



OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF RIVERSIDE

MICHAEL A. HESTRIN
DISTRICT ATTORNEY

March 9, 2022

Brian Cosgrove
Deputy Public Defender
bgcosgrove@rivco.org

Dear Mr. Cosgrove:

The Riverside County District Attorney's Office is in receipt of your request for discovery related to the Racial Justice Act (RJA) in *People v. Austin*, case number RIF1800692. As I previously represented, the Office intends to voluntarily provide available discovery in response to your request. It is my understanding that you have requested the following:

1. A list of all murder cases filed in Riverside County from January 1, 2016, through December 31, 2021, including the name of the defendant, racial/ethnic background of the defendant, case number, charges, and enhancements.
2. A list of all special circumstance murder cases filed in Riverside County between January 1, 2016, and December 31, 2021.
3. A list of all cases in which a notice of intent to seek the death penalty was filed in Riverside County between January 1, 2016, and December 31, 2021.
4. All available information identifying the race or ethnic history of all victims in murder cases filed in Riverside County between January 1, 2016, and December 31, 2021.
5. Copies of all filing reports regardless of the name used for the document by sundry police agencies for all murder cases filed in Riverside County between January 1, 2016, and December 31, 2021.

With this letter, I am providing an excel spreadsheet that includes a list of all murder cases, including special circumstance murder cases, filed between January 1, 2016, and December 31, 2021. The excel sheet includes case number, charges (including enhancements and allegations), defendant's name, defendant's race/ethnicity, victim's last name, and victim's race/ethnicity. Because of the manner in which data is extracted from the Office's case management system, each charge results in a separate line even if filed in the same case against the same defendant. For example, you will see that a single defendant charged with one count of murder with two special circumstance allegations will result in three lines of data on the excel spreadsheet. Please let me know if you have any questions about the manner in which the data is organized.

Please note that the data produced in this excel spreadsheet is based on fields that exist within our case management system. The system relies upon manual entry of data by support staff and

based upon the limited information available to that staff at the time of entry. Thus, there will necessarily be some inadvertent inaccuracies and omissions, which are inherent in any manual data entry system. Additionally, you should be aware that the defendant's and victim's race/ethnicity information entered in the case management system is derived solely from the investigative reports submitted by local law enforcement agencies.

I am also providing a second excel spreadsheet that includes a list of special circumstance murder cases in which a notice to seek the death penalty or a notice not to seek the death penalty was filed. This list includes those cases in which the data field for a notice to seek or not seek the death penalty was completed within our case management system. However, not every special circumstance murder case has this data field completed. Thus, this list is incomplete and subject to inaccuracy. As I explained above, the computer data within our case management system has certain limitations. If the data is present in the system as a database element or field, we can retrieve the data. Conversely, if the information is not in the database, it cannot be retrieved by reference to a database element or field. More accurate data regarding whether a notice of intent to seek death was filed can likely be acquired from the Superior Court's data.

Furthermore, I want to make you aware that the Office has engaged an external research team to perform an audit of the data contained in our case management system. In the course of performing this audit, the external research team has identified that up to 43 percent of our data for all types of cases (not limited to murder cases) is incomplete or perhaps has errors. Importantly, at least 22 percent of our case management system appears to reflect cases where charges were filed but we do not have final disposition information or sentencing information. This is true despite many of the cases beginning over a decade ago. We are actively working to backfill this information, but these critical data limitations make it inappropriate for any analyses to be performed on some of our data. We appreciate your patience as we work through this process. As our external research team is able to fill in missing data fields relevant to your request, I will provide you with additional information.

With regard to your request number 5, it is not possible with our case management system to generate police reports for all murder cases filed between January 1, 2016, and December 31, 2021. This cannot be accomplished in automated form and would require a hand search of case information. We do not have the resources to accomplish this task for such a large number of cases. As I discussed earlier today with Deputy Public Defender David Macher, we will work with you to provide the information you are seeking in a different form. Alternatively, if you could limit the scope of the request, we may be able to provide the documents you are seeking. Please contact me if you have any questions or concerns.

Sincerely,

Emily Hanks

Emily R. Hanks
Deputy District Attorney

cc: Richard Briones-Coleman