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January 19, 2024

VIA NEXTREQUEST ONLY

Emi MacLean
ACLU of Northern California
EMacLean@aclunc.org

Re: Public Records Act Request dated November 17, 2023
File No. 23-689

Dear Requestor,

My office represents the County of Marin. We are in receipt of your Public Records Act (PRA) request, dated November 17, 2023. Below is your request with a corresponding response.

Records Requested:

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

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

Response: All responsive records from June of 2022 to present in our possession are attached. Our response to your previous request encompassed the earlier data, from 2015 to 2022. Please note that the District Attorney's office does not track cases by arresting agency, but rather by referring agency, which was provided.

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:** All responsive records in our possession are attached. The District Attorney's Office does not track ethnicity or nationality and does not ask a defendant their race. Race is entered as recorded on the police report. If it is not entered on the police report, the data field for race will be blank. Further, summary criminal history information is not maintained in our database. The individual criminal histories of defendants maintained by the State, though accessible to the District Attorney, are exempt from disclosure under Penal Code section 11105.

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)
- d. Arresting agency

Response: Records reflecting date of arrest and referred charge have been provided. Zip code of arrest is not tracked in our system. Further, and as noted above, cases are tracked by referring agency, not arresting agency.

4. ADA assigned to the case.

Response: Assigned deputy data has been provided where available.

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: Sub-categories 5a, b and c have been provided. However, reasons for declination to prosecute as described in sub-category d are not recorded in standardized data fields as described in your request. Decisions are made on a case-by-case basis, the

reasons for which are recorded in individual case files and are exempt from disclosure under Government Code section 7927.705 and Code of Civil Procedure section 2018.030.

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: No responsive records are in our possession. Our system does not include standardized data fields for diversion information.

7. Charges filed:

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

Response: All responsive records are attached except data on whether a charge is a “wobbler” and on 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

Response: No non-exempt responsive records are in our possession. Charging factors are not quantified in data fields in our system. Please see response to item 5 above regarding contents of individual case files.

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: No responsive records are in our possession. Bail and custody information is not tracked as a data field in our system.

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: No responsive records are in our possession. Offers are not tracked as a data field in our system. Please see above response to item 5 concerning the contents of individual case files.

11. Case outcomes

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

- **Response:** All responsive records are attached. However, disposition and sentencing data is entered by court staff and into databases outside of the District Attorney's control. As of June 20th, 2023, the Marin County Superior Court changed their case management system. We were unable to pull coherent disposition data from their system after that date due to what appears to be a problem in the Court's transition between systems.

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

Response: All responsive records in our possession are attached.

13. Demographic and other information concerning victims

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

Response: All responsive records in our possession are attached, except ethnicity, which is not tracked.

14. Recommendations regarding parole.

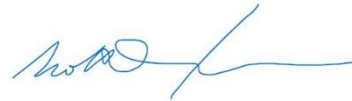
Response: No disclosable responsive records are in our possession. Please see above response to item 5 concerning exemptions to disclosure of the contents of individual case files.

15. Recommendations regarding pardon or commutation.

Response: No disclosable responsive records are in our possession. See response to item 14 above.

If you need any further assistance, please do not hesitate to contact me directly.

Sincerely,



Scott G. Drexel
Deputy County Counsel