

**From:** [Kouba, Grace](#)  
**To:** [Josh Wilner](#)  
**Cc:** [PRA Response](#)  
**Subject:** RE: California Public Records Act Request  
**Date:** Friday, April 1, 2022 3:45:30 PM  
**Attachments:** [image001.png](#)

---

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

Dear Mr. Wilner,

Thank you for your email. I am glad to hear that the Race and Prosecutions reports will be helpful to the ACLU. As to your request for the raw data underlying the Race and Prosecutions reports, that information is protected from disclosure as criminal offender record information under Penal Code sections 13102 and 13300, so the DA's Office will be unable to provide it. If it would be useful, the DA's Office may be able to provide items of aggregate/statistical data that were not included in the reports. Please let me know if the ACLU would be interested in this type of aggregate/statistical data and, if so, which data elements they would be seeking.

Thank you,



**Grace Kouba** | Deputy County Counsel  
Office of the County Counsel, County of Santa Clara  
70 West Hedding Street, East Wing, 9<sup>th</sup> Floor | San José, CA 95110  
Office: (408) 299-6939 | Facsimile: (408) 292-7240  
Pronouns: she/her/hers  
[grace.kouba@cco.sccgov.org](mailto:grace.kouba@cco.sccgov.org) | [counsel.sccgov.org](http://counsel.sccgov.org)

**NOTICE TO RECIPIENT:** The information in this email is confidential and may be protected by the attorney-client and/or work product privileges. If you received this email in error, any review, use, dissemination, distribution, or copying of it is strictly prohibited. Please notify Administration, Office of the County Counsel, of the error immediately at 408-299-5900 and delete this communication and any attached documents from your system.

---

**From:** Josh Wilner <Wilner@braunhagey.com>  
**Sent:** Tuesday, March 29, 2022 10:32 AM  
**To:** Kouba, Grace <grace.kouba@cco.sccgov.org>  
**Cc:** PRA Response <praresponse@braunhagey.com>  
**Subject:** [EXTERNAL] California Public Records Act Request

Ms. Kouba,

Thank you for reaching out to Ellen Leonida regarding our California Public Records Act Request. We spoke with the ACLU and they indicated that your annual Race and Prosecutions reports satisfy much of our request. That said, it would greatly further our aim to enforce the Racial Justice Act to have the raw data underlying the reports. Would it be possible to speak with you about obtaining this data? If, so please let us know times you are available to speak with us next week.

Thank you, again, for your assistance with our request.

Regards,

**Joshua Wilner**

**BRAUNHAGEY & BORDEN LLP**

**San Francisco**

351 California Street, 10<sup>th</sup> Floor  
San Francisco, CA 94104

Tel: (415) 599-0210

**New York**

7 Times Square

27<sup>th</sup> Floor

New York, NY 10036-6524

Tel: (646) 829-9403