

[External Message Added] County of Napa public records request #21-480

County of Napa Public Records <support@nextrequest.com>

Fri 10/1/2021 9:56 AM

To: PRA Response <praresponse@braunhagey.com>

***** EXTERNAL MESSAGE *****

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

County of Napa Public Records**A message was sent to you regarding
record request #21-480:**

Napa County received your Public Records Act request on September 8, 2021. On September 17, 2021, the County extended its time to respond until October 1, 2021. This message constitutes the County's response to your request.

Your request seeks extraction and compilation of 54 points of data divided into 15 separate categories. As explained in more detail below, based on a review of the data kept in a database format by the Napa County DA's Office, the DA's Office could potentially extract and compile some of the data you seek. Also as noted below, some of the data points and categories of data you seek are not kept in a database format. The database kept by the DA's Office is not currently in a publicly accessible format because it contains confidential information as explained below, and so any data that could potentially be provided from it would need to be extracted and compiled into a separate publicly accessible format, such as a delimited file or Excel spreadsheet, to prevent breach of confidential data.

The following explains which data is and is not available for each of the categories of data you have requested, subject to potential exemptions as described below:

1. Case identifying information

The DA's Office could potentially compile:

- Defendant name
- Court case number
- Arresting agency

2. Demographic information

The DA's Office could potentially compile:

- Race
- Ethnicity
- Birth country
- Gender/sex
- Age
- Date of birth

The DA's Office does NOT keep the following information in a database format, and thus could not compile:

- Nationality
- Country of origin
- Prior criminal convictions

3. Arrest information

The DA's Office could potentially compile:

- Date of arrest
- Charges suggested by arresting agency

The DA's Office does NOT keep the following information in a database format, and thus could not compile:

- ZIP code of arrest

4. ADA/DDA assignment

This data is not normally kept in a database format, but some information might be included in other database fields. To the

extent such data is readily available for a specific case, the DA's Office could potentially compile this data, as available.

5. Decisional information

The DA's Office could potentially compile:

- Date of decision to prosecute or not
- Reviewing DDA
- Approving DDA

The DA's Office does NOT keep the following information in a database format, and thus could not compile:

- Charges, other than those indicated in other categories on this list

Pursuant to the exemptions below, the DA's Office would redact or withhold the following:

- Reasons for decisions

6. Diversion information

The DA's Office could potentially compile:

- Date of diversion offered for drug and driving cases
- Whether pre-plea diversion accepted
- Whether diversion was completed

The DA's Office does NOT keep the following information in a database format, and thus could not compile:

- Diversion offered by type

7. Charging information

The DA's Office could potentially compile:

- Charges by statute
- Level as charged for misdemeanors or felonies
- Enhancements charged

The DA's Office does NOT keep the following information in a database format, and thus could not compile:

- Alternate levels of charges that could have been charged instead
- Maximum sentence

8. Charging factors

The DA's Office does not keep this information in a database format, and thus could not compile it.

9. Bail/custody information

The DA's Office could potentially compile:

- Whether a defendant has bailed out

The DA's Office does NOT keep the following information in a database format, and thus could not compile:

- Bail amount requested
- Detention orders sought
- Whether bail set or denied
- Custody status

10. Plea offers

The DA's Office does not keep this information in a database format, and thus could not compile it.

11. Case outcomes

The DA's Office could potentially compile:

- Charges of conviction
- Charges dismissed
- Sentence received if convicted

12. Defendant counsel information

The DA's Office could potentially compile:

- Whether the defendant is represented by the public defender

The DA's Office does NOT keep the following information in a database format, and thus could not compile:

- If not the public defender, whether it is the conflict public defender or private defense counsel

13. Victim demographic information

The DA's Office could potentially compile:

- Victim race
- Victim ethnicity
- Victim gender/sex

14. Parole information

The DA's Office does not keep this information in a database format, and thus could not compile it.

15. Pardon and commutation information

The DA's Office does not keep this information in a database format, and thus could not compile it.

