to present], 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.

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**Request No. 9:**

[From 2015 to present], bail/custody information

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

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**Request No. 10:**

[From 2015 to present], 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.

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#### **Request No. 11:**

[From 2015 to present], case outcomes

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

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#### **Request No. 12:**

[From 2015 to present], counsel for defendant, whether public defender or private counsel.

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**Request No. 13:**

[From 2015 to present], demographic and other information concerning victims

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

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**Request No. 14:**

[From 2015 to present], recommendations regarding parole.

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Ms. Ellen Leonida  
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**Request No. 15:**

[From 2015 to present], recommendations regarding pardon or commutation.

To the extent this request seeks records containing identifying information that constitutes criminal history information that is protected under the Penal Code, the request is denied and the County will not provide such records.

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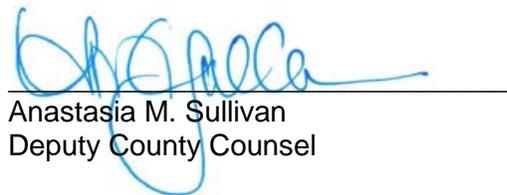
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We anticipate concluding the record review process within the next 60 days. We thank you for your patience and will provide non-exempt records as soon as they are available.

If you have any further questions or concerns, please do not hesitate to contact our office.

Sincerely,  
Yuba County Counsel's Office



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Anastasia M. Sullivan  
Deputy County Counsel