



Coalition for Justice and Accountability

""Building a community where everyone feels safe.""

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CALIFORNIA PUBLIC RECORDS ACT REQUEST

August 11, 2025

Office of the County Counsel
Melissa Kiniyalocts
70 West Hedding Street
San Jose, CA 95110

Dear Ms. Kiniyalocts:

Thank you for the information you have provided to us regarding our May 30, 2025 Public Records Request that included:

1. The seven pages from the Santa Clara County Custody Health Services,
2. Approximately thirty pages from the Sheriff's use of force manual and
3. Approximately eighty-six pages of the Taser 10 purchase contract between Axon and the County of Santa Clara.

*Total pages provided total 123.

CALIFORNIA PUBLIC RECORDS ACT REQUEST Part Two

We previously requested Body worn camera and Taser digital footage. We are now making a new and separate request for that footage based upon our subsequent legal research.

In your June 10, 2025 response, you cited *Castañares v. Superior Court* (2023) 98 Cal. App. 5th 295. This case involved a request from a journalist for digital footage from a "drone" pilot project. Our reading of the case suggests that the *Castañares* case mandates the release of the body worn camera footage and Taser digital footage from the Taser Pilot Project.

As you are aware, pursuant to Gov't Code section 7922.600(a). This code section requires government agencies to proactively assist members of the public and others in locating the appropriate records and to provide suggestions for overcoming any practical basis for denying access to the records or the information sought.

We are hereby requesting that we receive all of the assistance legally required by Gov't Code section 7922.600 (a). (emphasis added)

We are asking for your assistance pursuant to Gov't Code 7922.600 (a) to include all of the other items your initial public records request declined to provide us.

We are also requesting in order to carry out the mandate of Gov't Code 7922.600 (a) that, you agree to meet and confer with us in a zoom or in person meeting at your earliest convenience.

Public policy considerations

As you may know, in a statement by the Sheriff on September 2024, he stated, "The pilot program is designed to ***actively involve the community***, building trust and providing reassurance that appropriate protections and oversight are in place. We aim to foster confidence in using CEDS in Santa Clara County through transparent operations and continuous feedback. Collaboration with OCLEM, Federal use monitors, and established review processes will ensure rigorous oversight and community involvement. All CED deployments will be evaluated monthly throughout the pilot program..."
(emphasis added)

Additional case law and code sections to consider

1. The CPRA is construed broadly in favor of disclosure with exemptions to be narrowly construed. In addition, agencies bear the burden to justify withholding records under the CPRA. See *CBS v. Block* 42 Cal. 3rd 646, (1968).
2. Despite the existence of an exception, an agency may generally disclose records unless disclosure is prohibited by law. Gov't Code section 9721.505.
3. Also, if an agency has intentionally disclosed the information sought it may have waived the right to claim an exemption. Gov't Code section 9721.505 (b).
4. From the vantage point of the harried public servant, exposure to public scrutiny and criticism may hamper and upset the day-to-day operation of the government agency. Thus, the bureaucrat is often sorely tempted to preclude public disclosure by invoking the privilege of confidentiality . . . " *NY Times Company v. Superior Court Santa Barbara County* 52 Cal. App 4th 97, (1997)

Richard Konda
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CJA