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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SACRAMENTO

KQED INC.,
Plaintiff,
v.
CALIFORNIA HIGHWAY PATROL,
Defendant.

Case No.

**VERIFIED PETITION FOR WRIT OF
MANDATE TO ENFORCE CALIFORNIA
PUBLIC RECORDS ACT**

1 Plaintiff KQED Inc. (“KQED”) petitions this Court for a writ of mandate requiring
2 Defendant California Highway Patrol (the “CHP”) to promptly and fully comply with
3 California’s landmark legislation, Senate Bill 1421, which, starting on January 1, 2019,
4 required state and local agencies to disclose new categories of records related to peace-officer
5 conduct under the California Public Records Act (“CPRA”). For over 16 months the CHP has
6 repeatedly failed to produce all responsive records in its possession, constructively denying
7 KQED’s CPRA requests, leaving KQED with no choice but to file this action.

8 SUMMARY OF ALLEGATIONS

9 1. On January 1, 2019, Senate Bill 1421 took effect, requiring disclosure of certain
10 peace-officer personnel files relating to officers’ discharge of a firearm, use of force resulting in
11 death or serious injury, sexual misconduct, or dishonesty in certain contexts. These records
12 “shall be made available for public inspection pursuant to the California Public Records Act,”
13 “notwithstanding ... any other law.” Penal Code § 832.7(b)(1), as amended by Stats. 2018, ch.
14 988 § 2 (Senate Bill 1421).

15 2. Immediately after this law went into effect, KQED, through a joint request with
16 other news organizations acting collectively as the California News Coalition (“CNC”),
17 requested some of these newly available records from Defendant CHP.

18 3. Although this landmark transparency legislation has been in place since January
19 1, 2019, for the past 16 months, the CHP has offered every possible excuse to withhold from
20 KQED and the public the responsive records it admits it has in its possession. Indeed, the
21 CHP has produced precisely *one* responsive file – and no others – since KQED first made its
22 request. The CPRA requires an agency that receives a CPRA request to determine whether the
23 requested records are exempt from disclosure within strict deadlines and to promptly release all
24 non-exempt records. It does not allow an agency to deny access while purporting to indefinitely
25 postpone making this determination, as the CHP has done for the past 16 months.

26 4. The Legislature found when it enacted S.B. 1421, the “public has a strong,
27 compelling interest in law enforcement transparency because it is essential to having a just and
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1 democratic society.” S.B. 1421 § 4. Already, the release of records under this new law has
2 revealed serious peace-officer misconduct that had long been hidden. *See* ¶23 *infra*.

3 5. KQED brings this suit to compel the CHP to comply with the law and release
4 the many responsive records the CHP continues to withhold from KQED and the public more
5 than 16 months later.

6 **PARTIES**

7 6. Plaintiff KQED is a community-supported media organization providing coverage
8 of news and culture to Northern California via radio, television, and digital media. To fulfill its
9 mission to inform the public, KQED depends on access to public records. As such, KQED is
10 within the class of persons beneficially interested in the CHP’s performance of its legal duties
11 under the CPRA.

12 7. Defendant California Highway Patrol is a state law enforcement agency that,
13 according to its website, employs approximately 11,000 members.

14 8. The CHP is a state agency under Government Code § 6252(f).

15 9. The CHP maintains, uses, and possesses the records sought by this Petition.

16 **JURISDICTION AND VENUE**

17 10. This Court has jurisdiction under Government Code §§ 6258, 6259, Code of
18 Civil Procedure §§ 1060 and 1085, and Article VI section 10 of the California Constitution.

19 11. Venue is proper in this Court because the CHP is headquartered in the City and
20 County of Sacramento. The records in question, or some portion of them, are situated in the
21 County of Sacramento, meaning that suit may be brought in that County. Gov’t Code § 6259(a);
22 Code Civ. Pro. § 401(1).

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1 **THE CALIFORNIA PUBLIC RECORDS ACT AND**
2 **S.B. 1421'S NEW DISCLOSURE REQUIREMENTS**

3 12. Under the California Public Records Act, Government Code §§ 6250 *et seq.*, all
4 records “containing information relating to the conduct of the public’s business prepared,
5 owned, used, or retained by any state or local agency” must be made publicly available for
6 inspection and copying upon request, unless they are exempt from disclosure. Gov’t. Code §§
7 6253(a) and (b), 6252(e). If documents contain both exempt and non-exempt material, the
8 government must disclose all non-exempt material. *Id.* § 6253(a).

9 13. The CPRA contains strict deadlines for the government’s responses to a request
10 for records. An agency that receives a request “shall, within 10 days from receipt of the
11 request, determine whether the request, in whole or in part, seeks copies of disclosable public
12 records in the possession of the agency and shall promptly notify the person making the
13 request of the determination and the reasons therefor.” Gov’t Code § 6253(c).

14 14. “In unusual circumstances,” as defined by the statute, the agency may extend
15 this time limit “by written notice ... to the person making the request, setting forth the reasons
16 for the extension and the date on which a determination is expected to be dispatched. No
17 notice shall specify a date that would result in an extension for more than 14 days.” *Id.*; *see id.*
18 § 6253(c)(1)-(4) (defining “unusual circumstances”).

19 15. The CPRA also requires an agency to reasonably assist a member of the public
20 in making a focused request, including, to the extent reasonable under the circumstances:
21 “assist[ing] the member of the public to identify records and information that are responsive to
22 the request or to the purpose of the request, if stated” and “[p]rovid[ing] suggestions for
23 overcoming any practical basis for denying access to the records or information sought.” Gov’t
24 Code § 6253.1

25 16. Before S.B. 1421 was enacted, CPRA requests for peace officer personnel
26 records – defined as all records related to the “advancement, appraisal and discipline” of peace
27 officers – were exempt from disclosure. Penal Code §§ 832.7, 832.8; Gov’t Code § 6254(k).
28 This exemption included personnel records regarding investigations into police shootings and

1 other serious uses of force, or allegations of serious misconduct, even when the agency had
 2 concluded that the officer had engaged in misconduct. *City of Hemet v. Superior Court*, 37
 3 Cal. App. 4th 1411, 1431 (1995). Until S.B. 1421 was enacted, Californians were unable to
 4 obtain the vast majority of records relating to the most egregious forms of police misconduct.

5 17. In 2018, reacting to public outcry concerning specific past events of police
 6 misconduct, the Legislature enacted Senate Bill No. 1421 to address this situation,
 7 emphasizing that “[t]he public has a right to know all about serious police misconduct, as well
 8 as about officer-involved shootings and other serious uses of force.” Stats. 2018 Chapt. 988 §
 9 1 (declarations and findings).

10 18. This new law, effective January 1, 2019, provides broad public access to
 11 records that were previously released only in limited circumstances.

12 19. Specifically, the law amended Penal Code § 832.7(b)(1) to require that
 13 “[n]otwithstanding ... any other law, the following peace officer or custodial officer personnel
 14 records and records maintained by any state or local agency shall not be confidential and shall
 15 be made available for public inspection pursuant to the California Public Records Act ...:

16 (A) A record relating to the report, investigation, or findings of any
 17 of the following:

18 (i) An incident involving the discharge of a firearm at a person by a
 19 peace officer or custodial officer.

20 (ii) An incident in which the use of force by a peace officer or
 21 custodial officer against a person resulted in death, or in great bodily injury.

22 (B) (i) Any record relating to an incident in which a sustained
 23 finding was made by any law enforcement agency or oversight agency that a
 24 peace officer or custodial officer engaged in sexual assault involving a
 25 member of the public.

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27 (C) Any record relating to an incident in which a sustained finding
 28 was made by any law enforcement agency or oversight agency of dishonesty

1 by a peace officer or custodial officer directly relating to the reporting,
2 investigation, or prosecution of a crime, or directly relating to the reporting of,
3 or investigation of misconduct by, another peace officer or custodial officer,
4 including, but not limited to, any sustained finding of perjury, false
5 statements, filing false reports, destruction, falsifying, or concealing of
6 evidence.”

7 20. The new law specifies that agencies must release a broad range of records
8 relating to these incidents. *See* Penal Code § 832.7(b)(2).

9 21. At the same time, S.B. 1421 allows, and in some cases requires, agencies to
10 redact – but not withhold – records when necessary to protect personal privacy or when the
11 public interest in non-disclosure clearly outweighs the public interest in disclosure. *See* Penal
12 Code § 832.7(b)(5)(7).

13 22. The law additionally allows the government to withhold records in order to
14 protect the integrity of pending investigations and prohibits the release of complaints that are
15 frivolous or unfounded. Penal Code § 832.7(b)(7), (8).

16 23. The new law has led to much-needed scrutiny of misconduct by peace officers.
17 For example:

- 18 a. Records released have led to dismissals of prosecutions reliant on a dishonest
19 detective. Alex Emslie and Sukey Lewis, *Contra Costa County DA to Dismiss*
20 *Three Cases Involving Fired Antioch Detective*, KQED, Dec. 19, 2019¹;
- 21 b. Records released under S.B. 1421 have revealed that a significant number of law
22 enforcement agencies in California failed to conduct internal investigations
23 following deadly uses of force. Sukey Lewis and Thomas Peele, *Some California*
24 *Police Departments Don't Review Deadly Uses of Force*, KQED, Nov. 17, 2019²;

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27 ¹ Available at <https://www.kqed.org/news/11792317/contra-costa-county-da-to-dismiss-three-cases-involving-fired-antioch-detective>.

28 ² Available at <https://www.kqed.org/news/11786770/some-california-police-departments-dont-review-deadly-uses-of-force>.

- 1 c. Hundreds of case files released by the California Department of Corrections, under
2 S.B. 1421, in response to a public records request identical to that filed with the
3 CHP, revealed multiple cases of correctional officers sexually assaulting women in
4 state prisons, some of whom were never charged with crimes. Julie Small,
5 *#MeToo Behind Bars: Records Shed Light on Sexual Abuse Inside State Women's*
6 *Prisons*, KQED, Nov. 14, 2019³;
- 7 d. Records released under S.B. 1421 showed a former San Jose State University
8 police officer was found to have used excessive force, won his job back on appeal,
9 resigned, and was hired by a neighboring police department. Reporting on the case
10 preceded the officer's resignation. Robert Salonga and Sukey Lewis, *Los Gatos*
11 *Cop Resigns Amid Outcry Over Beating at San Jose State*, Bay Area News Group
12 and KQED, July 22, 2019⁴;
- 13 e. A patient confined at Napa State Hospital was beaten and jailed after what an
14 investigation found was excessive force by the hospital police chief's son, and that
15 other officers helped to cover up the misconduct. Sukey Lewis and Alex Emslie,
16 *Excessive Force by Police Chief's Son Leads to Cover-Up at Napa State Hospital*,
17 KQED, June 19, 2019⁵;
- 18 f. Long-kept secrets in the internal investigation of the shooting of Oscar Grant,
19 which found that officer Johannes Mehserle did not mistake his taser for his
20 firearm when he fatally shot Grant in the back. Alex Emslie and Dan Brekke,
21 *BART Releases Report With New Details of Officers' Roles in Oscar Grant Killing*,
22 KQED, May 1, 2019⁶;

24 _____
25 ³ Available at <https://www.kqed.org/news/11786495/metoo-behind-bars-new-records-shed-light-on-sexual-abuse-inside-state-womens-prisons>.

26 ⁴ Available at <https://www.kqed.org/news/11762733/los-gatos-cop-resigns-amid-outcry-over-beating-at-san-jose-state>.

27 ⁵ Available at <https://www.kqed.org/news/11755384/excessive-force-by-police-chiefs-son-leads-to-cover-up-at-napa-state-hospital>.

28 ⁶ Available at <https://www.kqed.org/news/11744106/bart-releases-report-with-new-details-of-officers-roles-in-oscar-grant-killing>.

- 1 g. “Three Fairfield police officers engaged in sexual misconduct with members of the
2 public. Four others had sustained findings of dishonesty — they withheld
3 evidence, committed forgery or falsified reports.” Megan Cassidy, *Multiple
4 Fairfield Police Officers Disciplined for Sexual Advances, Records Show*, San
5 Francisco Chronicle, Jan. 31, 2019⁷;
- 6 h. KQED and The Bay Area News Group reported that records released under S.B.
7 1421 revealed that two additional women had accused the officer of similar
8 misconduct. Alex Emslie, Sukey Lewis, and Thomas Peele, *San Mateo County DA
9 Renews Criminal Inquiry After Release of Police Misconduct Records*, KQED, Jan.
10 8, 2019.⁸ The San Mateo District Attorney specifically credited S.B. 1421’s
11 disclosure requirement as a vehicle for bringing attention to hidden officer
12 misconduct, stating that KQED’s reporting about information released under the
13 new law prompted the District Attorney’s Office to reopen an inquiry into the
14 former Burlingame officer and “[i]f there are police agencies around this state that
15 have not been turning over potentially criminal conduct and just kept it behind
16 closed doors, then this law is going to be a very good sunlight provision.” *Id.*
- 17 i. Documents released under S.B. 1421 also have shined light onto excessive force
18 and potential perjury by officers in Rio Vista,⁹ and embezzlement of tens of
19 thousands of rounds of police ammunition by a San Bernadino Sheriff’s deputy¹⁰.

21 ⁷ Available at [https://www.sfchronicle.com/crime/article/Multiple-Fairfield-police-officers-](https://www.sfchronicle.com/crime/article/Multiple-Fairfield-police-officers-disciplined-13578919.php)
22 [disciplined-13578919.php](https://www.sfchronicle.com/crime/article/Multiple-Fairfield-police-officers-disciplined-13578919.php)

23 ⁸ Available at [https://www.kqed.org/news/11716654/san-mateo-county-da-renews-criminal-](https://www.kqed.org/news/11716654/san-mateo-county-da-renews-criminal-inquiry-following-release-of-police-misconduct-records)
24 [inquiry-following-release-of-police-misconduct-records](https://www.kqed.org/news/11716654/san-mateo-county-da-renews-criminal-inquiry-following-release-of-police-misconduct-records)

25 ⁹ Sukey Lewis, Nadine Sebai, Alex Emslie, and Thomas Peele, *Excessive Force, False Reports
26 Detailed in Rio Vista Police Misconduct Files*, KQED, Jan. 29, 2019 (available as of March 4,
27 2019 at [https://www.kqed.org/news/11721801/bad-arrests-excessive-force-and-false-reports-](https://www.kqed.org/news/11721801/bad-arrests-excessive-force-and-false-reports-detailed-in-release-of-rio-vista-police-misconduct-files)
[detailed-in-release-of-rio-vista-police-misconduct-files](https://www.kqed.org/news/11721801/bad-arrests-excessive-force-and-false-reports-detailed-in-release-of-rio-vista-police-misconduct-files)); Sukey Lewis and Thomas Peele,
Impact: DA Dismisses Charges Against Woman Mauled by Rio Vista Police Dog, March 4, 2019
(available as of March 4, 2019 at [https://www.kqed.org/news/11730477/impact-da-dismisses-](https://www.kqed.org/news/11730477/impact-da-dismisses-charges-against-woman-mauled-by-rio-vista-police-dog)
[charges-against-woman-mauled-by-rio-vista-police-dog](https://www.kqed.org/news/11730477/impact-da-dismisses-charges-against-woman-mauled-by-rio-vista-police-dog)).

