

**From:** [Thomas Hardy](#)  
**To:** [Josh Wilner](#)  
**Cc:** [PRA Response](#)  
**Subject:** RE: February 8th Meeting Follow Up  
**Date:** Tuesday, March 8, 2022 4:16:21 PM

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**\*\*\* EXTERNAL MESSAGE \*\*\***

Hello—

Apologies for not responding sooner.

I was able to talk to an executive from our software provider. He pointed me to some reports that the system provides, but it appears that they are not helpful, given the way we record data. He also indicated that his firm could prepare a custom report seeking to collect the data that you are asking for, but he estimated the cost at \$10,000.00. Without trying to be a smart aleck, if you and your clients are willing to pay that, we can work on the details and I can get them going. I basically sent him a copy of your request, and that was his response. However, I was kind of assuming that that was not a number that either you nor I could work with.

What the press of business has kept me from doing so far is diving into some of the non-custom reports that appear to be available in the software. I will try to look at that as soon as I reasonably can. I think that it should be able to produce a report with names of defendants, court case numbers, DA case numbers, and charges. I'm not sure how much more I will be able to figure out, but I am going to give it a try.

I appreciate your continued patience. As mentioned several times, this is a difficult request for a small, rural county. I will try to give this a higher priority amongst the day-to-day flow of business.

Best,

Tom

**Thomas L. Hardy**

Inyo County District Attorney

[thardy@inyocounty.us](mailto:thardy@inyocounty.us)

760.878.0282

Historic Inyo County Courthouse

168 North Edwards Street

P.O. Drawer D

Independence, CA 93526

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**From:** Josh Wilner <Wilner@braunhagey.com>

**Sent:** Tuesday, March 8, 2022 3:21 PM

**To:** Thomas Hardy <thardy@inyocounty.us>  
**Cc:** PRA Response <praresponse@braunhagey.com>  
**Subject:** Re: February 8th Meeting Follow Up

Mr. Hardy,

Please provide an update on our request. Thank you, again, for your assistance.

Regards,

Joshua Wilner

**BRAUNHAGEY & BORDEN LLP**

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**From:** Josh Wilner <[Wilner@braunhagey.com](mailto:Wilner@braunhagey.com)>

**Sent:** Tuesday, February 22, 2022 8:59 AM

**To:** Thomas Hardy <[thardy@inyocounty.us](mailto:thardy@inyocounty.us)>

**Cc:** Kory DeClark <[declark@braunhagey.com](mailto:declark@braunhagey.com)>; PRA Response <[praresponse@braunhagey.com](mailto:praresponse@braunhagey.com)>

**Subject:** Re: February 8th Meeting Follow Up

Mr. Hardy,

Thank you for taking the time to search your computer system and give us the information you have. We understand that February 24 may no longer be a workable deadline. Please let us know at your earliest convenience when you anticipate receiving an answer from your software provider.

Regards,

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**From:** Thomas Hardy <[thardy@invocounty.us](mailto:thardy@invocounty.us)>

**Sent:** Tuesday, February 15, 2022 10:38 AM

**To:** Josh Wilner <[Wilner@braunhagey.com](mailto:Wilner@braunhagey.com)>

**Cc:** Kory DeClark <[declark@braunhagey.com](mailto:declark@braunhagey.com)>

**Subject:** RE: February 8th Meeting Follow Up

**\*\*\* EXTERNAL MESSAGE \*\*\***

Good Morning—

I wanted to follow-up with some more information about our conversation. This is not my final reply, but I wanted to provide an update.

I have not, so far, been able to make contact with the appropriate person from our software provider. I am not sure what the problem is, but, as I mentioned, I am going to be out of my office starting at noon today, and won't be back until next Tuesday. I am not confident that I will be able to accomplish a meaningful conversation with him/her before February 24.

But, that being said, I have taken the time to really look at our software and applying my limited amount of technical skill, I would offer the following "section by section" review of what I think we will be able to do (the "sections" refer to the September 7, 2021 letter from your firm).

