

Date

Name and title [of the official/agency with custody of the records]

Name of Agency

Address

Re: Public Records Act Request

Dear [name of agency head or records clerk]:

This is a request made under the California Public Records Act for records subject to disclosure under Penal Code Section 832.7, which gives the public the right to know about certain incidents of officer misconduct and uses of force.

With respect to incidents that occurred/or involve [provide date or date range or officer name or other information about the incident you are interested in], this request is for any and all records related to [any of the following categories you wish to request]:

- **Incidents involving the discharge of a firearm at a person by a peace officer or custodial officer;**
- **Incidents in which the use of force by a peace officer or custodial officer against a person resulted in death or great bodily injury;**
- **Incidents in which there was a sustained finding of dishonesty by any peace officer or custodial officer;**
- **Incidents in which there was a sustained finding of sexual assault by a peace officer or custodial officer involving a member of the public;**
- **A sustained finding involving a complaint that alleges unreasonable or excessive force;**
- **A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive;**
- **Incidents in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in conduct including, but not limited to, verbal statements, writings, online posts, recordings, and gestures, involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status;**
- **Incidents in which a sustained finding was made by any law enforcement agency or oversight agency that the peace officer made an unlawful arrest or conducted an unlawful search.**

If you contend that any portion of the records requested is exempt from disclosure by express provisions of law, Government Code section 7922.525(b) requires segregation and redaction of that material in order that the remainder of the records may be

released. If you contend that any express provision of law exempts from disclosure all or a portion of the records I have requested, Government Code section 7922.535(a) requires that you notify me of the reasons for the determination not later than 10 days from your receipt of this request. Government Code sections 7922.500 & 7922.540(a) require that any response to this request that includes a determination that the request is denied, in whole or in part, must be in writing and include the name and title of the person(s) responsible for the City's response.

Government Code section 7922.500 prohibits the use of the 10-day period, or any provisions of the CPRA or any other law, "to delay access for purposes of inspecting public records."

In responding to this request, please keep in mind that Article 1, § 3(b)(2) of the California Constitution expressly requires you to broadly construe all provisions that further the public's right of access, and to apply any limitations on access as narrowly as possible.

If I can provide any clarification that will help expedite your attention to my request, please contact me at [provide phone or email address], pursuant to Government Code Section 7922.600. Because I [explain any role in the incident at issue — e.g., if you are a relative of an individual harmed, etc. — or if you represent a nonprofit public interest organization that intends to distribute this information] I request that you waive any fees. *North Cty. Parents Ass'n v. Dep't of Ed.*, 23 Cal. App. 4th 144, 148 (1994); Cal. Gov. Code § 7922.505. In any event, to the extent records responsive to my request include audio or video recordings, chargeable fees for such recordings are limited to "direct costs of duplication," and cannot include time spent reviewing or redacting any recordings that are covered by my request. *Nat'l Lawyers Guild v. City of Hayward*, 9 Cal. 5th 488, 506-507 (2020). Finally, I ask that you notify me of any duplication costs exceeding [\$___] before you duplicate the records so that I may decide which records I want copied.

[Optional additional language you may wish to include]

To further aid in your processing of this request, we remind you what the law says about your obligations:

- Many kinds of records must be disclosed, including "all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports;" in addition, any presentations, memos, or other materials compiled about a relevant incident and given to someone responsible for bringing criminal charges, or taking administrative action, or taking disciplinary action; any presentations, memos, letters, or other materials describing proposed or final findings about discipline, or modifications of discipline due to the Skelly or grievance process. Penal Code section 832.7(b)(3).

- **Whether you created the records or not, and whether the records concern your officers or others, your agency must disclose all requested records in its possession. *Becerra v. Superior Court*, 44 Cal. App. 5th 897, 918 (2020).**
- **A “sustained finding” means “a final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal... that the actions of the peace officer or custodial officer were found to violate law or department policy.” Penal Code section 832.8(b).**
- **Even when the officer involved in an alleged incident has resigned before an investigation is over, please produce all records available. Penal Code section 832.7(b)(3).**

As long as there was an opportunity for an appeal, even if an appeal hearing isn’t completed, an internal investigation can be final and its finding remains sustained. *Collondrez v. City of Rio Vista*, 61 Cal. App. 5th 1039, 1053 (2021).

Thank you for your timely attention to this matter.

**Sincerely,
[NAME]**