

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address):
Linnea Nelson (Bar No. 278960); Elizabeth Gill (Bar No. 218311)
 American Civil Liberties Union Foundation of Northern California
 39 Drumm Street
 San Francisco, CA 94111
 TELEPHONE NO.: (415) 621-2493 FAX NO.: (415) 255-8437
 ATTORNEY FOR (Name): **American Civil Liberties Union of Northern CA**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF **San Joaquin**
 STREET ADDRESS: **222 E. Weber Avenue**
 MAILING ADDRESS:
 CITY AND ZIP CODE: **Stockton, CA 95202**
 BRANCH NAME: **Stockton Courthouse**

FOR COURT USE ONLY

FILED

16 JUN 28 AM 8:11

ROSA JUNQUEIRO, CLERK

BY **Donna Edwards**
DEPUTY

CASE NAME:
Amer. Civil Liberties Union of N. Cal. v. Stockton Unified School Dist.

CIVIL CASE COVER SHEET

Unlimited (Amount demanded exceeds \$25,000)
 Limited (Amount demanded is \$25,000 or less)

Complex Case Designation

Counter **Joinder**

Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

STK-CV **UWM-2016-0258**

DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<p>Auto Tort</p> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <p>Other P/PI/D/W/D (Personal Injury/Property Damage/Wrongful Death) Tort</p> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other P/PI/D/W/D (23) <p>Non-P/PI/D/W/D (Other) Tort</p> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-P/PI/D/W/D tort (35) <p>Employment</p> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<p>Contract</p> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <p>Real Property</p> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <p>Unlawful Detainer</p> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <p>Judicial Review</p> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input checked="" type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <p>Enforcement of Judgment</p> <input type="checkbox"/> Enforcement of judgment (20) <p>Miscellaneous Civil Complaint</p> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <p>Miscellaneous Civil Petition</p> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
---	--	---

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. Large number of separately represented parties
 b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
 c. Substantial amount of documentary evidence
 d. Large number of witnesses
 e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
 f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): **One: to enforce CA PRA request**

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: **June 27, 2016**
Linnea Nelson
 (TYPE OR PRINT NAME)


 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

<p>Auto Tort</p> <ul style="list-style-type: none"> Auto (22)—Personal Injury/Property Damage/Wrongful Death Uninsured Motorist (46) (<i>if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto</i>) <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <ul style="list-style-type: none"> Asbestos (04) <ul style="list-style-type: none"> Asbestos Property Damage Asbestos Personal Injury/Wrongful Death Product Liability (<i>not asbestos or toxic/environmental</i>) (24) Medical Malpractice (45) <ul style="list-style-type: none"> Medical Malpractice—Physicians & Surgeons Other Professional Health Care Malpractice Other PI/PD/WD (23) <ul style="list-style-type: none"> Premises Liability (e.g., slip and fall) Intentional Bodily Injury/PD/WD (e.g., assault, vandalism) Intentional Infliction of Emotional Distress Negligent Infliction of Emotional Distress Other PI/PD/WD <p>Non-PI/PD/WD (Other) Tort</p> <ul style="list-style-type: none"> Business Tort/Unfair Business Practice (07) Civil Rights (e.g., discrimination, false arrest) (<i>not civil harassment</i>) (08) Defamation (e.g., slander, libel) (13) Fraud (16) Intellectual Property (19) Professional Negligence (25) <ul style="list-style-type: none"> Legal Malpractice Other Professional Malpractice (<i>not medical or legal</i>) Other Non-PI/PD/WD Tort (35) <p>Employment</p> <ul style="list-style-type: none"> Wrongful Termination (36) Other Employment (15) 	<p>Contract</p> <ul style="list-style-type: none"> Breach of Contract/Warranty (06) <ul style="list-style-type: none"> Breach of Rental/Lease Contract (<i>not unlawful detainer or wrongful eviction</i>) Contract/Warranty Breach—Seller Plaintiff (<i>not fraud or negligence</i>) Negligent Breach of Contract/Warranty Other Breach of Contract/Warranty Collections (e.g., money owed, open book accounts) (09) <ul style="list-style-type: none"> Collection Case—Seller Plaintiff Other Promissory Note/Collections Case Insurance Coverage (<i>not provisionally complex</i>) (18) <ul style="list-style-type: none"> Auto Subrogation Other Coverage Other Contract (37) <ul style="list-style-type: none"> Contractual Fraud Other Contract Dispute <p>Real Property</p> <ul style="list-style-type: none"> Eminent Domain/Inverse Condemnation (14) Wrongful Eviction (33) Other Real Property (e.g., quiet title) (26) <ul style="list-style-type: none"> Writ of Possession of Real Property Mortgage Foreclosure Quiet Title Other Real Property (<i>not eminent domain, landlord/tenant, or foreclosure</i>) <p>Unlawful Detainer</p> <ul style="list-style-type: none"> Commercial (31) Residential (32) Drugs (38) (<i>if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential</i>) <p>Judicial Review</p> <ul style="list-style-type: none"> Asset Forfeiture (05) Petition Re: Arbitration Award (11) Writ of Mandate (02) <ul style="list-style-type: none"> Writ—Administrative Mandamus Writ—Mandamus on Limited Court Case Matter Writ—Other Limited Court Case Review Other Judicial Review (39) <ul style="list-style-type: none"> Review of Health Officer Order Notice of Appeal—Labor Commissioner Appeals 	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)</p> <ul style="list-style-type: none"> Antitrust/Trade Regulation (03) Construction Defect (10) Claims Involving Mass Tort (40) Securities Litigation (28) Environmental/Toxic Tort (30) Insurance Coverage Claims (<i>arising from provisionally complex case type listed above</i>) (41) <p>Enforcement of Judgment</p> <ul style="list-style-type: none"> Enforcement of Judgment (20) <ul style="list-style-type: none"> Abstract of Judgment (Out of County) Confession of Judgment (<i>non-domestic relations</i>) Sister State Judgment Administrative Agency Award (<i>not unpaid taxes</i>) Petition/Certification of Entry of Judgment on Unpaid Taxes Other Enforcement of Judgment Case <p>Miscellaneous Civil Complaint</p> <ul style="list-style-type: none"> RICO (27) Other Complaint (<i>not specified above</i>) (42) <ul style="list-style-type: none"> Declaratory Relief Only Injunctive Relief Only (<i>non-harassment</i>) Mechanics Lien Other Commercial Complaint Case (<i>non-tort/non-complex</i>) Other Civil Complaint (<i>non-tort/non-complex</i>) <p>Miscellaneous Civil Petition</p> <ul style="list-style-type: none"> Partnership and Corporate Governance (21) Other Petition (<i>not specified above</i>) (43) <ul style="list-style-type: none"> Civil Harassment Workplace Violence Elder/Dependent Adult Abuse Election Contest Petition for Name Change Petition for Relief From Late Claim Other Civil Petition
---	--	--

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ELIZABETH O. GILL (SBN 218311)
LINNEA NELSON (SBN 278960)
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
OF NORTHERN CALIFORNIA
39 Drumm Street
San Francisco, CA 94111
Telephone: (415) 621-2493
Facsimile: (415) 255-8437
Email: egill@aclunc.org
Email: lnelson@aclunc.org

Attorney for Petitioner,
American Civil Liberties Union
of Northern California

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN JOAQUIN

AMERICAN CIVIL LIBERTIES UNION OF
NORTHERN CALIFORNIA,

Petitioner,

v.

STOCKTON UNIFIED SCHOOL DISTRICT,

Respondent.

Case

STK-CV-

UWM 2016- 6258

VERIFIED PETITION FOR WRIT OF
MANDATE

Judge:

CARTER P. HOLLY

Department:

41

INTRODUCTION

1. This is a suit to require Respondent Stockton Unified School District to comply with the California Public Records Act. Petitioner ACLU of Northern California has requested public records describing the District's data on the arrest, referral, or detention of students—rates of which are extraordinarily high—by police officers employed by the District.

2. Despite its legal obligation to create and compile these statistics for the California Department of Justice and the United States Department of Education Office for Civil Rights, the District has refused to provide Petitioner with this data, as well as other related responsive records. In addition, the District is improperly refusing to provide responsive records concerning the investigation of specific complaints about the District Police Department officers and its treatment of students.

JUN 28 2016

Filed

ROSA JUNQUEIRO, CLERK
Donna Edwards

By

DEPUTY

1 3. The District's refusal to release public records within the PRA's statutory guidelines is
2 unlawful. Petitioner therefore asks this Court for (1) an order compelling the District to provide a
1 list of all records in its possession that are responsive to the PRA request, specifying those that the
2 District is withholding and listing the exemptions for each record the District contends to be
3 applicable, and (2) a writ of mandate compelling the District to produce all requested records except
4 those records that the Court holds are exempt from disclosure.

5 PARTIES

6 4. Petitioner American Civil Liberties Union of Northern California ("ACLU-NC") is a
7 nonprofit public interest organization with a longstanding goal of advancing free-speech and open-
8 government rights in California. ACLU-NC is incorporated in California and is a member of the
9 public within the meaning of California Government Code section 6252(b). It has a clear, present
10 and substantial right to the relief sought herein and no plain, speedy and adequate remedy at law
11 other than that sought herein.

12 5. Respondent Stockton Unified School District ("District") is a public agency within the
13 meaning of California Government Code section 6252(a).

14 6. The District is in possession of the records sought by the ACLU-NC.

15 JURISDICTION AND VENUE

16 7. This court has jurisdiction under California Government Code sections 6258, 6259; California
17 Code of Civil Procedure sections 526(a), 1060, and 1085; and Article VI, section 10, of the California
18 Constitution.

19 8. Venue is proper in this Court. First, the acts and omissions complained of herein occurred in
20 the County of San Joaquin. Cal. Code Civ. Proc. § 393. Second, the records in question are situated
21 in this County. Cal. Gov't Code § 6259; Cal. Code Civ. Pro. § 401(1). Third, Respondent resides in
22 this County. *Id.* § 394(a).

23 THE CALIFORNIA PUBLIC RECORDS ACT

24 9. Under the California Public Records Act, California Government Code section 6250 *et seq.*
25 ("PRA"), all records that are prepared, owned, used or retained by any public agency, and that are not
26 subject to the PRA's statutory exemptions to disclosure, must be made publicly available for

1 inspection and copying upon request. Cal. Gov't Code § 6253. Statutory exemptions to public
2 disclosure are narrowly construed. *Am. Civil Liberties Union of N. Cal. v. Super. Ct.*, 202 Cal. App.
1 4th 55, 67 (Ct. App. 2011). Even if parts of a particular document are exempt, the agency must
2 disclose the remainder of the document. Cal. Gov't Code § 6253(a); *Comm'n on Peace Officer*
3 *Standards and Training v. Super. Ct.*, 165 P.3d 462, 487 (Cal. 2007).

4 10. The PRA requires the government to determine whether to disclose records, and to inform the
5 requesting party of what records will be disclosed and provide an estimate of when they will be
6 available. Cal. Gov't Code § 6253(c). It must then promptly provide a copy of the records to the
7 requesting person or allow inspection of the records. *Id.* § 6253(b). The statute does not allow the
8 government to delay or obstruct the copying of public records. *Id.* § 6253(d).

9 11. Whenever it is made to appear by verified petition to the superior court of the county where
10 the records or some part thereof are situated that certain public records are being improperly withheld
11 from a member of the public, the court shall order the officer or person charged with withholding the
12 records to disclose the public record or show cause why he or she should not do so. The court shall
13 decide the case after examining the record in camera (if permitted by the Evidence Code), papers
14 filed by the parties and any oral argument and additional evidence as the court may allow. *Id.* §
15 6259(a).

16 12. If the court finds that the failure to disclose is not justified, it shall order the public official to
17 make the record public. *Id.* § 6259(b).

18 13. The California Constitution provides an additional, independent right of access to government
19 records: "The people have the right of access to information concerning the conduct of the people's
20 business, and, therefore, the meetings of public bodies and the writings of public officials and
21 agencies shall be open to public scrutiny." CAL. CONST., art. I, § 3(b)(1).

22 FACTS

23 **A. Public Concern Over District's Police Procedures, Policies and Practices**

24 14. The policies, procedures, and practices of the District's Police Department have been a
25 subject of significant public concern for a number of years. Since 2011, the Stockton Education
26 Equity Coalition ("Coalition"), of which ACLU-NC is a member, has met with District officials and

1 sent letters to the District several times to express alarm about harmful and potentially unlawful
2 police practices Coalition members have observed or been made aware of in District schools. Fathers
1 & Families of San Joaquin (“Fathers & Families”), a Coalition member, is a grassroots organization
2 based in Stockton. The mission of Fathers & Families is to promote the cultural, spiritual, economic,
3 and social renewal of the most vulnerable families in Stockton and the greater San Joaquin Valley.
4 Over the last several years, Fathers & Families has worked as a Coalition member to expose and
5 challenge District practices that alienate District students—who are overwhelmingly Black and
6 Latino—and that push students out of school and into the criminal justice system.

7 15. For example, in 2011, ACLU-NC analyzed information it obtained from the District under the
8 PRA—including redacted arrest logs from the District Police Department—and discovered that from
9 2007 to 2012, Black students were suspended from District schools and arrested by District Police
10 Department officers at nearly twice their rate of enrollment in District schools. Student members of
11 Fathers & Families were and continue to be deeply impacted by the District’s punitive and
12 discriminatory practices. The Coalition was able to use ACLU-NC’s findings to demand, with
13 limited success, that the District reform its student discipline practices relating to suspension and
14 expulsion (but not District police practices).

15 16. In recent years, the media in Stockton has publicized a number of shocking findings regarding
16 interactions between District Police Department officers and Stockton students.

17 17. For example, in 2012, a 5-year-old Black student with disabilities was restrained by his hands
18 and feet by District Police Department officers and removed from school without his parents being
19 notified. The San Joaquin County Grand Jury investigated the incident and issued findings,
20 concluding that “an unhealthy atmosphere exists in the Stockton Unified School District Police
21 Department.” Report of the 2011-12 San Joaquin County Grand Jury, Case No. 0111, Investigation
22 of the Stockton Unified Sch. Dist. Police Dep’t (June 22, 2012).

23 18. In March 2014, an investigative report, initiated by the District and undertaken by an outside
24 consulting firm, found that leadership in the District Police Department “lacked the technical and/or
25 functional competence to carry out critical tasks.” MARK SIEMENS CONSULTING, STOCKTON UNIFIED
26 SCHOOL DISTRICT POLICE DEPARTMENT 360-ORGANIZATIONAL REVIEW 1 (2014). The report also

1 found that “the Department lacks the support systems to maintain recordkeeping, property and
2 evidence, personnel management and other administrative duties in a competent manner.” *Id.*

1 19. In February 2015, the San Joaquin County District Attorney brought criminal charges against
2 District Police Department Officer Mario Gates for unlawfully strip searching a 14-year-old District
3 student. Jennie Rodriguez-Moore & Elizabeth Roberts, *D.A. Files Complaint in Strip Search of Teen*,
4 Feb. 3, 2015, <http://www.recordnet.com/article/20150203/NEWS/150209938>. In October 2015,
5 Officer Gates pleaded no contest to the criminal charges arising from that strip search. Roger
6 Phillips, *Former SUSD Officer Pleads No Contest*, Oct. 14, 2015,
7 <http://www.recordnet.com/article/20151014/NEWS/151019849>. While the criminal case was
8 ongoing, court records revealed that Officer Gates had previously been investigated for forcing a 9-
9 year-old student expose his buttocks two years earlier, but remained on the job as a District Police
10 Department officer until he resigned in May 2015 after the second incident of strip-searching came to
11 light. Jennie Rodriguez-Moore, *Officer Accused in Strip Search Had Prior Investigation*, May 6,
12 2015, <http://www.recordnet.com/article/20150506/NEWS/150509754>.

