

**From:** [Kouba, Grace](#)  
**To:** [Josh Wilner](#)  
**Cc:** [PRA Response](#)  
**Subject:** RE: Request for Aggregate Data 11.30.22  
**Date:** Wednesday, December 7, 2022 3:55:55 PM  
**Attachments:** [image001.png](#)

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

Dear Mr. Wilner,

I write in further response to your November 30, 2022 CPRA request sent to the County of Santa Clara DA's Office. As clarified on December 5, 2022, your request seeks the following data elements for a list of 31 offenses identified in your original November 30 email:

“We would like data from the last 5 years. We request percentage of defendants charged for each offense, broken up by race, ethnicity, and national origin. Please then break up each grouping by disposition (sentence, etc.) and gender.”

The DA's Office does not track defendants' national origin or case dispositions in a queryable format, so aggregate/statistical data for those elements will not be available. Further, please note that the DA's Office tracks defendants' race and ethnicity together as a single category (entitled "Race/Ethnicity").

The DA's Office is able to conduct a data pull to provide a percentage breakdown, by race/ethnicity, of all defendants charged with the 31 identified offenses over the last five years. The DA's Office is further able to provide a percentage breakdown, by gender, of each of those race/ethnicity percentage groups. The cost of this task pursuant to Government Code section 6253.9(b)(2) is \$224.44. The DA's Office will generate this information after receiving payment. Please follow the below payment instructions to ensure smooth processing of your request:

1. Make payment in the amount indicated above payable to: County of Santa Clara
2. Send payment and a copy of this email to: 70 West Hedding Street, West Wing, San Jose, CA 95110, Attention: Angela Bernhard

Please let me know if you have any questions.

Thank you.



**Grace Kouba** | Deputy County Counsel  
Office of the County Counsel, County of Santa Clara  
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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.

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**From:** Josh Wilner <Wilner@braunhagey.com>  
**Sent:** Monday, December 5, 2022 2:23 PM  
**To:** Kouba, Grace <grace.kouba@cco.sccgov.org>  
**Cc:** PRA Response <praresponse@braunhagey.com>  
**Subject:** [EXTERNAL] Re: Request for Aggregate Data 11.30.22

Hi Grace,

We would like data from the last 5 years. We request percentage of defendants charged for each offense, broken up by race, ethnicity, and national origin. Please then break up each grouping by disposition (sentence, etc.) and gender.

Let me know if you have any questions.

Regards,

Joshua Wilner

**BRAUNHAGEY & BORDEN LLP**

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7 Times Square

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**From:** Kouba, Grace <[grace.kouba@cco.sccgov.org](mailto:grace.kouba@cco.sccgov.org)>  
**Sent:** Thursday, December 1, 2022 10:50 AM  
**To:** Josh Wilner <[Wilner@braunhagey.com](mailto:Wilner@braunhagey.com)>  
**Cc:** PRA Response <[praresponse@braunhagey.com](mailto:praresponse@braunhagey.com)>

**Subject:** RE: Request for Aggregate Data 11.30.22

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

Dear Mr. Wilner,

I write in response to your November 30, 2022 email, which the County will treat as a request under the California Public Records Act. Can you please clarify which specific data elements you are seeking with respect to the charges listed in your email? For example, aggregate data could include the total number of people charged with each of these crimes over a certain time period, or the percentage of defendants charged with each crime who are of a certain gender or race, or other such aggregate/statistical figures. Once I know which aggregate data elements you are seeking, I will be able to consult with the DA's Office to determine whether those elements are tracked in a queryable format, whether any privileges or exemptions apply, and what the cost estimate will be for the data extraction/compilation pursuant to Government Code section 6253.9(b)(2).

Thank you, and please let me know if you have any questions.



**Grace Kouba** | Deputy County Counsel

Office of the County Counsel, County of Santa Clara

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

**Sent:** Wednesday, November 30, 2022 4:09 PM

**To:** Kouba, Grace <[grace.kouba@cco.sccgov.org](mailto:grace.kouba@cco.sccgov.org)>

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

**Subject:** [EXTERNAL] Request for Aggregate Data 11.30.22

Hi Grace,

We would like to request aggregate data for the charges below. Please note that we continue to assert that we are entitled to the raw data we requested in February but appreciate your offer to produce aggregate data while negotiations are ongoing. Let me know if you have any questions regarding the search. The charges are as follows:

**Human Trafficking/Pimping and Pandering**

PC 236.1(b)

PC 236.1(c)(1)

PC 236.1(c)(2)

PC 266h(a)

PC 266h(b)(1)

PC 266h(b)(2)

PC 266i(a)(1)

PC 266i(a)(2)

PC 266i(a)(3)

PC 266i(b)(2)

PC 653.23(a)(1)

PC 653.23(a)(2)

## **MJ**

HS 11357(a)

HS 11357(b)

HS 11357(c)

HS 11359(b)

HS 11360(a)(2)

HS 11360(a)(3)(A)

HS 11360(a)(3)(B)

HS 11360(a)(3)(C)

HS 11360(a)(3)(D)

HS 11360(b)

## **False ID**

VC 13004(a)

VC 13004.1(a)

**Possession of a switchblade**

PC 21510(a)

Pc 21510(B)

-

**Gang Enhancements**

PC 186.22(a)

**Resisting arrest**

PC 148(a)(1)

**AWD**

PC 245(a)(1)

PC 245(a)(4)

**Contracting without a License**

BP 7028(a).

Regards,

Joshua Wilner

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