

From: "John E. Colby" <colby@docktorcat.com>
Subject: **CPRA request for SCPD's current policies regarding third party access to investigations and third party representatives**



Date: August 15, 2012 9:42:49 PM PDT

To: Trisha Husome <thusome@cityofsantacruz.com>

Cc: Don Lane <dlane@cityofsantacruz.com>, citycouncil@cityofsantacruz.com, John Barisone <JBarisone@abc-law.com>, Martín Bernal <mbernal@cityofsantacruz.com>, "James R. Grow" <jgrow@nhlp.org>, Cedric Ricks <cricks@nationalfairhousing.org>, Deidre Swensnik <dswesnik@nationalfairhousing.org>, "Maria F. Cremer" <Maria.F.Cremer@hud.gov>, Larry Wuerstle <larry.wuerstle@hud.gov>, "Kimberly Y. Nash" <kimberly.y.nash@hud.gov>, Greg Archer <garcher@gtweekly.com>, Terry Francke <terry@calaware.org>

August 15, 2012

Trisha Husome, Records Manager
Santa Cruz Police Department
155 Center Street
Santa Cruz, CA 95060
Tel: 831.420.5874

via email to: TThusome@cityofsantacruz.com

cc: dlane@cityofsantacruz.com

cc: citycouncil@cityofsantacruz.com

cc: JBarisone@abc-law.com

cc: mbernal@cityofsantacruz.com

cc: jgrow@nhlp.org

cc: cricks@nationalfairhousing.org

cc: dswesnik@nationalfairhousing.org

cc: Maria.F.Cremer@hud.gov

cc: larry.wuerstle@hud.gov

cc: kimberly.y.nash@hud.gov

cc: garcher@gtweekly.com

cc: terry@calaware.org

Re: CPRA request for SCPD's current policies regarding third party access to investigations and third party representatives

Dear Ms. Husome:

I am writing to submit a request under the California Public Records Act (CPRA) to assist Megan Andrea Morgan and other disabled people I represent and advocate for to exercise their civil rights.

It is *critical* to protecting their civil rights that I request the information I seek.

On July 29, 2012, Ms. Morgan was assaulted based upon her disabilities at the Homeless Services Center dining hall by a church volunteer of the Elevation Church of the Authentic Relevant Jesus (<http://new.elevationsc.org/>). On July 31, 2012, accompanied by my sister Patricia Colby acting on my behalf as her representative and advocate, Ms. Morgan filed assault charges against this church volunteer at the Santa Cruz Police Department (SCPD) station with Officer Peabody. After interviewing them, Officer Peabody indicated the alleged incident constituted assault and that he was referring it to a detective to investigate.

On August 8, 2012, I called the SCPD's Investigation Section and learned that no detective had yet been assigned to this case. When I asked if Ms. Morgan's case had been collecting dust for over a week, Investigations Section staff refused to provide me any more information and referred me to you. Since then, I have been unsuccessfully trying to gain from you instructions on how Ms. Morgan, my sister and other disabled people I represent and advocate for, may authorize me to access information about their investigations. Please see the Santa Cruz Indymedia article and the copied email correspondence below. You seem to be ignoring me.

<http://www.indybay.org/newsitems/2012/08/02/18718703.php>

From this and information gained from the Homeless Services Center, the SCPD appears to be refusing to investigate this disability motivated assault. I believe this is because the City of Santa Cruz directly funds the Homeless Services Center and Santa Cruz Mayor Don Lane is the president of its board of directors.

The City of Santa Cruz also provides HUD grant money to the Homeless Services Center.

In order to protect the disability rights of Ms. Morgan, my sister Patricia Colby and other disabled people who I represent and advocate for, I am requesting:

the records which fully set forth the SCPD's current policies on third party access to investigations information and the SCPD's most current policies about third parties acting as representatives for victims of crimes committed in the City of Santa Cruz.

As these records are of public interest, since they may be made available to federal investigators, nonprofit groups and the news media, and they are fundamental to protecting the civil rights of disabled individuals, I ask you to waive any exemptions to disclosing these records.

