

From: [PRA Response](#)
To: [Fritzler-Kirkorian, Traci](#); [PRA Response](#); [Treisman, Doug](#)
Cc: [Peterson, Kelsey](#); [Rutiaga, Galen](#); [Sarah Salomon](#)
Subject: Re: PRA Resply Racial Justice Act
Date: Thursday, March 31, 2022 5:06:40 PM

Ms. Fritzler and team,

Thank you for meeting with Sarah and me on Tuesday. I am writing to memorialize what we spoke about and to inform you of our position as we move forward with our CPRA requests.

Regarding our July 23, 2021 ("policy") request, we ask that you respond to the following:

1. Please confirm you have produced all responsive documents for Category 1 (policies, memoranda, guidance documents) and are not withholding any responsive documents for any reason.
2. You informed us during our call that certain training materials responsive to categories 2 and 3 of our request are being withheld as attorney work product. Please confirm you have in fact withheld training on this basis, provide the title of any withheld trainings, and provide a justification for why these trainings are properly withheld. Please note, it is our position that office-wide policies and training materials cannot be withheld as work product. We will be considering your response as we make decisions regarding litigation.
3. You informed us during our call that certain training materials responsive to categories 2 and 3 of our request are being withheld because the person who presented the training no longer works at your office. We do not believe this is a permissible reason to withhold documents under the CPRA. Please either disclose the documents in question or provide a legal justification for nondisclosure.
4. You agreed to speak with Ms. Peterson and confirm that all responsive documents to category 3 of our request have been produced. For the communications relating to the Racial Justice Act, please provide a description of the search that was undertaken. We do not believe a detailed search would produce zero (0) communications and do not understand why you are not able to search email accounts in your office. Under the CPRA, you are required to assist us in overcoming obstacles to the disclosure of public records and we ask that you do so here.

Finally, you categorically refused to give us information on the parts of our request handled by Ms. Peterson until she returns from leave over the summer. We reiterate here what was said at the meeting: we waited for your office to respond to all parts of our request, granting extension after extension for the better part of a year. You responded in full on March 18 and

we reached out for a meeting on March 21. That Ms. Peterson is on leave is not a basis to refuse to respond to this request, given that there are two attorneys in your office now working on it. As such, we ask for your reply no later than **April 14, 2022**.

Regarding our February 18, 2022 (data) request, you agreed to give us a cost estimate which includes the subcategories of data which you indicated would take additional time to compile. We ask that you provide any information about why such data is not available in a standard report that can be run by your case management system. Based on the timeline you gave to us, we ask to receive this estimate by **April 14, 2022**. You also agreed to inform us which categories for why a case was not prosecuted are available through your case management system.

Regarding the exemptions you assert, you represented to us that the main driver for withholding certain subcategories of data is a concern that certain information will be, to use your words, "misleading" and may show your office in a negative light. This is a question for litigation, not a question of disclosure under the CPRA. We stated at the meeting that you are welcome to include any disclaimer regarding the completeness of the data you produce or to explain why you believe they are misleading. However, you can understand why we cannot simply take your word that data is misleading and must process the data ourselves. Please provide legal justification for withholding data on this basis; we see no applicable exemption.

You also represented to us at the meeting that the data you have claimed is exempt from disclosure under the investigatory files exemption would be publicly disclosable if it was not stored in those files. Our position is that publicly disclosable data cannot be withheld simply because of where you choose to store that data. Please either formally withdraw this asserted exemption or provide legal justification for withholding the data.

Thank you, again, for your assistance with our requests and please let us know if you have any additional questions.

Regards,

Joshua Wilner

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7 Times Square
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From: Fritzler-Kirkorian, Traci <tfritzler-kirkorian@fresnocountyca.gov>
Sent: Thursday, March 24, 2022 1:24 PM
To: PRA Response <praresponse@braunhagey.com>; Treisman, Doug <dtreisman@fresnocountyca.gov>
Cc: Peterson, Kelsey <kpeterson@fresnocountyca.gov>; Rutiaga, Galen <grutiaga@fresnocountyca.gov>; Caitlin Shaw <Shaw@braunhagey.com>; Sarah Salomon <Salomon@braunhagey.com>
Subject: RE: PRA Resply Racial Justice Act

***** EXTERNAL MESSAGE *****

Mr. Wilner

Thank you for this information.

Traci Fritzler

From: PRA Response <praresponse@braunhagey.com>
Sent: Thursday, March 24, 2022 1:04 PM
To: Fritzler-Kirkorian, Traci <tfritzler-kirkorian@fresnocountyca.gov>; PRA Response <praresponse@braunhagey.com>; Treisman, Doug <dtreisman@fresnocountyca.gov>
Cc: Peterson, Kelsey <kpeterson@fresnocountyca.gov>; Rutiaga, Galen <grutiaga@fresnocountyca.gov>; Caitlin Shaw <Shaw@braunhagey.com>; Sarah Salomon <Salomon@braunhagey.com>
Subject: Re: PRA Resply Racial Justice Act

Ms. Fritzler,

Excellent. We have created a call-in meeting. The number is 857-444-6280, password 883420#

We look forward to speaking with you.