28 ¹⁰ Thomas Peele and Sukey Lewis, *California Cop Admits Stealing Thousands of Bullets Over 30
Years, Escapes Theft Charges*, KQED, Feb. 14, 2019 (available as of March 4, 2019 at

KQED'S REQUESTS AND THE CHP'S STEADFAST OBSTRUCTION

24. On January 1, 2019, KQED submitted a request for records through a joint request with the California News Coalition. Attached hereto as **Exhibit A** is a true and correct copy of the January 1, 2019 request by KQED through the California News Coalition.

25. In particular, KQED's request sought:

- a. "Records from Jan. 1, 2014 to Dec. 31, 2018 of sustained findings that a peace officer, including those employed by the California Highway Patrol committed sexual assault or dishonesty-related misconduct. The response should reasonably include all applicable records specified by statute, including but not limited to: all investigative reports; photographic, audio and video evidence; transcripts and recordings of interviews; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action"; and
- b. "Records from Jan. 1, 2014 to present relating to the report, investigation, or findings of incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury. The response should reasonably include all applicable records specified by statute, including but not limited to: all investigative reports; photographic, audio and

<https://www.kqed.org/news/11726097/california-cop-admits-stealing-thousands-of-bullets-over-30-years-escapes-theft-charges>).

1 video evidence; transcripts and recordings of interviews; autopsy reports; all
2 materials compiled and presented for review to the district attorney or to any
3 person or body charged with determining whether to file criminal charges
4 against an officer in connection with an incident, or whether the officer's action
5 was consistent with law and agency policy for purposes of discipline or
6 administrative action, or what discipline to impose or corrective action to take;
7 documents setting forth findings or recommended findings; and copies of
8 disciplinary records relating to the incident, including any letters of intent to
9 impose discipline, any documents reflecting modifications of discipline due to
10 the Skelly or grievance process, and letters indicating final imposition of
11 discipline or other documentation reflecting implementation of corrective
12 action." (footnotes omitted).

13 26. KQED also offered to accept index(es) of cases to which responsive records
14 relate, so that KQED could further focus its request with the agency's assistance pursuant to
15 Gov't Code § 6253.1. **Exhibit A** at 1-2.

16 27. To the extent the CHP maintains existing index(es), database(s), or list(s) of
17 cases to which responsive records relate, KQED separately requested such index(es),
18 database(s), or list(s), subject to any appropriate redactions to remove information exempt
19 from disclosure. **Exhibit A** at 2-3.

20 28. On January 9, 2019, KQED, through the CNC wrote to Janelle Dunham (PIO)
21 and Robert Nacke (PIO) to follow-up on the status of the CPRA request. Attached as **Exhibit**
22 **B** is a true and correct copy of this correspondence.

23 29. On January 14, 2019, the CHP's Office of Risk Management responded that it
24 will take time for the CHP to search for responsive records and that the CHP was taking an
25 additional 14 days to respond. Attached as **Exhibit C** is a true and correct copy of this
26 correspondence.

27 30. On January 28, 2019, the CHP Office of Risk Management wrote that "the
28 Dept. possess records responsive to your request. Due to the volume of request received by

1 this Department . . . it is estimated that the first production of records related to your request
2 will take place on May 3, 2019.” Attached as **Exhibit D** is true and correct copy of this
3 correspondence.

4 31. On May 1, 2019, in a letter from Mr. J.R. Dolce, Captain and Commander,
5 CHP Office of Risk Management, the CHP unilaterally extended the production deadline to
6 June 3, 2019. Attached as **Exhibit E** is a true and correct copy of this correspondence.

7 32. On June 3, 2019, KQED reporter Alex Emslie, through an email to the CHP,
8 followed up on the status of the CHP’s promised production on June 3. Attached as **Exhibit F**
9 is a true and correct copy of this correspondence.

10 33. On June 10, 2019, the CHP, once again, unilaterally extended its deadline until
11 August 5, 2019, to produce responsive records to KQED, more than six months after KQED’s
12 CPRA request. Attached as **Exhibit G** is a true and correct copy of this correspondence.

13 34. On June 14, 2020, on behalf of KQED, reporter Alex Emslie responded that the
14 CHP’s purported “August” production is “entirely unacceptable”. The same day, KQED
15 reporter Sukey Lewis wrote separately to note that a “rolling production” from the CHP is
16 acceptable. Attached as **Exhibit H** is a true and correct copy of this correspondence.

17 35. On August 5, 2019, Ms Lewis wrote to Captain Dolce to request a status
18 update. Attached as **Exhibit I** is a true and correct copy of this correspondence. In response,
19 the CHP produced a three page list of records available for release pursuant to Penal Code
20 832.7. Attached as **Exhibit J** is a true and correct copy of this list.

21 36. On August 6, 2019, Ms. Lewis, in an email response to the CHP, wrote to note
22 that the CHP has sent her “the wrong letter” in response to KQED’s request and that the
23 records to be produced by the CHP to KQED are from the wrong time-range. Attached as
24 **Exhibit K** is a true and correct copy of this correspondence.

25 37. On August 6, 2019, the CHP sent an email attaching a letter identifying “a list
26 of records currently available for release and the cost to obtain them.” Attached as **Exhibit L**
27 is a true and correct copy of this correspondence.

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1 38. On August 8, 2019, reporter Thomas Peele, a member of the CNC, wrote to the
2 CHP to note that the records on the list were not responsive to CNC's CPRA request and are
3 outside of the timeframe requested by KQED's January 1, 2019 CPRA request. Mr. Peele also
4 objected to the proposed costs to be charged by the CHP. Attached as **Exhibit M** is a true and
5 correct copy of this correspondence.

6 39. On September 30, 2019, on behalf of the CNC, Mr. Emslie wrote to note that
7 no records have been provided by the CHP, in response to the January 1, 2020 CPRA request.
8 Attached as **Exhibit N** is a true and correct copy of this correspondence.

9 40. On October 11, 2019, in an email, the CHP responded that it is providing a list
10 of records currently available and the cost to access them. Attached as **Exhibit O** is a true and
11 correct copy of this correspondence.

12 41. On October 11, 2019, reporter Mr. Emslie, on behalf of the CNC, responded by
13 email that the CHP failed to include the promised list of records purportedly available.
14 Attached as **Exhibit P** is a true and correct copy of this correspondence.

15 42. On November 1, 2019, in a letter, the CHP wrote that responsive records of
16 2,609 pages are now available on a compact disc, with separate costs for printed records and
17 audio and video recordings. Attached as **Exhibit Q** is a true and correct copy of this
18 correspondence.

19 43. On November 1, 2019, on behalf of KQED, Mr. Emslie responded and objected
20 to the CHP's proposed charges and to its production of older records before newer requested
21 records are produced. Mr. Emslie also asked the CHP for information about how the agency
22 was prioritizing its response to KQED's request. Mr. Emslie also asked the CHP to provide
23 records of the CHP's direct costs of duplication of the requested records. Attached as **Exhibit**
24 **R** is a true and correct copy of this correspondence.

25 44. On November 12, 2019, in a letter response to Mr. Emslie's November 1, 2019
26 request, the CHP responded that it has no records of the agency's direct cost of
27 duplication. Attached as **Exhibit S** is a true and correct copy of this correspondence.
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1 45. On November 27, 2019, in a letter, the CHP identified additional records to be
2 produced, and requested a cost of \$1,207 for printed records or \$5.00 for a compact disc for
3 4,025 pages. Attached as **Exhibit T** is a true and correct copy of this correspondence. In
4 response, Mr. Emslie immediately sent the CHP a personal check. Attached as **Exhibit U** is a
5 true and correct copy of this check, which has been partially redacted to exclude Mr. Emslie's
6 address and banking account information. On information and belief, Mr. Emslie's check to
7 the CHP was cashed on November 15, 2019.

8 46. On December 17, 2019, KQED reporter Sukey Lewis wrote to the CHP to
9 request an update on when records will be produced by the CHP, noting that Mr. Emslie sent a
10 check for the records "a couple of weeks ago." Attached as **Exhibit V** is a true and correct
11 copy of this correspondence.

12 47. On December 23, 2019, the CHP wrote that as of that date, Mr. Emslie's check
13 has not been received by the CHP. Attached as **Exhibit W** is a true and correct copy of this
14 correspondence. Mr. Emslie then reviewed the previous correspondence with CHP, and
15 realized that a second batch of records was now available. Mr. Emslie promptly sent the CHP
16 a personal check for the second set of records. Attached as **Exhibit X** is a true and correct
17 copy of this check, which has been partially redacted to exclude Mr. Emslie's address and
18 banking account information. On information and belief, Mr. Emslie's check to the CHP was
19 cashed on January 16, 2020.

20 48. On February 26, 2020, after Mr. Emslie had several telephone calls with CHP
21 representatives, Mr. Emslie sent a letter confirming that, to date, no records had been received
22 by KQED in response to the CPRA request sent to the CHP over a year ago. Within this letter,
23 in order to help identify the scope of the CHP's responsive records, Mr. Emslie requested
24 access to "any record in possession of the CHP main office and/or any of its divisions that
25 catalogues or indexes responsive case files at the CHP." The letter also referenced the
26 requirement found in California Government Code Section 6253.1 that the agency assist Mr.
27 Emslie to locate responsive records. Attached as **Exhibit Y** is a true and correct copy of this
28 correspondence.

1 49. On March 9, 2020, the CHP wrote to state that a) records involving Officer
2 Larios were sent to KQED in a separate correspondence, and records involving Officer
3 McGrew will be sent when the review process is complete; b) that the CHP has no indexes of
4 its records; and c) the CHP's 9 pages of procedure for processing 1421 records is available for
5 release for \$2.70 or a \$5.00 compact disc. Attached as **Exhibit Z** is a true and correct copy of
6 this correspondence.

7 50. On March 11, 2020, Mr. Emslie wrote to the CHP to request that the 9 pages
8 purportedly being produced by the CHP be sent by PDF/email, but additionally, Mr. Emslie
9 sent a check for \$2.70 and asked that the CHP also produce hard copies as well. Mr. Emslie is
10 informed and believes that his check was cashed on March 24, 2020. Attached as **Exhibit AA**
11 is a true and correct copy of this correspondence. The CHP produced the 9 pages to KQED
12 via email on April 14, 2020.

13 51. In spite of KQED's steadfast and repeated efforts for over 16 months, the CHP
14 has produced only a single file – but has refused to produce any of the other records sought by
15 KQED and has provided no update or confirmation when – if ever – it intends to comply with
16 KQED's January 1, 2019 CPRA request. The CHP has offered KQED no explanation as to
17 why it is not in compliance with the CPRA, California's newly enacted transparency
18 legislation (S.B. 1421), let alone when the agency intends to comply with the law and release
19 the records KQED has requested. Having repeatedly and unreasonably refused to produce all
20 responsive records in its possession for over 16 months, KQED has no choice but to deem its
21 CPRA request constructively denied and to seek relief from this Court.

22 52. For the reasons listed above, among others, the CHP's steadfast refusal to
23 comply with KQED's records requests is unlawful and ongoing and in violation of the CPRA.

FIRST CAUSE OF ACTION

**For Violations of the California Public Records Act, Penal Code § 832.7(b), and
Article I, § 3 of the California Constitution**

27 53. KQED incorporates herein by reference the above allegations, as if set forth in
28 full.

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54. The CPRA, Penal Code § 832.7(b), and the California Constitution require the disclosure of the records requested by KQED.

55. The CHP’s repeated and steadfast failure to provide the requested records violates the PRA, Penal Code § 832.7(b), and Article I, § 3 of the California Constitution.

KQED therefore requests the following relief:

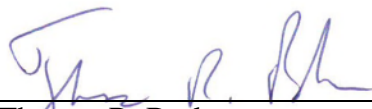
1. That the Court issue a writ of mandate directing the CHP to promptly provide KQED with all requested records except those records or parts thereof that the Court determines may lawfully be withheld;

2. That the Court award KQED its attorney’s fees and costs under Gov’t Code § 6259 and any other applicable statutes or basis;

3. For all other and further relief that the Court deems proper and just.

DATED: May 8, 2020

DAVIS WRIGHT TREMAINE LLP
Thomas R. Burke

By: 
Thomas R. Burke

Attorneys for Plaintiff KQED Inc.

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VERIFICATION

I, William Lowery, am the General Counsel and Corporate Secretary of KQED Inc. and am authorized to verify this Petition as an officer. I have read this Verified Petition for Writ of Mandate and am informed, and do believe, that the matters herein are true. On that ground I allege that the matters stated herein are true.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 5/6/20



William Lowery

EXHIBIT A



California Highway Patrol PRA Request 01-01-19 Police Disciplinary Records

1 message

California News Coalition <ca.news.coalition.pras@gmail.com>
To: Janelle Dunham <janelle.dunham@chp.ca.gov>

Tue, Jan 1, 2019 at 12:05 AM

This request is being made jointly by KQED News, the Bay Area News Group, and Investigative Studios, a non-profit news organization affiliated with the Investigative Reporting Program at the UC Berkeley.

January 1, 2019

Attn:
Janelle Dunham - California Highway Patrol

Dear Janelle Dunham,

Under the **California Public Records Act § 6250 et seq.**, this coalition of organizations engaged in the dissemination of information to the public request access to and copies of the following information in electronic, searchable/sortable format, where applicable. **Each element requested should be considered severable for purposes of invoking a time extension or exemption under either local or state law.**

SUSTAINED FINDINGS:

1. Records from Jan. 1, 2014 to Dec. 31, 2018 of sustained findings¹ that a peace officer employed by the California Highway Patrol committed sexual assault² or dishonesty-related misconduct³.
 - a. The response should reasonably include all applicable records specified by statute⁴, including but not limited to: all investigative reports; photographic, audio and video evidence; transcripts and recordings of interviews; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.
 - b. If the California Highway Patrol would prefer to provide an index of the above cases in compliance with California Government Code Section 6253.1 which requires a public agency to help the requester make a focused request, instead of providing entire case files, that would be acceptable. Such an index should reasonably include, as applicable, the following for each entry:
 - i. Any record number used to identify the case
 - ii. The date the sustained misconduct took place
 - iii. The location the sustained misconduct took place
 - iv. The name(s) of any officer(s)/employee(s) found to have committed the sustained misconduct
 - v. A summary description of the misconduct
 - vi. The specific type of misconduct that was ultimately sustained (e.g. conduct reflecting discredit)
 - vii. Any recommendations made by an investigating agency as to discipline or corrective action, and the date any such recommendations were made
 - viii. The ultimate disposition of the case, whether it be discipline, non-disciplinary corrective action, or no action whatsoever and the specific kind of discipline or corrective action that was imposed, if any and the date the case was closed or the date of the last adjudication of the case.
 - ix. Whether the case file contains video files (yes or no)
 - x. Whether the case file contains audio files (yes or no)

- c. To the extent that the California Highway Patrol maintains an index, database or list of cases that includes entries of sustained findings of sexual assault-related misconduct and/or dishonesty-related misconduct, that index, list or database is also separately requested. If such an index, list or database contains information about findings of misconduct that are not subject to disclosure, the index, list, or database should be redacted to remove the information that is not subject to disclosure, and the rest of the record should be provided.

