

November 13, 2015

Via Electronic Submission
Garden Grove Police Department

Re: California Public Records Act Request

Dear Public Records Coordinator:

We write to request public records¹ pursuant to the California Public Records Act (Cal. Gov't Code §§ 6250 *et seq.*) from the Garden Grove Police Department (the Sheriff/Police Department). This request asks for records about policies pertaining to noncitizens that are arrested, processed, jailed, and/or sentenced in Orange County (the County). For purposes of this request, the term noncitizen includes immigrants, aliens, undocumented persons, illegal aliens, lawful permanent residents, foreign-born individuals, and individuals subject to (or believed to be subject to) immigration holds or detainers. We seek records pertaining to policies and practices about the treatment of noncitizens, and not records from individual criminal cases. This request covers all responsive records that reflect current Sheriff/Police Department policy or that are dated January 1, 2010 to the present.

We request the following records that reflect current Sheriff/Police Department policy.

1. All records listing or describing alternative-to-custody programs available in the County, including, but not limited to, work release, drug diversion, mental health diversion, electronic monitoring, supervised release and all other alternative-to-custody programs available in the county.
2. All records referring or relating to the Sheriff/Police Department's policies and practices regarding whether or not noncitizens may participate in or benefit from any alternative-to-custody programs, including, but not limited to, work release, drug diversion, mental health diversion, electronic monitoring, supervised release and any other alternative-to-custody programs available in the county.
3. All records listing or describing jail-based vocational, educational, or other remedial programs in the County's jail facilities.

¹ The term "record" includes any "writing" as defined in Gov't Code § 6252(e) and (g) ("any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.") The "records" we request include but are not limited to: internal and external correspondence (including email), memoranda, legal opinions, guidance, regulations, directives, instructions, orders, bulletins, pamphlets or brochures, handouts, evaluations, reports, summaries, logs, presentations, and training materials.

4. All records referring or relating to the Sheriff/Police Department's policies and practices regarding whether or not noncitizens may participate in or benefit from any and all jail-based vocational, educational, or other remedial programs in the county's jail facilities.
5. All records referring to or relating to the Sherriff/Police Department's communications, policies, procedures, practices, or training materials that call for the application of different rules, criteria, procedures, or guidelines for noncitizen as compared to citizens:
 - a. at booking;
 - b. when deciding whether to release an arrestee booked but not charged with a crime;
 - c. when deciding to release a pretrial detainee or inmate;
 - d. when making recommendations or suggestions in bail hearings or bail determinations for arrestees or pretrial detainees, including recommendations or suggestions as to whether to allow an individual to post bail and as to the appropriate bail amount;
 - e. when deciding whether to place an arrestee into a pretrial diversion program;²
 - f. when deciding whether or not an individual with a criminal conviction is eligible for release prior to the completion of a sentence ("early release"), including for purposes of release to Immigration and Customs Enforcement; and
 - g. when making recommendations or determinations about an individual's fitness to participate in any post-sentencing diversion programs or any other alternative-to-custody program.³
6. All records referring or relating to the Sheriff/Police Department's policies and practices regarding criteria Sheriff/Police Department considers in deciding which offenders with adverse bail determinations will be released in light of capacity or overcrowding issues, including whether immigration status or the existence of an immigration hold or detainer is considered as a factor.
7. All records relating to Sheriff/Police Department's rules, criteria, procedures, guidelines, and communications to and from Immigration and Customs Enforcement (ICE), regarding whether individuals subject to ICE detainers or immigration holds:⁴
 - a. may obtain release on bail (including communications relating to appropriate bail amount);
 - b. may be released on their own recognizance;
 - c. may participate in pretrial diversion,
 - d. are eligible for early release;

² Pretrial diversion refers to the procedure of postponing prosecution of an offense filed as a misdemeanor either temporarily or permanently at any point in the judicial process from the point at which the accused is charged until adjudication. Cal.Penal Code § 1001.1.

³ These include, but are not limited to, work release, drug diversion, mental health diversion, electronic monitoring, supervised release, and other similar programs.

⁴ Under various authorities, including but not limited to Secure Communities and now the Priority Enforcement Program, local law enforcement agencies are asked, under certain circumstances, to detain a noncitizen for up to 48 hours past his/her release date so that ICE may apprehend that person.

- e. can post bail; or
 - f. are or should be permitted to participate in post-sentencing diversion programs.
8. All agreements and communications between the Sheriff/Police Department and the County's Probation Office relating to the jurisdiction, booking procedures, detention and/or transfer, bail decisions or recommendations, and release of noncitizen arrestees.
 9. All records referring to the risk assessment instrument used by the Sheriff/Police Department or in the County that mention application of the instrument to noncitizens.
 10. All records relating to the Community Corrections Partnership developed by the County to carry out AB 109 (realignment), that refer to noncitizens.

We look forward to your response to this request within ten (10) days of receipt of this letter. *See* Cal. Gov't Code § 6253(c). To the extent that your agency claims the right to withhold any record, or portion of any record, please describe each and every record or portion of any record that is being withheld and the claimed reason for the exemption, citing the exact language of the Public Records Act and the legal authority on which you rely. If portions of the records requested are exempt from disclosure, please provide the non-exempt portions.

If any of the records requested above are available in electronic format, please make them available in electronic format, rather than paper format, pursuant to Cal. Gov't Code § 6253.9. You may email us any records available in electronic format to avoid copying costs. Because Stanford Law School is a nonprofit educational institution, we request that you waive any fees.⁵ No part of the information obtained will be distributed or sold for profit. If we can provide any information that will help expedite your response, or if you have any other questions, please do not hesitate to contact us at (650) 724 2442 or jsrikantiah@law.stanford.edu.

Please send the responsive record to us, via email or mail, at:

⁵ If your agency is unable to waive any fees, Stanford Law School will reimburse your agency for the direct costs of copying the records at issue. However, if you anticipate that the costs will exceed \$50, please notify us prior to making the copies.

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Thank you in advance for your timely consideration of this request.

Sincerely,



Jennifer Chacón
Professor of Law, UC Irvine Law School
Visiting Professor, Stanford Law School



Jayashri Srikantiah
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Director, Immigrants' Rights Clinic