13 20. In May 2015, the Center on Juvenile and Criminal Justice released a report documenting that,
14 according to statistics compiled by the California Department of Justice during 2013, the City of
15 Stockton arrested children under the age of 10 at a rate 37 times higher than the average in California.
16 MICHAEL MALES, CENTER ON JUVENILE AND CRIMINAL JUSTICE, STOCKTON, SAN BERNARDINO
17 SCHOOL DISTRICT OFFICERS HAVE ARRESTED OVER 90,000 YOUTHS 2 (2015). Eighty-nine percent of
18 those Stockton arrests were conducted by District Police Department officers. *Id.*

19 21. At the beginning of 2016, based in part on the attention given to the extraordinarily high rates
20 of student arrests in the District, the California Attorney General’s Bureau of Children’s Justice
21 opened a civil-rights investigation into the policies, practices, and procedures of the District Police
22 Department to look into potential violations of “the civil and constitutional rights of young children.”
23 Nicholas Filipas, *State Investigating SUSD Over Juvenile ‘Arrests,’* April 16, 2016,
24 <http://www.recordnet.com/article/20160416/NEWS/160419749>.

25 22. Significant community attention and public concern about District Police Department policies
26 and practices continues to this day. ACLU-NC shared with the Coalition its most recent PRA

1 correspondence with the District. In response to ACLU-NC's request for data on student arrests, the
2 District estimates that it generated 3,000 individual reports per year over the last four years.

1 Assuming one arrest per report, it appears that the District student arrest rate is more than 13 times
2 the student arrest rate statewide. Coalition members, including Fathers & Families, are deeply
3 concerned that District Police Department officers needlessly use police tactics to discipline students
4 for non-criminal misbehavior, causing significant harm to the students' physical and mental well-
5 being at school.

6 **B. The ACLU-NC's PRA Request to the District**

7 23. On January 19, 2016, ACLU-NC sent a PRA request to District Interim Superintendent Julie
8 Penn. The request asked for five specific categories of records dating from the 2012-2013 school
9 year through January 2016:

- 10 i. records regarding District police officers, including recruitment, hiring and training
11 documents and policies used by school staff to request assistance from the District
12 Police Department;
- 13 ii. data reflecting interactions between District Police Department officers and students,
14 including arrests and referrals to law enforcement, and calls for service directed to
15 District Police Department officers;
- 16 iii. records regarding the operations and structure of the District Police Department;
- 17 iv. records regarding the relationship between the District Police Department and other
18 policing agencies; and
- 19 v. records regarding complaints about District Police Department officers and the official
20 process to address those complaints.

21 A copy of this request is attached to this Petition as Exhibit 1.

22 24. All of the records requested in Exhibit 1 are public records as defined in the PRA.

23 25. Between January 2016 and May 2016, ACLU-NC and the District exchanged correspondence
24 regarding ACLU-NC's PRA request. A copy of the complete correspondence between ACLU-NC
25 and the District during this time is attached to this Petition as Exhibit 2-1 through Exhibit 2-16.

26

1 26. The focus of this Petition is on the District's insufficient response to ACLU-NC's request for
2 two categories of information: (1) data reflecting interactions between District Police Department
1 officers and students, including arrests and referrals to law enforcement, and calls for service directed
2 to District Police Department officers; and (2) records regarding complaints about District Police
3 Department officers.

4 **1. Data Reflecting Student-Police Interactions and Calls for Service**

5 27. As to the first category of information, the ACLU-NC specifically requested the following
6 subcategories of records: (a) documents containing data regarding arrests or referrals for arrest of
7 students; (b) documents containing data regarding referrals of students to the probation department or
8 any other branch of the juvenile justice system; (c) documents containing data regarding students
9 who have been cited by school police officers; (d) documents reflecting the districtwide number of
10 requests or calls for service made by school staff for school police presence or intervention; (e)
11 documents reflecting the number of requests for school police presence or intervention originating
12 from each school; and (f) documents describing the file structure and layout of fields within the
13 documents responsive to the above subcategories of information.

14 ***a. District Response To ACLU-NC Data Request***

15 28. In response to ACLU-NC's request for data (the "data request"), the District eventually
16 provided only an "Individual Location Report" consisting of roughly 17,500 entries apparently
17 reflecting the number of reports to the District Police Department from January 2012 through
18 December 2015. The Individual Location Report contains no information at all about students, nor
19 the outcome of the call for service.

20 29. The District also provided its definition of "arrest," and a document describing the file
21 structure and layout of fields in the Individual Location Report.

22 ***b. Responsive Records the District Admits It Has But Improperly Refuses To***
23 ***Produce***

24 30. The District admits that it has the following documents responsive to ACLU-NC's data
25 request: approximately 12,000 individual incident reports reflecting data about student arrests,
26 referrals for arrest, referrals to probation, and infraction and misdemeanor citations; more than 18,000

1 “call for service” reports; and statistical reports of arrest data that it sends on a monthly basis to the
2 California Department of Justice (“Department of Justice”). The District refuses to produce any of
1 these documents because it claims they are all categorically exempt. (Exh. 2-6.) Neither statistical
2 reports to the Department of Justice nor “call for service” reports are categorically exempt from the
3 PRA.

4 31. The Department of Justice “collects, analyzes, and develops statistical reports and information
5 which provide valid measures of crime and the criminal justice process,” including arrest
6 information, from law enforcement agencies across California. CAL. DEP’T OF JUSTICE, CRIMINAL
7 STATISTICS REPORTING REQUIREMENTS 1 (2014). These statistical reports include information such
8 as whether an arrest occurred and basic demographic information of the arrestees. The District sends
9 these reports to the Department of Justice on a monthly basis. Personally identifying information in
10 these reports about arrestees is easily redacted. The District refuses to provide these records to
11 ACLU-NC, even in redacted form.

12 32. A “call for service” report is a log of each call made by school staff for District Police
13 Department assistance. The District admits in its correspondence with ACLU-NC that these reports
14 are not exempt under the PRA. First, in a letter from the District dated January 29, 2016, the District
15 offered to produce call for service reports for the full time frame requested by ACLU-NC, in
16 exchange for a fee. (Exh. 2-1.) Then, in a letter dated February 17, 2016, the District offered to
17 produce call for service reports for only the last 30 days. (Exh. 2-3.) ACLU-NC offered to limit the
18 scope of time for its request for “call for service” reports and to compensate the District for the cost
19 of providing responsive records. (Exh. 2-4, 2-5.) Despite this, the District ultimately refused to
20 produce any “call for service” reports at all, stating flatly, “other than the material which the District
21 has already agreed to provide, no other disclosures will be made.” (Exh. 2-6.)

22
23 ***c. Responsive Records the District Has But Improperly Refuses to
Acknowledge Or Produce***

24 ***i. Reports to the Office for Civil Rights***

25 33. The District also possesses documents responsive to ACLU-NC’s data request that it refuses
26 even to acknowledge, much less produce. The District has failed to disclose statistical reports that it

1 has submitted to the United States Department of Education Office for Civil Rights (“Office for Civil
2 Rights”).

1 34. The Office for Civil Rights required all school districts in the United States to submit data
2 covering the 2013-2014 school year. U.S. DEP’T OF EDUC. OFFICE FOR CIVIL RIGHTS, CIVIL RIGHTS
3 DATA COLLECTION (2016), <http://www2.ed.gov/about/offices/list/ocr/data.html> (noting that “in
4 February 2014, OCR received OMB approval to require every public school and school district in the
5 country to respond to both the 2013-14 CRDC and the 2015-16 CRDC.”) (emphasis in original).
6 According to publicly available information, the District reported student arrest and law enforcement
7 referral data to the Office for Civil Rights for the 2013-2014 school year.

8 35. The Office for Civil Rights collects information to assess public school district compliance
9 with federal civil rights laws. Reports to the Office for Civil Rights include information regarding
10 “Students (K-12) who were referred to law enforcement agency or official,” “Students (K-12) who
11 were arrested for school-related activity,” “Students (K-12) subjected to mechanical restraint,” and
12 “Students (K-12) subjected to physical restraint,” disaggregated by disability, race, sex, and Limited
13 English Proficiency status.

14 36. In its PRA request to the District, ACLU-NC requested records containing precisely this data.
15 In a follow-up letter to the District dated April 22, 2016, ACLU-NC specifically requested that the
16 District provide “surveys required to be submitted to federal agencies, including the United States
17 Department of Education, collecting data on education and civil rights issues such as student referrals
18 to law enforcement.” (Exh. 2-14)

19 37. The District improperly refuses to provide these reports to ACLU-NC in response to its PRA
20 request or even acknowledge that such reports exist, instead stating flatly, “other than the material
21 which the District has already agreed to provide, no other disclosures will be made.” (Exh. 2-6.)

22 *ii. Redacted juvenile arrest logs and adult arrest logs*

23 38. The District has failed to acknowledge or disclose redacted juvenile arrest logs and adult
24 arrest logs, despite producing redacted juvenile arrest logs and adult arrest logs to ACLU-NC in
25 response to a previous PRA request.
26

1 39. In 2012, ACLU-NC submitted a PRA request to the District asking for “any and all
2 documents regarding school crime, arrest, citation, violence, weapons and safety rates.” In January
1 2013, the District responded by providing various aggregate data reports, including redacted juvenile
2 arrest logs and adult arrest logs. A copy of the District’s cover letter to its January 2013 response to
3 ACLU-NC, listing the aggregate data reports it gave to ACLU-NC in response to ACLU-NC’s 2012
4 PRA request, is attached to this Petition as Exhibit 3.

5 40. The District has in its possession similar aggregate data reports responsive to ACLU-NC’s
6 January 2016 PRA request, but improperly refuses to acknowledge or produce those reports.

7 *iii. Other reports generated by the District’s electronic database*

8 41. The District has an electronic database into which records of individual student arrests and
9 referrals to law enforcement are entered. This database is used to generate regular reports to the state
10 Department of Justice and the federal Office for Civil Rights. Under the PRA, responsive non-
11 exempt information retained in an electronic format, such as records contained in an electronic
12 database, must be disclosed. Thus, the District is obliged to produce data describing interactions
13 between the District Police Department and students that are contained in its database, segregating
14 those portions of the database that are exempt from the PRA. The District improperly refuses to
15 acknowledge or produce these records.

16 42. The District has also generated other responsive records using its electronic database in
17 preparation to report student arrest and law enforcement referral data to the state Department of
18 Justice and federal Office for Civil Rights. Under the PRA, the District is obligated to disclose these
19 records in whatever format it holds the information. The District improperly refuses to acknowledge
20 or produce these records.

21 **2. Records Regarding Complaints Against Police**

22 43. The ACLU-NC also requested records regarding complaints filed against District Police
23 Department officers in its January 2016 PRA request (the “complaints request”).

24 44. In response, the District provided (a) policies regarding its complaint procedure, and (b) four
25 one-page documents that list only the number of complaints filed against District Police Department
26 officers for each year from 2012 to 2016.

1 45. The District has documents in its possession that are both responsive to ACLU-NC's PRA
2 request and non-exempt under the PRA. According to a Stockton Record newspaper article, District
1 Police Department Chief Bryon Gustafson publicly issued a written statement in February 2015
2 describing the process by which the District was handling a criminal complaint against a District
3 Police Department officer who later pled guilty to strip-searching a 14-year-old student. Jennie
4 Rodriguez-Moore & Elizabeth Roberts, *supra* ¶ 19. This written statement is a public document
5 subject to disclosure under the PRA.

6 46. Nevertheless, the District unequivocally states that it "will not provide any record of
7 complaints against its officers and any reports or documents related to those complaints." (Exh. 2-3.)

8 47. The District improperly refuses to acknowledge or produce the public written statement by
9 Chief Gustafson or any other responsive, non-exempt documents in the District's possession relating
10 to complaints filed against District Police Department officers.

11 **C. The Public Interest**

12 48. The public's interest in the release of data regarding arrests, referrals and injuries by District
13 Police Department officers of District students—who are the children of community members
14 throughout the City of Stockton—outweighs the District's interest in nondisclosure of this
15 information. Furthermore, the public's interest in the timely release of data about the nature of
16 contact between District Police Department officers and District students—data which has apparently
17 caused the California Department of Justice Bureau of Children's Justice ("Bureau of Children's
18 Justice") to initiate an investigation into the District and is the subject of vigorous public debate in
19 Stockton—outweighs any interest the District has in not disclosing these records.

20 49. In response to the Bureau of Children's Justice opening an investigation into the District's
21 police procedures and practices, District Police Department Chief Gustafson said that the District
22 "would no longer provide certain arrest and contact data to the [Department of Justice]," thus
23 attempting to evade scrutiny by refusing to comply with legal requirements. Nicholas Filipas, *supra* ¶
24 21 (noting that "technically, failing to comply with the DOJ is considered a misdemeanor").

25 ///

26 ///

1 50. The District is now attempting to employ the same strategy with ACLU-NC by refusing to
2 comply with the PRA, a law that was established precisely to ensure transparency of government
1 functioning and expose misconduct when it occurs. This Court must ensure that does not happen.

2 **FIRST CAUSE OF ACTION**

3 **A. Violation of the California Public Records Act, Cal. Gov't Code Section 6250 et**
4 **seq. & Article I, § 3 of the California Constitution**

(Petitioner ACLU-NC v. Respondent Stockton Unified School District)

5 51. Petitioner incorporates herein by reference the allegations of paragraphs 1 through 50 above,
6 as if set forth in full.

7 52. Petitioner, as stated in the January 19 PRA request and subsequent correspondence with
8 Respondent, was at all times ready to tender any required fees for the identifiable public records
9 requested.

10 53. The PRA requires that the government make disclosable records available to the public
11 promptly and without delay.

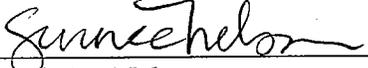
12 54. The District's failure to provide the records ACLU-NC requested on January 19, 2016
13 violates the PRA and Article I, § 3 of the California Constitution.

14 **RELIEF REQUESTED**

15 Petitioner prays as follows:

- 16 1. That the Court order Respondent Stockton Unified School District to provide Petitioner
17 ACLU-NC and the Court with a list of any responsive records that it has not released to ACLU-NC,
18 with an explanation of why each such record is not subject to release;
- 19 2. That the Court issue a writ of mandate directing Respondent Stockton Unified School District
20 to provide Petitioner ACLU-NC with all requested records except those records it has already
21 provided to ACLU-NC and those that the Court determines may lawfully be withheld, or an order to
22 show cause why it should not do so;
- 23 3. That Petitioners be awarded their attorneys' fees and costs;
- 24 4. For such other and further relief as the Court deems proper and just.

