HALL OF JUSTICE 330 WEST BROADWAY SAN DIEGO, CA 92101 (619) 531-4040 SanDiegoDA.com

OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN DIEGO

DWAIN D. WOODLEY
ASSISTANT DISTRICT ATTORNEY

SUMMER STEPHAN DISTRICT ATTORNEY

Sent via email

June 21, 2021

Daniel Trautfield UCLA Special Circumstances Conviction Project dtrautfield@gmail.com

Re: Public Records Request, DA Reference No. 21-75

Dear Mr. Trautfield,

I am a designated custodian of records for the San Diego County District Attorney's Office responsible for compliance with the California Public Records Act (CPRA). On May 24, 2021, I received your email stating that as the coordinator of the UCLA Special Circumstances Project, you were "attempting to gather as much statistical information about LWOP and Death Penalty sentencing as possible." You requested:

... [P]ublic information from the criminal records of individuals sentenced under PC §190.2 from 1990 through 2020. Please provide, where possible:

- 1. Defendant Name
- 2. Defendant DOB
- 3. Disposition Date
- 4. Charges Convicted / penal codes for each case (190.2(a)(3))
- 5. Court Case Number
- 6. Any demographic information available including:
 - 1. Race of defendant
 - 2. Gender of defendant
 - 3. Age at time of sentencing (or D.O.B when not available)

Disclosure of identifying information obtained from summary criminal history information is governed and restricted by Penal Code sections 11105 et seq. and 13300 et seq. Our office, in our discretion, *may* release criminal history data when the person making the request declares that the request is made for a scholarly or journalistic purpose to enhance public safety, the interest justice, or the public's understanding of the justice system, as defined in Penal Code section 13300, subdivision (j).

On May 28, you provided me with the following declaration:

My name is Daniel Trautfield, I am the coordinator of the UCLA Special Circumstances Conviction Project. I am requesting information from a local summary criminal history only for use in the pursuit of increasing the public's understanding of the justice system. This information will only be used towards scholarly purposes. Information will be used to compile statistical information and perform statistical analysis for summary in a published report.

Thank you for providing this declaration. Please note, subdivision (j) of section 13300 requires that I inform you: "If a person in a declaration required by this subdivision willfully states as true any material fact that he or she knows to be false, he or she shall be subject to a civil penalty not exceeding ten thousand dollars (\$10,000)." (Pen. Code, § 13300, subd. (j).)

We have searched our records and have identified records responsive to your request. I am providing you with a Microsoft Excel spreadsheet (attached to this email) with the following data sorted by column (when available):

- Court number
- Defendant name
- Age at offense
- Race
- Gender
- Date of offense
- Date of sentencing
- Sentence received
- Charges of conviction

The information contained in the spreadsheet is derived from our internal case management system, which is kept as up to date as possible. You requested cases dating back to 1990; our database does not date back that far. Our office began using its internal case management system in late 2000, so the spreadsheet is incomplete for cases that occurred prior to late 2000. Some cases prior to 2000 may be contained in the list, but we are unable to verify whether and how many cases occurred prior to the regular use of our internal case management system. Therefore, this list is incomplete and unverified, and any statistics derived from this incomplete data would be unreliable.

I have not included defendants' dates of birth, as that is personal identifying information protected by privacy rights under the California Constitution, and our office wishes to protect against identity theft. Age at time of offense is being provided, though. Information such as race and sex is usually based on information contained in a police report; this information has not been individually verified by our office. Further, I have not individually verified each and every column for each and every defendant listed.

Please be advised that once records are disclosed, "any person authorized by law to receive a record or information from a record who knowingly furnishes the record or information to a person who is not authorized by law to receive the record or information is guilty of a misdemeanor." (Pen. Code, § 13303.)

In closing, please note that this office claims for its records, such as might exist, any and all applicable exemptions from CPRA disclosure. In maintaining the lawful confidentiality of these records, this office claims, enforces, and applies any and all applicable exemptions, privileges, and proscriptions against public disclosure of records, including, but not limited to, those listed in Article 2 of Government Code, Title 1, Division 7, Chapter 3.5, the Evidence and Penal Codes, and the Federal Rules of Evidence.

Please contact me if you have any questions. Thank you.

Sincerely,

Jennifer Kaplan Deputy District Attorney