1. Section 1 (unique identifiers). I believe that we should be able to provide that. We gather that info, so I think we should be able to prepare a report/spreadsheet .
2. Section 2. I believe that we should be able to provide this information, except for subsection (f). While we obtain criminal histories in some/many of our cases, they are not entered into the system in a way in which we can pull out data points.
3. Section 3. I believe that we should be able to provide this information, with the exception that we usually enter the Zip Code of the offense location, not the arrest location.
4. Section 4. I believe that we should be able to provide this information.
5. Section 5. I believe that we should be able to provide subsections (a)-(c). We can provide some information for (d), but not with the specificity set forth in the request. We track such things as "lack of evidence", "referred for further investigation", "interests of justice", "handle as probation violation", etc., but don't drill down to the level set forth in the request.
6. Section 6. We should be able to provide subsections (c) and (d), but we don't enter the data points for (a) and (b).
7. Section 7. I believe that we should be able to provide (a). As to (b) we collect whether a charge is filed as a felony, misdemeanor, or infraction, but we do not collect data as to how "wobblers" are filed. (c) we should be able to provide. We do not routinely enter subsection (d) (Maximum sentence). We always figure that out at some point, but it is not entered in a way that it could be easily collected.
8. Section 8. As mentioned in our conversation, I have previously provided our policy manual which includes guidance on charging decision, but we do not make any specific data point

entries in each case regarding the factors listed in the request.

9. Section 9. We do not routinely gather data points for individual cases as to bail/custody information.
10. Section 10. Subsection (d) we may be able to provide, because we can get that from outcome data. We do not otherwise routinely enter data points requested. As we discussed, in our rural county plea negotiations tend to be verbal and relatively informal.
11. Section 11. I believe that we should be able to provide this, because we try to collect this data.
12. Section 12. We should be able to provide the name of defense counsel, but we do not track whether they are court appointed or private. We can tell you the names of defense attorneys with contracts for public defender services, but we do not track whether they are appearing as court appointed or privately retained (it is fair to say that the vast majority of cases they appear in are court-appointed, but we don't track it).
13. Section 13. We do not routinely collect these data points. When I speak with our software report expert I will see if we can do anything with this. Gender may be possible, I am less confident about race and/or ethnicity.
14. Section 14. We do not routinely collect these data points. As I indicated, Inyo County has very few "lifer" defendants (less than ten, for sure, and more like four or five).
15. Section 15. As we discussed, I do not recall ever being asked for any input on a pardon or commutation case. I do not believe that we have any data to collect.

I will continue my efforts to talk with our software provider and to provide more specificity. I do not want you to think that I am ignoring your request, and I will do my best to have more information by February 24. As I mentioned, we are a small office (4 attorneys) and I really cannot delegate this to someone else. Our software is provided by a commercial operator and while they are generally helpful they are not exactly under my direct control.

Best regards,

**Thomas L. Hardy**

Inyo County District Attorney

[thardy@inyocounty.us](mailto:thardy@inyocounty.us)

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**From:** Josh Wilner <[Wilner@braunhagey.com](mailto:Wilner@braunhagey.com)>

**Sent:** Tuesday, February 8, 2022 3:19 PM

**To:** Thomas Hardy <[thardy@inyocounty.us](mailto:thardy@inyocounty.us)>

**Cc:** Kory DeClark <[declark@braunhagey.com](mailto:declark@braunhagey.com)>

**Subject:** February 8th Meeting Follow Up

Dear Mr. Hardy,

Thank you for a productive call this afternoon. I am writing to memorialize our discussion and agreed upon next steps.

You agreed to speak with your technology department about whether each sub-category of our request is tracked and can be produced. You will also see if any information from before November 2016 (when you switched to a new computer system) can be collected. We ask that you provide this information in writing, organized under each sub-category of our request. If a particular sub-category of data cannot be collected by computer programming, please tell us if the data can be retrieved manually or if it is simply not tracked at all. We will check in with you about this on February 24th.

Thanks, again, for your help.

Regards,

Joshua Wilner

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