

From: Sarah Ryley sarahryleyfoi@gmail.com
Subject: Re: City of Richmond - Response to PRA request
Date: August 3, 2017 at 12:32 PM
To: Shannon Moore Shannon_Moore@ci.richmond.ca.us
Cc: Mark Gagan mgagan@richmondpcd.net

SR

Thank you. I will take a look and get back to you with any questions. Do you by chance have any documentation that explains what each field means?

And if the Richmond Police Department's database does not have a field containing weapon, how were "non-fatal shootings" determined? Also, I believe the Richmond Police Department does report weapon to the FBI as part of its incident-level UCR Supplemental Homicide Report. How is that obtained if the information is not tracked in the database?

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

On Aug 3, 2017, at 12:16 PM, Shannon Moore <Shannon_Moore@ci.richmond.ca.us> wrote:

Sarah,

I am attaching an excel spreadsheet that includes homicide and non-fatal shooting data from January 1, 2005 to the present. The data includes all fields except the following: (1) weapon used, (2) any other data pertaining to the circumstances surrounding the incident and (3) days investigation was active. The Richmond Police Department's database does not contain data that includes those three fields.

Based on extensive conversations with our technical folks at the Richmond Police Department, it is not possible to parse out juvenile names (suspect or victim) from other suspect/victim names. Records or information gathered by law enforcement agencies relating to the detention of, or taking of, a minor in custody or temporary custody are confidential. [California Welfare & Institutions Code § 827; *T.N.G. v. Superior Court*, 4 Cal.3d 767 (1971); *see also* Contra Costa County Local Rule of Court 5.58 "Release of Information"]. The City of Richmond has a duty to provide a record to a requester in a redacted form if the nonexempt information is "reasonably segregable" from that which is exempt unless the burden becomes too great. If exempt information is inextricably intertwined with nonexempt information, the record may be withheld in its entirety. [*American Civil Liberties Union Foundation v. Deukmejian*, 32 Cal.3d 440, 452-453 (1982)] It is not possible to separate the juvenile data from the non-juvenile data. As such, column P is redacted.

The City is also invoking the public interest exemption as a basis for redacting column P. In ruling on a request for the disclosure of information under the Public Records Act, the burdens and costs of disclosure, including any expense and inconvenience involved in segregating nonexempt from exempt information, must be weighed against the public interest served by disclosure. [California Government Code §6255; *American Civil Liberties Union Foundation* at 452-453] Here, the burden of pulling each individual case file for the last twelve years involving homicides and nonfatal shooting in order to segregate exempt from nonexempt information would be far too time consuming and burdensome.

The Richmond Police Department tracks data that you may find informative through open

data. See link: <https://opendata.ci.richmond.ca.us/>. Captain Mark Gagan is happy to discuss our database and other questions you may have at your convenience. He is copied on this email and can be reached at (510) 620-6990.

Thank you,
Shannon

Shannon L. Moore

Richmond City Attorney's Office
450 Civic Center Plaza
Richmond, California 94804-1630
BUS: (510) 620-6505
FAX: (510) 620-6518

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From: Sarah Ryley [<mailto:sarahryleyfoi@gmail.com>]
Sent: Monday, July 10, 2017 11:09 AM
To: Shannon Moore
Cc: Sofia Perez Leon
Subject: Re: Initial Response to PRA request re. homicide and shooting data

Thank you for the update.

Sarah Ryley
Investigative + Data Reporter
The Trace | 347-324-8697
sarahryleyfoi@gmail.com

On Jul 10, 2017, at 1:43 PM, Shannon Moore
<Shannon_Moore@ci.richmond.ca.us> wrote:

Hi Sarah,

Sorry for the delay. Our contact in the Richmond Police Department who can pull together electronic data is out until July 17. I'll meet with him when he returns to determine what data we have and in what format. We will

he returns to determine what data we have and in what format. We will produce what we are legally permitted to disclose and the data that we actually have in our database.

Thanks for your patience.

Shannon

Shannon L. Moore

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From: Sarah Ryley [<mailto:sarahryleyfoi@gmail.com>]
Sent: Friday, July 07, 2017 11:36 AM
To: Sofia Perez Leon
Cc: Shannon Moore
Subject: Re: Initial Response to PRA request re. homicide and shooting data

Hi Sofia and Shannon,

I'm just following up on this email from last week. Will you be able to release the data as I've requested?

Sarah Ryley
Investigative + Data Reporter
The Trace | 347-324-8697
sarahryleyfoi@gmail.com

On Jun 28, 2017, at 5:56 PM, Sofia Perez Leon
<Sofia_Perez@ci.richmond.ca.us> wrote:

Dear Ms. Ryley,

Ms. Moore is out of the office until July 5th. She will be able to assist you upon her return

assist you upon her return.

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: Wednesday, June 28, 2017 12:39 PM

To: Shannon Moore

Cc: Sofia Perez Leon

Subject: Re: Initial Response to PRA request re. homicide and shooting data

Hi Sofia,

I appreciate the Excel file, but this is still not responsive to my request. Below is the excerpt of my request outlining the information I am seeking:

This data should include all fields disclosable under the law, including but not limited to:

- A unique identifier for the incident (i.e. incident ID)
- Unit assigned
- Date of the incident
- Name(s) of the victim(s)
- Date of Birth of the victim(s)
- Race of the victim(s)
- Ethnicity of the victim(s) (i.e. Hispanic or Non-Hispanic)
- Gender of the victim(s)
- Address or location of the incident
- Weapon used
- Any other data pertaining to the circumstances surrounding the incident (i.e., motive, whether it was suspected gang or drug-related)
- Status of the investigation (i.e., whether a suspect has been identified and an arrest made)
- Date of arrest
- Name(s) of suspect(s)
- Date of Birth of the suspect(s)
- Race of the suspect(s)
- Ethnicity of the suspect(s) (i.e. Hispanic or Non-Hispanic)

- Gender of the suspect(s)
 - Responding officer
 - Detective assigned
 - Days investigation was active (i.e. Not a cold case)
 - Number of responding officers
 - Number of detectives assigned to the case
- I am also requesting any data dictionaries, glossary of terms, record layouts, etc. pertaining to the above database(s), that describe the database and define the fields and codes used in the database.

The file that you sent only includes the case number, address, date of the incident, type of incident (coded without specifics), and code case ORI. The file I received from your office a few weeks ago (attached) shows that your system captures more data information than what is in the Excel file that you sent.

Again, I would like data, preferably in .csv, .xls, .xlsx, or .txt format, pertaining to homicides and non-fatal shootings that have been handled by your department from Jan. 1, 2005 through the date in which this request is filled. If any of the fields that I requested in my original letter cannot be sent or must be redacted, I would like a specific reason as to why, as stated in Cal. Gov't Code § 6253, but I would like the remainder of my request to be fulfilled.

If any clarification is needed on my request, please feel free to contact me directly by phone or email.

Many thanks,

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

On Jun 23, 2017, at 12:02 AM, Sarah Ryley
<sarahryleyfoi@gmail.com> wrote:

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
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Thank you.

Thank you.

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
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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 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.

*** 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

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
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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

chronic 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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Thank you.

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