

FEDERAL PUBLIC DEFENDER
CENTRAL DISTRICT OF CALIFORNIA

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Federal Public Defender
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Chief Deputy

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Santa Ana Office
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Direct Dial:

August 26, 2019

SENT VIA E-MAIL ONLY [tbass@anaheim.net]

Office of the City Clerk
Custodian of Records
200 S. Anaheim Blvd.
Suite 217
Anaheim, CA 92805

Re: **CPRA for Records of Sheriff's/Police Department's Deputy/Officer/Detective Joseph Faria**

Dear Custodian of Records:

Pursuant to California Penal Code § 832.7(b), I am writing to request a copy of the following public records relating to Joseph Faria including:

1. Any and all records relating to any report, investigation or findings of any incident in which the use of force by Joseph Faria against a person which resulted in death, or in great bodily injury.
2. Any record relating to any incident in which a sustained finding was made by any law enforcement agency or oversight agency that Joseph Faria engaged in sexual assault involving a member of the public. "Sexual assault" is defined for the purposes of Cal. Penal Code § 832.7 as "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 color of authority. For the purposes of this definition, the propositioning for or commission of any sexual act while on duty is considered a sexual assault."
3. Any record relating to any and all incidents in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by Joseph Faria 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 of evidence, or falsifying or concealing of evidence.

4. Any and all records relating to reports and/or incidents of dishonesty by Joseph Faria while he was investigating criminal activity or alleged criminal activity on behalf of the Anaheim Police Department.

5. Any and all records relating to incidents in which a sustained finding of dishonesty by Joseph Faria concerning the reporting of, or investigation of misconduct by, another peace officer or custodial officer.

6. Any and all records relating to reports and/or incidents of dishonesty by Joseph Faria concerning any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

7. Any and all records relating to complaints by citizens and/or other officers made against Joseph Faria alleging misconduct and/or malfeasance in connection with carrying out their duties as an officer and/or detective with the Anaheim Police Department, including but not limited to complaints of excessive force and/or harassing, coercing, threatening the well-being of, or threatening the life of, any witness or family member of any witness, suspect or other person, in which a sustained finding was made by any law enforcement agency or oversight agency.

8. Any and all records relating to complaints by citizens and/or other officers made against Joseph Faria alleging misconduct and/or malfeasance in connection with carrying out their duties as an officer and/or detective with the Anaheim Police Department, including but not limited to influencing, demanding, telling or coercing a witness to falsely identify or otherwise falsely and dishonestly claim knowledge of the participation of a suspect in a specific alleged crime, in which a sustained finding was made by any law enforcement agency or oversight agency.

9. Any and all records relating to complaints by citizens and/or other officers made against Joseph Faria alleging misconduct and/or malfeasance in connection with carrying out their duties as an officer and/or detective with the Anaheim Police Department, including but not limited to improperly confiscating and/or destroying property from individuals who are not under arrest, under the guise of carrying out official police business.

10. Any and all records relating to complaints by citizens and/or other officers made against Joseph Faria alleging misconduct and/or malfeasance in connection with carrying out their duties as an officer and/or detective with the Anaheim Police Department, including but not limited to purposefully withholding exculpatory or impeachment evidence from the D.A.'s office when providing investigative reports in charged criminal cases.

11. Any and all records relating to complaints by citizens and/or other officers made against Joseph Faria alleging misconduct and/or malfeasance in connection with carrying out

their duties as an officer and/or detective with the Anaheim Police Department, including but not limited to purposefully withholding exculpatory or impeachment evidence from defense counsel when providing investigative reports in charged criminal cases.

12. Any and all records relating to complaints by citizens and/or other officers made against Joseph Faria alleging misconduct and/or malfeasance in connection with carrying out their duties as an officer and/or detective with the Anaheim Police Department, including but not limited to failing to notify the D.A.'s office that benefits were provided to a witness in exchange for their cooperation and/or testimony.

13. Any and all records relating to complaints by citizens and/or other officers made against Joseph Faria alleging misconduct and/or malfeasance in connection with carrying out their duties as an officer and/or detective with Anaheim Police Department, including but not limited to complaints of excessive force and/or interviewing minors outside the presence of parents, legal guardians, or legal representation, in which a sustained finding was made by any law enforcement agency or oversight agency.

Pursuant to Cal. Penal Code § 832.7(b)(2), public records that shall be released include:

- All investigative reports;
- Photographic, audio, and video evidence;
- Transcripts or recordings of interviews;
- Autopsy reports;
- All materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take;
- Documents setting forth findings or recommended findings; and,
- Copies of disciplinary records relating to any incidents described above, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

If there are any fees for searching or copying these records, please inform our office of the cost. However, I am requesting a waiver of all fees in that the disclosure of the requested information is in the public and that we are government agency appointed by the Court to represent indigent federal petitioners. This information is not being sought for commercial purposes.

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The California Public Records Act requires a response within ten business days. If access to the records I am requesting will take longer, please contact me with information about when we might expect copies or the ability to inspect the requested records, at the following:

Devon L. Hein
Deputy Federal Public Defender

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law. If any of the records requested have been destroyed, please provide us with the authority for the destruction of these records, a copy of any court or agency-issued destruction order, and the date, time and place that such destruction occurred.

Thank you for considering my request. We look forward to hearing from you.

Sincerely,

A handwritten signature in cursive script that reads "Devon Hein".

Devon L. Hein
Deputy Federal Public Defender

Jennifer L. Hall

Subject: CPRA Section 832.7(b) Request
Attachments: CPRA Section 832.7(b) Request.pdf

-----Original Message-----

From: Devon Hein
Sent: Monday, August 26, 2019 12:57 PM
To: Theresa Bass <TBass@anaheim.net>
Subject: CPRA Section 832.7(b) Request

Please see the attached CPRA Request, issued pursuant to California Penal Code section 832.7(b). Please direct any questions, comments, responses, or invoices to me using the contact information below, which is also contained in the attached letter.

Sincerely,
Devon L. Hein
Pronouns: she/her/hers
Deputy Federal Public Defender
Office of the Federal Public Defender
Central District of California