25 Dated: June 27, 2016

By: 
Linnea Nelson
Attorney for Petitioner ACLU-NC

VERIFICATION

I, Abdi Soltani, am Executive Director of the American Civil Liberties Union of Northern California. I have read this Verified Petition for Peremptory Writ of Mandate and Writ of Mandate in the matter of American Civil Liberties Union of Northern California v. Stockton Unified School District and am informed, and do believe, that the matters herein are true. On that ground I allege that the matters stated herein are true. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: 6/27/16

By: ASoltani
Abdi Soltani
Executive Director of the ACLU-NC

1
2
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

EXHIBIT 1



January 19, 2016

Sent via facsimile and U.S. Mail

Julie Penn, Interim Superintendent
Stockton Unified School District
701 N. Madison Street
Stockton, CA 95202

RE: ACLU-CA Public Records Act Request to Stockton Unified School District

Dear Superintendent Penn:

The American Civil Liberties Union of Northern California (ACLU-NC) is interested in obtaining information about discipline policies, the use of suspension and expulsion, and the presence and practices of law enforcement officers at all schools in Stockton Unified School District (SUSD). Accordingly, we submit the following request for records, pursuant to the California Public Records Act, California Government Code §6250 *et seq.* As you likely know, this government code requires agencies to provide a response to Public Record Act requests within ten days of receipt of a request. Pursuant to this legal requirement, I look forward to your prompt response and timely disclosure of the following documents.

Definitions Used in this Request

For purposes of this request, the terms “policies and procedures” include, but are not limited to, codes, board policies, rules and regulations, exhibits, bulletins, memoranda, directives, and training materials. If any of the policies or procedures we have requested is currently being updated or revised, please let us know.

The term “documents” includes, but is not limited to, any electronic information, reports, evaluations, memoranda, correspondence, letters, emails, charts, graphs, flyers, meeting agendas and minutes, diagrams, forms, DVDs, tapes, CDs, notes, and other similar materials.

The term “school police officer” or “SUSD PD officer” means any and all individuals employed by the SUSD Police Department (“SUSD PD”) for the purposes of engaging in security, emergency preparedness, or law enforcement on behalf of SUSD or in its schools, which can include but is not limited to School Police Officers I and II or Peace Officers I and II.

The term "school" includes all elementary, middle, and high schools in the district as well as any alternative schools, including but not limited to continuation high schools.

Records Requested

Please provide us with copies of the records specified below. Each lettered or numbered paragraph should be considered a separate request under the California Public Records Act. For each set of records produced, please identify the paragraph to which the records are intended to respond.

We also request that you provide any public record identified in the following electronic formats to us in that electronic format, instead of in paper format: PDF format or all Microsoft Office formats, including Word, Excel, Access, and Power Point. *See California Government Code § 6253.9.*

Please provide us with the following records regarding the SUSD Police Department for the 2012-2013 academic year until the present, including the current academic year:

A. SUSD PD Officers

1. A list of each individual police officer employed by SUSD¹ and for each officer the school or location where the officer works (if the officer rotates within several schools or isn't permanently in one location, please specify);
2. Any and all documents reflecting the qualifications and process for becoming a school police officer, including but not limited to, trainings that school police officers are required to attend;
3. Any and all documents used to train school police officers for working in schools;
4. Any and all documents reflecting the duties, responsibilities, and activities of school police officers, including but not limited to, policy manuals used by officers;
5. Any and all documents reflecting the procedures that school police officers are required to follow, including but not limited to, procedures to be followed with respect to:
 - a. Interrogation/questioning of students;
 - b. Conflict de-escalation;
 - c. Searches of students;
 - d. Dealing with students with disabilities;
 - e. Restraining students;
 - f. Arresting students;

¹ For confidentiality purposes, please omit the name and/or identification number of each officer and replace with a unique pseudo-identifier that is consistent across all data supplied in response to this request.

- g. Use and carrying of weapons (including guns, TASERs, pepper spray, and nightsticks)
 - 6. Any and all documents reflecting policies, procedures, or processes used by school staff (teachers, administrators, etc.) when they request help from or the presence of a SUSPD officer on their school site.
- B. Arrests and Referrals of Students by School Police Officers²**
- 1. A list of every SUSPD student arrested by school police officers and included for each student:³
 - a. Type/name of offense committed
 - b. Grade level
 - c. Race/ethnicity
 - d. Disability status (Y or N)
 - e. Gender
 - f. Location of incident: school-site v. off-school site
 - g. If school-site, name of school
 - h. Time of incident: during school hours v. after-school hours
 - i. Final outcome of arrest (e.g., charge sustained or not sustained, etc.)
 - j. Handcuffs used: Y or N

Please also include an explanation of how SUSPD defines “arrest.”

- 2. A list of every SUSPD student referred to the probation department or the juvenile justice system by school police officers via petition, complaint, or other referral, and included for each student:
 - a. Type/name of offense committed
 - b. School of referred student
 - c. Grade level of student
 - d. Race/ethnicity of student
 - e. Disability status of student (Y or N)
 - f. Gender of student
- 3. A list of every student given a citation for infraction or a misdemeanor by SUSPD officers and include for each student:
 - a. Type/name of offense committed
 - b. Grade level
 - c. Race/ethnicity
 - d. Disability status (Y or N)
 - e. Gender

² To project student confidentiality, please omit student names SSID numbers, and replace them with pseudo-identifiers in the form of a random sequence of numbers and/or letters that remain consistent across all data supplied in response to this request.

³ Attached to this letter as Appendix A is an example excel sheet that shows an ideal format for this data.

- f. Location of incident: school-site v. off-school site
 - g. If school-site, name of school
 - h. Time of incident: during school hours v. after-school hours
 - i. Final outcome of citation (e.g., charge sustained or not sustained, etc.)
4. The total district-wide number of requests or calls made by school staff for SUSD PD officer presence or intervention at a school site and a numerical break-down of those total requests by:
 - a. Offense type
 - b. Number of requests made by a teacher
 - c. Number of requests made by principal
 - d. Number of requests made by administrator
 5. A list of every school in SUSD and the number of requests or calls for SUSD PD officer presence or intervention originating from each school and a breakdown of those calls based on offense type.
 6. Any and all documents related to incidents in which weapons were drawn and/or used by a school police officer;
 7. Any and all documents related to incidents in which a student was injured by the actions of a school police officer; and,
 8. Metadata, or documentation describing the file structure and layout of fields within files, for the Arrest and Referral data listed in the preceding items 1-7. Such documentation should include field names and their definitions, and a list of possible values (or a range of values) for each field and their definitions.

C. Operations and Structure of SUSD PD

1. Any and all policies and procedures related to the department's governance and operations, including but not limited to the process for hiring, promoting, demoting, and firing SUSD PD officers and other personnel;
2. Any and all SUSD PD budgets, including, but not limited to, SUSD PD budget line items in the SUSD budget since; and,
3. The pay grade salary schedules for all school police officers employed by SUSD PD, including but not limited to, all types of school police officers and peace officers; and,
4. Any and all job descriptions for school police officers.

D. Relationship of SUSD PD to Other Policing Agencies

1. Any and all documents reflecting the relationship between SUSD and any other policing agency including Stockton Police Department (SPD) and San Joaquin County Sheriff's Office. This includes, but is not limited to, contracts, memorandums of understanding or agreement, joint funding documents, grant or funding information for SPD policing at SUSD school sites;
2. Any and all documents reflecting the number of SPD officers and San Joaquin County Sheriff deputies who are located or spend a portion of their day on an SUSD school campus; and,
3. Any and all documents reflecting the source of funding for the placing of SPD officers or San Joaquin County Sheriff deputies on SUSD campuses.

E. SUSD PD Complaint Process and Oversight

1. Any and all complaints received from any sources about the activities of the SUSD PD or other policing agencies, including but not limited to all informal, formal and/or criminal complaints filed against school police officers;
2. Any and all documents reflecting investigations and resulting outcomes of SUSD PD officers, either as a result of public or internal complaints or concerns;
3. Any and all documents regarding the complaint filing and resolution process for the SUSD PD, including but not limited to documents describing how members of the public, school personnel, and students can submit complaints to SUSD PD against its officers or for any other reason, documents describing how the SUSD PD investigates and resolves such complaints, and how the SUSD PD addresses complaints of wrongdoing and school police officer misconduct; and,
4. Any and all documents regarding any independent or quasi-independent oversight body that monitors the activities of SUSD PD, if such a body exists.

We understand that some of the documents we have requested may contain information that would identify individual students if produced in un-redacted form. We both expect and encourage the District to comply with its obligation to protect the privacy of its students. We therefore request that, where necessary, responsive documents be redacted to replace student names and Statewide Student Identifier (SSID) numbers with pseudo-identifiers consisting of random sequences of numbers and letters. This will protect students' identities while allowing us to know if certain students are repeatedly referred to in the documents provided.

If any records in the above request are claimed to be exempt from disclosure, we request that: (1) you exercise your discretion to disclose some or all of the records notwithstanding the exemption; and (2) with respect to records containing both exempt and non-exempt content, you redact the exempt content and disclose the rest, consistent with California Government Code § 6253(a). Additionally, if any records are withheld or redacted, please provide a written response that describes the records being withheld or redacted and the claimed reason for exemption under the California Public Records Act.

If you contend that this request does not reasonably describe identifiable public records, we request that you promptly assist us by eliciting additional information that will clarify our request and more clearly identify the records we are seeking. *See* California Government Code § 6253.1.

We also reiterate our request that you provide any public record identified in the following electronic formats to us in that electronic format, instead of in paper format: PDF format or all Microsoft Office formats, including Word, Excel, Access, and Power Point. *See* California Government Code § 6253.9.

Finally, we request that you waive any copying fees because the ACLU-NC is a non-profit organizing and civil rights organization and the information requested will be used in the public interest to further the public's understanding of public schools and its police force. No part of the

information obtained will be sold or distributed for profit. If you are unable to waive the copying fees, please inform us of any potential duplication costs exceeding \$50.00 prior to copying.

We look forward to working with you to obtain the public records identified in this revised request and look forward to your response to this request within ten (10) days of receipt of this letter. See California Government Code § 6253(c). Please contact me directly at (415) 621-2493 or ngupta@aclunc.org with your response. Additionally, please provide all records as they become available, rather than waiting to send them together.

We thank you in advance for providing us with the records we have requested. Please send all responsive documents to:

Nayna Gupta
ACLU of Northern California
39 Drumm Street
San Francisco, CA 94111
(415) 293-6354/ngupta@aclunc.org

Again, if you have any questions, please do contact me at (415) 293-6354 or by email at ngupta@aclunc.org.

Sincerely,



Nayna Gupta
Racial Justice Fellow
ACLU of Northern California

EXHIBIT 2-1



400 Capitol Mall, 27th Floor
Sacramento, CA 95814

T | 916.321.4500
F | 916.321.4555

Michael E. Hersher
916.321.4548
mhersher@kmtg.com

January 29, 2016

VIA E-MAIL AND U.S. MAIL

Ms. Nayna Gupta
Racial Justice Fellow
ACLU of Northern California
39 Drumm Street
San Francisco, California 94111
E-Mail: ngupta@aclunc.org

Re: Records Request to Stockton Unified School District

Dear Ms. Gupta;

This is the response of the Stockton Unified School District (District or SUSD) to your letter, dated January 19, 2016, addressed to Interim Superintendent Julie Penn. In that letter, you request various records in the possession of the District related to the policies and practices of the SUSD Police Department (SUSD PD) for the 2012-2013 school year through the present. The following is the District's response pursuant to Government Code section 6253(c):

A. SUSD PD Officers

1. The District does not maintain a record consisting of "[a] list of each individual police officer employed by SUSD and for each officer the school or location where the officer works..." The District has and will provide a record of all police officers employed by the District during the 2012-2013 school year through the present. The District will provide the actual names of the officers, rather than a "pseudo-identifier" as requested.

2. The District has and will provide job descriptions and recruitment materials that indicate the qualifications and process for becoming a police officer. As to "trainings that school police officers are required to attend" the standards are set by the California Commission on Peace Officer Standards and Training (POST). Details of the POST training requirements can be referenced on its website at <https://post.ca.gov/training.aspx>.

3. Request A.3 is unclear to the extent it refers "[a]ny and all documents used to train school police officers for working in schools." That is, most training is not specific to "working in schools," but all District "school police officers" who are trained work in schools. It is therefore unclear which specific public records you are requesting. Further, most training of police officers is conducted by outside agencies like POST and the District is not in possession of all materials used by those agencies for training purposes. Your clarification is needed in order for the District to provide a response.

4. The District will provide a copy of the Police Department's policy manual with appropriate redactions of law enforcement sensitive information (e.g., operational procedures for responding to a bomb threat). Those redacted records are exempt from disclosure under Government Code section 6254(f) because disclosure could endanger the safety of officers and members of the public and could interfere with the successful completion of law enforcement activity. In addition, the potential harm resulting from disclosure of such law enforcement methods outweighs the public benefit potentially derived from disclosure, given the risks to health and safety. The records are therefore also exempt under Government Code section 6255.

5. The procedures listed in Item A.5 of your request are included in the policy manual which the District will provide.

6. The District will provide copies of guidance provided to school site personnel and board policy related to the procedures for requesting assistance from the Police Department.

B. Arrests and Referrals of Students by School Police Officers

1. The District cannot provide a list of every student arrested by District police officers because no such list exists. There are individual records created by officers regarding each arrest that identify the students involved and potential victims and/or witnesses. In order to make a list, and to protect the confidentiality of the students' identities, the District would be required to make a new record that does not currently exist. In addition, the arrest reports that do exist do not contain all the data points listed in Item B.1. The District is prevented from providing documents that reveal the identity of students involved in arrests by Welfare and Institutions Code section 827.9.

The District will provide one or more documents that explain how it defines the term "arrest."

2. Same response as to Item B.1 above.

3. Same response as to Item B.1 above.

4. The District does not maintain a record that indicates the total district-wide number of requests or calls made by school staff for police assistance. There are records of each call received that could be produced; however, those records would only indicate the name of the caller and not necessarily the caller's job classification. In addition, such records may include confidential student information that is not subject to disclosure and is not currently sorted by school site. It is possible that such records could be sanitized of confidential information or sorted and tabulated by offense type and school site; however, that would require creation of a new record that does not currently exist. If you wish to have such a new record constructed, the District will calculate the time and expense related to that activity and provide you with a cost estimate pursuant to Government Code section 6253.9(b)(2).



5. In its normal course and scope of business, the District maintains an Individual Location Report that identifies types of calls for service by location (e.g., school site), date, and time. The District will provide this report, which is the most responsive record available.

6. The District does not maintain a record that identifies "incidents in which weapons were drawn and/or used by a school police officer." Individual incident reports by officers may, in some instances, indicate whether a weapon was drawn or used. However, to identify the pertinent reports would require the review of approximately 3,000 reports for each of the four years requested. The District estimates that such review would take in excess of 1000 hours by a person authorized and trained to review such records for pertinent information. Pursuant to Government Code section 6255, the District believes that the cost to the District of searching for and segregating such records is unduly burdensome in relation to the public benefit to be derived from the information. If you are willing to pay the cost of reviewing all the reports, please let me know and we will try to estimate those costs which the District would need to receive in advance of performing the search. (*State Bd. of Equalization v. Superior Court* (1992) 10 Cal.App.4th 1177, 1190, fn. 14.)

7. The District's response to Item B.7 with regard to incidents in which students were injured "by the actions of a school police officer" is the same as the response to Item B.6.