USE OF FORCE:

1. Records from Jan. 1, 2014 to present relating to the report, investigation, or findings of incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury⁵.
 - a. The response should reasonably include all applicable records specified by statute⁶, including but not limited to: all investigative reports; photographic, audio and video evidence; transcripts and recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.
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 - v. A summary description of the incident
 - vi. Characterization of injury or injuries sustained to the extent that is tracked
 - vii. The type of force used
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 - ix. The ultimate disposition of the case, whether it be discipline, non-disciplinary corrective action, or no action whatsoever and the specific kind of discipline or corrective action that was imposed, if any and the date the case was closed or the date of the last adjudication of the case.
 - x. Whether the case file contains video files (yes or no)
 - xi. Whether the case file contains audio files (yes or no)
 - l. To the extent that the California Highway Patrol maintains an index, database or list of cases that includes entries related to uses of force that resulted in great bodily injury or death, that index, list or database is also separately requested. If such an index, list or database contains information about cases that are not subject to disclosure, the index, list, or database should be redacted to remove the information that is not subject to disclosure, and the rest of the record should be provided.

To the extent the records exist in electronic format, please provide them in that format.

We also draw your attention to **Government Code section 6253.1**, which requires a public agency to assist the public in making a focused and effective request by (1) identifying records and information responsive to the request, (2) describing the information technology and physical location in which the records exist, and (3) providing suggestions for overcoming any practical basis for denying access to the records or information sought. The purpose of this request is to obtain the above referenced documents. Please provide your full compliance with 6253.1 should the need arise.

To the extent that a portion of the information we have requested is not immediately available, we request that whatever documentation is immediately available be turned over first.

Please limit all communications regarding this request to email. Please do not telephone us regarding this matter.

For documents that could be provided in electronic, searchable format, where applicable: We can handle a variety of data formats, and we would be happy to correspond about this request to figure out what would be the easiest or best way to provide the requested records.

Please notify us via email if the responsive records are larger than 15 MB to make arrangements about how to best provide the records.

If this request is denied in whole or part, we ask that you **justify all individual deletions/redactions or withheld records by reference to specific exemptions of the law**. We will also expect you to **release all segregable portions of otherwise exempt material**.

Please contact us by email if you have any questions about this request. We look forward to receiving the required determination within 10 days.

1. "Sustained" finding as defined by Cal. PEN. Code § 832.8(b).
2. "Sexual Assault" as defined by Cal. PEN. Code § 832.7(b)(1)(B)(ii).
3. Misconduct as defined by Cal. PEN. Code § 832.7(b)(1)(C).
4. Cal. PEN. Code § 832.7 (b)(2).
5. Cal. PEN. Code § 832.7 (b)(ii).
6. Cal. PEN. Code § 832.7 (b)(2).

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The California News Coalition is a combined effort to request and collect public records by the Bay Area News Group, KQED News, and Investigative Studios, an independent non-profit news organization affiliated with the Investigative Reporting Program at U.C. Berkeley.

Reporters: Thomas Peele of the Bay Area News Group, Alex Emslie and Sukey Lewis of KQED, and Robert Lewis, Josh Slowiczek, and Susie Neilson, Investigative Studios

EXHIBIT B



PRA Coalition <ca.news.coalition.pras@gmail.com>

Re: California Highway Patrol PRA Request 01-01-19 Police Disciplinary Records

1 message

PRA Coalition <ca.news.coalition.pras@gmail.com>

Wed, Jan 9, 2019 at 10:51 AM

To: "Dunham, Janelle@CHP" <Janelle.Dunham@chp.ca.gov>

Cc: "Nacke, Robert@CHP" <RNacke@chp.ca.gov>, "Clader, Fran@CHP" <FClader@chp.ca.gov>

Thank you Janelle!

On Wed, Jan 9, 2019 at 10:48 AM Dunham, Janelle@CHP <Janelle.Dunham@chp.ca.gov> wrote:

The request was received at 0800 hours on January 2. It is in process.



JANELLE FALLAN DUNHAM

INFORMATION OFFICER I

CALIFORNIA HIGHWAY PATROL

Office of Community Outreach and Media Relations

Direct: 916.843.3314



LIKE US
CHP_HQ

From: PRA Coalition [mailto:ca.news.coalition.pras@gmail.com]

Sent: Wednesday, January 9, 2019 10:41 AM

To: Dunham, Janelle@CHP <Janelle.Dunham@chp.ca.gov>; Nacke, Robert@CHP <RNacke@chp.ca.gov>

Subject: Re: California Highway Patrol PRA Request 01-01-19 Police Disciplinary Records

Dear Janelle,

I am just checking in to ask if the CHP received this request for public records sent on January 1? I am cc'ing PIO Sgt. Nacke in the hopes we can make sure this request gets directed to the correct person. Please confirm receipt asap!

Best,

California News Coalition

On Tue, Jan 1, 2019 at 12:05 AM California News Coalition <ca.news.coalition.pras@gmail.com> wrote:

This request is being made jointly by KQED News, the Bay Area News Group, and Investigative Studios, a non-profit news organization affiliated with the Investigative Reporting Program at the UC Berkeley.

January 1, 2019

Attn:
Janelle Dunham - California Highway Patrol

Dear Janelle Dunham,

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SUSTAINED FINDINGS:

1. Records from Jan. 1, 2014 to Dec. 31, 2018 of sustained findings¹ that a peace officer employed by the California Highway Patrol committed sexual assault² or dishonesty-related misconduct³.
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 - v. A summary description of the misconduct
 - vi. The specific type of misconduct that was ultimately sustained (e.g. conduct reflecting discredit)
 - vii. Any recommendations made by an investigating agency as to discipline or corrective action, and the date any such recommendations were made

viii. The ultimate disposition of the case, whether it be discipline, non-disciplinary corrective action, or no action whatsoever and the specific kind of discipline or corrective action that was imposed, if any and the date the case was closed or the date of the last adjudication of the case.

ix. Whether the case file contains video files (yes or no)

x. Whether the case file contains audio files (yes or no)

- c. To the extent that the California Highway Patrol maintains an index, database or list of cases that includes entries of sustained findings of sexual assault-related misconduct and/or dishonesty-related misconduct, that index, list or database is also separately requested. If such an index, list or database contains information about findings of misconduct that are not subject to disclosure, the index, list, or database should be redacted to remove the information that is not subject to disclosure, and the rest of the record should be provided.

USE OF FORCE:

- 1. Records from Jan. 1, 2014 to present relating to the report, investigation, or findings of incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury⁵.

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c. To the extent that the California Highway Patrol maintains an index, database or list of cases that includes entries related to uses of force that resulted in great bodily injury or death, that index, list or database is also

separately requested. If such an index, list or database contains information about cases that are not subject to disclosure, the index, list, or database should be redacted to remove the information that is not subject to disclosure, and the rest of the record should be provided.

To the extent the records exist in electronic format, please provide them in that format.

We also draw your attention to **Government Code section 6253.1**, which requires a public agency to assist the public in making a focused and effective request by (1) identifying records and information responsive to the request, (2) describing the information technology and physical location in which the records exist, and (3) providing suggestions for overcoming any practical basis for denying access to the records or information sought. The purpose of this request is to obtain the above referenced documents. Please provide your full compliance with 6253.1 should the need arise.

To the extent that a portion of the information we have requested is not immediately available, we request that whatever documentation is immediately available be turned over first.

Please limit all communications regarding this request to email. Please do not telephone us regarding this matter.

For documents that could be provided in electronic, searchable format, where applicable: We can handle a variety of data formats, and we would be happy to correspond about this request to figure out what would be the easiest or best way to provide the requested records.

Please notify us via email if the responsive records are larger than 15 MB to make arrangements about how to best provide the records.

If this request is denied in whole or part, we ask that you **justify all individual deletions/redactions or withheld records by reference to specific exemptions of the law**. We will also expect you to **release all segregable portions of otherwise exempt material**.

Please contact us by email if you have any questions about this request. We look forward to receiving the required determination within 10 days.

1. "Sustained" finding as defined by Cal. PEN. Code § 832.8(b).
2. "Sexual Assault" as defined by Cal. PEN. Code § 832.7(b)(1)(B)(ii).
3. Misconduct as defined by Cal. PEN. Code § 832.7(b)(1)(C).
4. Cal. PEN. Code § 832.7 (b)(2).
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6. Cal. PEN. Code § 832.7 (b)(2).

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The California News Coalition is a combined effort to request and collect public records by the Bay Area News Group, KQED News, and Investigative

Studios, an independent non-profit news organization affiliated with the Investigative Reporting Program at U.C. Berkeley.

Reporters: Thomas Peele of the Bay Area News Group, Alex Emslie and Sukey Lewis of KQED, and Robert Lewis, Josh Slowiczek, and Susie Neilson, Investigative Studios

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Reporters: Thomas Peele of the Bay Area News Group, Alex Emslie and Sukey Lewis of KQED, and Robert Lewis, Josh Slowiczek, and Susie Neilson, Investigative Studios

EXHIBIT C

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

Office of Risk Management
Public Records Unit
P.O. Box 942898
Sacramento, CA 94298-0001
(916) 843-3020
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



January 14, 2019

File No.: 033.15087.16753.2022.02.024.SB1421 013

California News Coalition
Ca.news.coalition.pras@gmail.com

The California Highway Patrol, Office of Community Outreach and Media Relations (COMR), received your California Public Records Act request, dated December 31, 2018, and received by this office on January 2, 2019, which was subsequently forwarded to the Office of Risk Management, Public Records Unit (PRU), on the same date.

In your request, you asked for the following, verbatim:

SUSTAINED FINDINGS:

1. Records from Jan. 1, 2014 to Dec. 31, 2018 of sustained findings that a peace officer employed by the California Highway Patrol committed sexual assault or dishonesty-related misconduct.
 - a. The response should reasonably include all applicable records specified by statute, including but not limited to: all investigative reports; photographic, audio and video evidence; transcripts and recordings of interviews; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.
 - b. If the California Highway Patrol would prefer to provide an index of the above cases in compliance with California Government Code Section 6253.1 which requires a public agency to help the requester make a focused request, instead of providing entire case files, that would be acceptable. Such an index should reasonably include, as applicable, the following for each entry:



- i. Any record number used to identify the case
 - ii. The date the sustained misconduct took place
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 - iv. The name(s) of any officer(s)/employee(s) found to have committed the sustained misconduct
 - v. A summary description of the misconduct
 - vi. The specific type of misconduct that was ultimately sustained (e.g. conduct reflecting discredit)
 - vii. Any recommendations made by an investigating agency as to discipline or corrective action, and the date any such recommendations were made
 - viii. The ultimate disposition of the case, whether it be discipline, non-disciplinary corrective action, or no action whatsoever and the specific kind of discipline or corrective action that was imposed, if any and the date the case was closed or the date of the last adjudication of the case.
 - ix. Whether the case file contains video files (yes or no)
 - x. Whether the case file contains audio files (yes or no)
- c. To the extent that the California Highway Patrol maintains an index, database or list of cases that includes entries of sustained findings of sexual assault-related misconduct and/or dishonesty-related misconduct, that index, list or database is also separately requested. If such an index, list or database contains information about findings of misconduct that are not subject to disclosure, the index, list, or database should be redacted to remove the information that is not subject to disclosure, and the rest of the record should be provided.

USE OF FORCE:

1. Records from Jan. 1, 2014 to present relating to the report, investigation, or findings of incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury.
 - a. The response should reasonably include all applicable records specified by statute, including but not limited to: all investigative reports; photographic, audio and video evidence; transcripts and recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance

process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

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 - x. Whether the case file contains video files (yes or no)
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- c. To the extent that the California Highway Patrol maintains an index, database or list of cases that includes entries related to uses of force that resulted in great bodily injury or death, that index, list or database is also separately requested. If such an index, list or database contains information about cases that are not subject to disclosure, the index, list, or database should be redacted to remove the information that is not subject to disclosure, and the rest of the record should be provided.

To the extent the records exist in electronic format, please provide them in that format.

PRU is determining whether you seek copies of disclosable public records in the Department's possession. This will require personnel to search for and collect the requested records from facilities that are separate from the office processing the request. Accordingly, PRU is extending its 10-day response timeframe by an additional 14 days, as authorized by Government Code section 6253, Subdivisions (c)(1) and (c)(2). On or before January 28, 2019, you will be provided with a determination regarding this matter.

California News Coalition

Page 4

January 14, 2019

If you have any questions or if you need additional information, please contact any member of the Public Records Unit at (916) 843-3020.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. R. Dolce", with a large, sweeping flourish extending to the right.

J. R. DOLCE, Captain
Commander
Office of Risk Management

EXHIBIT D

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

Office of Risk Management
Public Records Unit
P.O. Box 942898
Sacramento, CA 94298-0001
(916) 843-3020
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



January 28, 2019

File No.: 033.15087.16753.2022.02.024.SB1421 013

California News Coalition
Ca.news.coalition.pras@gmail.com

The California Highway Patrol, Office of Community Outreach and Media Relations (COMR), received your California Public Records Act request, dated December 31, 2018, and received by COMR on January 2, 2019, which was subsequently forwarded to the Office of Risk Management, Public Records Unit (PRU), on the same date. On January 14, 2019, personnel assigned to PRU sent you correspondence advising you they were extending the 10-day response timeframe in accordance with Government Code section 6253 (c)(1) and (c)(2). Please accept this correspondence as a determination on your request.

In your request, you asked for the following, verbatim:

SUSTAINED FINDINGS:

1. Records from Jan. 1, 2014 to Dec. 31, 2018 of sustained findings that a peace officer employed by the California Highway Patrol committed sexual assault or dishonesty-related misconduct.
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1. Records from Jan. 1, 2014 to present relating to the report, investigation, or findings of incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury.
 - a. The response should reasonably include all applicable records specified by statute, including but not limited to: all investigative reports; photographic, audio and video evidence; transcripts and recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline

- b. or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

- c. If the California Highway Patrol would prefer to provide an index of the above cases in compliance with California Government Code Section 6253.1 which requires a public agency to help the requester make a focused request, instead of providing entire case files, that would be acceptable. Such an index should reasonably include, as applicable, the following for each entry:
 - i. Any record number used to identify the incident
 - ii. The date the use of force took place
 - iii. The location the use of force took place
 - iv. The name(s) of any officer(s)/employee(s) involved in the incident
 - v. A summary description of the incident
 - vi. Characterization of injury or injuries sustained to the extent that is tracked
 - vii. The type of force used
 - viii. Any recommendations made by an investigating agency as to discipline or corrective action, and the date any such recommendations were made
 - ix. The ultimate disposition of the case, whether it be discipline, non-disciplinary corrective action, or no action whatsoever and the specific kind of discipline or corrective action that was imposed, if any and the date the case was closed or the date of the last adjudication of the case.
 - x. Whether the case file contains video files (yes or no)
 - xi. Whether the case file contains audio files (yes or no)

- d. To the extent that the California Highway Patrol maintains an index, database or list of cases that includes entries related to uses of force that resulted in great bodily injury or death, that index, list or database is also separately requested. If such an index, list or database contains information about cases that are not subject to disclosure, the index, list, or database should be redacted to remove the information that is not subject to disclosure, and the rest of the record should be provided.

