

From: [CPRA](#)
To: leonida@braunhagey.com
Subject: CPRA 2022-078 11/06/2023
Date: Monday, November 6, 2023 3:42:00 PM
Attachments: [image001.png](#)
[BHB for ACLU 11.06.23.pdf](#)
[image002.png](#)

Good afternoon,

Please find the enclosed in response to your ongoing request.

 [CPRA 2022-078 BHB for ACLU 11.06.23 Final](#)

Sincerely,

Civil Litigation Team

Special Prosecution Region

Office of the District Attorney

County of Riverside

3960 Orange Street, Riverside CA | 951.955.5400 Main | 951.955.7640 Fax | cpra@rivcoda.org





OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF RIVERSIDE

MICHAEL A. HESTRIN
DISTRICT ATTORNEY

November 6, 2023

Ellen Leonida, Esq.
Braun Hagey & Borden LLP
leonida@braunhagey.com

Subject: California Public Records Act Request

Dear Ms. Leonida:

The Riverside County District Attorney's Office received your letter dated February 18, 2022, in which you request "[r]ecords regarding relevant case, individual, and/or charge-level data in the possession or control of Riverside District Attorney's Office for all cases considered for prosecution and/or prosecuted during the time-period 2015 to Present." Your letter requests the following 15 items of information:

- 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)
- 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
- 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)
- 4) ADA assigned to the case
- 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.
- 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
- 7) Charges filed
 - a. Statutes (applicable code section)
 - b. Severity (i.e., infraction, misdemeanor, wobbler, felony)
 - c. Any enhancements:
 - d. Maximum sentence
- 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
- 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

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

11) Case outcomes

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

12) Counsel for defendant, whether public defender or private counsel

13) Demographic and other information concerning victims

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

14) Recommendations regarding parole

15) Recommendations regarding pardon or commutation

As stated in our previous letters, we re-retrieved a new data set responsive to your request for a date range of January of 2015 through May of 2023. The data set is enclosed with this letter and includes six separate Excel spreadsheets titled “Data 1”, “Data 2”, “Data 3”, “Data 4”, “Data 5”, and “Data 6.” Please be aware that criminal cases are dynamic and our data changes on a daily basis. This particular set of data was retrieved between September 17, 2023, and October 17, 2023.

You should be aware that much of the data provided is based solely upon records in which the information is manually entered by various individuals involved in the investigatory and prosecutorial process. Therefore, as with any manual data entry, the information is subject to inadvertent human error, computer error, and/or omissions. To accurately fulfill your request in its entirety would require that our office undertake a hand search of each case on the attached spreadsheet of 8 years’ worth of cases. A hand search of files spanning decades would be unduly burdensome, and thus not in the overall public interest. (Gov. Code, § 7922.000; *County of Los Angeles v. Superior Court* (1993) 18 Cal.App.4th 588.)

Further, categories such as “defendant race” and “victim race” are often based on the subjective opinions of the person providing the information. Our office cannot

confirm whether the information correctly identifies the race of any person, whether it accurately states the race or races with which anyone included identifies, or whether it accurately reflects the beliefs of the person providing the racial identification. While compiling the data, it was observed that a significant number of the individuals were listed as different and/or conflicting races in various places in the investigatory materials. Lastly, the category of “victim race” in our case management system only allows for the imputation of *one* victim. Many crimes have more than one victim. Therefore, in many cases, this category is an incomplete record of the case.

Finally, as you are aware, our office has been diligently working to fulfill your records request. In the course of responding to your request, our office has sent you several letters where we have invoked various privileges and/or exemptions to providing certain potentially responsive records. Please note that this letter incorporates all previous exemptions and privileges indicated in all previous letters relating to this request. At this time, we are deeming your request closed.

Very truly yours,

MICHAEL A. HESTRIN
District Attorney

/ s /

JOHN HENRY
Chief Deputy District Attorney