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**Sent via E-mail**

February 17, 2022

Ellen Leonida

Braun Hagey & Borden LLP

[leonida@braunhagey.com](mailto:leonida@braunhagey.com)

RE: Public Records Act Request for Racial Justice Act records  
Our File No.: 20211143

Dear Ms. Leonida:

This letter is to acknowledge our receipt of your correspondence dated January 21, 2022. Please be advised that nothing in this response should be considered as a waiver of the right of the County to assert any and all claims of exemptions or privileges to the inspection of the whole or any part of the records.

We are confirming that we have provided you all responsive and nonexempt data to your requests in the Department's case management database.

Regarding your request to turn over additional information in the Department's case management database, we agree that Penal Code § 13302 permits the Department to respond to a Public Records Act request for certain types of records. However, we disagree with your suggestion that this section requires the release of local summary criminal information. Penal Code § 13302 expressly permits only the release of "publicly disclosable information" contained within a "public prosecutor's case management database". We find no relevant authority characterizing the local summary criminal history information you seek in this Public Records Act request as "publicly disclosable information" that would be subject to release. Instead, both the Penal Code, the California Constitution, and case law limit the release of local summary criminal history information to a limited number of exigent circumstances, none of which are present in the context of your request (*Westbrook v. County of Los Angeles*, 27 Cal. App. 4th 157, 164 (2d Dist. 1994) ("The language of Penal Code section 13300 et seq., demonstrates that the Legislature intended nondisclosure of criminal offender record information to be the general rule."); see also *Younger v. Berkeley City Council*, 45 Cal.App.3d 825 (1975)).

We have provided to you all the responsive "publicly disclosable information" in our "case management database" in our prior response to you. Pursuant to Penal Code § 13300 et seq as incorporated through Government Code § 6254(k), we are unable to provide information or records that we believe would subject the Department and its employees to criminal liability. At this point, we believe we have in good faith fulfilled our response obligations under the California Public Records Act and consider our response to your requests complete.

Should you have any questions, please do not hesitate to contact the undersigned at 559-636-4950, or by e-mail at [cwfelix@tularecounty.ca.gov](mailto:cwfelix@tularecounty.ca.gov).

Pursuant to *Ardon v. City of Los Angeles* (2016) 62 Cal.4th 1176, inadvertent disclosure of documents in response to Public Records Act requests do not waive attorney-client and work product privileges.

Very truly yours,  
JENNIFER M. FLORES  
County Counsel

By Charles W. Felix  
Charles W. Felix  
Deputy County Counsel