To the extent the records exist in electronic format, please provide them in that format.

January 28, 2019

PRU has determined the Department possesses records responsive to your request. Due to the volume of requests received by this Department regarding records associated with recently-enacted legislation, and the voluminous records sought in this request, it is estimated the first production of records related to your request will take place on May 3, 2019. You will be notified of the cost to obtain these records in separate correspondence and the records will then be made available to you on a rolling basis after receipt of the fees, if applicable. If the records can be collected, reviewed, and redacted as required by statute, prior to May 3, 2019, you will be notified in writing and the records will be provided as indicated above.

If you have any questions or if you need additional information, please contact any member of the Public Records Unit at (916) 843-4030.

Sincerely,



J. R. DOLCE, Captain
Commander
Office of Risk Management

EXHIBIT E

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**OFFICE OF RISK MANAGEMENT**

Public Records Unit

P.O. Box 942898

Sacramento, CA 94298-0001

(916) 843-3020

(800) 735-2929 (TT/TDD)

(800) 735-2922 (Voice)



May 1, 2019

File No.: 033.15087.A16061.2022.02.024.SB1421 013

California News Coalition
Ca.news.coalition.pras@gmail.com

The California Highway Patrol, Office of Community Outreach and Media Relations (COMR), received your California Public Records Act request, dated December 31, 2018, and received by COMR on January 2, 2019, which was subsequently forwarded to the Office of Risk Management, Public Records Unit (PRU), on the same date. On January 14, 2019, personnel assigned to PRU sent you correspondence advising you they were extending the 10-day response timeframe in accordance with Government Code section 6253 (c)(1) and (c)(2).

In your request, you asked for the following, verbatim:

SUSTAINED FINDINGS:

1. Records from Jan. 1, 2014 to Dec. 31, 2018 of sustained findings that a peace officer employed by the California Highway Patrol committed sexual assault or dishonesty-related misconduct.
 - a. The response should reasonably include all applicable records specified by statute, including but not limited to: all investigative reports; photographic, audio and video evidence; transcripts and recordings of interviews; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.
 - b. If the California Highway Patrol would prefer to provide an index of the above cases in compliance with California Government Code Section 6253.1 which requires a public agency to help the requester make a



focused request, instead of providing entire case files, that would be acceptable. Such an index should reasonably include, as applicable, the following for each entry:

- i. Any record number used to identify the case
 - ii. The date the sustained misconduct took place
 - iii. The location the sustained misconduct took place
 - iv. The name(s) of any officer(s)/employee(s) found to have committed the sustained misconduct
 - v. A summary description of the misconduct
 - vi. The specific type of misconduct that was ultimately sustained (e.g. conduct reflecting discredit)
 - vii. Any recommendations made by an investigating agency as to discipline or corrective action, and the date any such recommendations were made
 - viii. The ultimate disposition of the case, whether it be discipline, non-disciplinary corrective action, or no action whatsoever and the specific kind of discipline or corrective action that was imposed, if any and the date the case was closed or the date of the last adjudication of the case.
 - ix. Whether the case file contains video files (yes or no)
 - x. Whether the case file contains audio files (yes or no)
- c. To the extent that the California Highway Patrol maintains an index, database or list of cases that includes entries of sustained findings of sexual assault-related misconduct and/or dishonesty-related misconduct, that index, list or database is also separately requested. If such an index, list or database contains information about findings of misconduct that are not subject to disclosure, the index, list, or database should be redacted to remove the information that is not subject to disclosure, and the rest of the record should be provided.

USE OF FORCE:

1. Records from Jan. 1, 2014 to present relating to the report, investigation, or findings of incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury.
 - a. The response should reasonably include all applicable records specified by statute, including but not limited to: all investigative reports; photographic, audio and video evidence; transcripts and recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline

- b. or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.
- c. If the California Highway Patrol would prefer to provide an index of the above cases in compliance with California Government Code Section 6253.1 which requires a public agency to help the requester make a focused request, instead of providing entire case files, that would be acceptable. Such an index should reasonably include, as applicable, the following for each entry:
 - i. Any record number used to identify the incident
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 - iv. The name(s) of any officer(s)/employee(s) involved in the incident
 - v. A summary description of the incident
 - vi. Characterization of injury or injuries sustained to the extent that is tracked
 - vii. The type of force used
 - viii. Any recommendations made by an investigating agency as to discipline or corrective action, and the date any such recommendations were made
 - ix. The ultimate disposition of the case, whether it be discipline, non-disciplinary corrective action, or no action whatsoever and the specific kind of discipline or corrective action that was imposed, if any and the date the case was closed or the date of the last adjudication of the case.
 - x. Whether the case file contains video files (yes or no)
 - xi. Whether the case file contains audio files (yes or no)
- d. To the extent that the California Highway Patrol maintains an index, database or list of cases that includes entries related to uses of force that resulted in great bodily injury or death, that index, list or database is also separately requested. If such an index, list or database contains information about cases that are not subject to disclosure, the index, list, or database should be redacted to remove the information that is not subject to disclosure, and the rest of the record should be provided.

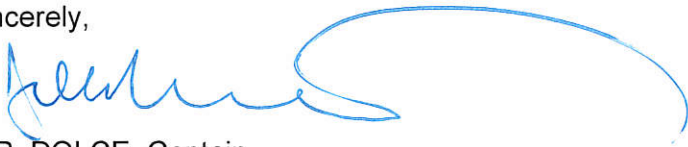
To the extent the records exist in electronic format, please provide them in that format.

California News Coalition
Page 4
May 1, 2019

On January 28, 2019, PRU advised you, in writing, due to the volume of requests received by this Department regarding records associated with recently-enacted legislation, and the voluminous records sought in this request, the first production of records was estimated to take place on May 3, 2019. At this time, we estimate an additional 30 days will be required to collect, review, and appropriately redact the records related to your request. During this process, if PRU determines the collection review and redaction of the requested records will take longer than the estimated 30-day period, you will be notified by mail on or before June 3, 2019. Conversely, if PRU is able to accomplish these tasks in less time, you will be notified by mail and informed of the cost to obtain the requested records.

If you have any questions or if you need additional information, please contact any member of the Public Records Unit at (916) 843-4030.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. R. Dolce", with a large, sweeping flourish extending to the right.

J. R. DOLCE, Captain
Commander
Office of Risk Management

EXHIBIT F



PRA Coalition <ca.news.coalition.pras@gmail.com>

Re: Public Record Act request

1 message

PRA Coalition <ca.news.coalition.pras@gmail.com>

Mon, Jun 3, 2019 at 11:01 AM

To: CHP-PRA <CHP-PRA@chp.ca.gov>

Cc: Janelle Dunham <janelle.dunham@chp.ca.gov>

Bcc: Sukey Lewis <slewis@kqed.org>

Hello,

Our records indicate that we can expect production of records responsive to our request by today.

Is that production on track?

Alex Emslie

On Wed, May 1, 2019 at 4:28 PM CHP-PRA <CHP-PRA@chp.ca.gov> wrote:

Good Day,

Please see the attachment pertaining to your Public Record Act request.

Thank You,

Public Records Unit
916-843-4030

--

The California News Coalition is a combined effort to request and collect public records by the Bay Area News Group, KQED News, and Investigative Studios, an independent non-profit news organization affiliated with the Investigative Reporting Program at U.C. Berkeley.

Reporters: Thomas Peele of the Bay Area News Group, Alex Emslie and Sukey Lewis of KQED, and Robert Lewis, Josh Slowiczek, and Susie Neilson, Investigative Studios

EXHIBIT G

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
OFFICE OF RISK MANAGEMENT
Public Records Unit
P.O. Box 942898
Sacramento, CA 94298-0001
(916) 843-4030
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



June 10, 2019

File No.: 033.15087.A15355.2022.02.024.SB1421 013

California News Coalition
Ca.news.coalition.pras@gmail.com

The California Highway Patrol, Office of Community Outreach and Media Relations (COMR), received your California Public Records Act request, dated December 31, 2018, and received by COMR on January 2, 2019, which was subsequently forwarded to the Office of Risk Management, Public Records Unit (PRU), on the same date.

In your request, you asked for the following, verbatim:

SUSTAINED FINDINGS:

1. Records from Jan. 1, 2014 to Dec. 31, 2018 of sustained findings that a peace officer employed by the California Highway Patrol committed sexual assault or dishonesty-related misconduct.
 - a. The response should reasonably include all applicable records specified by statute, including but not limited to: all investigative reports; photographic, audio and video evidence; transcripts and recordings of interviews; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.



- b. If the California Highway Patrol would prefer to provide an index of the above cases in compliance with California Government Code Section 6253.1 which requires a public agency to help the requester make a focused request, instead of providing entire case files, that would be acceptable. Such an index should reasonably include, as applicable, the following for each entry:
 - i. Any record number used to identify the case
 - ii. The date the sustained misconduct took place
 - iii. The location the sustained misconduct took place
 - iv. The name(s) of any officer(s)/employee(s) found to have committed the sustained misconduct
 - v. A summary description of the misconduct
 - vi. The specific type of misconduct that was ultimately sustained (e.g. conduct reflecting discredit)
 - vii. Any recommendations made by an investigating agency as to discipline or corrective action, and the date any such recommendations were made
 - viii. The ultimate disposition of the case, whether it be discipline, non-disciplinary corrective action, or no action whatsoever and the specific kind of discipline or corrective action that was imposed, if any and the date the case was closed or the date of the last adjudication of the case.
 - ix. Whether the case file contains video files (yes or no)
 - x. Whether the case file contains audio files (yes or no)
- c. To the extent that the California Highway Patrol maintains an index, database or list of cases that includes entries of sustained findings of sexual assault-related misconduct and/or dishonesty-related misconduct, that index, list or database is also separately requested. If such an index, list or database contains information about findings of misconduct that are not subject to disclosure, the index, list, or database should be redacted to remove the information that is not subject to disclosure, and the rest of the record should be provided.

USE OF FORCE:

1. Records from Jan. 1, 2014 to present relating to the report, investigation, or findings of incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury.

- a. The response should reasonably include all applicable records specified by statute, including but not limited to: all investigative reports; photographic, audio and video evidence; transcripts and recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline
- b. or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.
- c. If the California Highway Patrol would prefer to provide an index of the above cases in compliance with California Government Code Section 6253.1 which requires a public agency to help the requester make a focused request, instead of providing entire case files, that would be acceptable. Such an index should reasonably include, as applicable, the following for each entry:
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- x. Whether the case file contains video files (yes or no)
 - xi. Whether the case file contains audio files (yes or no)
- d. To the extent that the California Highway Patrol maintains an index, database or list of cases that includes entries related to uses of force that resulted in great bodily injury or death, that index, list or database is also separately requested. If such an index, list or database contains information about cases that are not subject to disclosure, the index, list, or database should be redacted to remove the information that is not subject to disclosure, and the rest of the record should be provided.

To the extent the records exist in electronic format, please provide them in that format.

On May 1, 2019, PRU advised you, in writing, due to the volume of requests received by this Department regarding records associated with recently-enacted legislation, and the voluminous records sought in this request, we estimated an additional 30 days would be required to collect, review, and appropriately redact the records related to your request. At this time, we estimate an additional 60 days will be required for the redaction and review process. During this process, if PRU determines the collection, review, and redaction of the requested records will take longer than the estimated 60-day period, you will be notified by mail on or before August 5, 2019. Conversely, if PRU is able to accomplish these tasks in less time, you will be notified by mail and informed of the cost to obtain the requested records

If you have any questions or if you need additional information, please contact any member of the Public Records Unit, at (916) 843-4030.

Sincerely,



J. R. DOLCE, Captain
Commander
Office of Risk Management

EXHIBIT H



PRA Coalition <ca.news.coalition.pras@gmail.com>

Re: 03319024

1 message

PRA Coalition <ca.news.coalition.pras@gmail.com>

Fri, Jun 14, 2019 at 1:36 PM

To: CHP-PRA <CHP-PRA@chp.ca.gov>

Bcc: Sukey Lewis <slewis@kqed.org>

Also, CHP's inability to produce a single record five and a half months after receiving our request is an embarrassment for the department. We are interpreting your lack of good faith response as an effective denial of our request.

Please advise immediately when CHP will provide records. August is entirely unacceptable.

Alex Emslie

On Mon, Jun 10, 2019 at 3:11 PM PRA Coalition <ca.news.coalition.pras@gmail.com> wrote:

Thank you for the update, and I wish to reiterate our desire to receive documents on a rolling basis as they are ready.

Best,
Sukey Lewis

On Mon, Jun 10, 2019 at 11:38 AM CHP-PRA <CHP-PRA@chp.ca.gov> wrote:

Good Day,

Please see the attached document for a response to your Public Records Act request.

Thank you
Public Records Unit
(916) 843-4030

CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws, including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

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The California News Coalition is a combined effort to request and collect public records by the Bay Area News Group, KQED News, and Investigative Studios, an independent non-profit news organization affiliated with the Investigative Reporting Program at U.C. Berkeley.

Reporters: Thomas Peele of the Bay Area News Group, Alex Emslie and Sukey Lewis of KQED, and Robert Lewis, Josh Slowiczek, and Susie Neilson, Investigative Studios

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Reporters: Thomas Peele of the Bay Area News Group, Alex Emslie and Sukey Lewis of KQED, and Robert Lewis, Josh Slowiczek, and Susie Neilson, Investigative Studios

EXHIBIT I



PRA Coalition <ca.news.coalition.pras@gmail.com>

Re: 03319024

1 message

PRA Coalition <ca.news.coalition.pras@gmail.com>

Mon, Aug 5, 2019 at 2:17 PM

To: CHP-PRA <CHP-PRA@chp.ca.gov>

Bcc: Alex Emslie <aemslie@kqed.org>, Thomas Peele <tpeele@bayareanewsgroup.com>, jsmall@kqed.org

Dear Captain Dolce,

In your last communication on June 10, you stated that the CHP should have responsive SB1421 records ready by today's date. Please update us on the status of this PRA request. If the files are ready, please get in touch with us about how you are planning to transmit them. We would prefer electronic delivery, and can provide a dropbox link if that is helpful. If that does not work for you, please also let me know and we will provide a mailing address.

