



**County of San Bernardino
OFFICE OF THE DISTRICT ATTORNEY
JASON ANDERSON, District Attorney**

Appellate Services Unit

March 10, 2022

Ellen Leonida, Esq.
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San Francisco, CA 94104

Dear Ms. Leonida:

We are in receipt of your California Public Records Act request dated February 18, 2022. As I indicated by e-mail, I was called away by a family emergency, hence the short delay in responding. This preliminary response is a request for clarification.

You have requested, in essence, all data in our possession on every case prosecuted, or even *considered* for prosecution, since 2015. Specifically, you seek information in fifteen categories, most of them broken down further into extensive sub-sections.¹

Preliminarily, it appears to us that the request seeks many things that are not public records, are privileged, or are beyond our ability to obtain and provide. Before we raise these objections, however, we note that the request certainly does encompass substantial information that has become public, and which is in our possession. Specifically, this would be all identifying facts that normally appear on a complaint or information (as those are public documents), including the defendant's name (and AKAs, if any), the charges and their degree, any sentencing enhancements alleged, the identity of the prosecutor filing the complaint, the defendant's date of birth, and the defendant's booking number. It should be noted that our complaints do not include a defendant's race or gender, nor is that information made public by us or the courts.

Beyond that, our files will include actual case outcomes, which are clearly public – charges of conviction, allegations admitted, length of sentences, charges dismissed, etc. And we would also have data on the names of attorneys who have made court appearances for both sides, though not on who has been formally “assigned.”

¹ As noted, you have sought case information in fifteen very broad categories for all cases “since 2015.” We take this to include cases from 2015 itself, rather than beginning in January 2016 – kindly correct us if that is not your intent.

As by its universal wording your request covers hundreds of thousands of cases, assembling this information into a workable database would, of course, be a major undertaking. Per Gov. Code section 6253.9(b), as you know, “the requestor shall bear the cost of producing a copy of the [requested] record, including the cost to construct the record, and the cost of programming and computer services necessary to produce a copy” when “the request would require data compilation, extraction, or programming to produce the record.” Accordingly, we must first provide you with an accurate estimate of the expense involved, and secure your approval and payment, before beginning this effort.

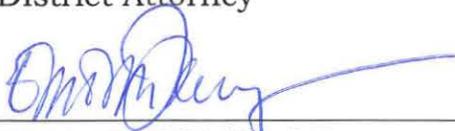
Before that, though, we must first ask for clarification of the format in which you hope to receive the information. You describe all numbered items on your request as “records requested,” and ask that they be provided electronically. However, it is unclear to us whether you are seeking a statistical breakdown of our case data by the categories you have identified, whether you are asking for a single spreadsheet entry on each and every case, or whether you envision some other form entirely. For our part, we assume that our information technology department would most feasibly be able to provide this as “raw data” in spreadsheet form, with one entry per case, but do not know offhand whether other options are available, so there is a need to be specific. And if you are primarily interested in a breakdown, so as to identify any patterns or trends, we would need your take on how individualized data, such as the names of the defendants, prosecutors and defense attorneys, would fit into that.

So before we progress further, kindly clarify your wishes on these points. We will then respond promptly with an estimate of expense and, as appropriate, our objections and/or obstacles to providing the other materials requested.

Yours sincerely,

JASON ANDERSON

District Attorney



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