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**Subject:** **CPRA request and inquiry for budget and policy documents about secret informants and intelligence operations**  
**Date:** January 6, 2013 1:39:34 AM PST  
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January 06, 2013

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re: CPRA request and inquiry for budget and policy documents about secret informants and intelligence operations

Dear Ms. Lehr:

I have made several California Public Records Act (CPRA) requests and an inquiry to Santa Cruz Police Department (SCPD) Records Supervisor Jacqueline Drechsler about the use of secret informants by the SCPD.

In light of the fact that secrecy in national government is expanding in menacing ways regarding its security apparatus while a great number of citizens want more transparency and openness about how our security agencies operate, I believe a public discussion of how the SCPD uses and spends money for secret informants and intelligence gathering is very timely. I believe a majority of Santa Cruz citizens want to know the SCPD's policies and budgets for secret informants and intelligence gathering, as well as what civilian oversight is exerted over secret informants and intelligence gathering (by the City Council).

The media is full of stories about the increasing intrusion of the nation's (and some cities') security agencies into the private lives of citizens and noncriminal organizations' activities. I believe it is time to look at this on a local level so that the people of Santa Cruz can debate whether these operations and spending are in line with democratic processes.

Ms. Drechsler has failed to provide me any budget which shows how much is spent by the SCPD on secret informants. Moreover, she cites an optional exemption in California law for the records about the security policies of law enforcement agencies to deny me policy documents.

Note that the cities of San Jose, San Francisco and Los Angeles (among others) provides their policy/duty manuals on their public websites:

[http://www.sjpd.org/records/Duty\\_Manual\\_2010\\_Electronic\\_Distribution.pdf](http://www.sjpd.org/records/Duty_Manual_2010_Electronic_Distribution.pdf)

<http://sf-police.org/index.aspx?page=1720>

[http://www.lapdonline.org/lapd\\_manual/](http://www.lapdonline.org/lapd_manual/)

I see no reason why the City of Santa Cruz should deny its citizens what those of San Jose, San Francisco and Los Angeles enjoy access to. Moreover, how can we have a public debate about the local security apparatus if the City of Santa Cruz denies its

citizens any access to information about it?

Subsequently, I am tentatively requesting until I may narrow this request: records which describe the use of informants and intelligence operations by the SCPD as well as their civilian oversight (by the City Council).

Pursuant to your statutory duty under the CPRA (§6253.1) —

6253.1. (a) When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:

(1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.

(2) Describe the information technology and physical location in which the records exist.

(3) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

(b) The requirements of paragraph (1) of subdivision (a) shall be deemed to have been satisfied if the public agency is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records.

(c) The requirements of subdivision (a) are in addition to any action required of a public agency by Section 6253.

(d) This section shall not apply to a request for public records if any of the following applies:

(1) The public agency makes available the requested records pursuant to Section 6253.

(2) The public agency determines that the request should be denied and bases that determination solely on an exemption listed in Section 6254.

(3) The public agency makes available an index of its records.

— I ask you to identify the following in order to help me narrow my CPRA request described above so as to identify records and information which are responsive to this request and to suggest how to overcome any practical basis for denying me access to these records:

1. What City of Santa Cruz systems of records contain information about SCPD informants and intelligence operations?

2. What kinds of records about SCPD informants and intelligence operations are stored, maintained and accessed by the City of Santa Cruz?
3. What kinds of records describing the SCPD's budgets for informants and intelligence operations are stored, maintained and accessed by the City of Santa Cruz?
4. How long does the City of Santa Cruz store, maintain and access different records for SCPD informants and intelligence operations?
5. A brief summary of what information different records for SCPD informants and intelligence operations stored, maintained and accessed by the City of Santa Cruz include.
6. What City of Santa Cruz records describe what other agencies are privy to the records the City of Santa Cruz stores, maintains and accesses about SCPD informants and intelligence operations?

**I ask that all exemptions except those which would reveal the identities of secret informants and intelligence operatives be waived because this information has great public value and I plan to share it with the news media being carbon copied.**

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.

Tentatively I am willing to pay a fee of up to \$20 for this request which may change depending on how you respond to my simultaneous CPRA inquiry. If you estimate the cost of my CPRA request will exceed this, please contact me first before completing my CPRA request. Please contact me if you have any questions about my simultaneous CPRA inquiry and request.

Thank you for your assistance in initiating a public discussion about the use of SCPD informants and intelligence operations as part of a larger national discussion about the intrusion of the state's security apparatus into the private lives of its citizens.

Respectfully yours,  
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