Best,

Sukey Lewis

On Mon, Jun 10, 2019 at 11:38 AM CHP-PRA <CHP-PRA@chp.ca.gov> wrote:

Good Day,

Please see the attached document for a response to your Public Records Act request.

Thank you
Public Records Unit
(916) 843-4030

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EXHIBIT J

Records available for release pursuant to Penal Code 832.7 (b)

- Rancho Cucamonga Area, Inland Division, October 30, 2008
Officer Daniel Gainey, ID 14407, and Officer Eugene Carrillo, ID 14688
 - This set of records contains: 1237 pages, which has a duplication cost of \$371.10 for printed records or \$5 for a compact disc; 14 audio recording discs which has a duplication cost of \$5 per disc; and 1 video recording disc which has a duplication cost of \$50.00 per disc. The total for this set of records in its entirety is \$491.10 (documents printed) or \$125.00 (documents on disc).
- Santa Ana Area, Border Division, March 15, 2009
Officer Dominick Blancarte, ID 18032

This set of records contains: 544 pages, which has a duplication cost of \$163.20 for printed records or \$5 for a compact disc; 2 audio recording discs which has a duplication cost of \$5 per disc; and 2 video recording discs which has a duplication cost of \$50.00 per disc. The total for this set of records in its entirety is \$273.20 (documents printed) or \$115.00 (documents on disc).
- El Cajon Area, Border Division, June 19, 2009
Officer Robin Mello, ID 8785 (retired)
 - This set of records contains: 1259 pages, which has a duplication cost of \$377.70 for printed records or \$5 for a compact disc for the records in its entirety.
- Baldwin Park Area, Southern Division, July 12, 2009
Officer David Mullane, ID 18364
 - This set of records contains: 520 pages, which has a duplication cost of \$156.00 for printed records or \$5 for a compact disc; and 1 audio recording disc which has a duplication cost of \$5 per disc. The total for this set of records in its entirety is \$161.00 (documents printed) or \$10.00 (documents on disc).
- El Cajon Area, Border Division, August 9, 2009
Officer Robin Mello, ID 8785 (retired)
 - This set of records contains: 1408 pages, which has a duplication cost of \$422.40 for printed records or \$5 for a compact disc for the records in its entirety.

- West Valley Area, Southern Division, September 26, 2009
Officer Daniel Hernandez, ID 18538
 - This set of records contains: 520 pages, which has a duplication cost of \$156.00 for printed records or \$5 for a compact disc; and 3 audio recording disc which has a duplication cost of \$5 per disc. The total for this set of records in its entirety is \$161.00 (documents printed) or \$20.00 (documents on disc).

- Victorville Area, Inland Division, February 27, 2011
Officer Andrew Howell, ID 19426
 - This set of records contains: 1261 pages, 1 compact disc containing audio files, and 2 compact discs containing 2 videos recordings which has a duplication cost of \$483.30 for printed records, video and audio files on compact discs or \$110.00 for all printed records on compact disc as well as the video and audio files on compact discs.

- Templeton Area, Coastal Division, April 27, 1988
Officer Grant Kell, ID 8269, and Officer Raymond Koenig, ID 8223
 - This set of records contains: 286 pages, which has a duplication cost of \$85.80 for printed records or \$5 for a compact disc for the records in its entirety.

- Templeton Area, Coastal Division, June 2, 1998
Officer Keith Jeffcoach, ID 7837
 - This set of records contains: 282 pages, which has a duplication cost of \$84.60 for printed records or \$5 for a compact disc for the records in its entirety.

- San Diego Area, Border Division, November 26, 1999
Officer Timothy Little, ID 12482, and Officer Robert Marsh, ID 13599, Officer Thomas Downey, ID 11984
 - This set of records contains: 632 pages, which has a duplication cost of \$189.60 for printed records or \$5 for a compact disc for the records in its entirety.

- San Diego Area, Border Division, December 1, 2001
Officer Timothy Fenton, ID 15027
 - This set of records contains: 508 pages, which has a duplication cost of \$152.40 for printed records or \$5 for a compact disc for the records

in its entirety.

- Mojave Area, Inland Division, July 5, 2003
Officer Melanie Singer, ID 12403, and Officer Bryan Jobe, ID 12479
 - This set of records contains: 844 pages, which has a duplication cost of \$253.20 for printed records or \$5 for a compact disc for the records in its entirety.

EXHIBIT K



PRA Coalition <ca.news.coalition.pras@gmail.com>

Re: Public Records Act request

1 message

PRA Coalition <ca.news.coalition.pras@gmail.com>

Tue, Aug 6, 2019 at 4:40 PM

To: CHP-PRA <CHP-PRA@chp.ca.gov>

Bcc: Alex Emslie <aemslie@kqed.org>, Thomas Peele <tpeele@bayareanewsgroup.com>, jsmall@kqed.org

Dear Capt. Dolce,

I believe you have sent the wrong letter. The one attached is dated **May 1, 2019**.

Additionally, while we appreciate the list of records provided by the CHP--those incidents are not responsive to our request as our time-range we requested is January 1, 2014 through January 1, 2019.

Please send me an **updated** response as soon as you are able.Best,
Sukey

On Tue, Aug 6, 2019 at 4:34 PM CHP-PRA <CHP-PRA@chp.ca.gov> wrote:

Good Day,

Please see the attached letter for a response to your Public Records Act request dated December 31, 2019.

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--

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Reporters: Thomas Peele of the Bay Area News Group, Alex Emslie and Sukey Lewis of KQED, and Robert Lewis, Josh Slowiczek, and Susie Neilson, Investigative Studios

EXHIBIT L



PRA Coalition <ca.news.coalition.pras@gmail.com>

Public Records Act request

1 message

CHP-PRA <CHP-PRA@chp.ca.gov>

Tue, Aug 6, 2019 at 5:01 PM

To: PRA Coalition <ca.news.coalition.pras@gmail.com>

Good Day,

Our apologies, the wrong attachment letter was provided to you.

Please see the attached document for a response to your Public Records Act request. Additionally, the list of available records is being provided as a courtesy.

Thank you,

Public Records Unit

From: PRA Coalition <ca.news.coalition.pras@gmail.com>

Sent: Tuesday, August 6, 2019 4:41 PM

To: CHP-PRA <CHP-PRA@chp.ca.gov>

Subject: Re: Public Records Act request

Dear Capt. Dolce,

I believe you have sent the wrong letter. The one attached is dated **May 1, 2019**. Additionally, while we appreciate the list of records provided by the CHP--those incidents are not responsive to our request as our time-range we requested is January 1, 2014 through January 1, 2019.

Please send me an **updated** response as soon as you are able.

Best,

Sukey

On Tue, Aug 6, 2019 at 4:34 PM CHP-PRA <CHP-PRA@chp.ca.gov> wrote:

Good Day,

Please see the attached letter for a response to your Public Records Act request dated December 31, 2019.

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Reporters: Thomas Peele of the Bay Area News Group, Alex Emslie and Sukey Lewis of KQED, and Robert Lewis, Josh Slowiczek, and Susie Neilson, Investigative Studios

2 attachments



Det ext June 2020 signed.pdf

1455K



Available records lists - as of 08052019.docx

18K

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
OFFICE OF RISK MANAGEMENT
Public Records Unit
P.O. Box 942898
Sacramento, CA 94298-0001
(916) 843-4030
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



August 5, 2019

File No.: 033.15087.A14699.2022.02.024.SB1421 013

California News Coalition
Ca.news.coalition.pras@gmail.com

The California Highway Patrol, Office of Community Outreach and Media Relations (COMR), received your California Public Records Act request, dated December 31, 2018, and received by COMR on January 2, 2019, which was subsequently forwarded to the Office of Risk Management, Public Records Unit (PRU), on the same date.

In your request, you asked for the following, verbatim:

SUSTAINED FINDINGS:

1. Records from Jan. 1, 2014 to Dec. 31, 2018 of sustained findings that a peace officer employed by the California Highway Patrol committed sexual assault or dishonesty-related misconduct.
 - a. The response should reasonably include all applicable records specified by statute, including but not limited to: all investigative reports; photographic, audio and video evidence; transcripts and recordings of interviews; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.
 - b. If the California Highway Patrol would prefer to provide an index of the above cases in compliance with California Government Code Section 6253.1 which requires a public agency to help the requester make a



focused request, instead of providing entire case files, that would be acceptable. Such an index should reasonably include, as applicable, the following for each entry:

- i. Any record number used to identify the case
 - ii. The date the sustained misconduct took place
 - iii. The location the sustained misconduct took place
 - iv. The name(s) of any officer(s)/employee(s) found to have committed the sustained misconduct
 - v. A summary description of the misconduct
 - vi. The specific type of misconduct that was ultimately sustained (e.g. conduct reflecting discredit)
 - vii. Any recommendations made by an investigating agency as to discipline or corrective action, and the date any such recommendations were made
 - viii. The ultimate disposition of the case, whether it be discipline, non-disciplinary corrective action, or no action whatsoever and the specific kind of discipline or corrective action that was imposed, if any and the date the case was closed or the date of the last adjudication of the case.
 - ix. Whether the case file contains video files (yes or no)
 - x. Whether the case file contains audio files (yes or no)
- c. To the extent that the California Highway Patrol maintains an index, database or list of cases that includes entries of sustained findings of sexual assault-related misconduct and/or dishonesty-related misconduct, that index, list or database is also separately requested. If such an index, list or database contains information about findings of misconduct that are not subject to disclosure, the index, list, or database should be redacted to remove the information that is not subject to disclosure, and the rest of the record should be provided.

USE OF FORCE:

1. Records from Jan. 1, 2014 to present relating to the report, investigation, or findings of incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury.
 - a. The response should reasonably include all applicable records specified by statute, including but not limited to: all investigative reports; photographic, audio and video evidence; transcripts and recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the

officer's action was consistent with law and agency policy for purposes of discipline

- b. or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.
- c. If the California Highway Patrol would prefer to provide an index of the above cases in compliance with California Government Code Section 6253.1 which requires a public agency to help the requester make a focused request, instead of providing entire case files, that would be acceptable. Such an index should reasonably include, as applicable, the following for each entry:
 - i. Any record number used to identify the incident
 - ii. The date the use of force took place
 - iii. The location the use of force took place
 - iv. The name(s) of any officer(s)/employee(s) involved in the incident
 - v. A summary description of the incident
 - vi. Characterization of injury or injuries sustained to the extent that is tracked
 - vii. The type of force used
 - viii. Any recommendations made by an investigating agency as to discipline or corrective action, and the date any such recommendations were made
 - ix. The ultimate disposition of the case, whether it be discipline, non-disciplinary corrective action, or no action whatsoever and the specific kind of discipline or corrective action that was imposed, if any and the date the case was closed or the date of the last adjudication of the case.
 - x. Whether the case file contains video files (yes or no)
 - xi. Whether the case file contains audio files (yes or no)

- d. To the extent that the California Highway Patrol maintains an index, database or list of cases that includes entries related to uses of force that resulted in great bodily injury or death, that index, list or database is also separately requested. If such an index, list or database contains information about cases that are not subject to disclosure, the index, list, or database should be redacted to remove the information that is not subject to disclosure, and the rest of the record should be provided.

To the extent the records exist in electronic format, please provide them in that format.

On June 10, 2019, PRU advised you, in writing, due to the volume of requests received by this Department regarding records associated with recently-enacted legislation, and the voluminous records sought in this request, we estimated an additional 60 days would be required to collect, review, and appropriately redact the records related to your request.

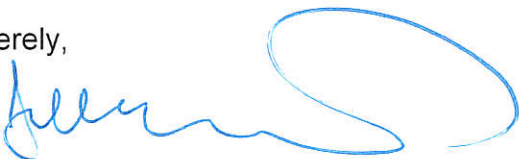
The Department is committed to providing all records responsive to your request in as timely and efficient manner possible. Currently we are reviewing and redacting records releasable pursuant to Penal Code 832.7 (b). We have received multiple request for *all* records releasable under the provision of SB 1421 and are currently releasing records on a rolling basis; however, the records *you* are seeking have not yet been reviewed and redacted.

Due to the voluminous amount of records responsive to these requests it has been estimated that records will continue to be released through June 2020. To limit any errors in communication through the multiple correspondence during this time you will only receive a correspondence informing you of the cost to obtain the requested records if records associated with your specific request are ready for release. If PRU determines the collection, review, and redaction of the requested records will take longer than this time, you will be notified.

As a courtesy, attached you will find a list of records *currently* available for release and the cost to obtain them. If at any time you would like a current list of the records that are available, please feel free to contact us and we will provide you with updated information.

If you have any questions or if you need additional information, please contact any member of the Public Records Unit at (916) 843-4030.

Sincerely,



J. R. DOLCE, Captain
Commander
Office of Risk Management

Records available for release pursuant to Penal Code 832.7 (b)

- Rancho Cucamonga Area, Inland Division, October 30, 2008
Officer Daniel Gainey, ID 14407, and Officer Eugene Carrillo, ID 14688
 - This set of records contains: 1237 pages, which has a duplication cost of \$371.10 for printed records or \$5 for a compact disc; 14 audio recording discs which has a duplication cost of \$5 per disc; and 1 video recording disc which has a duplication cost of \$50.00 per disc. The total for this set of records in its entirety is \$491.10 (documents printed) or \$125.00 (documents on disc).
- Santa Ana Area, Border Division, March 15, 2009
Officer Dominick Blancarte, ID 18032

This set of records contains: 544 pages, which has a duplication cost of \$163.20 for printed records or \$5 for a compact disc; 2 audio recording discs which has a duplication cost of \$5 per disc; and 2 video recording discs which has a duplication cost of \$50.00 per disc. The total for this set of records in its entirety is \$273.20 (documents printed) or \$115.00 (documents on disc).
- El Cajon Area, Border Division, June 19, 2009
Officer Robin Mello, ID 8785 (retired)
 - This set of records contains: 1259 pages, which has a duplication cost of \$377.70 for printed records or \$5 for a compact disc for the records in its entirety.
- Baldwin Park Area, Southern Division, July 12, 2009
Officer David Mullane, ID 18364
 - This set of records contains: 520 pages, which has a duplication cost of \$156.00 for printed records or \$5 for a compact disc; and 1 audio recording disc which has a duplication cost of \$5 per disc. The total for this set of records in its entirety is \$161.00 (documents printed) or \$10.00 (documents on disc).
- El Cajon Area, Border Division, August 9, 2009
Officer Robin Mello, ID 8785 (retired)
 - This set of records contains: 1408 pages, which has a duplication cost of \$422.40 for printed records or \$5 for a compact disc for the records in its entirety.

- West Valley Area, Southern Division, September 26, 2009
Officer Daniel Hernandez, ID 18538
 - This set of records contains: 520 pages, which has a duplication cost of \$156.00 for printed records or \$5 for a compact disc; and 3 audio recording disc which has a duplication cost of \$5 per disc. The total for this set of records in its entirety is \$161.00 (documents printed) or \$20.00 (documents on disc).

