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STAND FOR JUSTICE

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CITY OF ANAHEIM

April 6, 2016

VIA MAIL & ELECTRONIC MAIL

Chief Raul Quezada
Anaheim Police Department
425 S. Harbor Blvd.
Anaheim, CA 92705
rquezada@anaheim.net

RE: Public Records Act Request

Dear Susan Hurley:

We write to request the release of public records from the Anaheim Police Department (“APD” or “the Department”) pursuant to the California Public Records Act (CPRA), California Government Code Sections 6250 to 6270 and article 1 section 3(b) of the California Constitution¹.

With the goal of seeking to fully understand the scope of the withholding of evidence and the policies that may have contributed to potential due process violations, the ACLU of Southern California seeks disclosure of the items below, pursuant to the CPRA.

We seek copies of all records² in your office’s possession, regardless of who wrote them, regarding:

¹ The federal courts have similarly recognized a common law right of public access to government documents, although the parameters of the right have not been clearly established. In *Nixon v. Warner Communications, Inc.* (1978) 435 U.S. 589, the court observed that “the courts of this country recognize a general right to inspect and copy public records and documents, including judicial records and documents.” (*Id.* at p. 597, fn. omitted.)

² The term “records” as used in this request is defined as “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.” Cal. Govt. Code § 6252, subsection (e). “Writing” is defined as “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.” Cal. Govt. Code § 6252 (g).

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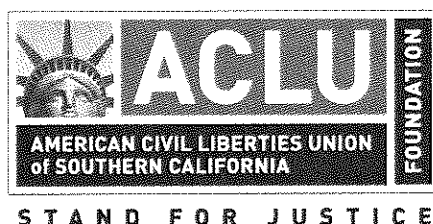
- 1) Any records, including internal policies and protocols, office memoranda, guidelines, operational manuals, training materials, directions, or instructions, including anything contained in electronic mail, regarding the right to free speech under the First Amendment, California Constitution, or statutory law, including, but not limited to, the right to photograph or videotape the police in the performance of their duties and the right to photograph or videotape in public places.
- 2) Any records, including internal policies and protocols, office memoranda, guidelines, operational manuals, training materials, directions, or instructions, including anything contained in electronic mail, regarding Penal Code Section 148(a), including, but not limited to, what constitutes delay or obstruction of an officer.

All records requested above are subject to the CPRA because the CPRA applies to “any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics” (Govt. Code, § 6252, subd. (e)), unless a specific statutory exemption applies (Govt. Code, § 6255, subd. (a); see Govt. Code, §§ 6254 et seq., 6276 et seq.).

“This definition is intended to cover every conceivable kind of record that is involved in the governmental process Only purely personal information unrelated to ‘the conduct of the public's business’ could be considered exempt from this definition” (Assem. Statewide Information Policy Com., Final Rep. (Mar. 1970) 1 Assem. J. (1970 Reg. Sess.) appen. p. 9; accord, *Commission on Peace Officer Standards & Training v. Superior Court* (2007) 42 Cal.4th 278, 288, fn. 3 [64 Cal. Rptr. 3d 661, 165 P.3d 462]).

Please respond to this request in ten days, either by providing the requested information or providing a written response setting forth the specific legal authority on which you rely in failing to disclose each requested record, or by specifying a date in the near future to respond to the request. *See* Cal. Gov't Code § 6255. Pursuant to section 6253, please disclose all reasonably segregable non-exempt information from any portions of records you claim are exempt from disclosure.

If any records requested above are available in electronic format, please make them available in electronic format, as provided in Govt. Code § 6253.9. To assist with the prompt release of responsive material, we ask that you make records available to us as you locate them, rather than waiting until all responsive records have been collected and copied.



Because the ACLU is a nonprofit civil rights organization, we request that you waive any fees that normally apply to a CPRA request. However, should you be unable to do so, the ACLU will reimburse your agency for the "direct costs" of copying these records plus postage. If you anticipate these costs to exceed \$50.00, please notify us prior to making the copies.

If we can provide any additional information that will expedite your processing of our request, please do not hesitate to contact us at _____ or by email at _____

Sincerely,

Brendan Hamme

Brendan Hamme
Staff Attorney

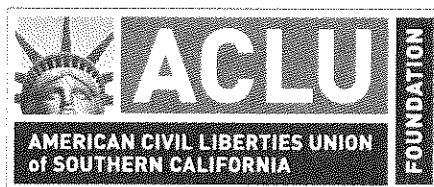
Caitlin W. Sanderson

Caitlin W. Sanderson
Staff Attorney

Cc:

Custodian of Records, Office of the City Clerk
200 S. Anaheim Blvd., Anaheim, CA 92705
landal@anaheim.net

Susan Hurley, Police Records Supervisor
SHurley@anaheim.net



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