



Office of the District Attorney Alameda County

Nancy E. O'Malley
District Attorney
alcoda.org

June 1, 2022

Ellen Leonida, Esq.
Joshua Wilner
BraunHagey & Borden LLP
Via email: praresponse@braunhagey.com

RE: Your CPRA request dated July 23, 2021

Dear Ellen Leonida & Joshua Wilner:

We are further writing you about your California Public Records Act (CPRA) request of July 23, 2021. Currently, we are working on two requests you submitted. One is the CPRA request of July 23, 2021, which encompasses three extensive requests and the second is the CPRA request of February 10, 2022, which primarily seeks comprehensive data.

The July 23, 2021 letter encompasses a renewal of a previous request from May 13, 2019, which you attached as Exhibit 1. Items no. 1c and 1d in that renewal ask for prosecution data within our possession; unique case identifiers, charges, enhancements, and outcomes (including diversion) for all misdemeanors and felonies for minors and adults in Alameda County.

Data for Adults: You also requested the unique case identifiers, charges, and enhancements for all misdemeanors and felonies for adults in Alameda County in your CPRA request of February 10, 2022. Since the data requested in items no. 1c and 1d overlap with your request of February 10, 2022, we will produce one set of data through your February 10, 2022 request. Further, we do not systemically track, nor do we maintain outcomes in our case management system.

As far as diversion outcomes, as we mentioned to you in our letter dated April 27, 2022, we do not have the capability right now to pull accurate data for most adult diversion and collaborative court programs. We can only program for data for one adult diversion program and there will be programming costs associated with it. Therefore, we decline to provide only one subset of data as it will be incomplete and inaccurate in the context of your request. If you disagree, please let us know.

Data for Minors: We have no readily available documents. Further, we have no way of programming for accurate data as many of our juvenile cases are sealed.

As far as diversion outcomes for minors, as we mentioned in our letter dated April 27, 2022, Juvenile diversion programs are primarily run through the Alameda County Probation Department. In reference to any data for these programs, you may want to contact them for further information.

Lastly, we are still waiting for a reply in response to our email on May 13, 2022, regarding your request for a phone conference. We asked you to specify your area of concern as your request is extremely complicated.

We continue to work on the other requested records and will reach out to you on or before June 29, 2022.

Very truly yours,

NANCY E. O'MALLEY
District Attorney

By:

/s/ Catherine H. Kobal

Catherine H. Kobal, Assistant District Attorney
Custodian of the Record

cc by email:

leonida@braunhagey.com

wilner@braunhagey.com

vare@braunhagey.com

declark@braunhagey.com

shaw@braunhagey.com