- Victorville Area, Inland Division, February 27, 2011
Officer Andrew Howell, ID 19426
 - This set of records contains: 1261 pages, 1 compact disc containing audio files, and 2 compact discs containing 2 videos recordings which has a duplication cost of \$483.30 for printed records, video and audio files on compact discs or \$110.00 for all printed records on compact disc as well as the video and audio files on compact discs.

- Templeton Area, Coastal Division, April 27, 1988
Officer Grant Kell, ID 8269, and Officer Raymond Koenig, ID 8223
 - This set of records contains: 286 pages, which has a duplication cost of \$85.80 for printed records or \$5 for a compact disc for the records in its entirety.

- Templeton Area, Coastal Division, June 2, 1998
Officer Keith Jeffcoach, ID 7837
 - This set of records contains: 282 pages, which has a duplication cost of \$84.60 for printed records or \$5 for a compact disc for the records in its entirety.

- San Diego Area, Border Division, November 26, 1999
Officer Timothy Little, ID 12482, and Officer Robert Marsh, ID 13599, Officer Thomas Downey, ID 11984
 - This set of records contains: 632 pages, which has a duplication cost of \$189.60 for printed records or \$5 for a compact disc for the records in its entirety.

- San Diego Area, Border Division, December 1, 2001
Officer Timothy Fenton, ID 15027
 - This set of records contains: 508 pages, which has a duplication cost of \$152.40 for printed records or \$5 for a compact disc for the records

in its entirety.

- Mojave Area, Inland Division, July 5, 2003
Officer Melanie Singer, ID 12403, and Officer Bryan Jobe, ID 12479
 - This set of records contains: 844 pages, which has a duplication cost of \$253.20 for printed records or \$5 for a compact disc for the records in its entirety.

EXHIBIT M



PRA Coalition <ca.news.coalition.pras@gmail.com>

Re: Public Records Act request

1 message

PRA Coalition <ca.news.coalition.pras@gmail.com>

Thu, Aug 8, 2019 at 3:37 PM

To: CHP-PRA <CHP-PRA@chp.ca.gov>

First, the documents on the list are not responsive to our public records request of Jan. 1, which asked for records from Jan. 1 2014 to Dec. 31, 2018. None of the cases listed in the document fall within this time frame. After nearly seven and a half months, the CHP has released no records responsive to our request, yet it appears it is fulfilling the requests of other parties. This is inherently unfair. The CHP received our request a few minutes past midnight on Jan. 1. It must deal with all requests fairly, not just dump out records in chronological order and hope they apply to everyone.

Also, based on the copy prices in the list of cases provided, the CHP is grossly overcharging for paper copies of responsive documents in violation of state law. That price appears to be \$.30 per page. The Public Records Act, limits the government to seeking costs only for the direct cost of duplication of records. That means the government may only charge for the direct cost of duplicating documents, ie the cost of paper (on average \$.05 per page or less assuming the government buys copy paper in bulk), the cost of ink and toner per page, the electricity to run the copier for the time it is reproducing documents. Search and retrieval time cannot result in a charge to the requesting party. Any charge above \$.10 per page is an indication the government is overcharging for copies or misunderstanding the statutory language on fee and corresponding case law. See North County Parents Org. v. Department of Educ., 23 Cal. App. 4th 144, 148 (1994)

In this case, we can only interpenetrate the copy fee of \$.30 cents per page as an exploitation of the request for records. We expect the CHP to immediately drop the copy cost of \$.10 per page, the price charged by the Department of Justice and other state agencies. In addition, the cost of \$5 per compact disc is also beyond the direct cost of duplication. Clearly, the CHP does not pay \$5 each for blank compact discs. We expect the CHP to lower this price to reflect the direct cost of duplication as well. Also, please be reminded that the act is clear that an agency may not associate any cost with the inspection of records. We expect the CHP to make records responsive to our request available for inspection immediately.

Thomas Peele

On Tue, Aug 6, 2019 at 5:01 PM CHP-PRA <CHP-PRA@chp.ca.gov> wrote:

Good Day,

Our apologies, the wrong attachment letter was provided to you.

Please see the attached document for a response to your Public Records Act request. Additionally, the list of available records is being provided as a courtesy.

Thank you,

Public Records Unit

From: PRA Coalition <ca.news.coalition.pras@gmail.com>
Sent: Tuesday, August 6, 2019 4:41 PM
To: CHP-PRA <CHP-PRA@chp.ca.gov>
Subject: Re: Public Records Act request

Dear Capt. Dolce,

I believe you have sent the wrong letter. The one attached is dated **May 1, 2019**. Additionally, while we appreciate the list of records provided by the CHP--those incidents are not responsive to our request as our time-range we requested is January 1, 2014 through January 1, 2019.

Please send me an **updated** response as soon as you are able.

Best,
Sukey

On Tue, Aug 6, 2019 at 4:34 PM CHP-PRA <CHP-PRA@chp.ca.gov> wrote:

Good Day,

Please see the attached letter for a response to your Public Records Act request dated December 31, 2019.

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Reporters: Thomas Peele of the Bay Area News Group, Alex Emslie and Sukey Lewis of KQED, and Robert Lewis, Josh Slowiczek, and Susie Neilson, Investigative Studios

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EXHIBIT N



PRA Coalition <ca.news.coalition.pras@gmail.com>

Re: Public Records Act request

1 message

PRA Coalition <ca.news.coalition.pras@gmail.com>

Mon, Sep 30, 2019 at 3:19 PM

To: CHP-PRA <CHP-PRA@chp.ca.gov>

Bcc: Sukey Lewis <slewis@kqed.org>, Thomas Peele <tpeele@bayareanewsgroup.com>

Hello,

Our records indicate we've received no communication from CHP regarding our request in nearly two months. CHP's dismissive attitude toward compliance with state law continues to be second-to-none in California. CONGRATULATIONS!!!

But seriously, what gives? CHP can't manage to answer basic questions or provide a single scrap of paper that is responsive to our request in what's now been nine whole months?

Before you jump to argue that CHP has produced responsive cases -- It has not. Pursuant to my colleague Thomas Peele's most recent email that CHP ignored, we requested records that relate to cases over a distinct time period (2014 - 2018). CHP has not provided a substantive response. CHP has hardly provided non-substantive responses and simply communicated with us.

CDCR has begun to provide responsive records, and while that department's communication could improve, it puts CHP to shame.

What are we to make of the department's dismissive attitude? That CHP is above state law?

Please, for the love of all that is good and decent in the world, comply with the California Public Records Act and inform us when we can expect the FIRST provision of records responsive to our request, nine months later and counting. Please do this. Please do it within a reasonable amount of time from receiving this email.

We are at our wits' end with CHP. The whole department should be ashamed of its approach to compliance with the law in these matters. I am ashamed, as a resident of California, on your behalf.

Alex Emslie

On Thu, Aug 8, 2019 at 3:37 PM PRA Coalition <ca.news.coalition.pras@gmail.com> wrote:

First, the documents on the list are not responsive to our public records request of Jan. 1, which asked for records from Jan. 1 2014 to Dec. 31, 2018. None of the cases listed in the document fall within this time frame. After nearly seven and a half months, the CHP has released no records responsive to our request, yet it appears it is fulfilling

the requests of other parties. This is inherently unfair. The CHP received our request a few minutes past midnight on Jan. 1. It must deal with all requests fairly, not just dump out records in chronological order and hope they apply to everyone.

Also, based on the copy prices in the list of cases provided, the CHP is grossly overcharging for paper copies of responsive documents in violation of state law. That price appears to be \$.30 per page. The Public Records Act, limits the government to seeking costs only for the direct cost of duplication of records. That means the government may only charge for the direct cost of duplicating documents, ie the cost of paper (on average \$.05 per page or less assuming the government buys copy paper in bulk), the cost of ink and toner per page, the electricity to run the copier for the time it is reproducing documents. Search and retrieval time cannot result in a charge to the requesting party.

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In this case, we can only interpenetrate the copy fee of \$.30 cents per page as an exploitation of the request for records. We expect the CHP to immediately drop the copy cost of \$.10 per page, the price charged by the Department of Justice and other state agencies. In addition, the cost of \$5 per compact disc is also beyond the direct cost of duplication. Clearly, the CHP does not pay \$5 each for blank compact discs. We expect the CHP to lower this price to reflect the direct cost of duplication as well. Also, please be reminded that the act is clear that an agency may not associate any cost with the inspection of records. We expect the CHP to make records responsive to our request available for inspection immediately.

Thomas Peele

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Thank you,

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Sent: Tuesday, August 6, 2019 4:41 PM

To: CHP-PRA <CHP-PRA@chp.ca.gov>

Subject: Re: Public Records Act request

Dear Capt. Dolce,

I believe you have sent the wrong letter. The one attached is dated **May 1, 2019**. Additionally, while we appreciate the list

of records provided by the CHP--those incidents are not responsive to our request as our time-range we requested is January 1, 2014 through January 1, 2019.

Please send me an **updated** response as soon as you are able.

Best,

Sukey

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EXHIBIT O



PRA Coalition <ca.news.coalition.pras@gmail.com>

RE: Public Records Act request

1 message

CHP-PRA <CHP-PRA@chp.ca.gov>

Fri, Oct 11, 2019 at 4:59 PM

To: PRA Coalition <ca.news.coalition.pras@gmail.com>

Good Day,

On August 5, 2019, PRU advised you, in writing, the Department is committed to providing all records responsive to your request in as timely and efficient manner possible. Currently we are reviewing and redacting records releasable pursuant to Penal Code 832.7 (b). We have received multiple request for *all* records releasable under the provision of SB 1421 and are currently releasing records on a rolling, chronological basis; however, the records *you* are seeking have not yet been reviewed and redacted. Due to the voluminous amount of records responsive to these requests it has been estimated that records will continue to be released through June 2020. To limit any errors in communication through the multiple correspondence during this time you will only receive a correspondence informing you of the cost to obtain the requested records if records associated with your specific request are ready for release. If PRU determines the collection, review, and redaction of the requested records will take longer than this time, you will be notified.

As a courtesy, attached you will find a list of records *currently* available for release and the cost to obtain them. If at any time you would like a current list of the records that are available, please feel free to contact us and we will provide you with updated information.

Thank you,

California Highway Patrol

Office of Rsk Management

Public Records Unit

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From: PRA Coalition <ca.news.coalition.pras@gmail.com>**Sent:** Monday, September 30, 2019 3:20 PM**To:** CHP-PRA <CHP-PRA@chp.ca.gov>**Subject:** Re: Public Records Act request

Hello,

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Also, based on the copy prices in the list of cases provided, the CHP is grossly overcharging for paper copies of responsive documents in violation of state law. That price appears to be \$.30 per page. The Public Records Act, limits the government to seeking costs only for the direct cost of duplication of records. That means the government may only charge for the direct cost of duplicating documents, ie the cost of paper (on average \$.05 per page or less assuming the government buys copy paper in bulk), the cost of ink and toner per page, the electricity to run the copier for the time it is reproducing documents. Search and retrieval time cannot result in a charge to the requesting party.

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In this case, we can only interpenetrate the copy fee of \$.30 cents per page as an exploitation of the request for records. We expect the CHP to immediately drop the copy cost of \$.10 per page, the price charged by the Department of Justice and other state agencies. In addition, the cost of \$5 per compact disc is also beyond the direct cost of duplication. Clearly, the CHP does not pay \$5 each for blank compact discs. We expect the CHP to lower this price to reflect the direct cost of duplication as well. Also, please be reminded that the act is clear that an agency may not associate any cost with the inspection of records. We expect the CHP to make records responsive to our request available for inspection immediately.

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EXHIBIT P



PRA Coalition <ca.news.coalition.pras@gmail.com>

Re: Public Records Act request

1 message

PRA Coalition <ca.news.coalition.pras@gmail.com>

Fri, Oct 11, 2019 at 5:14 PM

To: CHP-PRA <CHP-PRA@chp.ca.gov>

Bcc: Sukey Lewis <slewis@kqed.org>, Thomas Peele <tpeele@bayareanewsgroup.com>

Thank you for corresponding -- I know it's very hard, particularly for CHP, to communicate about public records,

1) There is nothing attached to this email. I believe CHP meant to attach a list of records that are NOT responsive to our request, so I'm not too concerned.

2) Is there a particular requestor who has asked CHP to prioritize production in chronological order? And is that requestor somehow deserving of greater deference than us?

CHP's decision to provide the oldest records first is the opposite of what I believe many requestors would choose. It is certainly the opposite of what we would choose. As you know, a public agency is subordinate to the requesting party. We insist that CHP prioritize the release of the most recent records first, working in reverse chronological order. CHP's opposite approach reeks of obstructionism and intentional stalling.

I'll hold my breath awaiting your response, so please write more quickly than you are generally capable of doing.

Alex Emslie

On Fri, Oct 11, 2019 at 4:59 PM CHP-PRA <CHP-PRA@chp.ca.gov> wrote:

Good Day,

On August 5, 2019, PRU advised you, in writing, the Department is committed to providing all records responsive to your request in as timely and efficient manner possible. Currently we are reviewing and redacting records releasable pursuant to Penal Code 832.7 (b). We have received multiple request for *all* records releasable under the provision of SB 1421 and are currently releasing records on a rolling, chronological basis; however, the records *you* are seeking have not yet been reviewed and redacted. Due to the voluminous amount of records responsive to these requests it has been estimated that records will continue to be released through June 2020. To limit any errors in communication through the multiple correspondence during this time you will only receive a correspondence informing you of the cost to obtain the requested records if records associated with your specific request are ready for release. If PRU determines the collection, review, and redaction of the requested records will take longer than this time, you will be notified.

As a courtesy, attached you will find a list of records *currently* available for release and the cost to obtain them. If at

any time you would like a current list of the records that are available, please feel free to contact us and we will provide you with updated information.

Thank you,

California Highway Patrol
Office of Rsk Management
Public Records Unit

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From: PRA Coalition <ca.news.coalition.pras@gmail.com>
Sent: Monday, September 30, 2019 3:20 PM
To: CHP-PRA <CHP-PRA@chp.ca.gov>
Subject: Re: Public Records Act request

Hello,

Our records indicate we've received no communication from CHP regarding our request in nearly two months. CHP's dismissive attitude toward compliance with state law continues to be second-to-none in California. CONGRATULATIONS!!!

But seriously, what gives? CHP can't manage to answer basic questions or provide a single scrap of paper that is responsive to our request in what's now been nine whole months?

Before you jump to argue that CHP has produced responsive cases -- It has not. Pursuant to my colleague Thomas Peele's

most recent email that CHP ignored, we requested records that relate to cases over a distinct time period (2014 - 2018). CHP has not provided a substantive response. CHP has hardly provided non-substantive responses and simply communicated with us.

CDCR has begun to provide responsive records, and while that department's communication could improve, it puts CHP to shame.

What are we to make of the department's dismissive attitude? That CHP is above state law?

