



OFFICE OF  
THE DISTRICT ATTORNEY  
COUNTY OF RIVERSIDE

MICHAEL A. HESTRIN  
DISTRICT ATTORNEY

October 26, 2020

Ms. Joanne Scheer  
5405 Nevada Ct.  
Concord, CA 94521

Founder, Felony Murder Elimination Project  
Member, Drop LWOP Coalition

[jscheer@astound.net](mailto:jscheer@astound.net)

Subject: California Public Records Act Request

Dear Ms. Scheer:

The Riverside County District Attorney's Office received your California Public Records Act (CPRA) request on September 10, 2020. On September 21, we advised you that we would need more time to research your requests, with a response to be provided on or before October 5, 2020. On October 5, we advised you that we would need additional time, with a response to be provided on or before October 19, 2020. On October 19, we again advised you that we would need additional time, with a response to be provided on or before October 26, 2020. We appreciate your patience.

Under the CPRA many documents are restricted to authorized individuals for authorized purposes only, including *summary criminal history information*. (Pen. Code, §§ 11105 et seq. and 13300 et seq.) Summary criminal history information means "the master record of information compiled by any local agency [including District Attorney's offices – see Penal Code section 13101] pertaining to the identification and criminal history of any person, such as name, date of birth, physical description, dates of arrests, arresting agencies and booking numbers, charges, dispositions, and similar data about the person." (Pen. Code, § 13300, subd. (a)(1) [bracketed portions added.]) The Penal Code makes it a misdemeanor to improperly provide criminal history information from state or local sources to those persons who are not specifically authorized by law to receive it. (Pen. Code, §§ 11140, subd. (b), 11141, 11142, 13302, 13303; see also *Westbrook v.*

*County of Los Angeles* (1994) 27 Cal.App.4<sup>th</sup> 157, 164-166 and 89 Ops.Cal.Atty. Gen. 204, 215 (2006). Improperly providing criminal history records also violates Government Code section 6254, subdivision (k), and may violate a defendant's privacy rights under the California Constitution. (Cal. Const., art. I, § 1; see *Westbrook, supra*, and *Craig v. Municipal Court* (1979) 100 Cal.App.3d 69, 76-77.)

We understand that you are looking for criminal case disposition information for defendants convicted of a murder special circumstance under Penal Code section 190.2, *et seq.*, from 1991 through 2020. You are also asking for the assigned prosecutor, and demographic information related to the defendant, including his or her race and gender:

1. *Case numbers*
2. *Charging Date*
3. *Disposition Date*
4. *Final Disposition summary (eg. pled guilty, found guilty)*
5. *Deputy District Attorney's name*
6. *Charges Convicted / penal codes for each case (eg. 187(a), 190.2(a)(2))*
7. *Any demographic information available including:*
  - a. *Race of defendant*
  - b. *Gender of defendant*
8. *Age of defendant at time of sentencing*

We have concluded that, to an extent, you are asking for *summary criminal information* that is generally protected from disclosure (see *supra*). However, the District Attorney is accommodating your request as much as possible, consistent with the law. Enclosed is a spreadsheet that represents the relevant information existing in our CMS.

Please note that, like all computer systems, our CMS has limitations. If the data is present as a database element or field (such as the Penal Code section charged or the charge disposition), we can retrieve it. If the information cannot be retrieved by reference to a database element or field, the only way to retrieve this information would be by a hand search of files. We handle tens of thousands of cases every year, therefore a hand search of our criminal case files would be unduly burdensome, and thus not in the overall public interest. (Gov. Code, § 6255; *County of Los Angeles v. Superior Court* (1993) 18 Cal.App.4<sup>th</sup> 588.) Our CMS rely on manual data entry, therefore there will necessarily be some inadvertent inaccuracies and omissions.

You might notice that some cells have the word "NULL." "Null" is a computer term meaning "no data." There can be many reasons that a field is null, including that the information never existed, or that it did exist but wasn't recorded. Also note that charges pre-labeled, "DO NOT USE" means that the charge language is *presently* unfit for use in a pleading, usually because the charge language was amended, the charge no longer exists, *etc.* (This does not mean the charge was invalid when it was used.)

The following spreadsheet columns have data that you specifically requested:

<i>Case numbers:</i>	See <u>CourtNumber</u> column
<i>Charging Date:</i>	See <u>FilingDispositionDate</u> column
<i>Disposition Date:</i>	See <u>FinalDispositionDate</u> column
<i>Final Disposition summary:</i>	See <u>FinalDispositionReason</u> and <u>ChargeFinalDispositionReason</u>
<i>Deputy District Attorney's name:</i>	See <u>AssignedDDA</u> <sup>1</sup>
<i>Charges Convicted:</i>	See <u>ChargeName</u>
<i>Race of defendant:</i>	See <u>Race</u> <sup>2</sup>
<i>Gender of defendant:</i>	See <u>Gender</u> <sup>3</sup>

We included the defendant's initials (Defendant Initials) because otherwise the data will not clearly disclose those cases that involve multiple defendants.

You requested the “Age of the defendant at the time of sentencing”. We do not collect that data point in our CMS. Under the CPRA, we are not required to prepare a log or create a record that is not currently in existence. (Gov. Code, § 6253, subd. (b), *State Bd. Of Equalization v. Superior Court* (1992) 10 Cal.App.4<sup>th</sup> 1177.)

If you have any questions or concerns, please contact me at (951) 304-5531, or email me at [csbouffard@rivcoda.org](mailto:csbouffard@rivcoda.org).

Very truly yours,

MICHAEL A. HESTRIN  
District Attorney



CHRIS S. BOUFFARD  
Senior Deputy District Attorney

CSB:csb

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<sup>1</sup> The assigned DDA will usually be the DDA who handled the case when it went to trial or resolved. For a variety of reasons, however, this might not always be the case.

<sup>2</sup> We document race as it is reflected in the underlying police report.

<sup>3</sup> We document gender as it is reflected in the underlying police report.