


From: Sofia Perez Leon Sofia_Perez@ci.richmond.ca.us 
Subject: RE: Initial Response to PRA request re. homicide and shooting data
Date: June 26, 2017 at 5:36 PM
To: Sarah Ryley sarahryleyfoi@gmail.com
Cc: Shannon Moore Shannon_Moore@ci.richmond.ca.us

SL

Dear Ms. Ryley,

Attached please a spreadsheet that responds to your Public Records Act Request.

Kind regards,

Sofia Perez Leon | City Attorney's Office | City of Richmond | 450 Civic Center Plaza, Ste. 340 | Richmond, CA 94804-1630 | Ph: 510-620-5501 | Fax: 510-620-6518 | Email: sofia_perez@ci.richmond.ca.us

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From: Sarah Ryley [mailto:sarahryleyfoi@gmail.com]
Sent: Thursday, June 22, 2017 9:03 PM
To: Shannon Moore
Cc: Sofia Perez Leon
Subject: Re: Initial Response to PRA request re. homicide and shooting data

Thank you for the update. Enjoy your vacation!

Sarah Ryley
[The Trace Media](#)
Cell: 347-324-8697
sarahryleyfoi@gmail.com

On Jun 21, 2017, at 3:16 PM, Shannon Moore
<Shannon_Moore@ci.richmond.ca.us> wrote:

Hi Sarah,

RPD is still working on your request. I will be on vacation starting today until July 5. My apologies for the delay. I'll be sure to review and turn documents around to you when I return.

Thanks,
Shannon

Shannon L. Moore
Richmond City Attorney's Office
450 Civic Center Plaza
Richmond, California 94804-1630
BUS: (510) 620-6505
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From: Sarah Ryley [<mailto:sarahryleyfoi@gmail.com>]
Sent: Monday, June 19, 2017 2:53 PM
To: Shannon Moore
Cc: Sofia Perez Leon
Subject: Re: Initial Response to PRA request re. homicide and shooting data

Thank you, much appreciated.

On Jun 19, 2017, at 5:48 PM, Shannon Moore
<Shannon_Moore@ci.richmond.ca.us> wrote:

Hi Sarah,

We will research the provisions you cite below and get back to you. I'll also work with the Police Department to pull together information regarding shootings (as opposed to just homicides). I am heading out on vacation starting this Wednesday so there may be a bit of delay getting the information to you. I am back on July 5. I'll see what I can get to you before I leave, ok?

Thanks,
Shannon

Shannon L. Moore
Richmond City Attorney's Office
450 Civic Center Plaza
Richmond, California 94804-1630
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From: Sarah Ryley [<mailto:sarahryleyfoi@gmail.com>]
Sent: Monday, June 19, 2017 9:58 AM
To: Shannon Moore
Cc: Sofia Perez Leon
Subject: Re: Initial Response to PRA request re. homicide and shooting data

Hi Shannon,

Sorry for the delayed response. I was away for two weeks and am just getting caught up on emails.

I do not consider these records to be a fulfillment of my request for the following reasons:

1) I requested this information in digital, spreadsheet form, preferably in .csv, .xls, .txt, or .xlsx, which I am entitled to under section Cal. Gov't Code § 6253.9(a): If the information requested is in an electronic format the agency shall make that information available in any electronic format in which it holds the information or, if requested, in a format used by the agency to create copies for its own use or for provision to other agencies.

2) In your email, you stated that the California Public Records Act does not require agencies to create new records but to produce records that already exist. This is not the case for data requests, because exporting data is more akin to retrieving a record than creating a new record. I am only asking for raw data, not a "report" with statistical analysis of that raw data. Please see Cal. Gov't Code § 6253.9(a):

(a) Unless otherwise prohibited by law, any agency that has information that constitutes an identifiable public record not exempt from disclosure pursuant to this chapter that is in an electronic format shall make that information available in an electronic format when requested by any person and, when applicable, shall comply with the following:

(1) The agency shall make the information available in any electronic format in which it holds the information.

(2) Each agency shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies. The cost of duplication shall be limited to the direct cost of producing a copy of a record in an electronic format.

(b) Notwithstanding paragraph (2) of subdivision (a), the requester shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record when either of the following applies:

(1) In order to comply with the provisions of subdivision (a), the public agency would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals.

(2) The request would require data compilation, extraction, or

(2) The request would require data compilation, extraction, or programming to produce the record.