Please, for the love of all that is good and decent in the world, comply with the California Public Records Act and inform us when we can expect the FIRST provision of records responsive to our request, nine months later and counting. Please do this. Please do it within a reasonable amount of time from receiving this email.

We are at our wits' end with CHP. The whole department should be ashamed of its approach to compliance with the law in these matters. I am ashamed, as a resident of California, on your behalf.

Alex Emslie

On Thu, Aug 8, 2019 at 3:37 PM PRA Coalition <ca.news.coalition.pras@gmail.com> wrote:

First, the documents on the list are not responsive to our public records request of Jan. 1, which asked for records from Jan. 1 2014 to Dec. 31, 2018. None of the cases listed in the document fall within this time frame. After nearly seven and a half months, the CHP has released no records responsive to our request, yet it appears it is fulfilling the requests of other parties. This is inherently unfair. The CHP received our request a few minutes past midnight on Jan. 1. It must deal with all requests fairly, not just dump out records in chronological order and hope they apply to everyone.

Also, based on the copy prices in the list of cases provided, the CHP is grossly overcharging for paper copies of responsive documents in violation of state law. That price appears to be \$.30 per page. The Public Records Act, limits the government to seeking costs only for the direct cost of duplication of records. That means the government may only charge for the direct cost of duplicating documents, ie the cost of paper (on average \$.05 per page or less assuming the government buys copy paper in bulk), the cost of ink and toner per page, the electricity to run the copier for the time it is reproducing documents. Search and retrieval time cannot result in a charge to the requesting party.

Any charge above \$.10 per page is an indication the government is overcharging for copies or misunderstanding the statutory language on fee and corresponding case law. See North County Parents Org. v. Department of Educ., 23 Cal. App. 4th 144, 148 (1994)

In this case, we can only interpenetrate the copy fee of \$.30 cents per page as an exploitation of the request for records. We expect the CHP to immediately drop the copy cost of \$.10 per page, the price charged by the Department of Justice and other state agencies. In addition, the cost of \$5 per compact disc is also beyond the direct cost of duplication. Clearly, the CHP does not pay \$5 each for blank compact discs. We expect the CHP to lower this price to reflect the direct cost of duplication as well. Also, please be reminded that the act is clear that an agency may not associate any cost with the inspection of records. We expect the CHP to make records responsive to our request available for inspection immediately.

Thomas Peele

On Tue, Aug 6, 2019 at 5:01 PM CHP-PRA <CHP-PRA@chp.ca.gov> wrote:

Good Day,

Our apologies, the wrong attachment letter was provided to you.

Please see the attached document for a response to your Public Records Act request. Additionally, the list of available records is being provided as a courtesy.

Thank you,

Public Records Unit

From: PRA Coalition <ca.news.coalition.pras@gmail.com>

Sent: Tuesday, August 6, 2019 4:41 PM

To: CHP-PRA <CHP-PRA@chp.ca.gov>

Subject: Re: Public Records Act request

Dear Capt. Dolce,

I believe you have sent the wrong letter. The one attached is dated **May 1, 2019**. Additionally, while we appreciate the list of records provided by the CHP--those incidents are not responsive to our request as our time-range we requested is January 1, 2014 through January 1, 2019.

Please send me an **updated** response as soon as you are able.

Best,
Sukey

On Tue, Aug 6, 2019 at 4:34 PM CHP-PRA <CHP-PRA@chp.ca.gov> wrote:

Good Day,

Please see the attached letter for a response to your Public Records Act request dated December 31, 2019.

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The California News Coalition is a combined effort to request and collect public records by the Bay Area News Group, KQED News, and Investigative Studios, an independent non-profit news organization affiliated with the Investigative Reporting Program at U.C. Berkeley.

Reporters: Thomas Peele of the Bay Area News Group, Alex Emslie and Sukey Lewis of KQED, and Robert Lewis, Josh Slowiczek, and Susie Neilson, Investigative Studios

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EXHIBIT Q

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**OFFICE OF RISK MANAGEMENT**

Public Records Unit

PO Box 942898

Sacramento, CA 94298-0001

(916) 843-4030

(800) 735-2929 (TT/TDD)

(800) 735-2922 (Voice)



November 1, 2019

File No.: 033.15087.A16820.2022.02.024.SB1421 013 DF1

California News Coalition
Ca.news.coalition.pras@gmail.com

The California Highway Patrol, Office of Community Outreach and Media Relations (COMR), received your California Public Records Act request, dated December 31, 2018, and received by COMR on January 2, 2019, which was subsequently forwarded to the Office of Risk Management, Public Records Unit (PRU), on the same date.

In your request, you asked for the following, verbatim:

SUSTAINED FINDINGS:

1. Records from Jan. 1, 2014 to Dec. 31, 2018 of sustained findings that a peace officer employed by the California Highway Patrol committed sexual assault or dishonesty-related misconduct.
 - a. The response should reasonably include all applicable records specified by statute, including but not limited to: all investigative reports; photographic, audio and video evidence; transcripts and recordings of interviews; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.
 - b. If the California Highway Patrol would prefer to provide an index of the above cases in compliance with California Government Code Section 6253.1 which requires a public agency to help the requester make a



focused request, instead of providing entire case files, that would be acceptable. Such an index should reasonably include, as applicable, the following for each entry:

- i. Any record number used to identify the case
 - ii. The date the sustained misconduct took place
 - iii. The location the sustained misconduct took place
 - iv. The name(s) of any officer(s)/employee(s) found to have committed the sustained misconduct
 - v. A summary description of the misconduct
 - vi. The specific type of misconduct that was ultimately sustained (e.g. conduct reflecting discredit)
 - vii. Any recommendations made by an investigating agency as to discipline or corrective action, and the date any such recommendations were made
 - viii. The ultimate disposition of the case, whether it be discipline, non-disciplinary corrective action, or no action whatsoever and the specific kind of discipline or corrective action that was imposed, if any and the date the case was closed or the date of the last adjudication of the case.
 - ix. Whether the case file contains video files (yes or no)
 - x. Whether the case file contains audio files (yes or no)
- c. To the extent that the California Highway Patrol maintains an index, database or list of cases that includes entries of sustained findings of sexual assault-related misconduct and/or dishonesty-related misconduct, that index, list or database is also separately requested. If such an index, list or database contains information about findings of misconduct that are not subject to disclosure, the index, list, or database should be redacted to remove the information that is not subject to disclosure, and the rest of the record should be provided.

USE OF FORCE:

1. Records from Jan. 1, 2014 to present relating to the report, investigation, or findings of incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury.
 - a. The response should reasonably include all applicable records specified by statute, including but not limited to: all investigative reports; photographic, audio and video evidence; transcripts and recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges

against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline

- b. or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.
- c. If the California Highway Patrol would prefer to provide an index of the above cases in compliance with California Government Code Section 6253.1 which requires a public agency to help the requester make a focused request, instead of providing entire case files, that would be acceptable. Such an index should reasonably include, as applicable, the following for each entry:
 - i. Any record number used to identify the incident
 - ii. The date the use of force took place
 - iii. The location the use of force took place
 - iv. The name(s) of any officer(s)/employee(s) involved in the incident
 - v. A summary description of the incident
 - vi. Characterization of injury or injuries sustained to the extent that is tracked
 - vii. The type of force used
 - viii. Any recommendations made by an investigating agency as to discipline or corrective action, and the date any such recommendations were made
 - ix. The ultimate disposition of the case, whether it be discipline, non-disciplinary corrective action, or no action whatsoever and the specific kind of discipline or corrective action that was imposed, if any and the date the case was closed or the date of the last adjudication of the case.
 - x. Whether the case file contains video files (yes or no)
 - xi. Whether the case file contains audio files (yes or no)

- d. To the extent that the California Highway Patrol maintains an index, database or list of cases that includes entries related to uses of force that resulted in great bodily injury or death, that index, list or database is also separately requested. If such an index, list or database contains information about cases that are not subject to disclosure, the index, list, or database should be redacted to remove the information that is not subject to disclosure, and the rest of the record should be provided.

To the extent the records exist in electronic format, please provide them in that format.

Due to the volume of requests and the voluminous records sought the production of records related to your request are being provided on a rolling basis. PRU has compiled records which are currently available for release:

Please be advised that certain information has been withheld per Government Code 6254 (f) and 6254 (k) which incorporates an individual's right to privacy under the California Constitution (Cal. Const., art. I, 1) and the Information Practices Act of 1977 (Civ. Code 1798 et seq.).

As additional records related to your request become available, you will be notified by mail and informed of the cost to obtain those records. You may choose to postpone your disclosures until all records are available. If you would like to receive your disclosures at this time, please submit your payment utilizing the instructions below.

The Department currently charges requesters to offset its duplication costs for all California Public Records Act requests. The cost breakdown is as follows:

- printed records are \$0.30 per page or \$5.00 per compact disc
- audio recordings are \$5.00 per compact disc
- video recordings are \$50.00 per compact disc

The following set of records are being released pursuant to Penal Code 832.7 (b) (B) (i), a record relating to an incident in which the Department had a sustained finding for a peace officer engaging in sexual assault involving a member of the public, specifically relating to the following individual(s):

West Valley Area, Southern Division, 2016
Officer M. McGrew, ID 17505

- This set of records contains 2609 pages which has a duplication cost of \$782.70 for printed records or \$5.00 for a compact disc.

California News Coalition

Page 5

November 1, 2019

Please clearly indicate, in writing, which format you would like to receive the records and submit appropriate payment. Please make the check or money order payable to the "California Highway Patrol" at the address provided and reference the above file number on your check. Once payment is received, these records will be prepared and mailed to you on an expedited basis.

California Highway Patrol
Office of Risk Management
P.O. Box 942898
Sacramento, CA 94298-0001
Attention: Public Records Unit

If you have any questions, or if you need additional information, please contact any member of the Public Records Unit, at (916) 843-4030.

Sincerely,



J. R. DOLCE, Captain
Commander
Office of Risk Management

EXHIBIT R



PRA Coalition <ca.news.coalition.pras@gmail.com>

Re: SB 1421 Public Records Act request

1 message

PRA Coalition <ca.news.coalition.pras@gmail.com>

Fri, Nov 1, 2019 at 5:27 PM

To: CHP-PRA <CHP-PRA@chp.ca.gov>

Bcc: Sukey Lewis <slewis@kqed.org>, Thomas Peele <tpeele@bayareanewsgroup.com>

Also, I plan to send \$5 for a compact disk containing these records.

To be clear, though, I am still seeking underlying records that justify CHP's \$0.30 per page cost for printed records.

Alex Emslie

On Fri, Nov 1, 2019 at 5:25 PM PRA Coalition <ca.news.coalition.pras@gmail.com> wrote:

Hi CHP,

Thanks for the update. You never responded to our previous correspondence, though, asking why you've previously prioritized releasing decade-old records before more recent ones. It appears, at least for the case you've noted here, CHP has moved into providing more recent records. I'm confused why I'm left to guess, though, when you could just respond to my previous correspondence and clarify.

We still would like confirmation/clarification on how CHP is determining which cases to prioritize for release. We have specifically requested the most recent cases responsive to our request (2014-2018) be provided first. We have received no response. I continue to maintain that state law, including but not limited to the California Public Records Act, requires far better communication and assistance than CHP has thus far offered. As CHP is a law enforcement agency, your dismissive attitude toward compliance with the law is ironic and all the more disappointing.

On this case, the charge you suggest for the duplication of written records is exorbitant and illegal.

As you know, state law limits the cost of production of such records to the direct cost of duplication. This is widely recognized by every other state agency I'm aware of as being no greater than \$0.10 per page. CHP asserts it can charge 3 times that amount.

Please provide immediately a breakdown of CHP's direct cost of duplication per page, factoring in the costs that can be charged including the cost of copy paper, printer ink, toner and electricity. In so doing, if you come up with \$0.30 per page,

you are seriously paying way too much and thus being a poor steward of taxpayer funds.

We will happily pay reasonable fees for the direct cost of duplication. We will not be gouged by recalcitrant agencies with a dismissive attitude toward public access and transparency as well as serious communication issues.

I expect either a cost breakdown responsive to my above request or an adjustment of the illegal fees CHP is attempting to charge within the 10-day statutory deadline.

Alex Emslie

On Fri, Nov 1, 2019 at 4:59 PM CHP-PRA <CHP-PRA@chp.ca.gov> wrote:

Good day,

Please see the attached document for a response to your California Public Records Act request, dated December 31, 2018.

Thank you,

California Highway Patrol
Office of Risk Management
Public Records Unit

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Reporters: Thomas Peele of the Bay Area News Group, Alex Emslie and Sukey Lewis of KQED, and Robert Lewis, Josh Slowiczek, and Susie Neilson, Investigative Studios

EXHIBIT S

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
OFFICE OF RISK MANAGEMENT
Public Records Unit
PO Box 942898
Sacramento, CA 94298-0001
(916) 843-4030
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



November 12, 2019

File No.: 033.15087.A15355.2022.12.423

PRA Coalition
ca.news.coalition.pras@gmail.com

Attention: Alex Emslie

Dear Ms. Emslie:

The California Highway Patrol (CHP), Office of Risk Management, Public Records Unit (PRU), received your California Public Records Act request, dated and received by this office on November 1, 2019. Please accept this correspondence as a determination on your request.

In your request you asked for the following, verbatim:

- Please provide immediately a breakdown of CHP's direct cost of duplication per page, factoring in the costs that can be charged including the cost of copy paper, printer ink, toner and electricity.

After a thorough and diligent search, PRU has determined the Department does not possess records responsive to your request.

If you have any questions, or if you need additional information, please contact any member of the Public Records Unit, at (916) 843-4030.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. R. Dolce".

J. R. DOLCE, Captain
Commander
Office of Risk Management



EXHIBIT T

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
OFFICE OF RISK MANAGEMENT
Public Records Unit
PO Box 942898
Sacramento, CA 94298-0001
(916) 843-4030
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



November 27, 2019

File No.: 033.15087.A8054.2022.02.024.SB1421 013 DF2

California News Coalition
Ca.news.coalition.pras@gmail.com

The California Highway Patrol, Office of Community Outreach and Media Relations (COMR), received your California Public Records Act request, dated December 31, 2018, and received by COMR on January 2, 2019, which was subsequently forwarded to the Office of Risk Management, Public Records Unit (PRU), on the same date.

