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May 3, 2022

**Via Email Only**

Annette Morasch

Via [125441-34099367@requests.muckrock.com](mailto:125441-34099367@requests.muckrock.com)

Re Follow-up to Response to February 23, 2022 Request for Public Records

Dear Ms. Morasch:

This letter is in response to your April 26, 2022 inquiry regarding the Culver City Police Department (CCPD) response(s) to your February 23, 2022 request for body-worn camera (BWC) footage, dash camera footage, audio files, 911 calls, and other documentation regarding your client Sebastian Ospina. CCPD Lt. VanScoy's two responses to you dated March 7, 2022 and April 14, 2022 are attached for your convenience.

In your April 26<sup>th</sup> email correspondence to CCPD Chief Manual Cid, you ask "on what legal basis is CCPD withholding body camera and dash camera footage from the representative of the arrestee?" The standard for disclosure of City records, including Police Department records, is different in civil litigation discovery, criminal discovery, and under the California Public Records Act (PRA). Records that may be disclosed to a party to a lawsuit, or a defendant in a criminal case, are not necessarily disclosable under the PRA. Previously, you were given BWC footage in a court matter where another of your clients had a pending criminal (infraction) case. In this instance, there is no criminal case under which to conduct Penal Code section 1054 *et seq.* discovery.

Further, as explained previously by Lt. VanScoy, Government Code § 6254(f) applies broadly to investigative records, regardless of whether an investigation has concluded. *Haynie v. Superior Court*, 26 Cal.4<sup>th</sup> 1061 (2001). As the California Supreme Court articulated in *Haynie*, "Here, the investigation that included the decision to stop Haynie and the stop itself was for the purpose of discovering whether a violation of law had occurred and, if so, the circumstances of its commission. Records relating to that investigation are exempt from disclosure by section 6254(f)." *Id.* at 1071. The same rationale applies to the CCPD encounters with your client. The requested materials are investigative in nature and, therefore, exempt from disclosure.

Additionally, to the extent that you are relying in your April 26<sup>th</sup> correspondence upon the language of Government Code §§ 6254(f)(4)(A) and 6254(f)(4)(B)(ii) to

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support your position, the statutory guidelines of Government Code § 6254(f)(4) pertain only to audio or video of a “critical incident”, as defined in Government Code § 6254(f)(4)(C). If the events do not qualify as a “critical incident” (neither a discharge of a firearm nor a use of force causing great bodily injury or death), then audio or video recordings are exempt.

Accordingly, based on the above, the responses to you from CCPD were in compliance with the PRA.

Thank you for your inquiry into this matter.

Sincerely,

Heather Baker, City Attorney

*Lisa A. Vidra*

By: Lisa A. Vidra  
Assistant City Attorney

Attachments

cc: City Clerk  
CCPD