



## Coalition for Justice and Accountability

*“Building a community where everyone feels safe.”*

c/o ALA  
991 West Hedding Street, Suite 202  
San Jose, CA 95126  
(408) 287-9710  
rkonda@asianlawalliance.org  
abjpd1@gmail.com

September 8, 2025

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

### **California Public Records Request**

#### **CPRA reconsideration request**

County Counsel failed to carry the burden to justify non-disclosure of the digital footage of eight Taser deployments first disclosed in the Sheriff's Press release of August 28, 2025. (See attached)

The plain language of AB 748 cited in County Counsel's September 5 response (See attached) was non-responsive to our August 26 CPRA request and our September 4, CPRA request asking for digital footage from body worn-cameras, and Taser 10 cameras, and for surveillance camera footage from the area in the jail where eight Taser deployments occurred per the Sheriff's press release of August 28, 2025. (See attached)

We hereby incorporate by reference our prior CPRA requests dating from May 30, 2025 as well as all County Counsel's responses including the Sheriff's document re Taser 10 being a firearm and the Sheriff's August 28, 2025 press release regarding the eight Taser deployments during the ongoing Taser Pilot Project. (See *attachments 1 through 11 at the bottom of this document*)

**Broad construction of the CPRA in favor of disclosure is being disregarded by County Counsel**

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. 3<sup>rd</sup> 646, (1968). (Emphasis added)

“AB 748 amended Gov’t Code 6254 to specifically require agencies, in response to a CPRA request, to produce audio and video recordings of “critical incidents” which are defined as incidents involving the discharge of a firearm at a person by a peace officer or custodial officer ....” See this quote from the September 5, 2025 response by the County Counsel (See attached) (emphasis added)

In the instant matter, County Counsel has not explained why the Taser 10 firearm discharged by custodial officers eight times at inmates does not fit narrowly in fact exactly under the very language cited by County Counsel in the paragraph directly above. County Counsel in her September 5, 2025 response fails to address whether the Taser 10 is a firearm as we assert. Was the Taser 10 as a firearm issue inadvertently overlooked by County Counsel? Alternatively, was the issue intentionally avoided? We respectfully request an answer.

County Counsel’s response of September 5, 2025, other than simply reciting a laundry list of boiler plate exemptions, the same ones cited in earlier County Counsel’s responses to our prior CPRA requests for body-worn and Taser 10 digital footage reflects zero effort to reach out or accommodate CJA as required by Gov’t Code section 7922.600(a) or to assist us in narrowing our requests to ensure we receive the maximum discoverable materials.

We again are affirmatively requesting the assistance of your office in fulfilling our CPRA request pursuant to Gov’t Code section 7922.600(a).

### **Bottom Line**

It appears that County Counsel is playing fast and loose with the mandate of the Public Records Act, which is designed to ensure that the public is provided with all the information that they are entitled to oversee their own government. There is a strong suggestion that County Counsel instead of acting as a neutral arbiter of the CPRA is instead acting as an advocate and an agent for the Sheriff’s Department in obstructing and delaying the release of the information to the people as represented by the Coalition for Justice and Accountability (CJA).

### **Release digital footage now**

We are continuing to request the release of the body worn footage of all eight Taser deployments disclosed in the Sheriff’s August 28, 2025 press release. (See attached)

As noted above we are attaching the following:

1. CJA May 30, 2025 California Public Records Act Request

2. Your response dated June 10, 2025 from the County Counsel regarding our May 30, 2025 Public Records Request
3. CJA August 11, 2025 California Public Records Act Request
4. Your response dated August 15, 2025 from County Counsel regarding our August 11, 2025 Public Records Request
5. CJA August 15, 2025 California Public Records Act Request
6. Your response dated August 18, 2025 from County Counsel regarding our August 15, 2025 Public Records Request
7. November 4, 2024 memorandum from Sheriff Robert Jonsen to Axon Enterprise regarding the **Taser 10 Firearm Purchase**
8. CJA August 26, 2025 California Public Records Act Request pursuant to AB 748
9. August 28, 2025 Press Release from the Office of the Sheriff
10. CJA September 4, 2025 Public Records Act Request pursuant to AB 748
11. Your response dated September 5, 2025 regarding our August 26, 2025 and September 4, 2025 Public Records Act Requests

Sincerely,

Richard Konda  
Aram James  
CJA