

From: "Gibbons-Shapiro, James" <jgibbonsshapiro@dao.sccgov.org>

To: "Chan, Brian" <bchan@dao.sccgov.org>

Cc: "Mckeown, Marisa" <mmckeown@DAO.SCCGOV.ORG>

Subject: RE: data request (first of more to come) re PC 745 (for 2/16)

Date: Wed, 10 Feb 2021 13:34:42 -0800

Importance: Normal

Hi Brian,

I think I was unclear in what I was asking for. For both the robbery and grand theft filings, we also need racial data for us to aggregate like in the Race and Prosecutions report. That is because the statute, PC 745, is all about whether there are racial differences in filings that show a racial bias.

If it would help to talk this through on the phone given the confusingness and length of my earlier email, let's find a time soon to do that.

Thanks!

jgs

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Pronouns: he/him/his
[Why Pronouns Matter](#)

From: Chan, Brian <bchan@dao.sccgov.org>

Sent: Wednesday, February 10, 2021 1:06 PM

To: Gibbons-Shapiro, James <jgibbonsshapiro@dao.sccgov.org>

Cc: Mckeown, Marisa <mmckeown@dao.sccgov.org>

Subject: RE: data request (first of more to come) re PC 745 (for 2/16)

Hi JGS,

Here are the stats for the time range you've requested.

Year	NO STRIKE	STRIKE	Total Defendants
19	540	38	578
20	426	54	480
21	49	8	57
Total Defendants	1015	100	1115

Year	NO STRIKE	STRIKE	Total Cases
19	419	31	450
20	324	44	368
21	41	7	48
Total Cases	784	82	866

Please note that we do not charge PC.211. Here are the robbery statutes we do use:
209(b)(1)

212.5(a)
212.5(b)
212.5(c)
213(a)(1)(A)

Regards,

Brian Chan

From: Gibbons-Shapiro, James <jgibbonsshapiro@dao.sccgov.org>
Sent: Wednesday, February 10, 2021 10:18 AM
To: Chan, Brian <bchan@dao.sccgov.org>
Cc: Mckeown, Marisa <mmckeown@dao.sccgov.org>
Subject: RE: data request (first of more to come) re PC 745 (for 2/16)

Thank you!

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Subject: RE: data request (first of more to come) re PC 745 (for 2/16)

Hi JGS,
I'll work on this today.

Thanks,

Brian Chan

From: Gibbons-Shapiro, James <jgibbonsshapiro@dao.sccgov.org>
Sent: Wednesday, February 10, 2021 9:42 AM
To: Chan, Brian <bchan@dao.sccgov.org>
Cc: Mckeown, Marisa <mmckeown@dao.sccgov.org>
Subject: FW: data request (first of more to come) re PC 745 (for 2/16)

Hi Brian,
Just got an update from Mai Buell and Jeff Rubin that we are still needing to provide this data to the defense on 2/22 as outlined in my earlier email. Can you confirm that this is doable to have it for my and Marisa's review on 2/16?
Thanks,
jgs

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From: Gibbons-Shapiro, James
Sent: Monday, February 8, 2021 9:35 AM
To: Chan, Brian <bchan@dao.sccgov.org>
Cc: Mckeown, Marisa <mmckeown@DAO.SCCGOV.ORG>
Subject: data request (first of more to come) re PC 745 (for 2/16)

Hi Brian,

California enacted Penal Code section 745 that went into effect in January of this year that addresses a variety of issues related to race and prosecutions. Some have to do with jury selection, some with intentional acts of racism, and others have to do with statistical analyses of crimes charged and sentences received. We have received the first discovery request related to the statistics part of this new law, and will be saying in court today that we can provide in discovery to the defense two things (below).

The first is very straightforward and involves categorizations by race for defendants charged with PC 487 and PC 211 (in any count I think) from 1/1/19 to 2/8/21. I think this is straightforward because it involves things we already collect and aggregate for the Race and Prosecutions reports. If we could have this by year that would be great so that we can set aside 2020 as a likely anomaly.

The second is something we have not done, but I hope is also pretty straightforward. It is a subset of the first groups. How many of those in each of those lists from 1/1/19 to 2/8/21 were also charged with an allegation of PC 1170.12 (a strike), and what was the race of those defendants. Again, if we could have this by year that would be great so that we can set aside 2020 as a likely anomaly.

We will need to provide this to the defense on 2/22, so I am hoping that you can have this data for Marisa and me to review by 2/16.

This is likely to become a more routine procedure of providing data from in related searches, so thinking about how we can set things up to do this quickly and easily going forward will also be a good idea (although not something that would have to be solved by 2/16).

Can you or someone on our MIS Team get working on this data pull?

Thank you,
jgs

1. The total number of cases/defendants that were charged in 2019 and as of January 1, 2021 with either Penal Code section 487 or section 211. That number will include the racial categorization of those defendants and whether they were not only charged by complaint but by information.
2. The total number of cases/defendants that were charged in 2019 and as of January 1, 2021 with either Penal Code section 487 or section 211 who were also charged with strikes. That number will include the racial categorization of those defendants and whether they were not only charged by complaint but by information.

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