

Note: On 5/26/09, PUEBLO sent a request for documents under the California Public Records Act to the SBPD. This was prepared with the help of Chris Ford, a Los Angeles attorney who has litigated Public Records Act cases. The Department complied only partially and beyond the statutory time limits. A subsequent slightly expanded request was sent at the end of August with comments on the documents so-far delivered. These comments appear in italics below. We never received many important documents. The draft letter below (without the italicized comments) provides a good idea of what kind of request is needed.

PUEBLO Educational Fund

Date

Camerino Sanchez, Chief of Police
Santa Barbara Police Department
215 E. Figuroa St.
Santa Barbara, CA 93101

RE: Public Records Act Request

Dear Chief Sanchez,

Pursuant to our rights under the California Public Records Act (Government Code Section 6250 et seq.), we ask to inspect the following, which we understand to be held by your agency:

1. All grant applications and requests for financial aid relating to traffic enforcement (e.g. grants to conduct checkpoints and roving patrols) submitted in 2006, 2007, 2008, and 2009, including responses and follow-up communications.

Comment added after receiving initial documents: *Materials were provided for what appear to be 2 grants, #PT0755 and AL0924. Are these the only two grants during the period 2006 through 2009? Are there no internal emails and documents relating to these?*

2. All additional written materials relating to implementation of checkpoints and roving patrols conducted in 2007, 2008, and 2009, including

- a. directives, guidelines, and protocols used by the Department for operating checkpoints and saturation patrols
- b. educational materials used in Departmental training for personnel involved in checkpoint and saturation patrol activities
- c. original data sheets (tallies) compiled during checkpoints and saturation patrols conducted during 2007, 2008, and 2009 (see sample form attached)

Comment added after receiving initial documents: *We find no documents relating to the criteria for stops during roving patrols and no guidelines given to*

"12500 VC/14601 VC STOP team" activities. The data sheets fail to reflect reasons for stops to check for licenses.

3. All reports, internal and provided to the public, the media, or to other agencies, relating to saturation patrols and checkpoints, (including materials relating to impounds) conducted by the Department during the years 2007, 2008, and 2009
4. All written materials relating to criteria used for vehicle tows and impoundments, including materials related to legal backing, training and instructions for officers, paperwork and forms given or mailed to the driver and/or car owner, paperwork and forms used internally when a vehicle is towed and impounded and all written materials given to or received from a tow company. (To clarify, this is not a request to examine records relating to individual cases.)
5. All materials governing 14602.6 impoundment hearing procedures, mitigation criteria, and statistics on decisions to mitigate or not to mitigate.
6. All written communications, including contracts or agreements, between tow companies and the Department during 2007, 2008, and 2009, including records of any cash payments or gifts or any other gratuities given by tow companies to the City or the Department or any member of the Department, and any emails, notes, or other materials relating to possible payments or gratuities of any sort provided by tow companies to the City, the Department, or members of the Department, including anything provided to officers conducting checkpoints (e.g. food, beverages).

Comment added after receiving initial documents: *Does the absence of any documents involving communications between tow companies and the Department (other than formal applications) indicate that there have never been such communications? Does the absence of any records of cash payments or gifts by tow companies indicate the absence of any such payments or gifts?*

7. In the past, the Department has distributed coffee mugs, T shirts, and other products publicizing the "No License, No Car, No Exception" policy. Please provide all documents relative to how these materials were paid for.
8. Any materials relating the revenue provided to the City or the Department as the result of tows and impoundments.
9. Annual statistics relating to the number of CVC 14601 citations issued and separately the number of 12500 citations issued (by month, if available) during 2007, 2008, and 2009 YTD.

We understand that this is a large request and that the requested documents may be in different locations. We will begin with examination of the items in 1, then proceed to 2, etc., a process that may take several days.

If there is any question as to the nature of the records requested, please contact us immediately. We are asking for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make that determination without having to review the records in question.

If you determine that any or all of the information qualifies for an exemption from disclosure, we ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, we ask that you inform us of your decision, and redact it for the time being and make the rest available as requested.

In any event, please provide a signed notification citing the legal authorities you rely on if you determine that any or all of the information is exempt and will not be disclosed.

Under the Public Record Act, there is a difference between inspection of public records and a written request for a copy of those records. We are simply requesting inspection at this time, and per Government Code section 6253, public records "are open to inspection at all times during the office hours" of the governmental entity that has the records.

If we can provide any clarification that will help expedite your attention to our request, please contact Belén Seara through her cell phone 551-404-8804 or by emailing belen@sbpueblo.org.

We are sending a copy of this letter to the City Attorney to help encourage a speedy determination, and we would likewise be happy to discuss my request with him.

Thank you for your time and attention to this matter.

Sincerely,

Belén Seara
PUEBLO Immigration Committee
PUEBLO Educational Fund

/cc City Attorney