I ask:

- if you determine that any or all of the information qualifies for an exemption from disclosure, to note whether, as is normally the case under the Act, whether the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.
- in case you decide that any of the information is exempt, please explain how the interest in not disclosing the information outweighs the public interest in disclosing it.
- in case you decide that any responsive records are exempt from disclosure please list them and the claimed exemptions for me so that I may exercise my due process rights in disputing the exemption and otherwise exercise my rights under the CPRA administratively or in a court of law.
- if you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, that you redact it for the time being and make the rest available as requested.
- if there is any information in these records which is private and you decide it is exempt information, yet it is in an otherwise disclosable document, please segregate the private information by redacting it while providing me the rest of the unredacted record.
- if these documents are available in an electronic format such as Portable Document Format (PDF), eXtensible Style Language (XLS), MS Word Document (DOC), Rich Text Format (RTF), Hypertext Markup (HTM), plain electronic text (TXT), native email formats — like AOL for Windows, Apple Mail, Claris EMailer, Compuserve, EML, Entourage, Eudora, Maildir, MBOX File, Mulberry, Neoplanet, Outlook, Outlook Express, Outspring, Powertalk, Quickmail Pro, Thunderbird, Windows Mail, Windows Live Mail, Yahoo Archive! — or as hyperlinks to the Internet that they be provided to me in one of those forms, preferably in their native form.

I am willing to pay a fee of up to \$30 for this request. If you estimate the cost will exceed this, please contact me first before completing it. Please contact me if you have any questions about my request.

Thank you for your assistance in protecting the civil rights of disabled individuals who I represent and advocate for.

Respectfully yours,

John E. Colby, Ph.D.

email: colby@docktorcat.com

telephone: 831.471.9767

cellphone: 831.419.1521

fax: 831.218.4121

postal address:

849 Almar Avenue, Suite C-242

Santa Cruz, CA 95060

Begin forwarded message:

From: "John E. Colby" <colby@docktorcat.com>

Date: August 13, 2012 10:58:25 PM PDT

To: Trisha Husome <thusome@cityofsantacruz.com>

Cc: citycouncil@cityofsantacruz.com, "Maria F. Cremer" <Maria.F.Cremer@hud.gov>, Larry Wuerstle <larry.wuerstle@hud.gov>, "Kimberly Y. Nash" <kimberly.y.nash@hud.gov>, "Patricia Colby" <pecolbe@yahoo.com>, Greg Archer <garcher@gtweekly.com>

Subject: **My questions about what Ms. Morgan and others must do for me to receive information about their investigations**

August 13, 2012

Trisha Husome, Records Manager
Santa Cruz Police Department (SCPD)
155 Center Street
Santa Cruz, CA 95060
Tel: 831.420.5874

via email to: THusome@ci.santa-cruz.ca.us

cc: citycouncil@cityofsantacruz.com

cc: Maria.F.Cremer@hud.gov

cc: larry.wuerstle@hud.gov

cc: kimberly.y.nash@hud.gov

cc: pecolbe@yahoo.com

cc: garcher@gtweekly.com

re: My questions about what Ms. Morgan and others must do for me to receive information about their investigations

Dear Ms. Husome:

You seem to be evading my questions to you about me representing and advocating for Ms. Morgan (and others). Since Ms. Morgan acknowledges me as her representative/advocate — as she did to Officer Peabody when she was interviewed by him and I am more accessible than Ms. Morgan — I am asking you these questions, not Ms. Morgan. Moreover, I am more able to understand your answers so that Ms. Morgan (and others) may correctly act upon them.

I am also asking for my own information since I represent and advocate for other disabled individuals, like my sister Patricia Colby.

Questions:

Will you allow Ms. Morgan to show her ID at the SCPD front desk and ask that I be allowed to view her records and inquire about her investigations? If not, what are you asking Ms. Morgan to do for me to gain this information?

Alternative questions:

Will you allow my sister Patricia Colby or any of the other disabled individuals I represent and advocate for to show their IDs at the SCPD front desk so that I will be allowed to view their records and inquire about their investigations? If not, what are you asking my sister Patricia Colby and the other disabled individuals I represent and advocate for to do for me to gain this information?

