

Sample Public Records Act request for audio or video recordings of critical incidents under Assembly Bill 748

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 recordings relating to “critical incidents,” as defined by Government Code Section 7923.625.

This request is for any and all audio or video recordings that depict incidents [include a date range here, if possible, to help focus the request] involving:

- **the discharge of a firearm at a person by a peace officer or custodial officer; or**
- **the use of force by a peace officer or custodial officer against a person that resulted in death or great bodily injury**

[Alternatively, if you are seeking records about one or more specific incidents, provide as many details as possible about the incident(s) in question.]

Please be advised that your agency must interpret “great bodily injury” consistently with the broad manner in which California courts have interpreted the term.

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 and 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 agency’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, Section 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 your obligations under Government Code Section 7922.600 that require you to assist in making a focused and effective request. 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 Section 7922.505. In any event, chargeable fees for recordings like those I seek are limited to “direct costs of duplication,” and cannot include time spent reviewing or redacting the recordings. *Nat'l Lawyers Guild v. City of Hayward*, 9 Cal. 5th 488, 506-507 (2020). Thank you for your timely attention to this matter.

Sincerely,

[NAME]