

**From:** [Thomas Hardy](#)  
**To:** [PRA Response](#)  
**Cc:** [Sarah Salomon](#); [Caitlin Shaw](#)  
**Subject:** RE: February 8th Meeting Follow Up  
**Date:** Thursday, March 31, 2022 9:57:55 AM  
**Attachments:** [Sample Excel Spreadsheet for PRA Response.xlsx](#)

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

Inyo Update for March 31, 2022:

My IS Manager is still working on a way to quickly remove birthdates—we thought we had it, but we're not quite there.

He indicates that his assistant is an Excel "whiz", but she is out of the office this week. He himself is still working on it, and it optimistic that this problem can be solved.

Attached is a sample of the report that I am able to produce, with the birthdates manually removed. I thought it may be helpful to see if this information in this format is useful to your request. It appears that we have in the neighborhood of 7,000 case records, so manually removing DOBs would be hugely time consuming. Once we solve the DOB problem, I will still need to go through and manually redact our juvenile case files (which are in the same data base) and we also have some "practice" files that I will need to remove. I hope that this at least gives an idea of what I am working on.

Best regards,

**Thomas L. Hardy**

Inyo County District Attorney

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

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**From:** PRA Response <[praresponse@braunhagey.com](mailto:praresponse@braunhagey.com)>

**Sent:** Friday, March 18, 2022 5:35 PM

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

**Cc:** PRA Response <[praresponse@braunhagey.com](mailto:praresponse@braunhagey.com)>; Sarah Salomon <[Salomon@braunhagey.com](mailto:Salomon@braunhagey.com)>; Caitlin Shaw <[Shaw@braunhagey.com](mailto:Shaw@braunhagey.com)>

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

Mr. Hardy,

Thursday (3/24) will work for us. How about 3pm?

Regards,

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**From:** Thomas Hardy <[thardy@inyocounty.us](mailto:thardy@inyocounty.us)>  
**Sent:** Thursday, March 17, 2022 9:12 AM  
**To:** PRA Response <[praresponse@braunhagey.com](mailto:praresponse@braunhagey.com)>  
**Subject:** RE: February 8th Meeting Follow Up

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

Hello—

Unfortunately, I am on the road on Monday. I currently have most of Thursday open, if that works (3/24).

Best,

Tom

**Thomas L. Hardy**

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**From:** PRA Response <[praresponse@braunhagey.com](mailto:praresponse@braunhagey.com)>  
**Sent:** Tuesday, March 15, 2022 5:06 PM  
**To:** Thomas Hardy <[thardy@inyocounty.us](mailto:thardy@inyocounty.us)>  
**Cc:** PRA Response <[praresponse@braunhagey.com](mailto:praresponse@braunhagey.com)>; Sarah Salomon <[Salomon@braunhagey.com](mailto:Salomon@braunhagey.com)>; Caitlin Shaw <[Shaw@braunhagey.com](mailto:Shaw@braunhagey.com)>  
**Subject:** Re: February 8th Meeting Follow Up

Mr. Hardy,

Thank you for all the work you have put into responding to this request. I think it may be helpful for us to check in and discuss what options are available to gather the data. Are you available speak with us on Monday (3/21) at 2pm? If you are not available, let us know what

times you are available next week.

Regards,

Joshua Wilner

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**From:** Thomas Hardy <[thardy@invocounty.us](mailto:thardy@invocounty.us)>  
**Sent:** Monday, March 14, 2022 1:53 PM  
**To:** Josh Wilner <[Wilner@braunhagey.com](mailto:Wilner@braunhagey.com)>  
**Cc:** PRA Response <[praresponse@braunhagey.com](mailto:praresponse@braunhagey.com)>  
**Subject:** RE: February 8th Meeting Follow Up

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

Hello—

I have made a little more progress. I have found a non-custom report that can list cases that we authorize and provide most of the data points requested in items 1 through 3 of your request, for the time period from November 1, 2016 to the date the report is run. The problems are that the report also includes juvenile filings—so I will need to go through and manually delete those, and that it shows a defendant's date of birth instead of age. While I believe the age can be disclosed, I am reluctant to disclose date of birth because it can be used to access other personally identifiable information (I am not worried about you all doing that, but we have gotten more sensitive to providing data that can lead to identity theft if it falls into the wrong hands).

Eliminating the juvenile filings will take some time, but is relatively easy—I just need to go through the 7,000 or so cases that we have filed since November 2016 and delete them. I don't know how to solve the date of birth problem. I suppose it is possible to delete the DOB and manually compute the age and enter that, but it would take a huge amount of time—and while I am trying to be cooperative, the CPRA does not (to my knowledge) require us to create documents that we don't already have

I'll keep looking for solutions, but I am thinking that to truly produce what you are asking for will take the expensive custom report referenced in my earlier email.

Regards,

Tom

**Thomas L. Hardy**

Inyo County District Attorney

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

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

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

**Cc:** PRA Response <[praresponse@braunhagey.com](mailto: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**

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