

From: [Josh Wilner](#)
To: [Thinh. Tan \(DA\)](#)
Cc: [PRA Response](#)
Subject: 10/12 Phone Meeting Follow Up
Date: Wednesday, October 12, 2022 4:11:56 PM

Hi Tan,

Thanks for a productive call today. As promised, please find a list of items that came up during our meeting below. I will attach the past communications in two subsequent emails, one for the July 2021 request and one for the February 18, 2022 request. As a reminder, we will speak again on October 26 at 11am. Please let me know if you have any questions.

Regarding the July request:

1. Please confirm that your office has produced all documents responsive to category 1 of the request (policies, memoranda, and guidance documents). We define these documents as documents that reflect a policy decision by the office to handle all cases of a particular type in a particular way. Thus, we are not seeking any documents that concern a particular case, or that reflect only a discussion about the creation of a policy, rather than the final policy itself. We are not aware of any documents responsive to category 1 being withheld for any reason.
2. Please confirm that responsive documents are in fact being withheld for categories 2 (training materials), 3 (training materials and policies related to the RJA) and 4 (Batson/Wheeler motions and investigations). Please review Rick's asserted exemptions for withholding certain categories of documents and inform us if you intend to stand on those exemptions going forward. For documents that are not discussed in previous communications, please articulate specific legal exemptions for particular documents or types of documents so we have a better understanding of the legal basis for why certain documents are being withheld. Our communications with Rick lead us to believe there are documents being withheld for these categories.
3. For the email search, please speak with your IT department and let us know if there is anything we can do to reduce the number of duplicate hits between search terms or "false" hits (for example, the same sequence of numbers as the assembly bill number but referring to something unrelated). I will confer with ACLU to see if there is any possibility of narrowing the search by topic.

Regarding the February request:

1. Rick's June 2022 letter gives us an overview of which categories of data we request are

tracked in your system but does not give us complete information. For each category of data we request, please let us know which of the following categories the requested data falls into: 1. not tracked in any form by your office 2. only tracked in paper files 3. tracked digitally, but is not producible via report or extractible by programming (for example, a PDF of a paper file where programming could not accurately extract the data) 4. Tracked digitally and able to be pulled via report 5. Tracked digitally but only producible by additional programming. Please do this for all data regardless of whether you plan to withhold the data on the basis of a legal exemption.

2. Please review Rick's asserted exemptions for withholding certain categories of data and inform us if you intend to stand on those exemptions going forward. In particular, we ask that you consider our objection to Rick's broad use of the investigatory files exemption, which we believe does not apply to data points.

Regards,

Joshua Wilner

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