
[EXTERNAL]RE: updated Public Records Request

From Kiniyalocts, Melissa <Melissa.Kiniyalocts@cco.sccgov.org>

Date Tue 6/10/2025 2:29 PM

To Richard Konda <rkonda@asianlawalliance.org>

Cc Larnerd, Sterling <sterling.larnerd@cco.sccgov.org>

 2 attachments (7 MB)

Additions to Public Records Request.pdf; KONDA 05.30.2025_000001-KONDA 05.30.2025_000123.pdf;

Richard,

The County produces the attached records in response to your May 31, 2025 CPRA request. Certain records have been withheld pursuant to the exemption for investigations conducted by a local law enforcement agency (Gov't Code § 7923.600); the preliminary drafts exemption (Gov't Code § 7927.500); the personnel and medical files exemptions (Gov't Code § 7927.700); and the right to privacy (Gov't Code § 7922.000). Certain records have been withheld because they are privileged (Gov't Code § 7927.705; specifically, the attorney-client communication privilege [Evid. Code § 954]; the attorney work product privilege [Code Civ. Proc. § 2018.030]; and the official information privilege [Evid. Code § 1040]). Additionally, certain records that reveal the deliberative process involved in the Sheriff's and County's decision-making are exempt from disclosure and have been withheld. (Gov't Code § 7922.000; Evid. Code § 1040; *Times Mirror Co. v. Superior Court* (1991) 53 Cal. 3d 1325, 1338–46; *California First Amend. Coalition v. Superior Court* (1998) 67 Cal. App. 4th 159, 169.)

Further, body worn camera (BWC) footage is collected as a record of investigation or to be part of an investigatory file and is exempt from disclosure under the CPRA. (Gov't Code sections 7923.600–7923.625; see also *Castañares v. Superior Court* (2023) 98 Cal. App. 5th 295.) The investigation exemption extends indefinitely, even after investigations are concluded.

(*Rackauckas v. Superior Court* (2002) 104 Cal. App. 4th 169, 174–78.) BWC footage may also be retained in the personnel file of involved officers. Penal Code section 832.7, which generally makes all officer personnel records confidential and exempt from disclosure, contains an exception to the general confidentiality requirement for the following categories of officer personnel and investigatory records: (A) a record relating to the report, investigation, or findings of (i) an incident involving the discharge of a firearm at a person by a peace officer or custodial officer; (ii) an incident involving the use of force against a person by a peace officer or custodial officer that resulted in death or in great bodily injury; (iii) a sustained finding involving a complaint that alleges unreasonable or excessive force; (iv) a sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive; (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 involving 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 false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury; (D) 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 conduct including, but not

limited to, verbal statements, writings, online posts, recordings, and gestures, involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status; or (E) any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that the peace officer made an unlawful arrest or conducted an unlawful search. None of the BWC footage you have sought in your CPRA request qualify for release under these exceptions.

Records that are deemed public records pursuant to the CPRA under Penal Code section 832.7 are shared on the Sheriff's Office [transparency portal](#) as they become available.

We will deem the response to this request complete. As discussed during our call on May 30, the Sheriff's Office will provide an update to the Board of Supervisors on the Taser Pilot in October. Additionally, the Sheriff's Office will include information about Taser use in future reports to the Board of Supervisors on the use of military equipment. As an example of the level of detail included in these reports, the Board recently considered the report by the Office of Correction and Law Enforcement Monitoring (OCLEM) relating to its review of the Sheriff's Annual Military Equipment Use Report. Thus, there will be opportunities in the future for additional information to be disseminated to the public about the Taser pilot.

Thank you,

-Melissa



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From: Richard Konda <rkonda@asianlawalliance.org>

Sent: Saturday, May 31, 2025 9:00 AM

To: Kiniyalocts, Melissa <Melissa.Kiniyalocts@cco.sccgov.org>; Sterling Larnerd <sterlinglarnerd@yahoo.com>

Cc: Lee, Otto <otto.lee@BOS.SCCGOV.ORG>; Jonsen, Robert <robert.jonsen@shf.sccgov.org>; Oberdorfer, Adam <Adam.Oberdorfer@shf.sccgov.org>; Ellenberg, Supervisor <supervisor.ellenberg@BOS.SCCGOV.ORG>; Arenas, Sylvia <sylvia.arenas@BOS.SCCGOV.ORG>; Duong, Betty <betty.duong@BOS.SCCGOV.ORG>; District5 <District5@BOS.SCCGOV.ORG>; Michael Gennaco <michael.gennaco@oirgroup.com>; LoPresti, Tony <tony.lopresti@cco.sccgov.org>

Subject: [EXTERNAL] updated Public Records Request

Dear Melissa and Sterling:

Please find attached our revised Public Records Request and the Axon warning.

For the purpose of full transparency, this request is copied to members of the Board of Supervisors.

Sincerely,