8. The District will provide documentation indicating the file structure and layout of fields within the records provided by the District. Such documentation will include field names, definitions, and values for each field or definition.

C. Operations and Structure of SUSD PD

1. The District has and will provide records containing the policies and procedures for governance and operation of the District Police Department, including personnel matters.

2. The District has and will provide Department budget information.

3. The District has and will provide salary schedules for all classifications of school police officers.

4. The District has and will provide job descriptions for all classifications of school police officers.

D. Relationship of SUSD PD to Other Policing Agencies

1. The District has and will provide such records as exist that describe the relationship between the SUSD PD and other policing agencies.

2. The District has and will provide records indicating the number of San Joaquin County Sheriff deputies who "are located or spend a portion of their day on an SUSD campus." The District has no such records with regard to the Stockton Police Department and has no agreement with the Stockton PD regarding city police on campus.



3. The District has and will provide records regarding the source of funding for placing county deputy sheriffs on school campuses. However, there are no records regarding funding for placing city police on school campuses.

E. SUSD PD Complaint Process and Oversight

1. The District has, but will not provide, complaints about the activities of District police officers, including informal, formal, and criminal complaints against police officers. SUSD police officers are afforded the same confidentiality protections as other police officers throughout the State of California. Such records are confidential and privileged. (*Pitchess v. Superior Court* (1974) 11 Cal.3d 531, 538-539.) Penal Code section 832.7(a) states: "peace officer or custodial officer personnel records and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code." Penal Code section 832.8(e) defines "personnel records" to include "complaints or investigations of complaints" against police officers.

2. The District has and will produce records reflecting the outcomes of investigations regarding complaints regarding District police officers.

3. The District has and will produce records indicating the District process for filing complaints against police officers and the District procedures for resolving and addressing such complaints.

4. The District does not currently have an "independent or quasi-independent oversight body that monitors the activities of SUSD PD" and, therefore, has no records regarding such an oversight body.

In accordance with the itemized responses above, the District will identify the records in its possession that are subject to disclosure under the Public Records Act, estimate the cost of copying that material, and inform you of the cost of those copies and the approximate date by which copies will be available after you have paid for the copies. The District will provide those estimates within 30 days of the date of this response.

The District does not have sufficient public funds to waive the costs of duplication and, therefore, your request for a fee waiver is denied. Given the volume of records requested, it is likely that the costs will exceed \$50.00.

To the extent that any request has been denied above, please let the District know if you dispute the reasons for denial or wish to modify the request in a manner that would make the records subject to disclosure.

In addition, several of your requests seek lists that do not currently exist or specific records that are not currently sorted by the focus of your requests. As stated above, if you request that such lists be compiled, please let me know. The District will estimate the cost of reviewing the relevant systems of records and the time it will take to create the requested lists



Ms. Nayna Gupta
January 29, 2016
Page 5

without disclosing confidential information. If you request that the District segregate the requested records regarding use of weapons and student injuries from the large set of records in which they are currently kept, the District will estimate the cost and timing of that review process. Those estimates will be provided to you within 30 days of the date on which we receive your request for that review and compilation.

Please contact the undersigned if you have any questions or concerns regarding the content of this letter.

Very truly yours,



Michael E. Hersher
KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation

cc: Bryon Gustafson
SUSD Chief of Police



EXHIBIT 2-2

Cecilia Bermudez

From: Nayna Gupta
Sent: Tuesday, February 09, 2016 2:19 PM
To: Hersher, Michael
Subject: From Nayna Gupta re: ACLU PRA Request to SUSD

Dear Michael:

Thank you again for making time to talk by phone yesterday regarding our January 19, 2016 PRA request to Stockton Unified School District. My understanding based on our conversation is that the district will provide the records it has in its possession for which there were no questions within thirty days of your initial response. Therefore, we expect to receive those responsive documents by Monday, February 29 and we will cover the cost of copying those documents. As for the requests we discussed yesterday—A.3 and B.1 through B.4—we look forward to an initial response from the district by Thursday, February 15, ten days from our conversation yesterday.

As promised, I also write to follow-up on request E.1 from our PRA request. I understand the district's obligation to maintain confidentiality of its school police officers, specifically in the context of complaints of officer misconduct. California Public Records Act (CPRA) § 6254(k); Penal Code § 832.7(a),(e). Although the purpose of CPRA is to give members of the public access to information in the possession of public agencies like SUSD, there is a critical balance between the public right to access information and the district's need to preserve confidentiality and an individual's right to privacy. See *Copley Press, Inc. v. Superior Court*, 39 Cal. 4th 1272 (2006). In particular, I agree that SUSD has the right to withhold complaints where there is identifying information regarding its officers. The cases interpreting CPRA and the Penal Code provisions you cite prevent disclosure of complaints against officers specifically because the complaints in question in those cases revealed individual officers' identities. *Id.* at 1282-1283; see also *Berkeley Police Association v. City of Berkeley*, 167 Cal. App. 4th 385 (Cal. App. 1st Dist. 2008).

However, our request is that the district produce its complaints with the names of the officers and other obvious identifying information redacted. This allows the district to fulfill its privacy and confidentiality obligations to the officers as required under the applicable statutes and case law, but still honors the public's right to access information. As I mentioned on the phone, we have requested these complaints solely for the purpose of aggregating broader data, including but not limited to: the number of complaints filed with the district, the type or category of complaint, final disposition of the complaint, the underlying offense involved in the incident, and the school location in which the complaint originated. We understand that the district does not already aggregate this data so our intention is to use these redacted complaint records to compile the data on our own.

The district is permitted to release information underlying such data on filed complaints. In fact, Penal Code section 832.7(c) says that "a department or agency that employs peace or custodial officers may disseminate data regarding the number, type, or disposition of complaints (sustained, not sustained, exonerated, or unfounded) made against its officers if that information is in a form which does not identify the individuals involved." In other words, so long as the complaints SUSD provide do not include identifying information on the officers involved, the district is not in violation of its obligations to protect officer privacy and confidentiality. We believe that filed complaints that exclude the name, badge number, contact information, and physical descriptions of the officers would be sufficient to protect their rights, but still allow us and other members of the public access to the broader data to which we are entitled under CPRA.

Do not hesitate to contact me with any further questions or clarifications regarding this request.

Best,
Nayna Gupta

Nayna Gupta

Pronouns: She/Her/Hers

Racial Justice Project Fellow | ACLU of Northern California

39 Drumm Street, San Francisco, CA 94111

(415) 621-2493 | www.aclunc.org

EXHIBIT 2-3



JONES & MAYER

ATTORNEYS AT LAW

3777 NORTH HARBOR BOULEVARD • FULLERTON, CALIFORNIA 92835
(714) 446-1400 • (562) 697-1751 • FAX (714) 446-1448

Richard D. Jones*
Partners
Martin J. Mayer
Kimberly Hall Barlow
James R. Touchstone
Thomas P. Duarte
Richard L. Adams II
Christian L. Bettenhausen

Associates
Monica Choi Arredondo
Jamaar Boyd-Weatherby
Baron J. Bettenhausen
Paul R. Coble
Keith F. Collins
Michael Q. Do
Kathya M. Firlik

Crystal V. Hodgson
Krista MacNevin Jee
Ryan R. Jones
Gary S. Kranker
Gregory P. Palmer
Scott E. Porter
Harold W. Potter
Tarquin Preziosi

Carrie A. Raven
Brittany E. Roberto
Denise L. Rocawich
Yolanda M. Summerhill
G. Ross Trindle, III
Ivy M. Tsai
Carmen Vasquez
Emily Y. Wada

Of Counsel
Michael R. Capizzi
Harold DeGraw
David R. Demutjian
Deborah Pernice-Knefel
Dean J. Pucci
Steven N. Skolnik
Peter E. Tracy

*a Professional Law Corporation

Consultant
Mervin D. Feinstein

February 17, 2016

Ms. Nayna Gupta
Racial Justice Fellow
ACLU of Northern California
39 Drumm Street
San Francisco, CA 94111

RE: California Public Records Act Request (1/19/16) and Follow up Request (2/8/16) – Stockton Unified School District

Dear Ms. Gupta:

This office represents Chief Bryon Gustafson of the Stockton Unified School District Police Department on the above-captioned continuing discussion concerning the California Public Records Act ("CPRA") request made by the ACLU.

Let us first say that the response prepared on behalf of the Stockton Unified School District Police Department ("SUSDPD") prepared by Mr. Michael E. Hersher of the Kronick, Moskovitz firm is still the official response of the SUSDPD to the initial CPRA request.

Since then, however, you have supplemented your request following a telephone conversation with Mr. Hersher on February 8, 2016. The substance of that discussion was communicated to Chief Gustafson. This was further supplemented by an email from you to Mr. Hersher which was also forwarded to Chief Gustafson. It is this continued discussion to which this correspondence is intended to respond.

Training Records

From the communication with Mr. Hersher, it is our understanding that you now request any record that identifies all of the training on any topic the SUSDPD officers received from any training provider and any training materials maintained by the District.

Ms. Nayna Gupta
February 17, 2016
Page 2

In response to this new request, to the extent the SUSDPD possesses a list or record which identifies any and all training attended by its officers, that record is exempt from public disclosure as part of the individual police officers personnel file pursuant to Government Code §6254(k); Penal Code §832.5; 832.7 and 832.8; along with Government Code §6255.

As it relates to the actual training materials provided to the officers by any training provider, the SUSDPD does not routinely retain such materials. Instead, individual officers occasionally retain such material and that would become their personal property and not the property of the District. Having said that, the SUSDPD will review what, if any, training curriculum materials, it did retain. If any such materials are located, which would be responsive to this request, it will be reviewed for any applicable exemption and/or copyright protection and if the materials can be shared without, they will be.

Arrest Reports

It is our understanding that you are requesting all individual arrest reports filed by officers with the student names and other identifying information redacted. The District will not be providing any of these reports, redacted or not. The time period that this request covers is the last four (4) years. In that span of time there are a total of approximately 12,000 individual address records. Even if the District would agree to review and redact each individual report in order to protect the confidentiality thereof, the labor required to do that would take literally hundreds of hours, each one of which would then take staff members away from their normal day-to-day duties.

Arrest reports involving adult arrestees are exempt from public disclosure pursuant to Government Code §6254(f). Arrest reports involving a juvenile are even more highly protected and confidential pursuant to Welfare and Institutions Code §827. Indeed, a juvenile arrest report is a juvenile court record and the disclosure of such a report requires the approval of the Juvenile Court presiding judge. Based upon the overly burdensome, overly costly and overly voluminous records which would have to be culled in order to provide any record in response to this request, they are also exempt pursuant to Government Code §6255.

Calls For Service

The SUSDPD will provide a copy of the Call For Service log maintained by the Records section of the department. This log, however, only goes back a revolving past 30 days.

The SUSDPD will not be providing any Call For Service reports or records beyond the past 30 days. The span of time requested herein being the last four years, it is estimated that the total number of Calls For Service reports would be higher than 18,000. For the same reasons as described in the Arrest Records discussion, the SUSDPD will not be providing any historic Call For Service record of any kind. We base this decision on Government Code §6254(f) and 6255.

Ms. Nayna Gupta
February 17, 2016
Page 3

Individual Location Report

The District will provide copies of all individual location reports which are responsive to this request. It is not known now how long the copying of all responsive records will take. When a better estimate is known, it will be communicated to you.

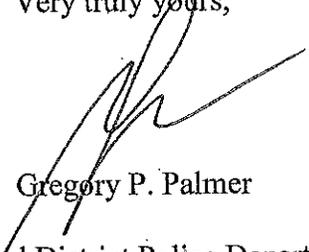
Complaints Against Officers

The District will not provide any record of complaints made against its officers and any reports or documents related to those complaints. We have reviewed the analysis you sent to Mr. Hersher in support of your argument that such reports can be provided with redactions. We respectfully disagree with that analysis. Records pertaining to complaints against District police officers are confidential pursuant to State law and the information contained within them can only be shared in response to a properly pled discovery motion ("Pitchess") and only after a court order. Obviously, a CPRA request is not a discovery motion and there was no court order requiring any release. The records are clearly exempt pursuant to Government Code §6254(k); Penal Code §832.5; 832.7 and 832.8, as well as Government Code §6255.

The District will provide a report for each requested year which contains the raw number statistics regarding complaints filed against its officer in compliance with Penal Code §832.7(c).

Thank you for your continuing dialogue in this very important matter. If you have any questions or comments, please contact me at my office.

Very truly yours,



Gregory P. Palmer

cc: Chief Bryon Gustafson, Stockton Unified School District Police Department

EXHIBIT 2-4



March 7, 2016

Via email and U.S. Mail

Julie Penn, Interim Superintendent
Stockton Unified School District
701 N. Madison Street
Stockton, CA 95202
jpenn@stocktonusd.net

RE: ACLU-CA Public Records Act Request to Stockton Unified School District

Dear Superintendent Penn:

The American Civil Liberties Union of Northern California (ACLU-NC) is interested in obtaining information about the presence and practices of law enforcement officers at all schools in Stockton Unified School District (SUSD). Accordingly, we submit the following request for records, pursuant to the California Public Records Act (CPRA), California Government Code §6250 *et seq.* As you know, the CPRA requires agencies to provide a response to Public Record Act requests within ten days of receipt of a request. Pursuant to this legal requirement, I look forward to your prompt response and timely disclosure of the following documents.

Definitions Used in this Request

The term “documents” includes, but is not limited to, any electronic information, reports, evaluations, memoranda, correspondence, letters, emails, charts, graphs, flyers, meeting agendas and minutes, diagrams, forms, DVDs, tapes, CDs, notes, and other similar materials.

The term “school police officer” or “SUSD PD officer” means any and all individuals employed by the SUSD Police Department (“SUSD PD”) for the purposes of engaging in security, emergency preparedness, or law enforcement on behalf of SUSD or in its schools, which can include but is not limited to School Police Officers I and II or Peace Officers I and II.

The term “school” includes all elementary, middle, and high schools in SUSD as well as any alternative schools, including but not limited to continuation high schools.

Page 1 of 5

Records Requested

Please provide us with copies of the records specified below. Each lettered or numbered paragraph should be considered a separate request under the CPRA. For each set of records produced, please identify the paragraph to which the records are intended to respond.

We also request that you provide any public record identified in the following electronic formats to us in that electronic format, instead of in paper format: PDF format or all Microsoft Office formats, including Word, Excel, Access, and Power Point. *See* Cal. Gov't Code § 6253.9.

