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Sent via E-mail

March 3, 2023

Joshua Wilner
Braun Hagey & Borden LLP
Wilner@braunhagey.com

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

Dear Mr. Wilner:

In response to your recent email inquiry, with regard to the September 7, 2021 Request (Our matter no. 202111143), we would have the following response:

Category 11 (case outcome data) cannot be produced because there is no feasible way for the Department to search for this data without manually examining each case file one at a time. The Department's case management system does not allow for a query of case outcome data, so this data cannot be searched for in the aggregate. A requester's right to records under the Public Records Act is not absolute and is subject to an implied rule of reasonableness (*Rosenthal v. Hansen* (1973) 34 Cal.App.3d 754). The Department does not have devoted staff to search for this data, and consequently, assigning staff to pull this data on an individual basis would pose a tremendous burden on Department resources and run counter to the public's interest in an efficient operating agency. Balancing this interest with your request for these records, we note that we have, to the extent permitted by law and with reasonable effort, provided you records that are responsive to this request. Based on the totality of circumstances, we have determined the Department is exempt from responding to these requests pursuant to Gov. Code § 7922.000.

In response to your recent email inquiry, with regard to the July 23, 2021 Request (Our matter no. 2021911), we would have the following response:

1. Please confirm that all responsive documents were produced, and no responsive documents were withheld for any reason. We believe this to be the case because no exemptions were asserted in your correspondence.

The matter was reviewed and it does not appear that any documents were withheld. There was an initial discussion about withholding the California District Attorney Association's training materials, but those were disclosed on August 30, 2021.

2. Please explain in detail your search for records responsive to category 3b (communications concerning the Racial Justice Act). Was an email search performed? If so, what search criteria were used?

In the Response Letter dated August 16, 2021, regarding request 3, Records concerning the Racial Justice Act, it was noted that “Our search did not reveal any records responsive to your request.” Given the duration of time since the initial request, 18 months, the particular details and criteria of the search are unknown.

Should you have any questions, please do not hesitate to contact the undersigned at 559-636-4950, or by e-mail at EMScott@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 _____
Eric M. Scott
Deputy County Counsel