



City Attorney

May 18, 2015

Sent via Email and U.S. Mail

Citizens' Oversight Projects
Raymond Lutz
771 Jamacha Rd. #148
El Cajon, CA 92019
Email: raylutz@citizenoversight.org

Re: Public Records Act Requests received April 27, 2015

Dear Mr. Lutz:

Your request of the above date made pursuant to the California Public Records Act ("CPRA") California Government Code Section 6250 et seq., was forwarded to our office for review and response. You requested any documents related to citizen's complaints against police officers.

Documents that we believe are responsive to your request are being provided to you. The records being provided consist of copies of:

- A claims analysis summary report tracking claims for money damages against the City in the past five years. These records are maintained by the City Manager's Office. The name of one claimant is redacted because that claimant is a juvenile.

The summary does not have a cell to track the claims that resulted in litigation. Accordingly, a handwritten "L" is provided on the right hand side of the summary to indicate which cases have resulted in litigation.

(Note that one incident involving a sexual harassment claim by three claimants is included separately. Although the incidents themselves occurred outside the five years period requested, the matter was closed in 2010.)

- A Police Department summary of citizen complaints showing the year, the substance of the allegations and the disposition of the complaint.

As to the disclosability of the complaints themselves, with specific exceptions not applicable here, all citizen complaints in peace officer or custodial officer personnel records and records maintained by any state or local agency pursuant to

California Penal Code ("Penal Code") Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code. (Penal Code Section 832.7, Government Code Section 6254(c) and 6254(k).) Pursuant to case law, this protection for peace officer personnel records also extends to public records requests. (*The Copley Press, Inc. v. Superior Court* (2004) 122 Cal.App.4th 489.)

- Informal complaints submitted to the City Manager's Office by means of the City's website contact form. Where applicable, these reports will be redacted to protect personal private information of individuals making such complaints.
- City's Policy A-5 regarding Claims Against the City for Damage to Person or Property; the City's policy B-1 for Complaints Regarding Inadequate Service or Employee Misconduct; Chapter 1.10 of the El Cajon Municipal Code related to claims; and El Cajon Police Department Citizen Complaint Policies.

See also: <http://www.elcajonpolice.org/resources/complaint-procedure/> for the police department procedure published online.

Where applicable, due to personal privacy interests protected by provisions of the California Constitution and the U.S. Constitution, the constitutional right to and fundamental interest in privacy recognized in the CPRA, and public policy concerns regarding the dissemination of personal information, all personal phone numbers, addresses, and email addresses of persons contained in any of the above-described records will be redacted. (Cal. Const., art. I, §1; U.S. Const. amend. XIV; Government Code Sections 6254(c) and (k).)

Additionally, any of the above-described records containing personal, email addresses, cell phone numbers, codes, and other confidential information will be redacted, pursuant to Government Code §6255, because the public interest in non-disclosure outweighs the public interest in disclosing this information. Disclosure of such records could subject citizens to unwarranted public scrutiny and harassment, and present a security risk to citizens if the information were to be released to the public.

You have specifically requested not to receive records of any claims or complaints themselves. As noted above, no citizen complaints maintained pursuant to Penal Code Section 832.5 will be provided in response to a Public Records Act request. The City does not maintain a record reflecting the number of pages these claims consist of and a number of the records of the claims are now held in offsite storage. Therefore, we are not able to provide you with a page count. However, for purposes of estimation, staff in the City Manager's Office estimates that

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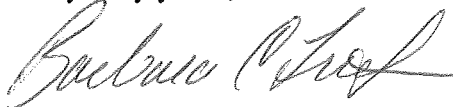
each claim not resulting in litigation consists of approximately 3-4 pages and each claim resulting in litigation consists of approximately 10-15 pages.

Any subsequent request for specific records related to claims recorded in the City Manager's summary will be considered new requests and records responsive to those requests will be evaluated individually to determine whether such records are subject to exemptions, exclusions or privileges at the time the request is made.

Due to the press of ongoing City business, and depending on the availability of staff to process your request, we estimate that we will be able to provide above referenced documents to you on or before May 21, 2015.

If you have any questions, please contact this office at (619) 441-1798. Thank you.

Very truly yours,



Barbara C. Luck
Staff Attorney

cc: Douglas Williford, City Manager
Morgan Foley, City Attorney
Belinda Hawley, City Clerk
Shannel Honore, Police Department Records Manager