Please provide us with the following records regarding arrests and referrals of students by officers employed by the SUSD Police Department for the 2012-2013 academic year until the present, including the current academic year:

1. Any and all documents containing data regarding arrests, and referrals for arrest, of students in SUSD schools, including but not limited to any and all lists of SUSD students arrested by school police officers which includes any or all of the following information:
 - a. Type/name of offense committed
 - b. Grade level of student
 - c. Race/ethnicity of student
 - d. Disability status of student
 - e. Gender of student
 - f. Location of incident: school-site v. off-school site
 - g. If school-site, name of school where the incident occurred
 - h. Time of incident
 - i. Final outcome of arrest
 - j. Whether handcuffs were used to restrain the student
2. Any and all documents containing data regarding referrals of SUSD students to any probation department or other branch of the juvenile justice system, including but not limited to any and all lists of SUSD students referred to any probation department or any other branch of the juvenile justice system by school police officers via petition, complaint, or other referral, which list or record includes any or all of the following information:
 - a. Type/name of offense committed
 - b. School of referred student
 - c. Grade level of student
 - d. Race/ethnicity of student
 - e. Disability status of student

- f. Gender of student
3. Any and all documents containing data collected regarding SUSD students who have been given a citation for infraction or a misdemeanor by school police officers, including but not limited to any and all lists of SUSD students given a citation for an infraction or a misdemeanor by school police officers which list or record includes any or all of the following information:
 - a. Type/name of offense committed
 - b. Grade level of student
 - c. Race/ethnicity of student
 - d. Disability status of student
 - e. Gender of student
 - f. Location of incident: school-site v. off-school site
 - g. If school-site, name of school where the incident occurred
 - h. Time of incident
 - i. Final outcome of citation (e.g., charge sustained or not sustained, etc.)
4. Any and all documents reflecting the total district-wide number of requests or calls made by school staff for SUSD PD officer presence or intervention at a school site, including but not limited to a numerical break-down of those requests by any of the following factors:
 - a. Offense type
 - b. Number of requests made by a teacher
 - c. Number of requests made by principal
 - d. Number of requests made by administrator
5. Any and all documents reflecting the number of requests or calls for SUSD PD officer presence or intervention originating from each SUSD school and a breakdown of those calls for officer presence based on offense type. This category of records includes but is not limited to a list of any or all schools in SUSD with a numerical breakdown of "calls for service" by school;
6. Metadata, or documentation describing the file structure and layout of fields within files, for the Arrest and Referral data listed in the preceding items 1-5, including any explanation of field names and their definitions, and a list of possible values (or a range of values) for each field and their definitions.

We understand that some of the documents we have requested may contain information that would identify individual students if produced in unredacted form. We both expect and encourage the District to comply with its obligation to protect the privacy of its students. We therefore request that, where necessary, responsive documents be redacted to replace student

names and Statewide Student Identifier (SSID) numbers with pseudo-identifiers consisting of random sequences of numbers and letters.

If any records in the above request are claimed to be exempt from disclosure, we request that: (1) you exercise your discretion to disclose some or all of the records notwithstanding the exemption; and (2) with respect to records containing both exempt and non-exempt content, you redact the exempt content and disclose the rest, pursuant to your obligation under California Government Code § 6253(a). Additionally, if any records are withheld or redacted, please provide a written response that describes the records being withheld or redacted and the claimed reason for exemption under the CPRA.

If you contend that this request does not reasonably describe identifiable public records, we request that you promptly assist us by eliciting additional information that will clarify our request and more clearly identify the records we are seeking. *See* Cal. Gov't Code § 6253.1.

We also reiterate our request that you provide any public record identified in the following electronic formats to us in that electronic format, instead of in paper format: PDF format or all Microsoft Office formats, including Word, Excel, Access, and Power Point. *See* § 6253.9.

Finally, we request that you waive any copying fees because the ACLU-NC is a non-profit organizing and civil rights organization and the information requested will be used in the public interest to further the public's understanding of public schools and its police force. No part of the information obtained will be sold or distributed for profit. If you are unable to waive the copying fees, please inform us of any potential duplication costs exceeding \$50.00 prior to copying.

We look forward to working with you to obtain the public records identified in this revised request and look forward to your response to this request within ten (10) days of receipt of this letter. *See* § 6253(c). Please contact me directly at (415) 621-2493 or lnelson@aclunc.org with your response. Additionally, please provide all records as they become available, rather than waiting to send them together.

We thank you in advance for providing us with the records we have requested. Please send all responsive documents to:

Linnea Nelson
ACLU of Northern California
39 Drumm Street
San Francisco, CA 94111
(415) 621-2493
lnelson@aclunc.org

If you have any questions, please do not hesitate to contact me at (415) 621-2493 or by email at lnelson@aclunc.org.

Sincerely,



Linnea Nelson
Education Equity Staff Attorney
ACLU of Northern California

cc: Chief Bryan Gustafson, Stockton Unified School District Police Department
640 N. San Joaquin St.
Stockton, CA 95202
bgustafson@stockton.k12.ca.us

Gregory P. Palmer
Jones & Mayer, Attorneys at Law
3777 N. Harbor Blvd.
Fullerton, CA 92835
gpp@jones-mayer.com

Michael E. Hersher,
Kronick Moskovitz Tiedemann & Girard
400 Capitol Mall, 27th Floor
Sacramento, CA 95814
mhersher@kmtg.com

EXHIBIT 2-5



March 7, 2016

Gregory P. Palmer
Jones & Mayer, Attorneys at Law
3777 N. Harbor Blvd.
Fullerton, CA 92835
gpp@jones-mayer.com

Michael Hersher
Kronick Moskovitz Tiedemann & Girard
400 Capitol Mall, 27th Floor
Sacramento, CA 95814
mhersher@kmtg.com

RE: ACLU-NC California Public Records Act Request to Stockton Unified School District

Dear Mr. Palmer and Mr. Hersher,

I am directing this letter to both of you since it is unclear to me from your previous correspondence with the ACLU of Northern California (“ACLU”) which firm is handling the response from the Stockton Unified School District (“District”) to our California Public Records Act (“CPRA”) requests dated January 19, 2016.

This purpose of this letter is 1) to summarize the ACLU’s understanding of the status of agreements that have been made to date between the ACLU and the District regarding the District’s response to our January 19 CPRA request, including documents the District will turn over to the ACLU; and 2) to answer the District’s response to our CPRA request in an attempt to efficiently resolve this matter.

To be clear at the outset, the ACLU submitted one CPRA request—consisting of different sub-parts—to the District by letter dated January 19, 2016. In an effort to assist the District in complying with our CPRA request, my colleague, Nayna Gupta, had a telephone conversation with Mr. Hersher on February 8 to identify documents responsive to our January 19 letter, pursuant to California Government Code § 6253.1 (requiring the public agency to “assist the

Page 1 of 7

[requesting] member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated”). Ms. Gupta then followed up with Mr. Hersher by email the next day to confirm the substance of her February 8 telephone conversation with him identifying responsive records in possession of the District. Contrary to Mr. Palmer’s assertion in his February 17 letter, Ms. Gupta’s conversations with Mr. Hersher were not a “supplement” to our January 19 CPRA request to the District. Nevertheless, in the interest of complete clarity regarding the scope of our request for information covered in Part B of our January 19 CPRA request, we have today sent another CPRA request to the District, attached here for your reference. Please direct all future contact from the District regarding both the January 19 and the March 7 CPRA requests to my attention.

Status of Agreements Between the ACLU and the District Regarding the District’s CPRA Response

Documents the District has already agreed to provide to the ACLU

1. Part A of the ACLU’s January 19 CPRA Request

As stated in Mr. Hersher’s January 29 letter to Ms. Gupta, and confirmed in his subsequent conversation with her, the District has agreed to provide the following records in response to Part A of the ACLU’s January 19 CPRA request:

- A record of all police officers, identified by name, employed by the District from the 2012-2013 school year to the present.
- All job descriptions and recruitment materials that indicate the qualifications and process for becoming a police officer in the District.
- A copy of the District Police Department’s policy manual with “appropriate redactions of law enforcement sensitive information (e.g., operational procedures for responding to a bomb threat).” The policy manual will include documents reflecting the procedures that school police officers are required to follow, including but not limited to, procedures to be followed with respect to:
 - Interrogation/questions of students;
 - Conflict de-escalation;
 - Searches of students;
 - Dealing with students with disabilities;
 - Restraining students;
 - Arresting students; and
 - Use and carrying of weapons (including guns, TASERS, pepper spray, and nightsticks).

- Copies of guidance provided to school site personnel and board policy related to the procedures for requesting assistance from the Police Department.

2. *Part B of the ACLU's January 19 CPRA Request*

As stated in Mr. Hersher's January 29 letter to Ms. Gupta, and confirmed in his subsequent conversation with her, the District has agreed to provide the following records in response to Part B of the ACLU's January 19 CPRA Request:

- One or more documents that explain how the District defines the term "arrest."
- Individual Location Report(s) identifying types of calls for service by location, date, and time.
- Documentation indicating the file structure and layout of fields within the records provided by the District, including field names, definitions, and values for each field or definition.

3. *Part C of the ACLU's January 19 CPRA Request*

As stated in Mr. Hersher's January 29 letter to Ms. Gupta, and confirmed in his subsequent conversation with her, the District has agreed to provide the following records in response to Part C of the ACLU's January 19 CPRA Request:

- Records containing the policies and procedures for governance and operation of the District Police Department, including personnel matters.
- Department budget information.
- Salary schedules for all classifications of school police officers.
- Job descriptions for all classifications of school police officers.

4. *Part D of the ACLU's January 19 CPRA Request*

As stated in Mr. Hersher's January 29 letter to Ms. Gupta, and confirmed in his subsequent conversation with her, the District has agreed to provide the following records in response to Part D of the ACLU's January 19 CPRA Request:

- Records that describe the relationship between the District Police Department and other policing agencies.
- Records indicating the number of San Joaquin County Sheriff deputies who are located or spend a portion of their day on a District campus.
- Records regarding the sources of funding for placing county deputy sheriffs on school campuses.

5. *Part E of the ACLU's January 19 CPRA Request*

As stated in Mr. Hersher's January 29 letter to Ms. Gupta, and confirmed in his subsequent conversation with her, the District has agreed to provide the following records in response to Part E of the ACLU's January 19 CPRA Request:

- Records reflecting the outcomes of investigations regarding complaints regarding District police officers.
- Records indicating the District process for filing complaints against police officers and the District procedures for resolving and addressing such complaints.

Timeline for turning over the above-listed records

On February 9, Ms. Gupta confirmed by email with Mr. Hersher his verbal agreement with her that the District "will provide the records it has in its possession for which there were no questions within thirty days of [the District's] initial response." The District's initial response to our CPRA request was on January 29, the date of Mr. Hersher's letter to Ms. Gupta. Thus, we expected to receive the above-listed records within 30 days of January 29, i.e., by February 29, 2016. To date, we have received no records whatsoever from the District in response to our January 19 CPRA request.

Under the CPRA, a public agency may not delay or obstruct the inspection or copying of public records. Cal. Gov't Code § 6253(d). It has now been a week since we were told we would receive responsive documents from the District, and we have received nothing. Furthermore, Mr. Palmer's February 17 letter states that the ACLU will receive individual location reports at some unknown time in the future, in apparent direct conflict with Mr. Hersher's agreement to provide those records by February 29 and in violation of the District's legal obligation to "state the estimated date and time when the records will be made available." § 6253(c). It appears from these events that the District is now actively delaying and obstructing the ACLU's access to records responsive to our January 19 CPRA request.

Please notify me as soon as possible when we will receive copies of all or any part of the responsive records described in Mr. Hersher's communications with our office, as listed above, including but not limited to any and all individual location reports in possession of the District.

The ACLU's Response Regarding Responsive Documents the District Claims Are Exempt from Disclosure

1. *Any and all documents used to train school police officers for working in schools from the 2012-2013 school year to the present.*

As I understand Mr. Palmer's February 17 letter, the District's position is that any records in its possession that identify "any and all training attended by its police officers" are exempt from public disclosure as part of the individual police officers' personnel files pursuant to Government Code §§ 6254(k) and 6255; and Penal Code § 832.5, 832.7, and 832.8.

To clarify, we are requesting copies of any and all documents in the District's possession *other than personnel files* used to train District police officers, including documents identifying any and all training attended by District police officers.

Government Code §§ 6254(k), cited in Mr. Palmer's letter, exempts "[r]ecords, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege." Pursuant to that citation, please state your basis under state or federal law for withholding documents in the District's possession, *other than personnel files*, that were or are used to train District police officers from the 2012-2013 school year to the present time, including documents that identify any training attended by District police officers. § 6255(a) (requiring the public agency to justify withholding records). Alternatively, please promptly provide any and all documents responsive to this request.

2. *Records regarding arrests and referrals of students by District police officers from the 2012-2013 school year to the present.*

In his January 29 letter and in his subsequent conversations with Ms. Gupta, Mr. Hersher stated that the District possesses no documents except individual student arrest records that are responsive to this request.

The ACLU firmly believes that the District possesses non-exempt documents responsive to this request. For example, in response to a CPRA request the ACLU sent to the District on August 16, 2012, the District provided us with redacted juvenile arrest logs dating from July 1, 2006 through January 14, 2013; adult arrest logs dating from July 1, 2006 through December 30, 2012; and "crime and location logs" dating from July 1, 2006 through January 14, 2013. A copy of the response letter from the District, dated January 25, 2013 and listing these responsive records, is attached. We have, therefore, *already received* documents in the District's possession that are at least partially responsive to our January 2016 request; and we know that non-exempt records responsive to this request exist. We have every reason to believe the District has continued to maintain identical or similar summary logs up to the present time, which are responsive to our request for records regarding arrests and referrals of students by District police officers.

Moreover, the District provided summary data to the California Department of Justice regarding juvenile arrests, as demonstrated by the public reporting of that data available online at www.oag.ca.gov/crime/cjsc/stats/arrests (showing data summarizing juvenile arrests made by the

Stockton Unified School District Police Department from 2005-2014). Our request for records includes any reports provided to the California Department of Justice regarding arrests made by the District Police Department.

We request that the District once again check its records to find and provide documents in its possession that are responsive to our January 19 CPRA request and follow-up March 7 CPRA request.

3. *Records relating to requests or calls made by school staff for District police presence or intervention, or “calls for service.”*

Mr. Palmer’s February 17 letter states that the District “will not be providing any Call for Service reports or records beyond the past 30 days...[f]or the same reasons as described in the Arrest Records discussion,” in apparent reference to the District’s claims of exemption under Government Code §§ 6254(f) and 6255, and Welfare and Institutions Code § 827.

Government Code § 6254(f) exempts investigative and security files. Welfare and Institutions Code § 827 exempts disclosure of information regarding juvenile court case files but says nothing about records that could be described as “call for service” reports maintained by local law enforcement agencies. Thus, neither Government Code § 6254(f) nor Welfare and Institutions Code § 827 appear to categorically exempt records regarding calls for service to District police officers that are not investigative, security, or juvenile court case files. Indeed, the fact that the District has agreed to provide a copy of the Call for Service log maintained for the last 30 days, as noted in Mr. Palmer’s letter, undercuts any possible assertion that the logs are categorically exempt. *See also* § 6253(a) (requiring public agencies to make “reasonably segregable portions” of responsive documents available for inspection “after deletion of the portions which are exempt.”).

Government Code § 6255 allows a public agency to justify withholding responsive records where “on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.” It appears from the February 17 letter that the District claims exemption because “the total number of Calls for Service reports [over the last four years] would be higher than 18,000” and providing those records would be “overly burdensome, overly costly and overly voluminous” to process. However, as noted above, we are aware from the District’s previous response to our August 2012 CPRA request that the District maintains “crime and location logs” that it has provided to us before. These logs are responsive to our request for “records relating to requests or calls made by school staff for District police presence or intervention” and were not previously “overly burdensome, overly costly and overly voluminous” to process.

We request that the District once again check its records to find and provide documents in its possession that are responsive to our January 19 CPRA request and follow-up March 7 CPRA request. We are also willing to work with the District to limit the scope of our request for all “call for service” reports to a time frame that may lessen the burden on the District.

