

California Public Records Act request

To J. Jennings

Please deliver response and/or documents to District Secretary's Office no later than Jan 27. If you need any further information, contact Patti Williams at x6084 as soon as possible. Thank you.

cc: Legal Department, R. Gibson, R. Harvill, J. Morgan, R. Williams

Jan. 21, 2019

RE: Public Records Act Request

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to (inspect/obtain a copy of) the following, which I understand to be held by your agency:

1. The names and reports of officers involved in police or deputy misconduct and covered under **SB 1421**. We are seeking records that date back to Jan. 1, 2017 in our initial request. We would like a prompt return of these records, as required by law. Please include video related to the incident.
2. As this process can be time-consuming, the second part of our request is asking for records going back to Jan. 1, 2014. We request that "Part 2" of our request be made public considering time restraints. Please include related video.
3. In addition, please provide how many complaints from the public about police misconduct regarding the items covered in SB 1421 have you gotten in this time period. (Back to Jan. 1, 2017 first, and then back to Jan. 1, 2014)
4. How many department-initiated internal affairs investigations regarding items covered in SB 1421 have you conducted in this time period?
5. How many claims and lawsuits have you received and settled regarding the items covered in SB 1421 in the same time period?

KTVU is asking for Part 1 of our request as soon as possible.

We are seeking:

- (A) A record relating to the report, investigation, or findings of any of the following:
- (i) An incident involving the discharge of a firearm at a person by a peace officer or custodial officer.
 - (ii) An incident in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury.
- (B) (i) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public.
- (ii) As used in this subparagraph, "sexual assault" means the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. For purposes of this definition, the propositioning for or commission of any sexual act while on duty is considered a sexual assault.
- (iii) As used in this subparagraph, "member of the public" means any person not employed by the officer's employing agency and includes any participant in a cadet, explorer, or other youth program affiliated with the agency.
- (C) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation

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of misconduct by, another peace officer or custodial officer, including, but not limited to, **any sustained finding** of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

I ask for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make that determination without having to review the record[s] in question.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested.

In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

If I can provide any clarification that will help expedite your attention to my request, please contact me.

I would like this information sent to me electronically. Thank you for your time and attention to this matter.

Lisa Fernandez, KTVU
510-874-0139

Patricia Williams

From: Lisa Fernandez <Lisa.Fernandez@foxtv.com>
Sent: Tuesday, January 22, 2019 5:04 AM
To: Public Records
Subject: CPRA re: 1421
Attachments: CPRASB1421.docx

Good morning. I wanted to submit this CPRA to you re: files related to SB 1421. Please contact me if you have any questions.

Lisa Fernandez

Digital Reporter/Producer | KTVU Channel 2

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