

From: [PRA Response](#)
To: [Steve Bolen](#); [PRA Response](#)
Subject: Re: your public records request
Date: Friday, March 11, 2022 11:47:30 AM

Mr. Bolen,

Thank you for your work on our request. In response to the initial question, we would like the report to inclusive of any cases in which all referral charges were declined for prosecution.

Our office is now willing to agree to an extension to November 14, 2022. We ask that you provide any legal exemptions you believe justify withholding specific categories of data by March 31, 2022. I have taken note of the subcategories of our request which you report can only be acquired by manual search. Please let me know as soon as possible if there are other subcategories of data we request which will not be available in the report because they cannot be retrieved (as opposed to being withheld on a legal basis).

Please let me know if you have any other questions or concerns.

Regards,

From: Steve Bolen <SBolen@contracostada.org>
Sent: Thursday, March 10, 2022 2:21 PM
To: PRA Response <praresponse@braunhagey.com>
Subject: RE: your public records request

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

Mr. Wilner:

Our data manager was able to respond to your inquiries about our data this morning. Although I can't forward the entire email to you, I have copied the relevant information from her email that should be helpful to you:

Hi Steve,

Prior to starting this project, or any piece of it, the major part of clarification would need to be whether the data to be reported should be reflective of any case submitted for filing in the time periods requested or for only cases actually filed by the DA's office during the time period requested. For example, should reports provided be inclusive of any cases in which **all** Referral charges were declined for prosecution (i.e. filter for all cases referred) or should the report only detail cases in which charges were filed with the Courts (i.e. filter for all cases issued – and note any charges NCF'd on those cases filed).

The best starter report is Charge Inquiry as it provides Defendant Name, DOB, Race and Gender on that report – which seem to be the base request for this PRA.

Additional fields included on that report are Defense¹, DA Initials², Arrest Date³, Issued Date⁴, Stage⁵, Neighborhood Code⁶, Count Number⁷, Charge Code⁸, Charge Description⁹, Offense Location¹⁰, Charge Enhancement Description¹¹, Charge Code¹². (Disposition Date and Disposition Code also appear on this report but would be removed as we cannot report Disposition data)

¹ – Displays Bar # associated with that Counsel (field may be blank) – also will only reflect information as last entered/updated – can not validate that Counsel displayed is Counsel who handled the case resolution.

² – Displays initials of last DDA entered in Assigned field (will be blank if Assigned field currently displays as Team designation). Additionally, Initials may not reflect DDA who handled Trial or PX (or other resolution Court hearing)

³ – Date entered in Arrest Date field

⁴ – Date charges were created (or built) in PbK – may not be reflective of date case actually filed with Courts

⁵ – Reflects last actions taken relating to events in PbK

⁶ – Will likely remove from report – not currently being used

⁷ – Count numbering for PbK

⁸ – Statute Code

⁹ – Charge Description titling

¹⁰ – Not consistently used but can leave in if desirable (only lists Street Address)

¹¹ – Enhancement titling

¹² – Internal PbK coding

I may be able to source other requested items for other reports

- Docket number
- Agency
- Report Number
- Severity

The following items are not captured in fields that can be tracked via reports and would need to be manually researched/pulled (if available at all)

- Defendant's Prior Conviction history
- NCF (Declinations to Prosecute) reasons
- Diversion
 - Pre-Filing – would likely only be able to pull data from CAPS referrals (provide numbers relating to the occurrences of events relating to this action)
 - Post-Filing – Court maintains Diversion on cases post-filing and would need to provide this information

- Bail Amounts
 - If Bail sheet is present the suggested amount can be provided – however Bail is ultimately set by the Courts so I don't know if this is a factor we can report
- Victim information
 - Not captured on reports – would have to be manually researched per case
- Sentencing/Plea/Parole/Pardon/Commutation
 - Correspondence for these actions (with the exception of Sentencing memorandums?) occurs outside of PbK (via phone or email communications – only some of which I found is being recorded in Case Notes)

We do not provide Plea/Disposition information as the Court has been very clear that this is their data to report.

Additionally, per 8715, Referral charges are the responsibility of the Law Enforcement (Filing) Agency to report. The DA is responsible for reporting on any Referral charges that are declined for prosecution and charges that are filed with the Court. I do not believe that we can report on Referral charges that are still pending or Referral charges that are altered by version for filing?