Conclusion

The District is now overdue to provide responsive records that it has already agreed to provide through its January and February communications with the ACLU via Mr. Hersher. Furthermore, we strongly believe that the District has not conducted a thorough search for responsive, non-exempt documents as it is obligated to under the CPRA. § 6253(c). Please contact me at your earliest convenience at 415-621-2493 to discuss how we may resolve this matter.

Very truly yours,



Linnea Nelson
Education Equity Staff Attorney
ACLU of Northern California

cc: Julie Penn, Interim Superintendent
Stockton Unified School District
701 N. Madison Street
Stockton, CA 95202
jpenn@stocktonusd.net

Chief Bryan Gustafson, Stockton Unified School District Police Department
640 N. San Joaquin St.
Stockton, CA 95202
bgustafson@stockton.k12.ca.us

Attachments: 1. March 7, 2016 CPRA letter from ACLU-NC Attorney Linnea Nelson to SUSD Interim Superintendent Julie Penn

2. January 25, 2013 letter from SUSD Attorney Lily Cervantes to ACLU-NC Employee Anna Salem



March 7, 2016

Via email and U.S. Mail

Julie Penn, Interim Superintendent
Stockton Unified School District
701 N. Madison Street
Stockton, CA 95202
jpenn@stocktonusd.net

RE: ACLU-CA Public Records Act Request to Stockton Unified School District

Dear Superintendent Penn:

The American Civil Liberties Union of Northern California (ACLU-NC) is interested in obtaining information about the presence and practices of law enforcement officers at all schools in Stockton Unified School District (SUSD). Accordingly, we submit the following request for records, pursuant to the California Public Records Act (CPRA), California Government Code §6250 *et seq.* As you know, the CPRA requires agencies to provide a response to Public Record Act requests within ten days of receipt of a request. Pursuant to this legal requirement, I look forward to your prompt response and timely disclosure of the following documents.

Definitions Used in this Request

The term “documents” includes, but is not limited to, any electronic information, reports, evaluations, memoranda, correspondence, letters, emails, charts, graphs, flyers, meeting agendas and minutes, diagrams, forms, DVDs, tapes, CDs, notes, and other similar materials.

The term “school police officer” or “SUSD PD officer” means any and all individuals employed by the SUSD Police Department (“SUSD PD”) for the purposes of engaging in security, emergency preparedness, or law enforcement on behalf of SUSD or in its schools, which can include but is not limited to School Police Officers I and II or Peace Officers I and II.

The term “school” includes all elementary, middle, and high schools in SUSD as well as any alternative schools, including but not limited to continuation high schools.

Page 1 of 5

Records Requested

Please provide us with copies of the records specified below. Each lettered or numbered paragraph should be considered a separate request under the CPRA. For each set of records produced, please identify the paragraph to which the records are intended to respond.

We also request that you provide any public record identified in the following electronic formats to us in that electronic format, instead of in paper format: PDF format or all Microsoft Office formats, including Word, Excel, Access, and Power Point. *See* Cal. Gov't Code § 6253.9.

Please provide us with the following records regarding arrests and referrals of students by officers employed by the SUSD Police Department for the 2012-2013 academic year until the present, including the current academic year:

1. Any and all documents containing data regarding arrests, and referrals for arrest, of students in SUSD schools, including but not limited to any and all lists of SUSD students arrested by school police officers which includes any or all of the following information:
 - a. Type/name of offense committed
 - b. Grade level of student
 - c. Race/ethnicity of student
 - d. Disability status of student
 - e. Gender of student
 - f. Location of incident: school-site v. off-school site
 - g. If school-site, name of school where the incident occurred
 - h. Time of incident
 - i. Final outcome of arrest
 - j. Whether handcuffs were used to restrain the student
2. Any and all documents containing data regarding referrals of SUSD students to any probation department or other branch of the juvenile justice system, including but not limited to any and all lists of SUSD students referred to any probation department or any other branch of the juvenile justice system by school police officers via petition, complaint, or other referral, which list or record includes any or all of the following information:
 - a. Type/name of offense committed
 - b. School of referred student
 - c. Grade level of student
 - d. Race/ethnicity of student
 - e. Disability status of student

- f. Gender of student
3. Any and all documents containing data collected regarding SUSD students who have been given a citation for infraction or a misdemeanor by school police officers, including but not limited to any and all lists of SUSD students given a citation for an infraction or a misdemeanor by school police officers which list or record includes any or all of the following information:
 - a. Type/name of offense committed
 - b. Grade level of student
 - c. Race/ethnicity of student
 - d. Disability status of student
 - e. Gender of student
 - f. Location of incident: school-site v. off-school site
 - g. If school-site, name of school where the incident occurred
 - h. Time of incident
 - i. Final outcome of citation (e.g., charge sustained or not sustained, etc.)
4. Any and all documents reflecting the total district-wide number of requests or calls made by school staff for SUSD PD officer presence or intervention at a school site, including but not limited to a numerical break-down of those requests by any of the following factors:
 - a. Offense type
 - b. Number of requests made by a teacher
 - c. Number of requests made by principal
 - d. Number of requests made by administrator
5. Any and all documents reflecting the number of requests or calls for SUSD PD officer presence or intervention originating from each SUSD school and a breakdown of those calls for officer presence based on offense type. This category of records includes but is not limited to a list of any or all schools in SUSD with a numerical breakdown of "calls for service" by school;
6. Metadata, or documentation describing the file structure and layout of fields within files, for the Arrest and Referral data listed in the preceding items 1-5, including any explanation of field names and their definitions, and a list of possible values (or a range of values) for each field and their definitions.

We understand that some of the documents we have requested may contain information that would identify individual students if produced in unredacted form. We both expect and encourage the District to comply with its obligation to protect the privacy of its students. We therefore request that, where necessary, responsive documents be redacted to replace student

names and Statewide Student Identifier (SSID) numbers with pseudo-identifiers consisting of random sequences of numbers and letters.

If any records in the above request are claimed to be exempt from disclosure, we request that: (1) you exercise your discretion to disclose some or all of the records notwithstanding the exemption; and (2) with respect to records containing both exempt and non-exempt content, you redact the exempt content and disclose the rest, pursuant to your obligation under California Government Code § 6253(a). Additionally, if any records are withheld or redacted, please provide a written response that describes the records being withheld or redacted and the claimed reason for exemption under the CPRA.

If you contend that this request does not reasonably describe identifiable public records, we request that you promptly assist us by eliciting additional information that will clarify our request and more clearly identify the records we are seeking. *See* Cal. Gov't Code § 6253.1.

We also reiterate our request that you provide any public record identified in the following electronic formats to us in that electronic format, instead of in paper format: PDF format or all Microsoft Office formats, including Word, Excel, Access, and Power Point. *See* § 6253.9.

Finally, we request that you waive any copying fees because the ACLU-NC is a non-profit organizing and civil rights organization and the information requested will be used in the public interest to further the public's understanding of public schools and its police force. No part of the information obtained will be sold or distributed for profit. If you are unable to waive the copying fees, please inform us of any potential duplication costs exceeding \$50.00 prior to copying.

We look forward to working with you to obtain the public records identified in this revised request and look forward to your response to this request within ten (10) days of receipt of this letter. *See* § 6253(c). Please contact me directly at (415) 621-2493 or lnelson@aclunc.org with your response. Additionally, please provide all records as they become available, rather than waiting to send them together.

We thank you in advance for providing us with the records we have requested. Please send all responsive documents to:

Linnea Nelson
ACLU of Northern California
39 Drumm Street
San Francisco, CA 94111
(415) 621-2493
lnelson@aclunc.org

Page 4 of 5

If you have any questions, please do not hesitate to contact me at (415) 621-2493 or by email at lnelson@aclunc.org.

Sincerely,



Linnea Nelson
Education Equity Staff Attorney
ACLU of Northern California

cc: Chief Bryan Gustafson, Stockton Unified School District Police Department
640 N. San Joaquin St.
Stockton, CA 95202
bgustafson@stockton.k12.ca.us

Gregory P. Palmer
Jones & Mayer, Attorneys at Law
3777 N. Harbor Blvd.
Fullerton, CA 92835
gpp@jones-mayer.com

Michael E. Hersher,
Kronick Moskovitz Tiedemann & Girard
400 Capitol Mall, 27th Floor
Sacramento, CA 95814
mhersher@kmtg.com



Stockton Unified School District

Since 1852

Dr. Steven Lowder, Superintendent

Lily Cervantes
Counsel/Legal Affairs
701 North Madison Street • Stockton, CA 95202
Phone (209) 933-6415 Fax (209) 466-6786

BOARD OF EDUCATION
Gloria Allen, President
Sal Ramirez, Vice President
Colleen Keenan
Kathy Garcia
David Varela
Sara Cázares
Steven Smith

January 25, 2013

VIA FIRST CLASS MAIL

Anna Salem
ACLU of Northern California
39 Drumm Street
San Francisco, CA 94111

Re: August 16, 2012 Public Records Act Request - Supplemental Response

Dear Ms. Salem:

This letter is provided as a supplemental response to Julia Mendoza's August 16, 2012 Public Records Act request to the Stockton Unified School District ("SUSD") related to police records. SUSD provided initial replies to the ACLU's request, including responsive documents on October 8 and December 3 of 2012 and requested additional time to respond to questions A(10), C(1), C(2), C(3), D(10), D(11), D(12), D(14), and D(15). The responses to those inquiries follow.

Per our previous communications, the ACLU revised its original request and now seeks public records from July 1, 2006 forward.

- **A(10): Any and all documents regarding school crime, arrest, citation, violence, weapons, and safety rates from the creation of SSPD to the current school year.**

This request is broadly stated; to comply with this request, the SUSD has narrowed the scope of the request to give it meaningful effect. Although a request may identify a document generally by its content, the California Public Records Act also requires that a public records request reasonably describe an identifiable record. (*Cal. First Amend. Coalition v. Superior Court* (1998) 67 Cal. App. 4th 159; Government Code § 6253(b)). Broadly interpreted, nearly every document related to the SUSD Police Department could be encompassed in request A(10), because every action the Department takes relates to crime rates. Therefore, in an effort to assist your office to make a more focused and effective request pursuant to Government Code section 6253.1, we are treating your inquiry (A(10)) as limited to a request for non-confidential SUSD prepared, owned, or retained aggregate data reports for the subjects, and time frame identified above.

In arriving at the above limiting interpretation, SUSD has assumed the ACLU does not seek protected law enforcement records. (*See* Government Code § 6254(f) (investigatory files); *and* Welfare and Institutions Code § 827.9 (juvenile arrest records are

confidential); *and* Welfare and Institutions Code § 15633 (elder abuse reports are confidential). Likewise, SUSD assumes that the ACLU does not request the SUSD's confidential law enforcement database, or that SUSD create a report that does not already exist. (Government Code § 6254(f); Government Code § 6252(e)).

Based on the above criteria, the following aggregate data reports are attached:

1. Redacted Juvenile Arrest Log July 1, 2006 – January 14, 2013 (See January 2013 ACLU Disk #2. Please note the District has removed any reference to the name of the minors and his/her birth dates.)
2. Adult Arrest Log July 1, 2006 – December 30, 2012 (See January 2013 ACLU Disk #1.)
3. Crime and Location Log July 1, 2006 – January 14, 2013 (See January 2013 ACLU Disk #1.)

Also, please see the Federal Bureau of Investigation website at www.fbi.gov/about-us/cjis/ucr/ucr. This website provides agency specific data (including SUSD PD) that may be helpful to the ACLU.

- **C(1): Any and all complaints received from any sources about the activities of the SSPD since its creation, this includes, but is not limited to all information, formal and / or criminal complaints filed against school police offices.**

The information requested in C(1) is primarily maintained in peace officer personnel files. SUSD police officer personnel records are private and protected by the California Constitution Article 1, Section 3(b)(3). The information requested in C(1) is also protected by various statutes, including, but not limited to, Penal Code sections 832.5, 832.7 and 832.8 and is only producible following a successful *Pitchess* Motion brought pursuant to Evidence Code section 1043 *et seq.* Such information is further exempt from the PRA pursuant to Government Code section 6254(c) covering personnel records, 6254(f) covering investigative and security records, 6254(k) covering official information, and 6255 covering the public interest exemption. Accordingly, SUSD declines to produce any information contained in confidential peace officer records.

On occasion during District Safety Committee meetings, and Board of Education meetings, members of the public express concerns/complaints about the SUSD PD. As such, included for your review are public minutes for these meetings since 2006 where the subject of the SUSD PD were addressed. (See January 2013 ACLU Disk #1.)

Also, included for your review is a report regarding the number and general out come of Internal Affairs investigations since July 1, 2006. (See January 2013 ACLU Disk #1.)

- **C(2): Any and all documents reflecting investigations of school police officers, either as a result of public or internal complaints or concerns.**

See response to C(1) above.

- **C(3): Any and all documents reflecting the results of investigations of school police officers.**

See response to C(1) above.

- **D(10): The aggregate number of petitions or complaints filed with the Probation Department by school police officers disaggregated by type of offense, school, location, and race, ethnicity, disability and gender of arrestee.**

Request D(10) calls for information that does not exist in any document currently in possession of SUSD but, rather, is maintained in a confidential law enforcement database. The California Public Records Act authorizes members of the general public to inspect and receive copies of existing records which have been reasonably identified by the requestor, and which records are not exempt from disclosure under the Act. However, the Act does not require the public agency to compile data, perform research, or create new records that do not currently exist. (*See* Government Code section 6252(e); *See also Haynie v. Superior Court* (2001) 26 Cal. 4th 1061; 71 Ops. Cal Atty. Gen 235(1998)).

- **D(11): The aggregate number of arrests made by school police officers, disaggregated by type of offense, school location, and race, ethnicity, disability and gender.**

See response to request D(10).

- **D(12): The aggregate number of citations for infractions or misdemeanors given by schools police officers, disaggregated by type of offense, school location, and race ethnicity, disability and gender of the student cited.**

See response to request D(10).

- **D(14): Any and all documents related to incidents in which weapons were drawn and/or used by school police officers.**

To the extent this request seeks information contained in constitutionally protected peace officer records, law enforcement investigation records, or juvenile arrest or detention records, SUSD denies the request (*See* reply to C(1) above; Government Code § 6254(f); Welfare and Institutions Code § 827.9). The District does not maintain aggregate non-specific public records responsive to this request.

- **D(15): Any and all documents related to incidents in which a student was injured by the actions of a school police officer.**

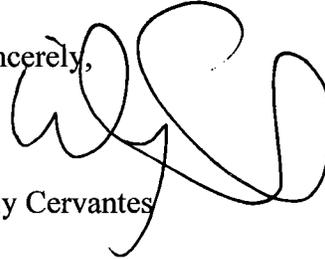
To the extent this request seeks information contained in constitutionally protected peace officer records, law enforcement investigation records, or juvenile arrest or detention records, SUSD denies the request (*See* reply to C(1) above; Government Code § 6254(f);

Welfare and Institutions Code § 827.9). The District does not maintain aggregate non-specific public records responsive to this request.

For your convenience electronic copies of the public records responsive to your request are included in the disks attached hereto. If you have any questions or wish to discuss this matter further, please do not hesitate to contact me.

Sincerely,

Lily Cervantes

A handwritten signature in black ink, appearing to be 'Lily Cervantes', written over the printed name.

