

Eric Havens  
County Counsel



## County Counsel

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***Via Electronic Mail***

Josh Wilner  
BraunHagey & Borden LLP  
351 California Street, 10th Floor  
San Francisco, CA 94104  
[Wilner@braunhagey.com](mailto:Wilner@braunhagey.com)

**Re: California Public Records Act Request follow up response**

Dear Mr. Wilner:

Please find attached records responsive to your request. Please find below a table of categories listing whether the requested data: “(1) exists and is digitally accessible for 2015 to present; (2) exists, but is not digitally accessible, and so would require someone to manually pull the data from each case file; or (3) does not exist because it is not tracked in any form by your office.” The table has been updated to reflect records produced to date.

<i>1. Unique identifier(s) associated with each defendant, each case, and each arrest</i>			<b>Status</b>
<i>a. Name of defendant</i>	1	Local summary criminal history information is made confidential pursuant to sections 13300 and 13305 of the Penal Code, Government Code sections 6254(c), (f), (k), 6276.28, and 6255.	Exempt from disclosure
<i>b. Court case number(s)</i>	1	Local summary criminal history information is made confidential pursuant	Exempt from disclosure

		to sections 13300 and 13305 of the Penal Code, Government Code sections 6254(c), (f), (k), 6276.28, and 6255.	
<i>c. Arresting agency number(s)</i>	1	Local summary criminal history information is made confidential pursuant to sections 13300 and 13305 of the Penal Code, Government Code sections 6254(c), (f), (k), 6276.28, and 6255.	Exempt from disclosure
<i>d. Any other unique identifier(s)</i>	3	Local summary criminal history information is made confidential pursuant to sections 13300 and 13305 of the Penal Code, Government Code sections 6254(c), (f), (k), 6276.28, and 6255.	Exempt from disclosure
<i>2. Demographic and other information concerning each defendant</i>			
<i>a. Race</i>	2		
<i>b. Ethnicity</i>	2		
<i>c. Country of origin or nationality</i>	2		
<i>d. Gender/sex</i>	2		
<i>e. Age or date of birth</i>	2	Date of birth is made confidential pursuant to sections 13300 and 13305 of the Penal Code, Government Code sections 6254(c), (f), (k), 6276.28, and 6255.	Exempt from disclosure
<i>f. Prior criminal convictions of a defendant</i>	3	Local summary criminal history information is made confidential pursuant	Exempt from disclosure

		to sections 13300 and 13305 of the Penal Code, Government Code sections 6254(c), (f), (k), 6276.28, and 6255.	
<i>3. Information regarding each arrest</i>			
<i>a. Zip code of arrest</i>	2		
<i>b. Date of arrest</i>	2		
<i>c. Charge identified by law enforcement referring individual (including top charge by law enforcement referring)</i>	1		Produced
<i>4. ADA assigned to the case</i>	1		
<i>5. Decisions to decline to prosecute</i>			
<i>a. Date of decision to decline to prosecute</i>	2		
<i>b. Identity of person who made final decision to decline prosecution</i>	2		
<i>c. Charges declined to prosecute (charge-level declinations as opposed to individual- or case-level where available)</i>	2		
<i>d. Reasons for the declinations to prosecute, including but not limited to: i. police misconduct involved in case; ii. injuries to persons involved; iii. injuries to suspect; iv. financial loss to persons involved; v. prior criminal record of suspect; and vi. victim's level of cooperation in prosecuting case.</i>	2 or 3	Exempt from disclosure pursuant to Government Code subsections 6254(f), (k), (p), and 6255(a); <i>Rackauckas v. Superior Court</i> (2002) 104 Cal.App.4th 169; Government Code § 6276.04; Business and Professions Code § 6202; and Code of Civil Procedure §§ 2018.010 to 2018.080.	Exempt from disclosure
<i>6. Diversion offers and decisions (formal and informal, and including collaborative court and</i>			