Regards,

Joshua Wilner

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From: Fritzler-Kirkorian, Traci <tfritzler-kirkorian@fresnocountyca.gov>
Sent: Thursday, March 24, 2022 9:01 AM
To: PRA Response <praresponse@braunhagey.com>; Treisman, Doug <dtreisman@fresnocountyca.gov>
Cc: Peterson, Kelsey <kpeterson@fresnocountyca.gov>; Rutiaga, Galen <grutiaga@fresnocountyca.gov>; Caitlin Shaw <Shaw@braunhagey.com>; Sarah Salomon <Salomon@braunhagey.com>
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***** EXTERNAL MESSAGE *****

Yes 2:30 would work. How would you like to coordinate the call. We are in different locations. Will you be able provide a zoom link or conference call?

Let me know.

Traci Fritzler

From: PRA Response <praresponse@braunhagey.com>
Sent: Wednesday, March 23, 2022 11:07 AM
To: Fritzler-Kirkorian, Traci <tfritzler-kirkorian@fresnocountyca.gov>; PRA Response <praresponse@braunhagey.com>; Treisman, Doug <dtreisman@fresnocountyca.gov>
Cc: Peterson, Kelsey <kpeterson@fresnocountyca.gov>; Rutiaga, Galen <grutiaga@fresnocountyca.gov>; Caitlin Shaw <Shaw@braunhagey.com>; Sarah Salomon <Salomon@braunhagey.com>
Subject: Re: PRA Resply Racial Justice Act

Ms. Fritzler,

Tuesday, 3/29, will work for us. Is 2:30pm a good time?

We look forward to speaking with you.

Regards,

Joshua Wilner
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From: Fritzler-Kirkorian, Traci <tfritzler-kirkorian@fresnocountyca.gov>
Sent: Tuesday, March 22, 2022 3:59 PM
To: PRA Response <praresponse@braunhagey.com>; Treisman, Doug <dtreisman@fresnocountyca.gov>
Cc: Peterson, Kelsey <kpeterson@fresnocountyca.gov>; Rutiaga, Galen <grutiaga@fresnocountyca.gov>; Caitlin Shaw <Shaw@braunhagey.com>; Sarah Salomon <Salomon@braunhagey.com>
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***** EXTERNAL MESSAGE *****

Mr. Wilner

We are not able to speak with you on 3/23. While you requested three dates, I only have one date available and that is 3/29. The time is fairly open. Please let us know if that works for you and if so if you have a time preference.

Thank you

Traci Fritzler

From: PRA Response <praresponse@braunhagey.com>
Sent: Monday, March 21, 2022 8:28 AM
To: Treisman, Doug <dtreisman@fresnocountyca.gov>; PRA Response <praresponse@braunhagey.com>
Cc: Fritzler-Kirkorian, Traci <tfritzler-kirkorian@fresnocountyca.gov>; Peterson, Kelsey <kpeterson@fresnocountyca.gov>; Rutiaga, Galen <grutiaga@fresnocountyca.gov>; Caitlin Shaw <Shaw@braunhagey.com>; Sarah Salomon <Salomon@braunhagey.com>
Subject: Re: PRA Resply Racial Justice Act

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

Mr. Treisman and Mr. Rutiaga,

Thank you for your responses to our requests. We would like to schedule a phone meeting with you to discuss next steps for each request. Are you available to speak with us Wednesday (3/23) at 3pm? If you are not available at that time, please let us know three

times you are available, and we will pick one.

Regards,

Joshua Wilner

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From: Treisman, Doug <dtreisman@fresnocountyca.gov>

Sent: Wednesday, March 16, 2022 3:37 PM

To: PRA Response <praresponse@braunhagey.com>

Cc: Fritzler-Kirkorian, Traci <tfritzler-kirkorian@fresnocountyca.gov>; Peterson, Kelsey
<kpeterson@fresnocountyca.gov>; Rutiaga, Galen <grutiaga@fresnocountyca.gov>

Subject: PRA Respyl Racial Justice Act

***** EXTERNAL MESSAGE *****

Ms. Leonida,

Attached please find a scan of the PRA reply sent today by US mail on behalf of the District Attorney of Fresno County. Should you have any questions, feel free to contact me at your convenience.

Sincerely,

Lisa A. Smittcamp
District Attorney

Douglas O. Treisman
Senior Deputy District Attorney, Ret.