Enclosures: January 2013 ACLU Disks #1 & Disks #2

cc: Steven Lowder, Superintendent
Jim West, Chief of Police
Marie A. Nakamura, KMTG

EXHIBIT 2-6



JONES & MAYER

ATTORNEYS AT LAW

3777 NORTH HARBOR BOULEVARD • FULLERTON, CALIFORNIA 92835
(714) 446-1400 • (562) 697-1751 • FAX (714) 446-1448

Richard D. Jones*

Partners

Martin J. Mayer
Kimberly Hall Barlow
James R. Touchstone
Thomas P. Duarte
Richard L. Adams II
Christian L. Bettenhausen

Associates

Monica Choi Arredondo
Jamaar Boyd-Weatherby
Baron J. Bettenhausen
Paul R. Coble
Keith F. Collins
Michael Q. Do
Kathya M. Firlik

Crystal V. Hodgson
Krista MacNevin Jee
Ryan R. Jones
Gary S. Kranker
Gregory P. Palmer
Scott E. Porter
Harold W. Potter
Tarquin Preziosi

Carrie A. Raven
Brittany E. Roberto
Denise L. Rocawich
Yolanda M. Summerhill
G. Ross Trindle, III
Ivy M. Tsai
Carmen Vasquez
Emily Y. Wada

Of Counsel

Michael R. Capizzi
Harold DeGraw
David R. Demurjian
Deborah Pernice-Knefel
Dean J. Pucci
Steven N. Skolnik
Peter E. Tracy

*a Professional Law Corporation

Consultant

Mervin D. Feinstein

March 9, 2016

Linnea Nelson, Esq.
Education Equity Staff Attorney
ACLU of Northern California
39 Drumm Street
San Francisco, CA 94111

RE: Stockton Unified School District Police Department/California Public Records Act Requests

Dear Ms. Nelson:

This letter is in response to your letter to me and Mr. Michael Hersher dated March 7, 2016 regarding the above-captioned matter and to Ms. Julie Penn, Interim Superintendent of the Stockton Unified School District dated March 7, 2016. As stated in previous correspondence, this office is handling the response to the California Public Records Act ("CPRA") request.

Summary of Intended Disclosure

In your letter you have summarized your interpretation of the District Police Department's intended disclosure from our previous correspondence in that regard. We are not going to go point by point in response thereto, but we will reiterate that the intended disclosure will be made in conformance with our previous correspondence, not in conformance with your interpretation thereof.

Timeline For Disclosure

The documents intended for disclosure as explained in previous correspondence will be ready for delivery during the afternoon hours of Wednesday, March 9, 2016. I left a message for Ms. Nayna Gupta this morning (March 9, 2016) at approximately 10:35 a.m. with Jennifer Chou

Linnea Nelson, Esq.
March 9, 2016
Page 2

of your office in order to finalize in what manner Ms. Gupta wanted the records sent to your office. At the time of sending this letter I have not heard back from Ms. Gupta. Unless we hear to the contrary, the records will be prepared and mailed to you March 10, 2016.

2013 Disclosure

Your explanation of how the District Police Department responded to a similar CPRA request in early 2013 was somewhat of a surprise to School Police Chief Bryon Gustafson and to the District Administration. Chief Gustafson was generally aware of the 2013 request but was unaware of the extent of the disclosure. That request was made and satisfied by individuals who are no longer in either District Administration or School Police Administration. Indeed, that request was handled at least two interim police chiefs ago, by a different superintendent and a different District legal counsel. It might have been more complete had you indicated that part of your current request overlapped with that previous request at least as it relates to year 2012.

The District Police Chief has now had a chance to research the disclosure made in 2013. Although not required to do so, the District provided the ACLU with the documents which are required by law to be disclosed concerning arrests to the California Dept. of Justice. Inasmuch as some of these documents pertain to juvenile court record information, they were redacted. These records are solely required to be disclosed to the California Dept. of Justice and are not considered a disclosable public record (Government Code §6254(f)).

While the Administrative decision makers from that time period are gone, some staff members who were present at that time and had to do the work to create those records remain and have been consulted. Each arrest, referral for arrest, referral to probation, citation for an infraction or misdemeanor and calls for service had to be individually reviewed in order to cull from these records the information sought by the ACLU.

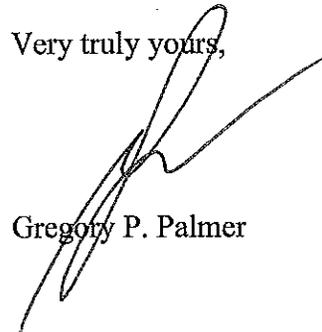
This effort was enormous. It diverted a substantial amount of staff time away from their normal day to day workload on behalf of the District. The District did not have to engage in that level of effort under the CPRA (see Government Code §6255) but it did in 2013. We, respectfully, decline to do so again. Going back and researching the level of effort undertaken back in 2013 only serves to underscore that it should not have been done back then and it should not be done at this time.

Thus, the only record that actually does exist which would contain the information requested are that actual arrest, referral for arrest, referral to probation, infraction and misdemeanor citations, and calls for service reports, all of which are exempt from public disclosure pursuant to Government Code §6254(f); 6254(k), along with Welfare and Institution Code §827 and Government Code §6255.

Linnea Nelson, Esq.
March 9, 2016
Page 3

Accordingly, other than the material which the District has already agreed to provide, no other disclosures will be made.

Very truly yours,

A handwritten signature in black ink, appearing to read "Gregory P. Palmer". The signature is stylized with a large, sweeping initial "G" and a long, horizontal flourish extending to the right.

Gregory P. Palmer

GPP:lym

cc: Bryon Gustafson, Chief of Police
Julie Penn, Interim Superintendent
Martin J. Mayer

EXHIBIT 2-7

Cecilia Bermudez

From: Linnea Nelson
Sent: Wednesday, March 09, 2016 3:26 PM
To: 'Laura Y. Miller'; 'gpp@jones-mayer.com'
Cc: Bryon Gustafson; jpenn@stocktonusd.net; Martin J. Mayer; Nayna Gupta
Subject: RE: Stockton USDPD CPRA Request

Mr. Palmer,

Thank you for your response to my letter dated March 7. As I emphasized at least twice in that letter, contact from you or others in the District regarding both the January 19 and the March 7 CPRA requests from the ACLU should be directed to me. Both my phone number and my email address were provided in both letters. It is very unclear to me why you were in contact with Jennifer Chou, another attorney in this office who is not working on this matter, to leave a voicemail message for Ms. Gupta regarding the manner in which we wish to receive responsive records; or even why you chose to contact Ms. Gupta regarding the District's response to our CPRA request when I stated clearly and directly in my letter to you that I, and not Ms. Gupta, am the attorney with whom you should be in contact on this matter.

Be that as it may, I am available anytime this afternoon to speak with you about the manner in which we would like responsive records sent to our office. As stated in both the January 19 and March 7 letters, our preference is that the records be sent electronically to save time and expense on both sides. Any records sent electronically should be directed to my email address: lnelson@aclunc.org. If you wish to speak with me directly about delivering the records, I can be reached at 415-621-2493, extension 383.

Very truly yours,

Linnea Nelson
Education Equity Staff Attorney
Pronouns: She/her/hers
ACLU of Northern California
39 Drumm St.
San Francisco, CA 94111
Tel.: 415.621.2493 x383
lnelson@aclunc.org
www.aclunc.org

This message and any files or text attached to it are intended only for the recipients named above, and contain information that may be confidential or privileged. If you are not an intended recipient, you must not read, copy, use or disclose this communication. Please also notify the sender by replying to this message, and then delete all copies of it from your system. Thank you.

From: Laura Y. Miller [mailto:lym@jones-mayer.com]
Sent: Wednesday, March 09, 2016 2:12 PM
To: Linnea Nelson <lnelson@aclunc.org>
Cc: Bryon Gustafson <BGustafson@stocktonusd.net>; jpenn@stocktonusd.net; Martin J. Mayer <mjm@jones-mayer.com>; Gregory P. Palmer <gpp@jones-mayer.com>
Subject: Stockton USDPD CPRA Request

Dear Ms. Nelson,

Attached please find correspondence from Gregory Palmer regarding the above-referenced matter.

Sincerely,

Laura Y. Miller

Legal Secretary to Gregory Palmer
Jones & Mayer
3777 N. Harbor Blvd.
Fullerton, CA 92835
(714) 446-1400
(714) 446-1448/Fax
lym@jones-mayer.com

PRIVILEGED AND CONFIDENTIAL COMMUNICATION

This electronic transmission, and any documents attached hereto, may contain confidential and/or legally privileged information. The information is intended only for use by the recipient named above. If you have received this electronic message in error, please notify the sender and delete the electronic message. Any disclosure, copying, distribution, or use of the contents of information received in error is strictly prohibited.

EXHIBIT 2-8

Cecilia Bermudez

From: Bryon Gustafson <BGustafson@stocktonusd.net>
Sent: Wednesday, March 09, 2016 3:46 PM
To: Linnea Nelson; Laura Y. Miller; gpp@jones-mayer.com
Cc: Julie Penn; Martin J. Mayer; Nayna Gupta
Subject: RE: Stockton USDPD CPRA Request

Ms. Nelson:

Thank you for your patience and clarification. The documents are too many and voluminous to send via e-mail. I'm heading out to an appointment now. However, I will setup an online "drop box" and e-mail you a link that will allow you to download all the files electronically first thing tomorrow.

Regards,
BG

Bryon G. Gustafson, Ph.D.
Chief of Police

Stockton Unified School District Police Department
640 N. San Joaquin Street
Stockton, CA 95202

(209) 933-7085 ext. 2461

www.StocktonSchoolPolice.org

From: Linnea Nelson [mailto:lnelson@aclunc.org]
Sent: Wednesday, March 09, 2016 3:25 PM
To: Laura Y. Miller; gpp@jones-mayer.com
Cc: Bryon Gustafson; Julie Penn; Martin J. Mayer; Nayna Gupta
Subject: RE: Stockton USDPD CPRA Request

Mr. Palmer,

Thank you for your response to my letter dated March 7. As I emphasized at least twice in that letter, contact from you or others in the District regarding both the January 19 and the March 7 CPRA requests from the ACLU should be directed to me. Both my phone number and my email address were provided in both letters. It is very unclear to me why you were in contact with Jennifer Chou, another attorney in this office who is not working on this matter, to leave a voicemail message for Ms. Gupta regarding the manner in which we wish to receive responsive records; or even why you chose to contact Ms. Gupta regarding the District's response to our CPRA request when I stated clearly and directly in my letter to you that I, and not Ms. Gupta, am the attorney with whom you should be in contact on this matter.

Be that as it may, I am available anytime this afternoon to speak with you about the manner in which we would like responsive records sent to our office. As stated in both the January 19 and March 7 letters, our preference is that the records be sent electronically to save time and expense on both sides. Any records sent electronically should be directed to my email address: lnelson@aclunc.org. If you wish to speak with me directly about delivering the records, I can be reached at 415-621-2493, extension 383.

Very truly yours,

Linnea Nelson
Education Equity Staff Attorney
Pronouns: She/her/hers
ACLU of Northern California
39 Drumm St.
San Francisco, CA 94111
Tel.: 415.621.2493 x383
lnelson@aclunc.org
www.aclunc.org

This message and any files or text attached to it are intended only for the recipients named above, and contain information that may be confidential or privileged. If you are not an intended recipient, you must not read, copy, use or disclose this communication. Please also notify the sender by replying to this message, and then delete all copies of it from your system. Thank you.

From: Laura Y. Miller [<mailto:lym@jones-mayer.com>]
Sent: Wednesday, March 09, 2016 2:12 PM
To: Linnea Nelson <lnelson@aclunc.org>
Cc: Bryon Gustafson <BGustafson@stocktonusd.net>; jpenn@stocktonusd.net; Martin J. Mayer <mjm@jones-mayer.com>; Gregory P. Palmer <gpp@jones-mayer.com>
Subject: Stockton USDPD CPRA Request

Dear Ms. Nelson,

Attached please find correspondence from Gregory Palmer regarding the above-referenced matter.

Sincerely,

Laura Y. Miller

Legal Secretary to Gregory Palmer
Jones & Mayer
3777 N. Harbor Blvd.
Fullerton, CA 92835
(714) 446-1400
(714) 446-1448/Fax
lym@jones-mayer.com

PRIVILEGED AND CONFIDENTIAL COMMUNICATION

This electronic transmission, and any documents attached hereto, may contain confidential and/or legally privileged information. The information is intended only for use by the recipient named above. If you have received this electronic message in error, please notify the sender and delete the electronic message. Any disclosure, copying, distribution, or use of the contents of information received in error is strictly prohibited.

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

EXHIBIT 2-9

Cecilia Bermudez

From: Linnea Nelson
Sent: Wednesday, March 09, 2016 4:27 PM
To: Bryon Gustafson; Laura Y. Miller; gpp@jones-mayer.com
Cc: Julie Penn; Martin J. Mayer; Nayna Gupta
Subject: RE: Stockton USDPD CPRA Request

Thank you very much, Mr. Gustafson. I look forward to receiving the link.

Best,

Linnea Nelson
Education Equity Staff Attorney
Pronouns: She/her/hers
ACLU of Northern California
39 Drumm St.
San Francisco, CA 94111
Tel.: 415.621.2493 x383
lnelson@aclunc.org
www.aclunc.org

This message and any files or text attached to it are intended only for the recipients named above, and contain information that may be confidential or privileged. If you are not an intended recipient, you must not read, copy, use or disclose this communication. Please also notify the sender by replying to this message, and then delete all copies of it from your system. Thank you.

From: Bryon Gustafson [mailto:BGustafson@stocktonusd.net]
Sent: Wednesday, March 09, 2016 3:46 PM
To: Linnea Nelson <lnelson@aclunc.org>; Laura Y. Miller <lym@jones-mayer.com>; gpp@jones-mayer.com
Cc: Julie Penn <jpenn@stocktonusd.net>; Martin J. Mayer <mjm@jones-mayer.com>; Nayna Gupta <ngupta@aclunc.org>
Subject: RE: Stockton USDPD CPRA Request

Ms. Nelson:

Thank you for your patience and clarification. The documents are too many and voluminous to send via e-mail. I'm heading out to an appointment now. However, I will setup an online "drop box" and e-mail you a link that will allow you to download all the files electronically first thing tomorrow.

Regards,
BG

Bryon G. Gustafson, Ph.D.
Chief of Police

Stockton Unified School District Police Department
640 N. San Joaquin Street
Stockton, CA 95202

(209) 933-7085 ext. 2461

www.StocktonSchoolPolice.org

From: Linnea Nelson [<mailto:lnelson@aclunc.org>]
Sent: Wednesday, March 09, 2016 3:25 PM
To: Laura Y. Miller; gpp@jones-mayer.com
Cc: Bryon Gustafson; Julie Penn; Martin J. Mayer; Nayna Gupta
Subject: RE: Stockton USDPD CPRA Request

Mr. Palmer,

Thank you for your response to my letter dated March 7. As I emphasized at least twice in that letter, contact from you or others in the District regarding both the January 19 and the March 7 CPRA requests from the ACLU should be directed to me. Both my phone number and my email address were provided in both letters. It is very unclear to me why you were in contact with Jennifer Chou, another attorney in this office who is not working on this matter, to leave a voicemail message for Ms. Gupta regarding the manner in which we wish to receive responsive records; or even why you chose to contact Ms. Gupta regarding the District's response to our CPRA request when I stated clearly and directly in my letter to you that I, and not Ms. Gupta, am the attorney with whom you should be in contact on this matter.