I have attached a sub-sample of data pulled for cases issued between 10/1/2015 and 12/31/2015 just so you can see how the report initially generates (DOB, Race and Gender do format to this report however have been removed for privacy reasons as this is not an official submission yet). Please note, our office only went live with PbK as of late September 2015. All data prior to October 2015 is converted data and subject to formatting from our legacy system. The information can be provided starting at 1/1/2015 but I did want to advise that this data would be reflective of data pulled from that legacy system.

As you can see on the generated report each charge is generated on its own separate line. I do the formatting work to consolidate case information into one line to make sorting and filtering easier but this takes up the majority of the time to prepare the finished report. As you can see on the attached sample data there are 8700+ lines of data to be formatted – approximately 2500+ cases listed for that 2 month span.

Due to resources currently available, these PRA responses can only be worked on as time permits/allows. Compiling all of this data for a 6+ year span will take an extended amount of time to complete (whether it be in totality or in pieces).

That concludes the relevant portions of her email. She did include a sample Excel spreadsheet as an attachment, but I have not included it here because some portions may need to be redacted. I will send that to you once any identifying information has been removed.

On a related subject, I am still preparing relevant emails regarding the Racial Justice Act that are responsive to an earlier version of this request. Rather than include that response here, I will email you separately on the thread we began regarding those records.

Steve Bolen

From: PRA Response <praresponse@braunhagey.com>
Sent: Tuesday, March 8, 2022 9:30 AM
To: Steve Bolen <SBolen@contracostada.org>
Cc: PRA Response <praresponse@braunhagey.com>
Subject: Re: your public records request

Mr. Bolen,

Thank you for your assistance. Thursday will be fine. I will look for your response then.

Regards,

Joshua Wilner

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From: Steve Bolen <SBolen@contracostada.org>
Sent: Monday, March 7, 2022 4:04 PM
To: PRA Response <praresponse@braunhagey.com>
Subject: RE: your public records request

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

Mr. Wilner:

First, allow me to apologize for not getting back to you sooner; I was off Friday and in court this morning. As to the substance of your email, I understand your concerns. As you know, I've been filling in for my office in responding to PRAs since Scott Alonso, our PIO, left. In fashioning my letter to your firm, I relied on my knowledge of similar past records requests and the time periods they required for compliance. Other requests have resulted in limited data being released due to the way our case management system organizes and collects data. So upon receiving your email today I reached out to our data manager who prepares these types of records for PRA response. Unfortunately, she is out of the office until Thursday. I've asked her to answer the questions you've posed in your email and I expect she will be able to quickly get back to me with a more authoritative and knowledgeable response than I could based on my more limited understanding.

If it's agreeable with you, I will contact you Thursday by email with an update, and hopefully, the answers to your questions.

Steve Bolen

From: PRA Response <praresponse@braunhagey.com>

Sent: Friday, March 4, 2022 1:16 PM

To: Steve Bolen <SBolen@contracostada.org>

Cc: PRA Response <praresponse@braunhagey.com>

Subject: Re: your public records request

Mr. Bolen,

Thank you for your response. In order to determine whether we can agree to an eight-month extension, we would like more information from you. Please describe the process for data compilation you will need to employ and provide a time estimate for each part of the process. We would also like to know if there is a way to create a schedule for rolling production. For example, could the production be divided by year and produced in several parts?

Based on your letter, it appears that you already have some knowledge regarding the data your office tracks and which subcategories of data you intend to withhold. Please provide a written response to each subcategory of our request. For each subcategory, please inform us whether your office tracks the data we request. If the data is tracked, please let us know whether you intend to produce the data or if you intend to withhold it, and on what legal basis you intend to justify withholding.

We are happy to answer any questions you may have by email or over the phone.

Regards,

Joshua Wilner

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From: Steve Bolen <SBolen@contracostada.org>

Sent: Thursday, March 3, 2022 4:18 PM

To: PRA Response <praresponse@braunhagey.com>

Subject: your public records request

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

Please find a letter in response to your public records request of February 23, 2022, attached.

Steven Bolen
Deputy District Attorney
Contra Costa County