



JASS | LAW

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March 18, 2019

VIA U.S. MAIL AND ELECTRONIC PRESENTMENT

Garden Grove City Clerk
11222 Acacia Pkwy
Garden Grove, CA 92840

Re: Public Records Request

To Whom It May Concern:

Please allow this letter to serve as formal request for the release of public records pursuant to Government Code Sections 6250 through 6270 and article 1 section 3(b) of the California Constitution. The Garden Grove Police Department is an agency subject to the disclosure requirements of the CPRA. (*See, County of Los Angeles v. Superior Court*, 82 Cal.App.4th 819 (2000).) Therefore, please provide me with the following records in your possession:

All documents (including documents that are stored or recorded electronically or digitally) with information relating to:

1. Any and all records relating to any report, investigation, or findings of every incident involving the discharge of a firearm at a person by a peace officer or custodial officer.
2. Any and all records relating to any report, investigation, or findings for any 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.
3. Any and all records relating to any report, investigation, or findings for any 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.
4. Any and all records relating to any report, investigation, or findings for any 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 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.

Government Code § 6253 (c) provides that each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days.

Penal Code 823.7 states that the following records shall not be confidential and shall be made available for public inspection pursuant to California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code):

- (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...
- (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 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.

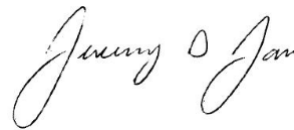
Penal Code §832.7

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You are advised that court costs and reasonable attorney's fees are compensable in litigation instituted to compel a public agency's duties to provide such documents. This situation includes the voluntary relinquishment of a document by a private party following a plaintiff's suit against a public agency seeking disclosure of that document after the agency's refusal to do so. *Belth v. Garamendi* (1991) 232 Cal. App. 3d 896, 899-903. In *Davis v. City of San Diego* (2003) 106 Cal. App. 4th 893, 903-904, the court of appeal upheld the reasonableness of a \$10,620 attorney's fee award against a city that improperly withheld such documents.

Accordingly, I will look forward to your response within ten days after your receipt of this letter. In the meantime, if you have any questions, or if you would like to discuss this matter, please call me.

Very truly yours,

A handwritten signature in cursive script that reads "Jeremy D. Jass". The signature is written in black ink and is positioned centrally below the closing "Very truly yours,".

Jeremy D. Jass