Points:

There is no reason you cannot answer my questions for Ms. Morgan since they involve no privacy issues. The only motive I can construe in evading answering is that you are impeding Ms. Morgan from having me represent and advocate on her behalf to require the SCPD to investigate her case of disability motivated assault at the Homeless Services Center.

Alternative point: There are no privacy issues involved in answering my alternative questions since they are hypothetical.

Thank you for aiding me in assisting Ms. Morgan and other disabled individuals who I represent and advocate in exercising their disability rights. Thank you for aiding me by learning how to gain information to have Ms. Morgan's case of disability motivated assault at the Homeless Services Center investigated.

Thank you for also providing me this information so that I may use it for the other disabled individuals I represent and advocate for, like my sister Patricia Colby.

Sincerely yours,
John E. Colby, Ph.D.

email: colby@docktorcat.com

telephone: 831.471.9767
cellphone: 831.419.1521
fax: 831.218.4121

postal address:
849 Almar Avenue, Suite C-242
Santa Cruz, CA 95060

Begin forwarded message:

From: Trisha Husome <thusome@cityofsantacruz.com>
Date: August 13, 2012 9:41:00 PM PDT
To: "John E. Colby" <colby@docktorcat.com>
Subject: RE: Request Ms. Morgan be allowed to show ID at front desk and acknowledge I be given info about her investigations/records

Mr. Colby,

I would be happy to speak with Ms. Morgan again about matters relating to her records. Please have her phone me.

Trisha Husome
Records Manager
Santa Cruz Police Department

From: John E. Colby [<mailto:colby@docktorcat.com>]
Sent: Wednesday, August 08, 2012 11:16 AM
To: Trisha Husome
Cc: Jonathan Teitel; Maria F. Cremer; Larry Wuerstle; Kimberly Y. Nash; 'Patricia Colby'
Subject: Request Ms. Morgan be allowed to show ID at front desk and acknowledge I be given info about her investigations/records

August 08, 2012

Trisha Husome, Records Manager
Santa Cruz Police Department
155 Center Street
Santa Cruz, CA 95060
Tel: 831.420.5874

via email to: THusome@ci.santa-cruz.ca.us

cc: Jonathan.Teitel@usdoj.gov

cc: Maria.F.Cremer@hud.gov

cc: larry.wuerstle@hud.gov

cc: kimberly.y.nash@hud.gov

cc: pecolbe@yahoo.com

re: Request Ms. Morgan be allowed to show ID at front desk and acknowledge I be given info about her investigations/records

Dear Ms. Husome:

The question I will pose to you is of critical importance to Megan Andrea Morgan because she is being denied her due process rights at the Homeless Services Center and the River Street Shelter — she is being denied shelter at those places.

On Tuesday, July 31, 2012 Ms. Morgan filed assault charges against a member of the Elevation Church of the Authentic Relevant Jesus who she alleges assaulted her based upon her disability during their Sunday, July 29, 2012 breakfast at the Homeless Services Center. The incident number is 12S-06566. The Investigations Section told me that a detective had not been assigned to this case. When I probed further, asking if this case has just been collecting dust for over a week, the Investigations staff person consulted their supervisor and said that I would need to consult with you — that my gaining information about Ms. Morgans investigations as her advocate and representative is a records issue.

Ms. Morgan should be allowed to show her ID at the front desk and ask that I be allowed to view her records and inquire about her investigations — it would be odious and unproductive to force her to gain a notarized statement because the notarized statement just verifies her identity which her photo ID does.

I don't know why Officer Peabody didn't ask Ms. Morgan when she was being interviewed — since my sister informed Officer Peabody that she was standing in for me as Ms. Morgan's representative and advocate — if Ms. Morgan was willing to have her police investigations and records information released to my sister and I.

Please advise me ASAP if you will allow Ms. Morgan to show her ID at the police station front desk for me to obtain information about her investigation and records, and if not what you are going to make her do to for me to be able to gain this information. Thank you for your immediate attention to this..

Sincerely yours,
John E. Colby, Ph.D.

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