
[EXTERNAL]RE: Public Records Request

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

Date Mon 8/18/2025 5:31 PM

To Richard Konda <rkonda@asianlawalliance.org>; Abjpd1@gmail.com <Abjpd1@gmail.com>

Dear Richard and Aram,

The County has received your April 15, 2025, California Public Records Act (CPRA) request for records regarding a "taser incident that is alleged to have occurred in the Santa Clara County Main Jail, 6th floor, on or about August 7, 2025." The County has designated the Office of the County Counsel as the office responsible for receiving and coordinating public record requests, and as such, I am responding to your request.

As previously explained in response to your prior requests for public records associated with the Sheriff's Office use of tasers (aka Conducted Energy Devices or CED), correctional officer personnel records, as well as records maintained by the agency relating to complaints, investigations, or discipline, are confidential and not subject to disclosure except as expressly provided by law. Cal. Gov't Code § 7923.600-7923.625, 7927.700; Evid. Code § 1040; Penal Code § 832.7.

Use of force records are disclosable only when the incident resulted in death or great bodily injury. Because no taser deployment by the Sheriff's Office has resulted in great bodily injury, any related incident reports, body worn camera recordings, and facility footage are exempt from disclosure. In addition, medical and mental health records of incarcerated persons are protected from disclosure under the California Constitution's right to privacy, as well as Gov't Code §§ 7927.700 and 7922.000, which exempt records the disclosure of which constitute an unwarranted invasion of personal privacy. With respect to your request for "documents related to the cost of medical, psychological, and related services, by Custody Health Services, or other health/medical providers, each time a Taser is deployed," neither the Sheriff's Office, nor Custody Health Services track the costs of routine medical and mental health assessments or treatment. Any such costs are part of the general operations in caring for those in custody and are not billed individually, and so responsive documents do not exist.

While the Sheriff's Office is committed to transparency, it must comply with statutory limits designed to protect privacy and security. If any use of force in custody results in great bodily injury in the future, the related records will be disclosed in accordance with Penal Code § 832.7 and posted on the Sheriff's Office transparency portal. The Sheriff's Office continues to engage with the Office of Correction and Law Enforcement Monitoring (OCLEM) and federal monitors who participate in a rigorous review of each use of force incident, including deployment of a taser or CED. Public annual reports provide additional information on these incidents and their review. More information on taser deployment will be available in October at the end of the pilot period.

In response to your earlier CPRA requests related to tasers, you have received the County's contracts with Axon for purchase of the Taser 10 devices, the Sheriff's Office's policies on Use of Force and Conducted Energy Device (CED) Usage, the Custody Health Services policy on CED Probe Removal and Post-CED Assessment. Understanding that investigation reports, videos of individuals in custody and their private medical and mental health records are generally not public records, please let me know if you have additional requests. Otherwise, this closes your August 15, CPRA request to the County.

Thank you.

Sterling



Sterling Larnerd | Deputy County Counsel
Office of the County Counsel, County of Santa Clara
70 West Hedding Street, East Wing, 9th Floor | San José, CA 95110
Office: (408) 299-5969 | Mobile: (669) 677-1197
Pronouns: she/her/hers
sterling.larnerd@cco.sccgov.org | counsel.sccgov.org

NOTICE TO RECIPIENT: The information in this email is confidential and may be protected by the attorney-client and/or work product privileges. If you received this email in error, any review, use, dissemination, distribution, or copying of it is strictly prohibited. Please notify Administration, Office of the County Counsel, of the error immediately at 408-299-5900 and delete this communication and any attached documents from your system.

From: Richard Konda <rkonda@asianlawalliance.org>
Sent: Friday, August 15, 2025 2:37 PM
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] Public Records Request
Importance: High

Dear Ms. Kiniyalocts: Please find attached our Public Records Request for the August 7, 2025 incident at the Mail Jail.
Sincerely,

Richard Konda (he/him/his)
Executive Director

Phone: (408) 287-9710
Email: rkonda@asianlawalliance.org

991 W. Hedding Street, Ste. 202
San Jose, CA 95126



STATEMENT OF CONFIDENTIALITY: This message is being sent by a legal organization. The contents of this email message and any attachments are confidential and are intended solely for the addressee. The information may also be legally privileged. This transmission is sent in trust, for the sole purpose of delivery to the intended recipient. If you have received this transmission in error, any use, reproduction or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by reply email and delete this message and its attachments, if any. Email is covered by the Electronic Communications Privacy Act, 18 USC 2510-2521 and is legally privileged.
