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Re: Public Records Act Requests

Ladies and Gentlemen:

We are in receipt of your requests for public records related to the Officer-Involved Shootings which occurred in Salinas on March 20, 2014; May 9, 2014; and May 20, 2014. Some of the requests were broader and more comprehensive than others. To be sure each of you has the same information the different requests have been summarized, below, along with the City's response to each.

Request No. 1: Any records which identify the Salinas Police Officers involved in the March 20, 2014; May 9, 2014; and May 20, 2014 Officer-Involved Shootings.

Response No. 1: At this time, the City declines to disclose any records which identify the Salinas Police Officers involved in the March 20, 2014; May 9, 2014; and May 20, 2014 Officer-Involved Shootings. The City's declination is made pursuant to California

Government Code section 6254, subdivision (f); California Government Code section 6255, subdivision, (a); the California Supreme Court's recognition in Long Beach Police Officers Assn. v. City of Long Beach (Dock. No. S200872 May 29, 2014) _____ Cal. 4th _____. of circumstances which justify withholding their identities; and the public's interest in officers' safety, which clearly outweighs the public interest in disclosure of their identities at this time.

This request has been viewed, and the City's response has been made, in light of the California Supreme Court's decision in the Long Beach case. In that decision, although the Court found inadequate the evidence provided in support of the refusal to disclose the officers' identities, the Court reiterated its recognition that in appropriate circumstances the public interest in officer safety or other reasons peculiar to the officers' duties may clearly outweigh the public interest in disclosure of their identities. (See Slip Opn., pp. 16-18).

Instead of vague statements, as was the showing in the Long Beach case, here there have been numerous threats against the lives of officers specifically referencing and arising from the incidents at hand, posted on social media, written on the walls and other areas surrounding the Police Department, the vicinity of the May 20, 2014 Officer-Involved Shooting and other areas within the city, and emailed directly to the Salinas Police Department.

Neither the City's withholding of information which identifies the officers involved for purposes of their safety, nor the existence of threats against them, should be considered as any implication of any wrongdoing by those officers.

Request No. 2: The Salinas Police Department's "Incident Reports" documenting the March 20, 2014; May 9, 2014; and May 20, 2014 Officer-Involved Shootings.

Response No. 2: The City declines to disclose the Salinas Police Department's "Incident Reports" or other records documenting the May 9, 2014 and May 20, 2014 Officer-Involved Shootings and, while not specifically requested, also declines to disclose such records documenting the March 20, 2014 Officer-Involved Shooting.

Notwithstanding the Long Beach Court's brief discussion of a portion of subdivision (f) of California Government Code section 6254, that exemption also contains both disclosure requirements and an exception to its disclosure requirements which is applicable here: Information which might otherwise be required to be disclosed may be withheld if its release would "endanger the safety of a witness or other person involved in the investigation, or...endanger the successful completion of the investigation or a related investigation."

The City's declination to release the records requested here is also made pursuant to California Government Code section 6254, subdivision (b), (c), (f), and (k), as, among

other things, the disclosure of the requested records would endanger the safety of witnesses and other persons involved in the investigation and endanger the successful completion of one or more of the investigations.

Request No. 3: Information and/or documentation on any previous shooting incident involving any of the officers who fired their weapons during the May 9, 2014 or the May 20, 2014 Officer-Involved Shootings in Salinas.

Response No. 3: Refer to Response No. 1 and Response No. 2, above.

Request No. 4: The names of all Salinas Police Officers involved in all Officer-Involved Shootings for the past five and a half years, from January 1, 2009 through June 10, 2014, including (a) the date and place of each shooting, (b) the names of people shot and the results (whether the person died or was injured), and (c) any additional details about the circumstances of the shootings that are available.

Response No. 4: To the extent that the safety of the officers involved in Officer-Involved Shootings for the period January 2009 through June 10, 2014, is not compromised and to the extent the public interest in disclosure of their identities outweighs the City's withholding their names, the City provides the following in response to this Request No. 4:

January 1, 2009 through December 31, 2009: No Officer-Involved Shootings

January 1, 2010 through December 31, 2010: No Officer-Involved Shootings

January 1, 2011 through December 31, 2011: No Officer-Involved Shootings

January 1, 2012 through December 31, 2012:

Incident Date: September 28, 2012

Location: 1920 Constitution Boulevard

Name of Person Involved; Result: Richard Chacon; Deceased.

Salinas Police Officers Involved: Robert Zuniga, Mas Yoneda

January 1, 2013 through December 31, 2013:

Incident Date: July 26, 2013

Location: 131 Kern Street

Name of Person Involved; Result: Juan Acuna; Deceased.

Salinas Police Officers Involved: At this time, the City declines to disclose the identities of the Salinas Police Officers involved in the July 26, 2013 Officer-Involved Shooting. The City's declination is made pursuant to California Government Code section 6255, subdivision, (a); the California Supreme

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Court's recognition in Long Beach Police Officers Assn. v. City of Long Beach (Dock. No. S200872 May 29, 2014) ____ Cal. 4th ____ of circumstances which justify withholding their identities; and the public's interest in officers' safety, which clearly outweighs the public interest in disclosure of their identities at this time.

Incident Date: September 13, 2013

Location: East Market Street/Pajaro Street

Name of Person Involved; Result: Charlene Hale; Survived.

Salinas Police Officers Involved: Jeff Alford

January 1, 2014 through December 31, 2014: Refer to Response No. 1 and Response No. 2, above.

Please note that the City is not publishing the names of the Salinas Police Officers identified in response to this Request No. 4 and is not issuing a press release with respect to the names of the Salinas Police Officers identified in response to this request. These officers' names, and the details of these Officer-Involved Shootings, are provided solely for purposes of responding to this Request No. 4 and publication of these Officers' names is a decision each of you must make.

Please let me know if you have any questions.

Sincerely,



Christopher A. Callihan
City Attorney

CAC/ns

cc: Mayor and City Council
City Manager
Police Chief
Police Records Coordinator