The California Public Records Act does not require County agencies to generate new records in response to a request. (See Govt. Code sec. 6252(e); *Haynie v. Superior Court* (2001) 26 Cal.4th 1061, 1075; *Sander v. State Bar of California* (2018) 26 Cal.App.5th 651.) When a Public Records Act request seeks electronic data that must be compiled into a format not otherwise available, the Public Records Act requires the requestor to bear the cost of that data compilation. (Govt. Code sec. 6253.9.) Should you wish for this data to be compiled, the County would require such costs of the data compilation to be paid pursuant to Govt. Code sec. 6253.9(b)(2). The data must be compiled in this manner because, as stated above, the data does not currently exist in a compiled format, and releasing the data in its original format would jeopardize or compromise the security or integrity of the proprietary software in which it is maintained. (Govt. Code sec. 6253.9(f).)

The DA's Office estimates that it would take approximately 40 working hours to extract and compile the data you seek at a cost of \$6,947.60. We require payment in full of the \$6,947.60 prior to beginning the process of compiling data. If you wish for the

County to begin this process, please mail a check for the full amount made out to Napa County to:

Napa County Counsel's Office

Attention: John L. Myers

1195 Third St., Suite 301

Napa, CA 94559

The County will not begin this compilation until we have received the check and the funds have cleared.

Following extraction and compilation, the County will require a reasonable amount of time to review the data and redact or withhold any exempt data as explained below. Give the volume of data points you have requested, this process is estimated to take approximately six months.

Certain information you have requested is exempt from disclosure under the Public Records Act and will be redacted or removed to the extent applicable for the following reasons:

- Records and data containing the County's or a County department's deliberative process or decisionmaking process, the disclosure of which would inhibit frank and open discussion among County agents. (Govt. Code sec. 6255; *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325; *California First Amendment Coalition v. Superior Court* (1998) 67 Cal.App.4th 159.) The public interest in withholding these records and data clearly outweighs the public interest in disclosure, in light of the public's interest in the County maintaining the privacy of records pertaining to pending agency action and/or encouraging the candid discussion of legal or policy matters amongst County officials, and in light of the DA's need to openly discuss evidentiary and other legal issues that are protected by attorney-client privilege, which may influence charging decisions and decisions of prosecutorial discretion. Additionally, the DA's decisions relating to charging in one specific case might depend on charging decisions in other cases or affect ongoing investigations,

and the public's interest in ensuring complete and thorough investigations of crimes outweighs the public's interest in disclosing specific charging decisions.

- Records and data – particularly, data relating to cases where charges are not filed or the alleged perpetrator is found to factually innocent – the disclosure of which could expose innocent individuals to potential harm, threats, and other adverse actions. (Govt. Code sec. 6255; *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325; *California First Amendment Coalition v. Superior Court* (1998) 67 Cal.App.4th 159.) The public interest in withholding these records and data clearly outweighs the public interest in disclosure, in light of the public's interest in ensuring that innocent individuals are not subjected to personal or economic penalties for crimes they were not convicted of, and in light of the public's interest in ensuring that the DA's Office prosecutes only of those individuals who meet the evidentiary threshold required for prosecution to commence.
- Information that contains contact or identifying information of complainants, including complaining victims, the release of which would discourage candid discussion of policy matters. (Govt. Code sec. 6255; *Times Mirror Company v. Superior Court* (1991) 53 Cal.3d 1325; *California First Amendment Coalition v. Superior Court* (1998) 67 Cal.App.4th 159; *City of San Jose v. Superior Court* (1999) 74 Cal.App.4th 1008.)
- Records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, the Office of Emergency Services and any state or local police agency, or any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes. (Govt. Code sec. 6254(f); *Haynie v. Superior Court* (2001) 26 Cal.4th 1061; *Rackauckas v. Superior Court* (2002) 104 Cal.App.4th 169.)
- Records and data that, when compiled, constitute local summary criminal history information, the disclosure of which is prohibited except to specified institutions and individuals. (Gov. Code sec. 6254(k); Penal Code sec. 13300.)

Again, the County is willing to compile the data as explained above upon receipt and clearance of a check for the appropriate amount. We will pause your request for a period of 90 days to provide time for you to provide the required funds. After 90 days, we will close your request on the assumption that you are no longer interested in obtaining the records and data.

Please reply to this email to inform us of whether you intend to provide the funds required or whether you would like to withdraw your request.

View Request 21-480

<https://countyofnapa.nextrequest.com/requests/21-480>



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