In your request, you asked for the following, verbatim:

SUSTAINED FINDINGS:

1. Records from Jan. 1, 2014 to Dec. 31, 2018 of sustained findings that a peace officer employed by the California Highway Patrol committed sexual assault or dishonesty-related misconduct.
 - a. The response should reasonably include all applicable records specified by statute, including but not limited to: all investigative reports; photographic, audio and video evidence; transcripts and recordings of interviews; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.



b. If the California Highway Patrol would prefer to provide an index of the above cases in compliance with California Government Code Section 6253.1 which requires a public agency to help the requester make a focused request, instead of providing entire case files, that would be acceptable. Such an index should reasonably include, as applicable, the following for each entry:

- i. Any record number used to identify the case
- ii. The date the sustained misconduct took place
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- iv. The name(s) of any officer(s)/employee(s) found to have committed the sustained misconduct
- v. A summary description of the misconduct
- vi. The specific type of misconduct that was ultimately sustained (e.g. conduct reflecting discredit)
- vii. Any recommendations made by an investigating agency as to discipline or corrective action, and the date any such recommendations were made
- viii. The ultimate disposition of the case, whether it be discipline, non-disciplinary corrective action, or no action whatsoever and the specific kind of discipline or corrective action that was imposed, if any and the date the case was closed or the date of the last adjudication of the case.
- ix. Whether the case file contains video files (yes or no)
- x. Whether the case file contains audio files (yes or no)

c. To the extent that the California Highway Patrol maintains an index, database or list of cases that includes entries of sustained findings of sexual assault-related misconduct and/or dishonesty-related misconduct, that index, list or database is also separately requested. If such an index, list or database contains information about findings of misconduct that are not subject to disclosure, the index, list, or database should be redacted to remove the information that is not subject to disclosure, and the rest of the record should be provided.

USE OF FORCE:

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- a. The response should reasonably include all applicable records specified by statute, including but not limited to: all investigative reports; photographic, audio and video evidence; transcripts and recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline
- b. or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.
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was imposed, if any and the date the case was closed or the date of the last adjudication of the case.

- x. Whether the case file contains video files (yes or no)
 - xi. Whether the case file contains audio files (yes or no)
- d. To the extent that the California Highway Patrol maintains an index, database or list of cases that includes entries related to uses of force that resulted in great bodily injury or death, that index, list or database is also separately requested. If such an index, list or database contains information about cases that are not subject to disclosure, the index, list, or database should be redacted to remove the information that is not subject to disclosure, and the rest of the record should be provided.

To the extent the records exist in electronic format, please provide them in that format.

Due to the volume of requests and the voluminous records sought the production of records related to your request are being provided on a rolling basis. PRU has compiled records which are currently available for release:

Please be advised that certain information has been withheld per Government Code 6254 (f) and 6254 (k) which incorporates an individual's right to privacy under the California Constitution (Cal. Const., art. I, 1) and the Information Practices Act of 1977 (Civ. Code 1798 et seq.).

As additional records related to your request become available, you will be notified by mail and informed of the cost to obtain those records. You may choose to postpone your disclosures until all records are available. If you would like to receive your disclosures at this time, please submit your payment utilizing the instructions below.

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- printed records are \$0.30 per page or \$5.00 per compact disc
- audio recordings are \$5.00 per compact disc
- video recordings are \$50.00 per compact disc

The following set of records are being released pursuant to Penal Code 832.7 (b) (C), any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or .

November 27, 2019

directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence, specifically relating to the following individual(s):

Report #29, Redding Area, Northern Division, 2015
Officer T. Larios, ID 13100

- This set of records contains 4025 pages which has a duplication cost of \$1207.50 for printed records or \$5.00 for records on a compact disc.

Please clearly indicate, in writing, which format you would like to receive the records and submit appropriate payment. Please make the check or money order payable to the "California Highway Patrol" at the address provided and reference the above file number on your check. Once payment is received, these records will be prepared and mailed to you on an expedited basis.

California Highway Patrol
Office of Risk Management
P.O. Box 942898
Sacramento, CA 94298-0001
Attention: Public Records Unit

If you have any questions, or if you need additional information, please contact any member of the Public Records Unit, at (916) 843-4030.

Sincerely,



J. R. DOLCE, Captain
Commander
Office of Risk Management

EXHIBIT U



Adv Plus Banking REDACTED Account Activity Transaction Details

Check number: 00000000410
Post date: 11/15/2019
Amount: -5.00
Type: Check
Description: Check
Merchant name: STATE OF CALIFORNIA
?
Transaction category: Finance: Taxes

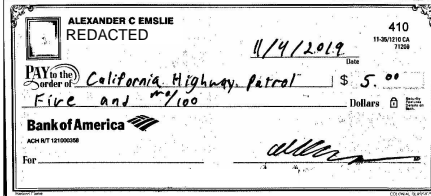


EXHIBIT V



PRA Coalition <ca.news.coalition.pras@gmail.com>

Re: California Public Records Act Request

1 message

PRA Coalition <ca.news.coalition.pras@gmail.com>

Tue, Dec 17, 2019 at 3:15 PM

To: CHP-PRA <CHP-PRA@chp.ca.gov>

Cc: Alex Emslie <aemslie@kqed.org>

Dear CHP,

My colleague Alex Emslie sent a check for these records a couple of weeks ago. I just wanted to confirm that it was received and get a sense of when we can expect to receive the disk in the mail?

Best,
Sukey

On Mon, Dec 2, 2019 at 1:15 PM PRA Coalition <ca.news.coalition.pras@gmail.com> wrote:

Dear CHP Officials,

Thank you for the update and the information. My colleague Alex Emslie will send you a check for \$5 for the compact disk of the 2015 records. Please let us know when you have received it.

Thank you,
Sukey

On Wed, Nov 27, 2019 at 3:22 PM CHP-PRA <CHP-PRA@chp.ca.gov> wrote:

To Whom It May Concern,

Please see the attached document for a response to your California Public Records Act request, dated December 31, 2018.

Thank you,

California Highway Patrol
Office of Risk Management
Public Records Unit
(916)-843-4030

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Reporters: Thomas Peele of the Bay Area News Group, Alex Emslie and Sukey Lewis of KQED

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Reporters: Thomas Peele of the Bay Area News Group, Alex Emslie and Sukey Lewis of KQED

EXHIBIT W



PRA Coalition <ca.news.coalition.pras@gmail.com>

RE: California Public Records Act Request

1 message

CHP-PRA <CHP-PRA@chp.ca.gov>

Mon, Dec 23, 2019 at 1:44 PM

To: PRA Coalition <ca.news.coalition.pras@gmail.com>

Good afternoon,

As of today's date, PRU has not received payment from you for the records identified in our November 27, 2019, correspondence.

Thank you,

California Highway Patrol

Office of Risk Management

Public Records Unit

(916)-843-4030

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From: PRA Coalition <ca.news.coalition.pras@gmail.com>

Sent: Tuesday, December 17, 2019 3:15 PM

To: CHP-PRA <CHP-PRA@chp.ca.gov>

Cc: Alex Emslie <aemslie@kqed.org>

Subject: Re: California Public Records Act Request

Dear CHP,

My colleague Alex Emslie sent a check for these records a couple of weeks ago. I just wanted to confirm that it was received and get a sense of when we can expect to receive the disk in the mail?

Best,

Sukey

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Dear CHP Officials,

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Thank you,

Sukey

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To Whom It May Concern,

Please see the attached document for a response to your California Public Records Act request, dated December 31, 2018.

Thank you,

California Highway Patrol
Office of Risk Management
Public Records Unit
(916)-843-4030

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Reporters: Thomas Peele of the Bay Area News Group, Alex Emslie and Sukey Lewis of KQED



Determination Letter 2 - Signed.pdf

338K

EXHIBIT X



Adv Plus Banking ^{REDACTED} Account Activity Transaction Details

Check number: 00000000413

Post date: 01/16/2020

Amount: -5.00

Type: Check

Description: Check

Merchant name: STATE OF CALIFORNIA

Transaction category: Finance: Taxes

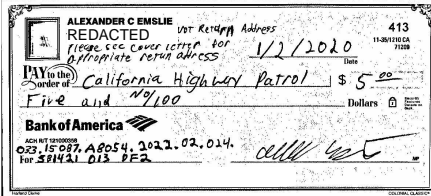


EXHIBIT Y



PRA Coalition <ca.news.coalition.pras@gmail.com>

More Correspondence on Ridiculously Slow/Non-Response to Jan. 1, 2019 Public Records Request

1 message

PRA Coalition <ca.news.coalition.pras@gmail.com>

Wed, Feb 26, 2020 at 4:26 PM

To: CHP-PRA <CHP-PRA@chp.ca.gov>

Bcc: Sukey Lewis <slewis@kqed.org>, rhopkins@kqed.org, blowery@kqed.org

Hello CHP-PRA,

I'm writing to follow up and memorialize a couple of phone conversations I've had with representatives of the public records unit and to file an additional public records request.

First and foremost, we request that CHP update us on the status of its response to our 14-month-old request for public records. Please confirm that CHP will do so, in writing, at least every two weeks.

From our perspective as requestors, we do not believe CHP has at all acted in good faith to respond to our Jan. 1, 2019, public records request -- now about 14 months old. On its face, we believe the evidence of that is that we have received exactly NO, ZERO responsive records from CHP to date.

CHP's unilateral decision to focus on the oldest files it has first, and therefore to effectively ignore our request for files pertaining to incidents that occurred between Jan. 1, 2014, and Dec. 31, 2018, is further evidence of your agency's deliberate stalling to provide these records. We have repeatedly requested CHP prioritize the most recent case files first, requests which have been ignored.

A representative of your public records unit informed me by phone today that CHP has created NO index or list of responsive records to date. I do not pretend to understand your agency's internal processes, but it baffles me that your agency could be 14 months into, theoretically, working promptly to provide responsive records, and still has no accounting whatsoever of the cases that might be responsive to our request.

In fairness, CHP has determined that two (2) case files are responsive to our request and fall within the time period we requested. CHP then passed on duplication costs to us, which we paid (first check processed 11/15/2019, second check processed 1/16/2020). CHP then failed to provide those case files and has issued a list of excuses involving several layers of internal review, staffing changes and some kind of computer problem.

CHP owes us and is overdue to provide the case files we've already paid for. I understand that has been "expedited," so much so that CHP can provide no estimated date on when they might be provided.

Under Cal. Gov. Section 6253.1 et. seq., CHP is required to assist requestors in identifying records and information that is responsive to our request. CHP has not done so, and has instead outright refused to give any information on the number and types of cases that may be ultimately responsive to our request. CHP has also provided no suggestions for overcoming any practical basis what amounts to an effective denial, due to prolonged non response, of our request for this public information.

CHP issued a determination and estimated date of provision of these records of June 2020. Given that it has taken CHP 14 months and counting to provide two case files, and given that CHP has an untold number of case files to provide, but which I'd expect to be in the dozens or hundreds, I cannot see how that estimate is in any way accurate or made in good faith.

As an aside, it may interest you to know that the California Department of Corrections has provided us with hundreds of case files to date. CDCR is also a large law enforcement agency disbursed throughout the state, and yet somehow have managed to comply with the law. Evidence, I suggest, that it could be done if CHP were willing to do it.

New Public Records Request:

We hereby request any record in possession of the California Highway Patrol's main office AND/OR any of its divisions that catalogues or indexes responsive case files releasable, or potentially releasable, under Senate Bill 1421.

Such an index would assist us in narrowing our request, should we choose to do so. I believe it would also be absolutely necessary to conduct a good-faith response to our public records request. If it is true that CHP has not created and does not maintain any such index, then we request the following:

Any directives, memorandum or ANY documentation that describes how CHP will respond to public records requests made under Senate Bill 1421.

Please respond to this email,

Alex Emslie

--

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Reporters: Thomas Peele of the Bay Area News Group, Alex Emslie and Sukey Lewis of KQED

EXHIBIT Z

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
OFFICE OF RISK MANAGEMENT
Public Records Unit
PO Box 942898
Sacramento, CA 94298-0001
(916) 843-4030
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



March 9, 2020

File No.: 033.16307.A18052.2023.03.079

Alex Emslie
ca.news.coalition.pras@gmail.com

Dear Mr. Emslie:

The California Highway Patrol, Office of Risk Management, Public Records Unit (PRU), received your California Public Records Act request, dated and received by this office on February 26, 2020. Please accept this correspondence as a determination on your request.

In your request you asked for the following:

1. "First and foremost, we request that CHP update us on the status of its response to our 14-month old request for public records. Please confirm that CHP will do so, in writing, at least every two weeks.
2. We hereby request any record in possession of the California Highway Patrol's main office AND/OR any of its division that catalogues or indexes responsive case files releasable, or potentially releasable, under Senate Bill 1421.
3. Any directives, memorandum or ANY documentation that describes how CHP will respond to public records requests made under Senate Bill 1421."

As your request relates to item 1 for a status update on your request from 14-months ago [received January 2, 2019], PRU has sent the disclosable SB 1421 records for Officer Larios' in a separate correspondence. As for all records pursuant to SB 1421, the Department is currently conducting a review of all records not released. Once the review process is complete, you will receive the records for Officer McGrew for which the payment was received on November 6, 2019. Please note, the review for Officer McGrew records has been made a high priority and will be released at its earliest convenience.



Alex Emslie
Page 2
March 9, 2020

As your request relates to item 2 pertaining to receiving catalogues or indexes for SB 1421 records, PRU has determined the Department does not possess records responsive to your request.

As your request relates to item 3 pertaining to any directives, memorandum, and documentation for CHP's procedure for processing Senate Bill 1421 public records requests, PRU has compiled 9 individual pages, which are available for release.

To offset its duplication costs, the Department currently charges requesters a duplication fee of \$0.30 per page for records; therefore, if you wish to receive this set of records, please forward a check or money order in the exact amount of \$2.70 for printed records, or \$5.00 for (1) one compact disc which will contain all releasable records, to:

California Highway Patrol
Office of Risk Management
P.O. Box 942898
Sacramento, CA 94298-0001
Attention: Public Records Unit

Please make the check or money order payable to the "California Highway Patrol." Once payment is received, these records will be prepared and mailed to you on an expedited basis.

If you have any questions, or if you need additional information, please contact any member of the Public Records Act Unit, at (916) 843-4030.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. Eccles', written over a horizontal line.

T. ECCLES, Captain
Commander
Office of Risk Management

EXHIBIT AA



PRA Coalition <ca.news.coalition.pras@gmail.com>

Re: California Public Records Act Request

1 message

PRA Coalition <ca.news.coalition.pras@gmail.com>

Wed, Mar 11, 2020 at 4:56 PM

To: CHP-PRA <CHP-PRA@chp.ca.gov>

Bcc: Sukey Lewis <slewis@kqed.org>, jsmall@kqed.org

Hello,

It appears to me that the most efficient manner, for all parties, to provide nine pages of responsive records would be to simply email those pages to us, as they were almost certainly created in electronic form and are stored as electronic .pdfs, or could be very easily converted and emailed.

I am mailing a check for \$2.70, regardless, as we hope to avoid previous delays related to provision of other responsive records attributed technical issues with putting files onto a CD. This is an exception to our general preference of receiving responsive records in electronic format.

Please just email these nine pages to us. If you must, please expeditiously mail hard copies to us after cashing my check for \$2.70.

Thank you,

Alex Emslie

On Mon, Mar 9, 2020 at 8:33 AM CHP-PRA <CHP-PRA@chp.ca.gov> wrote:

Good Day Mr. Emslie,

Please see the attached document(s) for a response to your California Public Records Act request, dated February 26, 2020.

Thank you,

California Highway Patrol

Office of Risk Management

Public Records Unit

(916)-843-4030

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