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# OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN DIEGO

DWAIN D. WOODLEY
ASSISTANT DISTRICT ATTORNEY

#### SUMMER STEPHAN DISTRICT ATTORNEY

March 4, 2022

Ellen Leonida <u>leonida@braunhagey.com</u>

Re: California Public Records Act Request

Reference No. 22-14 PRA

Update Letter #1

Dear Ellen Leonida,

I am a designated custodian of records for the Office of the San Diego County District Attorney responsible for compliance with the California Public Records Act (CPRA). On February 10, 2022, this office received your emailed CPRA request on behalf of the American Civil Liberties Union of Northern California (ACLU).

You requested the following records for the time-period of 2015 to the present:

# 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. 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 enhancements
- 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

On February 18, 2022, this office extended the response time to March 4, 2022, pursuant to Government Code section 6253, subdivision (c).

The requests in Items 1-13 and 15 require data compilation, extraction, and programming to construct the records you are seeking. Pursuant to Government Code section 6253.9, subdivisions (a) and (b)(2), "the requestor shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record," where the request "would require data compilation, extraction, or programming to produce the record."

As mentioned in Response Letter #1 for PRA 21-104, dated February 25, 2022, we anticipate the charge for this request to be \$317.20. This figure includes the salary of the employee who will program, extract, and compile the data multiplied by the time it will take to do so (\$63.44/hour x 5 hours).

However, this office needs additional time to confirm that initial cost estimate. Several data points you have requested are not typically maintained in our internal electronic case management system (CMS). Accordingly, I am working with our IT department to determine if those data points can be extracted with additional computer programming.

A final cost estimate will be provided to you by March 18, 2022.

Your patience is appreciated as we continue to process your request.

Sincerely,

Kimberly Roth
Deputy District Attorney

Appellate and Training Division