

Haazim Amirali

From: Shaila Nathu
Sent: Monday, March 25, 2024 3:33 PM
To: Kalebjian, Jamie
Cc: Emi MacLean; Haazim Amirali; Rutiaga, Galen
Subject: RE: ACLU PRA 1/17/2024 Fresno Co. District Attorneys Office

Hi Jamie,

Thank you for your February 12, 2024 and March 12, 2024 correspondence.

With regard to Category A for prosecutorial data, we request that you produce the responsive data for *the entire time period of the request*. For data from January 1, 2015 to August 12, 2022, this should not necessitate further review or redactions that could arguably be burdensome given that you have already produced it. However, there are two substantive differences between this request and our February 18, 2022 request:

- 1) This request no longer seeks the names of defendants. (See Category A, section 1 of February 18, 2022 request); and
- 2) This request seeks the arresting agency. (See Category A, section 3(d) of the November 17, 2023 request.)

If your office stands by the exemptions it asserted in response to the February 18, 2022 request in response to this request, we ask that you state that in writing. (Gov. Code, §7922.540.)

With regard to Categories B through F of the instant request, we do not seek records previously produced. To assist your identification of any records which would not have been previously produced, please note that there are two substantive differences between our July 23, 2021 request and Sections B through F of the November 17, 2023 request:

- 1) This request seeks information about policies, memoranda, or guidance documents regarding “compliance with the RJA.” (See Category B, section (n).) This was not included in the July 23, 2021 request.
- 2) The request clarifies that we seek *all* training materials within the time period, including agenda, training materials and recorded, trainings, and regardless of the subject matter. (Compare Section C of the November 17, 2023 request with Section 2 of the July 23, 2021 request.)

Thus, if your office stands by the previous productions and exemptions asserted in response to the July 23, 2021 request for policies, training materials, and communications related to the RJA, then we ask only that you:

- 1) affirm in writing whether you stand by your previous productions and asserted exemptions; and
- 2) produce the following records:
 - a. any records responsive to the November 17, 2023 request that post-date your search for records in response to the July 23, 2021 request; and
 - b. any records responsive to Part B, section (n) of the November 17, 2023 request; and

- c. any training materials not previously produced based on any reading of the prior request which interpreted this portion of the request as requiring the production of anything other than *all* training materials.

Lastly, please note there is no requirement in the CPRA that a requester “specify the records that [it] want[s] that were not already produced by the Department.” In any public records matter, there is an inherent informational asymmetry between the requester seeking records and the agency that holds the records. Only the agency has knowledge of whether and what responsive records exist to a CPRA request. Hence, the CPRA’s requirements that an agency must (1) “[a]ssist” in the identification of records or refining of the request; (2) “[p]rovide suggestions for overcoming any practical basis for denying access to the records or information sought,” and (3) “mak[e] a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records.” (Gov. Code, § 7922.600 subds. (a) and (b).)

Thank you for your attention to this matter. If a phone call would be helpful for further clarification, please send us a few slots that you are available and we will schedule a meeting.

Best,

Shaila



Shaila Nathu

Staff Attorney

Pronouns: she/her/hers

ACLU of Northern California

39 Drumm Street, San Francisco, CA 94111

[\(415\) 316-0600](tel:4153160600) | snathu@aclunc.org

From: Kalebjian, Jamie <jkalebjian@fresnocountyca.gov>

Sent: Tuesday, March 12, 2024 4:23 PM

To: Shaila Nathu <SNathu@aclunc.org>

Cc: Emi MacLean <EMacLean@aclunc.org>; Haazim Amirali <HAMirali@aclunc.org>; Rutiaga, Galen <grutiaga@fresnocountyca.gov>

Subject: RE: ACLU PRA 1/17/2024 Fresno Co. District Attorneys Office

Good afternoon,

Please see attached letter, dated March 12, 2024.

A copy will not follow via US mail.

Thank you,

Jamie Kalebjian
Deputy District Attorney

From: Kalebjian, Jamie
Sent: Monday, February 12, 2024 4:15 PM
To: Shaila Nathu <SNathu@aclunc.org>
Cc: Emi MacLean <EMacLean@aclunc.org>; Haazim Amirali <HAmirali@aclunc.org>; Rutiaga, Galen <grutiaga@fresnocountyca.gov>
Subject: RE: ACLU PRA 1/17/2024 Fresno Co. District Attorneys Office

Good afternoon,

Please see attached response, dated February 12, 2024.

A copy will not follow via US mail.

Thank you,

Jamie Kalebjian
Deputy District Attorney

From: Shaila Nathu <SNathu@aclunc.org>
Sent: Friday, February 9, 2024 12:53 PM
To: Kalebjian, Jamie <jkalebjian@fresnocountyca.gov>
Cc: Emi MacLean <EMacLean@aclunc.org>; Haazim Amirali <HAmirali@aclunc.org>; DA - mail <DAmail@fresnocountyca.gov>; Rutiaga, Galen <grutiaga@fresnocountyca.gov>
Subject: RE: ACLU PRA 1/17/2024 Fresno Co. District Attorneys Office

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Hi Jamie,

By way of brief introduction, my name is Shaila Nathu and I am a staff attorney at the ACLU of Northern California. It is nice to meet you.

Thank you for your response to our November 17, 2023 CPRA request. In several places, your response seeks clarification on the date range. The November 14, 2023 CPRA request seeks all responsive records from 2015 to the date of the search. References to our prior CPRA requests submitted on July 23, 2021 and February 18, 2022 were intended solely to provide context, not to place any further limitations on the scope of the request.

If you have any further questions, please let us know.

Thanks!

Shaila



Shaila Nathu

Staff Attorney

Pronouns: she/her/hers

ACLU of Northern California

39 Drumm Street, San Francisco, CA 94111

[\(415\) 316-0600](tel:(415)316-0600) | snathu@aclunc.org

From: Kalebjian, Jamie <jkalebjian@fresnocountyca.gov>

Sent: Monday, January 29, 2024 9:34 AM

To: Haazim Amirali <HAmirali@aclunc.org>; Emi MacLean <EMacLean@aclunc.org>

Cc: Rutiaga, Galen <grutiaga@fresnocountyca.gov>

Subject: ACLU PRA 1/17/2024 Fresno Co. District Attorneys Office

Good morning,

Please find attached a response summarizing the the PRA request we received from the ACLU on Wednesday January 17, 2024, and extending the time to respond to **February 12, 2024**.

The PRA request this Department received is dated November 17, 2023, however was not received by this office until January 17, 2024.

Your request was addressed to Kelsey Peterson at kpeterston@fresnocountyca.gov as well as demail@co.fresno.ca.us. Ms. Peterson separated from the Department earlier in 2023 so that email address was not active on November 17, 2023. Regarding the DAmail e-mail address, the correct email address is demail@fresnocountyca.gov, as demail@co.fresno.ca.us is now inactive. Since the DAmail inbox is only a general inbox and is may not be consistently monitored, the Department kindly asks that you send any future PRA requests to jkalebjian@fresnocountyca.gov, the individual who now handles Public Record Act requests for the Department as a result of the aforementioned personnel changes. As a courtesy, we also ask that you cc your request to demail@fresnocountyca.gov and grutiaga@fresnocountyca.gov to ensure it does not go missed.

If you have any additional questions, please do not hesitate to contact me.

Jamie Kalebjian
Deputy District Attorney
600-2113