<i>deferred prosecution)</i>			
<i>a. Date of diversion offer</i>	2	Some diversion information is made confidential pursuant to Penal Code section 13300(n)	
<i>b. Type of diversion offered</i>	2	Some diversion information is made confidential pursuant to Penal Code section 13300(n)	
<i>c. Whether diversion accepted</i>	2	Some diversion information is made confidential pursuant to Penal Code section 13300(n)	
<i>d. Whether diversion completed</i>	2	Some diversion information is made confidential pursuant to Penal Code section 13300(n)	
<b>7. Charges filed</b>			
<i>a. Statutes (applicable code section)</i>	1		Produced
<i>b. Severity (i.e., infraction, misdemeanor, wobbler, felony)</i>	2		Produced
<i>c. Any enhancements</i>	2		
<i>d. Maximum sentence</i>	2		
<b>8. Factors considered in deciding charges to file, and level of charges, including</b>			
<i>a. Injuries to persons</i>	2		
<i>b. Financial loss to persons</i>	2 or 3		
<i>c. Status of victim (i.e., law enforcement, child, spouse, etc.)</i>			
<i>d. Prior criminal history of defendant</i>	2 or 3	Local summary criminal history information is made confidential pursuant to sections 13300 and 13305 of the Penal Code, Government Code sections 6254(c), (f), (k), 6276.28, and	Exempt from disclosure

		6255.	
<i>e. Victim's cooperation</i>	3		
<b>9. Bail/custody information</b>			
<i>a. Bail amount requested</i>	2 or 3		
<i>b. Detention orders sought</i>	3		
<i>c. Whether bail was set or denied</i>	2 or 3		
<i>d. Whether individuals were released on bail or not</i>	2 or 3		
<i>e. Pre-plea/pre-trial custody status</i>	2 or 3		
<b>10. Plea offers</b>			
<i>a. Charge(s) offered, including severity (i.e., infraction, misdemeanor, felony), including enhancements</i>	2	Exempt from disclosure pursuant to Government Code §§ 6254(f), (k), (p), and 6255(a); Evidence Code § 1153; Government Code § 6276.04; Business and Professions Code § 6202; and Code of Civil Procedure §§ 2018.010 to 2018.080.	Exempt from disclosure
<i>b. Dates of plea offers</i>	2 or 3		
<i>c. Sentence(s)/disposition(s) offered</i>	2	Exempt from disclosure pursuant to Government Code §§ 6254(f), (k), (p), and 6255(a); Evidence Code § 1153; Government Code § 6276.04; Business and Professions Code § 6202; and Code of Civil Procedure §§ 2018.010 to 2018.080.	Exempt from disclosure
<i>d. Records of whether any plea offer was accepted, including date of acceptance</i>	2 or 3		
<b>11. Case outcomes</b>			
<i>a. Charges of conviction</i>	1		Produced
<i>b. Dismissed charges</i>	1		
<i>c. Sentences</i>	1		
<b>12. Counsel for defendant,</b>	2		

<i>whether public defender or private counsel</i>			
<i>13. Demographic and other information concerning victims</i>			
<i>a. Race</i>	1		Produced
<i>b. Ethnicity</i>	1		Produced
<i>c. Gender/sex</i>	1		Produced
<i>14. Recommendations regarding parole</i>			
<i>15. Recommendations regarding pardon or commutation</i>			

For fields coded “2 or 3,” there may or may not exist the information requested. This depends whether the deputy district attorney included it in the notes or the arresting agency included the information in the police report. For fields still empty, the categorization status for these data points is still unknown or there is a lack of information. Staff needs specific information in regards to the data requested. Staff is continuing to work with the IT Department to ascertain whether some of the data points would require data extraction, programming, or formulas produced by Crystal Reports. District Attorney’s Office staff desire to ensure that they accurately predict whether certain reports are able to be produced electronically and that those reports will ultimately contain the correct data points requested.

I will continue to work with the District Attorney’s Office staff to finalize the categorization chart. In the meantime, staff will continue production of non-protected data in category “(1) exists and is digitally accessible for 2015 to present.”

If you have any questions regarding this response, please contact me at (442) 265-1120.

Sincerely,



Eric Havens  
 County Counsel