(c) Nothing in this section shall be construed to require the public agency to reconstruct a record in an electronic format if the agency no longer has the record available in an electronic format.

(d) If the request is for information in other than electronic format, and the information also is in electronic format, the agency may inform the requester that the information is available in electronic format.

(e) Nothing in this section shall be construed to permit an agency to make information available only in an electronic format.

(f) Nothing in this section shall be construed to require the public agency to release an electronic record in the electronic form in which it is held by the agency if its release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.

(g) Nothing in this section shall be construed to permit public access to records held by any agency to which access is otherwise restricted by statute.

3) This PDF only contains information on homicides, and no information whatsoever on shootings. I requested all fields contained in your database that are disclosable under the California Public Records Act. Under Cal. Gov't Code § 6254, I am entitled to the following information:

Notwithstanding any other provision of this subdivision, state and local law enforcement agencies shall make public the following information, except to the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation:

(1) The full name and occupation of every individual arrested by the agency, the individual's physical description including date of birth, color of eyes and hair, sex, height and weight, the time and date of arrest, the time and date of booking, the location of the arrest, the factual circumstances surrounding the arrest, the amount of bail set, the time and manner of release or the location where the individual is currently being held, and all charges the individual is being held upon, including any outstanding warrants from other jurisdictions and parole or probation holds.

(2) (A) Subject to the restrictions imposed by Section 841.5 of the Penal Code, the time, substance, and location of all complaints or requests for assistance received by the agency and the time and nature of the response thereto, including, to the extent the information regarding crimes alleged or committed or any other incident investigated is recorded, the time, date, and location of occurrence, the time and date of the report, the name and age of the victim, the factual circumstances surrounding the crime or incident, and a general description of any injuries, property, or weapons involved. The name of a victim of any crime defined by Section 220, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code may be withheld at the victim's request, or at the request of the victim's parent or guardian if the victim is a minor.

guardian if the victim is a minor.

*** PLEASE NOTE, STATUTE DOES NOT LIST HOMICIDE (PEN § 187) OR ASSAULT (PEN § 240) AS OFFENSES WHERE THE VICTIM'S NAME CAN BE WITHHELD.**

(3) Subject to the restrictions of Section 841.5 of the Penal Code and this subdivision, the current address of every individual arrested by the agency and the current address of the victim of a crime, **if the requester declares under penalty of perjury that the request is made for a scholarly, journalistic, political, or governmental purpose**, or that the request is made for investigation purposes by a licensed private investigator as described in Chapter 11.3 (commencing with Section 7512) of Division 3 of the Business and Professions Code. However, the address of the victim of any crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code shall remain confidential. Address information obtained pursuant to this paragraph shall not be used directly or indirectly, or furnished to another, to sell a product or service to any individual or group of individuals, and the requester shall execute a declaration to that effect under penalty of perjury. This paragraph shall not be construed to prohibit or limit a scholarly, journalistic, political, or government use of address information obtained pursuant to this paragraph.

Given this, please advise as to when I can expect to have my original request filled.

Many thanks,

Sarah Ryley
347-324-8697

On Jun 15, 2017, at 6:51 PM, Shannon Moore
<Shannon_Moore@ci.richmond.ca.us> wrote:

Sarah,

Please find RPD documents attached for your review that are responsive to your request. The California Public Records Act does not require agencies to create new records but to produce records that already exist. The attached PDF was already in existence and it may not contain all of your requested fields. I redacted fields for open 2016-2017 homicides.

Thank you,
Shannon

Shannon L. Moore
Richmond City Attorney's Office

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From: Shannon Moore
Sent: Friday, May 26, 2017 1:09 PM
To: 'sarahryleyfoi@gmail.com'
Cc: Sofia Perez Leon
Subject: Initial Response to PRA request re. homicide and shooting data

Dear Ms. Ryley:

The City of Richmond received your Public Records Act request on May 16, 2017, which seeks electronic data regarding homicides and non-fatal shootings from January 1, 2005 through May 16, 2017. The Richmond Police Department is in the process of pulling data that can be disclosed to the public. Please note that your request may include documents that are exempt from disclosure under the California Public Records, pursuant to the exemptions enumerated in the California Government Code sections 6254(f), 6254(k), and 6255. Given the detailed data you are requesting, I anticipate having the data ready for you by Monday, June 12, 2017.

Thank you,

Shannon

Shannon L. Moore

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<2017-06-15(listing)(rpd)(CoR) RPD Homicide
Listing by Year_Redacted.pdf>



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