



Coalition for Justice and Accountability

"Building a community where everyone feels safe."

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August 15, 2025

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

Dear Ms. Kiniyalocts:

California Public Records Act Request

Background of Incident

Based on information received by members of The Coalition for Justice & Accountability (CJA) an incident is alleged to have occurred on August 7, 2025, on the 6th floor of the Main Jail. Santa Clara County Sheriff Deputy Downing is alleged to have been involved in an incident that resulted in the pepper-spraying and subsequent Tasing of an inmate. It is our understanding that Deputy Downing gassed or pepper-sprayed a yet unidentified inmate who it is alleged was engaged in a mutual combat situation with another inmate. In addition, based on the information we received the inmate who was gassed and subsequently Tased had already complied with Deputy Downing orders and the pepper spraying and tasing of the inmate was alleged to have been unnecessary.

Policy Considerations

CJA is a broad-based racially, culturally, and inclusive Santa Clara County Coalition that has worked for the last two decades to warn members of our community and members of the law enforcement of the extreme dangers that Tasers pose. We have advocated repeatedly that Taser use by Law Enforcement should be banned in Santa Clara County. Tasers injury and kill human beings with regularity. We believe that with the current crisis in our jails regarding health and safety issues, including the death of 10 male inmates in 2024, the most in two decades, that the decision to introduce Tasers in our jails is both reckless and unwise.

Pursuant to the CPRA, we are requesting the following

1. **All incident reports** prepared regarding this incident involving a pepper-spray and a Taser deployment occurring on or about August 7, 2025. We are requesting Deputy Downing's incident report and all other incident

reports prepared by other sheriff deputies, or employees of the sheriff's department, related to this incident. To protect any legally mandated privacy concerns, please consider necessary redactions.

2. **All medical reports** related to the incident that were prepared by Santa Clara County Valley Health Care (Custody Health Services). *To see the protocol and necessary procedures that must be followed after a Taser deployment, information regarding on call doctors, etc., See the extensive seven page (Custody Health Services) protocol on Taser probe removal and related detailed medical protocol, that must be followed after each Taser deployment, including the comprehensive medical and psychological follow-up for inmates Tasered while in custody. Note: This seven-page Custody Health Services protocol was given to us by your office (County Counsel) in response to our initial public records request, related to the ongoing Taser Pilot Project, submitted to your office on May 30, 2025. (Documents received June 10, 2025).*

3. **All documents related to the cost** to the county of providing medical, psychological and related services, by Custody Health Services, or other health/medical providers, each time a Taser is deployed.

4. **All documents related to cost of medical service re the Taser incident that is alleged to have occurred in the Santa Clara County Main Jail, 6th floor, on or about August 7, 2025.**

3. **All Body-Worn Camera Footage, and Taser Camera footage, and surveillance camera footage maintained in area of the jail where this incident occurred.** *Note: If necessary, use appropriate computer software to blur the faces of those entitled to privacy regarding this gassing and Taser incident. See: Castañares v Superior Court (2023) 98 Cal. App. 5th 295*

Additional case law and code sections to consider

1. The CPRA is to be 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. *CBS v. Block 42 Cal. 3rd 646, (1968).*
2. Despite the existence of an exception, an agency may generally disclose records unless law prohibits disclosure. *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)*

Assistance requested in carrying out the intent of the CPRA

As you are aware, Gov't Code section 7922.600(a), 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 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.

Final Comments by authors of this CPRA request

The CPRA should **not** be treated as an adversarial contest between warring parties. County Counsel and the Sheriff's department should embrace the opportunity to collaborate with members of CJA to ensure that there is adequate public input and trust developed before any decision is made by our board of supervisors on whether to permanently place dangerous and deadly Tasers in our jails.

Richard Konda
Aram James
CJA