

From: [PRA Response](#)
To: [Treisman, Doug](#); [PRA Response](#)
Cc: [Fritzler-Kirkorian, Traci](#); [Peterson, Kelsey](#); [Rutiaga, Galen](#)
Subject: Re: Racial Justice Act/Public Records Requests & Follow-Up Meeting & Wilner E-mail Reply
Date: Friday, April 22, 2022 1:29:53 PM

Mr. Treisman and team,

Thank you for your response and for your work on these requests. More communications will be forthcoming, but I want to address some immediate issues here.

Regarding the July 23, 2021 request (I have kept the numbered order from my first email, which was followed in your response letter):

1. While we may have a legal disagreement about whether you are required to inform us if any documents are being withheld for category 1 of our request, the issue at hand is one of simple practicality. If you are not withholding any documents, there is no reason for us to litigate over this category of the request. We believe it to be in the interests of both parties not to spend the time and resources litigating over documents that do not exist. You have already informed us that you believe you have "produced all responsive documents" and we are writing to confirm this means no documents are being withheld for any reason. The response in your previous letter indicated that this may not be the case.
2. You asked for legal authority regarding our position that office-wide training materials may not be withheld as attorney work product under the CPRA. This appeal will be produced in a subsequent communication. Again, we ask that you confirm training materials are in fact being withheld as attorney work product. This request is based on the same set of concerns as the above section.
3. Please provide legal authority for your position that your office may withhold trainings developed by individual members of your staff. It may be helpful to provide an example of the type of training (office wide, a subset of the office, etc.) that would fall into this category. We note that no other District Attorney's office in the state has withheld training materials, or any other documents, on this basis.
4. Category 3 of our request seeks "communications concerning the RJA." This means all communications from any member of your office. We ask you to conduct a more thorough search and inform us of the result. Based on your previous communications, we are under the impression that your previous search did not produce any records (as opposed to you refusing to produce responsive records based on a legal exemption).

Regarding the February 18, 2022 request:

Thank you for your clarifications and for producing a cost estimate. To determine whether this estimate is reasonable and to inform our discussion regarding your possible exemptions and waiver, please inform us which categories of data you intend to produce. If you are withholding the data based on a legal exemption, please note this, and provide the specific exemption. With this information, we can better respond to any remaining issues.

Please let me know if you have any questions.

Regards,

Joshua Wilner

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

Sent: Thursday, April 14, 2022 5:18 PM

To: PRA Response <praresponse@braunhagey.com>; Sarah Salomon <Salomon@braunhagey.com>; Ellen Leonida <Leonida@braunhagey.com>

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

Subject: Racial Justice Act/Public Records Requests & Follow-Up Meeting & Wilner E-mail Reply

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

Ms. Salomon and Ms. Leonida,

Please find attached a scan of a reply letter signed on today's date. A hard copy will follow. The letter addresses matters raised on the March 29, telephone conference and others discussed by Mr. Wilner in his e-mail dated March 31. If you have any questions, feel free to contact me. I have copied those who participated in the call and with whom I consult regarding Office discretion and policy.

Sincerely,

Lisa A. Smittcamp

District Attorney

Douglas O. Treisman

Senior Deputy District Attorney, Ret.