



OFFICE OF THE COUNTY COUNSEL  
*County of Sutter*

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Deborah Micheli, County Counsel  
Jason Claunch, Risk Management Administrator

May 13, 2022

VIA U.S. MAIL & EMAIL: [preresponse@braunhagey.com](mailto:preresponse@braunhagey.com)

Ellen Leonida  
PRA Responses  
BraunHagey & Borden LLP  
351 California Street, 10<sup>th</sup> Floor  
San Francisco, CA 94104

Ms. Leonida,

Pursuant to California Public Records Act, please find below the Sutter County District Attorney's response to your request dated February 10, 2022. As you may recall, an extension was necessary and submitted to you. As such, the County's response was due on or before May 13, 2022.

On or around May 4, 2022, Josh Wilner, an attorney with BraunHagey, and I discussed the scope of the request and the limitations of the Sutter County District Attorney's Office has in retrieving the requested data. It was suggested that our initial response could characterize non-exempt records in three different categories: (i) information is not tracked, (ii) information may be available in physical files, and (iii) information is digitally stored (and note whether aggregate information/reports are not readily available).

As you will see below, Sutter County will require special assistance and expertise to extract and compile data identified as digitally stored but aggregate information/reports are not readily available. With respect to those categories of information, please let us know if you would like the County to begin the process of extracting and producing that data. Please note that the County will provide an initial estimate of the cost to extract the data and may require advance payment in connection thereto.

**Demand for Production of Public Records No. 1:**

Unique identifier(s) associated with each defendant, each case, and each arrest

- a. Name of defendant
- b. Court case number(s)
- c. Arresting agency number(s)
- d. Any other unique identifier(s)

**Response to Production of Public Records No. 1:**

1. Information may be available in physical files
2. Information is likely digitally stored after 2014, but aggregate information/reports are not readily available
3. Also, public record through the courts

**Demand for Production of Public Records No. 2:**

Demographic and other information concerning each defendant

- a. Race
- b. Ethnicity
- c. Country of origin or nationality
- d. Gender/sex
- e. Age or date of birth
- f. Prior criminal convictions of a defendant

**Response to Production of Public Records No. 2:**

1. Information is not tracked
2. Information may be available in physical files
3. Information is likely digitally stored after 2014, but aggregate information/reports are not readily available

**Demand for Production of Public Records No. 3:**

Information regarding each arrest

- a. Zip code of arrest
- b. Date of arrest
- c. Charge identified by law enforcement referring individual (including top charge by law enforcement referring)

**Response to Production of Public Records No. 3:**

1. Information is not tracked
2. Information may be available in physical files
3. Information is likely digitally stored after 2014, but aggregate information/reports are not readily available

**Demand for Production of Public Records No. 4:**

ADA assigned to the case

**Response to Production of Public Records No. 4:**

1. Information is not tracked
2. ADA's are not assigned unless a case is set for trial. We do not practice vertical prosecution in this office.

**Demand for Production of Public Records No. 5:**

Decisions to decline to prosecute

- a. Date of decision to decline to prosecute
- b. Identity of person who made final decision to decline prosecution
- c. Charges declined to prosecute (charge-level declinations as opposed to individual- or case-level where available)
- 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.

**Response to Production of Public Records No. 5:**

1. Information is not tracked
2. Information may be available in physical files
3. Information is likely digitally stored after 2014, but aggregate information/reports are not readily available

**Demand for Production of Public Records No. 6:**

Diversion offers and decisions (formal and informal, and including collaborative court and deferred prosecution)

- a. Date of diversion offer
- b. Type of diversion offered
- c. Whether diversion accepted
- d. Whether diversion completed

**Response to Production of Public Records No. 6:**

1. Information is not tracked
2. Information may be available in physical files
3. Information is likely digitally stored after 2014, but aggregate information/reports are not readily available

**Demand for Production of Public Records No. 7:**

Charges filed

- a. Statutes (applicable code section)
- b. Severity (i.e., infraction, misdemeanor, wobbler, felony)
- c. Any enhancements
- d. Maximum sentence

**Response to Production of Public Records No. 7:**

1. Information may be available in physical files
2. Information is likely digitally stored after 2014, but aggregate information/reports are not readily available
3. Also, public record through the courts

**Demand for Production of Public Records No. 8:**

Factors considered in deciding charges to file, and level of charges, including

- a. Injuries to persons
- b. Financial loss to persons
- c. Status of victim (i.e., law enforcement, child, spouse, etc.)
- d. Prior criminal history of defendant
- e. Victim's cooperation

**Response to Production of Public Records No. 8:**

1. Information not tracked
2. Information is work product

**Demand for Production of Public Records No. 9:**

Bail/custody information

- a. Bail amount requested
- b. Detention orders sought
- c. Whether bail was set or denied
- d. Whether individuals were released on bail or not
- e. Pre-plea/pre-trial custody status

**Response to Production of Public Records No. 9:**

1. Information not tracked
2. Information maintained by the court and rarely documented in our files

**Demand for Production of Public Records No. 10:**

Plea offers

- a. Charge(s) offered, including severity (i.e., infraction, misdemeanor, felony), including enhancements
- b. Dates of plea offers
- c. Sentence(s)/disposition(s) offered
- d. Records of whether any plea offer was accepted, including date of acceptance

**Response to Production of Public Records No. 10:**

1. Information not tracked
2. Information requested constitutes work product

**Demand for Production of Public Records No. 11:**

Case outcomes

- a. Charges of conviction
- b. Dismissed charges
- c. Sentences

**Response to Production of Public Records No. 11:**

1. Information not tracked
2. Information may be available in physical files

3. Information is likely digitally stored after 2014, but aggregate information/reports are not readily available
4. Also, public record through the courts

**Demand for Production of Public Records No. 12:**

Counsel for defendant, whether public defender or private counsel

**Response to Production of Public Records No. 12:**

1. Information not tracked
2. Information maintained by the court and is public record through their system

**Demand for Production of Public Records No. 13:**

Demographic and other information concerning victims

- a. Race
- b. Ethnicity
- c. Gender/sex

**Response to Production of Public Records No. 13:**

1. Information is not tracked
2. Information may be available in physical files
3. Information is likely digitally stored after 2014, but aggregate information/reports are not readily available

**Demand for Production of Public Records No. 14:**

Recommendations regarding parole

**Response to Production of Public Records No. 14:**

1. Information is not tracked
2. Information may be available in physical files
3. Information is likely digitally stored after 2014, but aggregate information/reports are not readily available
4. Information maintained by the court and the probation department

**Demand for Production of Public Records No. 15:**

Recommendations regarding pardon or commutation

**Response to Production of Public Records No. 15:**

1. Information is not tracked
2. Information may be available in physical files
3. Information is likely digitally stored after 2014, but aggregate information/reports are not readily available
4. Information maintained by the court

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Please let us know how you would like to proceed with the documents that require data extraction and compilation so that we may begin preparing a cost-estimate for your review.

Should you have any questions or concerns, please do not hesitate to contact the undersigned directly at (530) 822-4119.

Sincerely,

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Deborah Micheli  
County Counsel