Be that as it may, I am available anytime this afternoon to speak with you about the manner in which we would like responsive records sent to our office. As stated in both the January 19 and March 7 letters, our preference is that the records be sent electronically to save time and expense on both sides. Any records sent electronically should be directed to my email address: lnelson@aclunc.org. If you wish to speak with me directly about delivering the records, I can be reached at 415-621-2493, extension 383.

Very truly yours,

Linnea Nelson
Education Equity Staff Attorney
Pronouns: She/her/hers
ACLU of Northern California
39 Drumm St.
San Francisco, CA 94111
Tel.: 415.621.2493 x383
lnelson@aclunc.org
www.aclunc.org

This message and any files or text attached to it are intended only for the recipients named above, and contain information that may be confidential or privileged. If you are not an intended recipient, you must not read, copy, use or disclose this communication. Please also notify the sender by replying to this message, and then delete all copies of it from your system. Thank you.

From: Laura Y. Miller [<mailto:lym@jones-mayer.com>]
Sent: Wednesday, March 09, 2016 2:12 PM
To: Linnea Nelson <lnelson@aclunc.org>
Cc: Bryon Gustafson <BGustafson@stocktonusd.net>; jpenn@stocktonusd.net; Martin J. Mayer <mjm@jones-mayer.com>; Gregory P. Palmer <gpp@jones-mayer.com>
Subject: Stockton USDPD CPRA Request

Dear Ms. Nelson,

Attached please find correspondence from Gregory Palmer regarding the above-referenced matter.

Sincerely,

Laura Y. Miller

Legal Secretary to Gregory Palmer
Jones & Mayer
3777 N. Harbor Blvd.
Fullerton, CA 92835
(714) 446-1400
(714) 446-1448/Fax
lym@jones-mayer.com

PRIVILEGED AND CONFIDENTIAL COMMUNICATION

This electronic transmission, and any documents attached hereto, may contain confidential and/or legally privileged information. The information is intended only for use by the recipient named above. If you have received this electronic message in error, please notify the sender and delete the electronic message. Any disclosure, copying, distribution, or use of the contents of information received in error is strictly prohibited.

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

EXHIBIT 2-10

Cecilia Bermudez

From: Bryon Gustafson <BGustafson@stocktonusd.net>
Sent: Thursday, March 10, 2016 10:40 AM
To: Linnea Nelson; Laura Y. Miller; gpp@jones-mayer.com
Cc: Julie Penn; Martin J. Mayer; Nayna Gupta
Subject: RE: Stockton USDPD CPRA Request

Ms. Nelson:

The following link will take you to a ZIP file with the public records production. The documents are organized in folders consistent with the format of the request (e.g., A: 1, 2, 3; B: 1... etc.). Please confirm when you have successfully downloaded the file as the link is temporary.

http://www.stocktonschoolpolice.org/uploads/6/6/5/9/6659357/aclu_cptra_susdproduction03102016.zip

Regards,
BG

Bryon G. Gustafson, Ph.D.
Chief of Police

Stockton Unified School District Police Department
640 N. San Joaquin Street
Stockton, CA 95202

(209) 933-7085 ext. 2461

www.StocktonSchoolPolice.org

From: Linnea Nelson [mailto:lnelson@aclunc.org]
Sent: Wednesday, March 09, 2016 4:27 PM
To: Bryon Gustafson; Laura Y. Miller; gpp@jones-mayer.com
Cc: Julie Penn; Martin J. Mayer; Nayna Gupta
Subject: RE: Stockton USDPD CPRA Request

Thank you very much, Mr. Gustafson. I look forward to receiving the link.

Best,

Linnea Nelson
Education Equity Staff Attorney
Pronouns: She/her/hers
ACLU of Northern California
39 Drumm St.
San Francisco, CA 94111
Tel.: 415.621.2493 x383
lnelson@aclunc.org
www.aclunc.org

This message and any files or text attached to it are intended only for the recipients named above, and contain information that may be confidential or privileged. If you are not an intended recipient, you must not read, copy,

use or disclose this communication. Please also notify the sender by replying to this message, and then delete all copies of it from your system. Thank you.

From: Bryon Gustafson [<mailto:BGustafson@stocktonusd.net>]
Sent: Wednesday, March 09, 2016 3:46 PM
To: Linnea Nelson <lnelson@aclunc.org>; Laura Y. Miller <lym@jones-mayer.com>; gpp@jones-mayer.com
Cc: Julie Penn <jpenn@stocktonusd.net>; Martin J. Mayer <mjm@jones-mayer.com>; Nayna Gupta <ngupta@aclunc.org>
Subject: RE: Stockton USDPD CPRA Request

Ms. Nelson:

Thank you for your patience and clarification. The documents are too many and voluminous to send via e-mail. I'm heading out to an appointment now. However, I will setup an online "drop box" and e-mail you a link that will allow you to download all the files electronically first thing tomorrow.

Regards,
BG

Bryon G. Gustafson, Ph.D.
Chief of Police

Stockton Unified School District Police Department
640 N. San Joaquin Street
Stockton, CA 95202

(209) 933-7085 ext. 2461

www.StocktonSchoolPolice.org

From: Linnea Nelson [<mailto:lnelson@aclunc.org>]
Sent: Wednesday, March 09, 2016 3:25 PM
To: Laura Y. Miller; gpp@jones-mayer.com
Cc: Bryon Gustafson; Julie Penn; Martin J. Mayer; Nayna Gupta
Subject: RE: Stockton USDPD CPRA Request

Mr. Palmer,

Thank you for your response to my letter dated March 7. As I emphasized at least twice in that letter, contact from you or others in the District regarding both the January 19 and the March 7 CPRA requests from the ACLU should be directed to me. Both my phone number and my email address were provided in both letters. It is very unclear to me why you were in contact with Jennifer Chou, another attorney in this office who is not working on this matter, to leave a voicemail message for Ms. Gupta regarding the manner in which we wish to receive responsive records; or even why you chose to contact Ms. Gupta regarding the District's response to our CPRA request when I stated clearly and directly in my letter to you that I, and not Ms. Gupta, am the attorney with whom you should be in contact on this matter.

Be that as it may, I am available anytime this afternoon to speak with you about the manner in which we would like responsive records sent to our office. As stated in both the January 19 and March 7 letters, our preference is that the records be sent electronically to save time and expense on both sides. Any records sent electronically should be directed to my email address: lnelson@aclunc.org. If you wish to speak with me directly about delivering the records, I can be reached at 415-621-2493, extension 383.

Very truly yours,

Linnea Nelson
Education Equity Staff Attorney
Pronouns: She/her/hers
ACLU of Northern California
39 Drumm St.
San Francisco, CA 94111
Tel.: 415.621.2493 x383
lnelson@aclunc.org
www.aclunc.org

This message and any files or text attached to it are intended only for the recipients named above, and contain information that may be confidential or privileged. If you are not an intended recipient, you must not read, copy, use or disclose this communication. Please also notify the sender by replying to this message, and then delete all copies of it from your system. Thank you.

From: Laura Y. Miller [<mailto:lym@jones-mayer.com>]
Sent: Wednesday, March 09, 2016 2:12 PM
To: Linnea Nelson <lnelson@aclunc.org>
Cc: Bryon Gustafson <BGustafson@stocktonusd.net>; jpenn@stocktonusd.net; Martin J. Mayer <mjm@jones-mayer.com>; Gregory P. Palmer <gpp@jones-mayer.com>
Subject: Stockton USDPD CPRA Request

Dear Ms. Nelson,

Attached please find correspondence from Gregory Palmer regarding the above-referenced matter.

Sincerely,

Laura Y. Miller

Legal Secretary to Gregory Palmer
Jones & Mayer
3777 N. Harbor Blvd.
Fullerton, CA 92835
(714) 446-1400
(714) 446-1448/Fax
lym@jones-mayer.com

PRIVILEGED AND CONFIDENTIAL COMMUNICATION

This electronic transmission, and any documents attached hereto, may contain confidential and/or legally privileged information. The information is intended only for use by the recipient named above. If you have received this electronic message in error, please notify the sender and delete the electronic message. Any disclosure, copying, distribution, or use of the contents of information received in error is strictly prohibited.

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

EXHIBIT 2-11

Cecilia Bermudez

From: Linnea Nelson
Sent: Thursday, March 10, 2016 11:59 AM
To: 'Bryon Gustafson'; Laura Y. Miller; gpp@jones-mayer.com
Cc: Julie Penn; Martin J. Mayer; Nayna Gupta; Cecilia Bermudez
Subject: RE: Stockton USDPD CPRA Request

Thank you. I'm home with a sick child today, but am cc'ing Ceci Bermudez from my office, who confirm with you when she has successfully downloaded the documents.

Best,

Linnea Nelson
Education Equity Staff Attorney
Pronouns: She/her/hers
ACLU of Northern California
39 Drumm St.
San Francisco, CA 94111
Tel.: 415.621.2493 x383
lnelson@aclunc.org
www.aclunc.org

From: Bryon Gustafson [mailto:BGustafson@stocktonusd.net]
Sent: Thursday, March 10, 2016 10:40 AM
To: Linnea Nelson <lnelson@aclunc.org>; Laura Y. Miller <lym@jones-mayer.com>; gpp@jones-mayer.com
Cc: Julie Penn <jpenn@stocktonusd.net>; Martin J. Mayer <mjm@jones-mayer.com>; Nayna Gupta <ngupta@aclunc.org>
Subject: RE: Stockton USDPD CPRA Request

Ms. Nelson:

The following link will take you to a ZIP file with the public records production. The documents are organized in folders consistent with the format of the request (e.g., A: 1, 2, 3; B: 1... etc.). Please confirm when you have successfully downloaded the file as the link is temporary.

http://www.stocktonschoolpolice.org/uploads/6/6/5/9/6659357/aclu_cptra_susdproduction03102016.zip

Regards,
BG

Bryon G. Gustafson, Ph.D.
Chief of Police

Stockton Unified School District Police Department
640 N. San Joaquin Street
Stockton, CA 95202

(209) 933-7085 ext. 2461

www.StocktonSchoolPolice.org

From: Linnea Nelson [<mailto:lnelson@aclunc.org>]
Sent: Wednesday, March 09, 2016 4:27 PM
To: Bryon Gustafson; Laura Y. Miller; gpp@jones-mayer.com
Cc: Julie Penn; Martin J. Mayer; Nayna Gupta
Subject: RE: Stockton USDPD CPRA Request

Thank you very much, Mr. Gustafson. I look forward to receiving the link.

Best,

Linnea Nelson
Education Equity Staff Attorney
Pronouns: She/her/hers
ACLU of Northern California
39 Drumm St.
San Francisco, CA 94111
Tel.: 415.621.2493 x383
lnelson@aclunc.org
www.aclunc.org

This message and any files or text attached to it are intended only for the recipients named above, and contain information that may be confidential or privileged. If you are not an intended recipient, you must not read, copy, use or disclose this communication. Please also notify the sender by replying to this message, and then delete all copies of it from your system. Thank you.

From: Bryon Gustafson [<mailto:BGustafson@stocktonusd.net>]
Sent: Wednesday, March 09, 2016 3:46 PM
To: Linnea Nelson <lnelson@aclunc.org>; Laura Y. Miller <lym@jones-mayer.com>; gpp@jones-mayer.com
Cc: Julie Penn <jpenn@stocktonusd.net>; Martin J. Mayer <mjm@jones-mayer.com>; Nayna Gupta <ngupta@aclunc.org>
Subject: RE: Stockton USDPD CPRA Request

Ms. Nelson:

Thank you for your patience and clarification. The documents are too many and voluminous to send via e-mail. I'm heading out to an appointment now. However, I will setup an online "drop box" and e-mail you a link that will allow you to download all the files electronically first thing tomorrow.

Regards,
BG

Bryon G. Gustafson, Ph.D.
Chief of Police

Stockton Unified School District Police Department
640 N. San Joaquin Street
Stockton, CA 95202

(209) 933-7085 ext. 2461

www.StocktonSchoolPolice.org

From: Linnea Nelson [<mailto:lnelson@aclunc.org>]
Sent: Wednesday, March 09, 2016 3:25 PM
To: Laura Y. Miller; gpp@jones-mayer.com
Cc: Bryon Gustafson; Julie Penn; Martin J. Mayer; Nayna Gupta
Subject: RE: Stockton USDPD CPRA Request

Mr. Palmer,

Thank you for your response to my letter dated March 7. As I emphasized at least twice in that letter, contact from you or others in the District regarding both the January 19 and the March 7 CPRA requests from the ACLU should be directed to me. Both my phone number and my email address were provided in both letters. It is very unclear to me why you were in contact with Jennifer Chou, another attorney in this office who is not working on this matter, to leave a voicemail message for Ms. Gupta regarding the manner in which we wish to receive responsive records; or even why you chose to contact Ms. Gupta regarding the District's response to our CPRA request when I stated clearly and directly in my letter to you that I, and not Ms. Gupta, am the attorney with whom you should be in contact on this matter.

Be that as it may, I am available anytime this afternoon to speak with you about the manner in which we would like responsive records sent to our office. As stated in both the January 19 and March 7 letters, our preference is that the records be sent electronically to save time and expense on both sides. Any records sent electronically should be directed to my email address: lnelson@aclunc.org. If you wish to speak with me directly about delivering the records, I can be reached at 415-621-2493, extension 383.

Very truly yours,

Linnea Nelson
Education Equity Staff Attorney
Pronouns: She/her/hers
ACLU of Northern California
39 Drumm St.
San Francisco, CA 94111
Tel.: 415.621.2493 x383
lnelson@aclunc.org
www.aclunc.org

This message and any files or text attached to it are intended only for the recipients named above, and contain information that may be confidential or privileged. If you are not an intended recipient, you must not read, copy, use or disclose this communication. Please also notify the sender by replying to this message, and then delete all copies of it from your system. Thank you.

From: Laura Y. Miller [<mailto:lym@jones-mayer.com>]
Sent: Wednesday, March 09, 2016 2:12 PM
To: Linnea Nelson <lnelson@aclunc.org>
Cc: Bryon Gustafson <BGustafson@stocktonusd.net>; jpenn@stocktonusd.net; Martin J. Mayer <mjm@jones-mayer.com>; Gregory P. Palmer <gpp@jones-mayer.com>
Subject: Stockton USDPD CPRA Request

Dear Ms. Nelson,

Attached please find correspondence from Gregory Palmer regarding the above-referenced matter.

Sincerely,

Laura Y. Miller

Legal Secretary to Gregory Palmer
Jones & Mayer
3777 N. Harbor Blvd.
Fullerton, CA 92835
(714) 446-1400
(714) 446-1448/Fax
lym@jones-mayer.com

PRIVILEGED AND CONFIDENTIAL COMMUNICATION

This electronic transmission, and any documents attached hereto, may contain confidential and/or legally privileged information. The information is intended only for use by the recipient named above. If you have received this electronic message in error, please notify the sender and delete the electronic message. Any disclosure, copying, distribution, or use of the contents of information received in error is strictly prohibited.

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

EXHIBIT 2-12

Cecilia Bermudez

From: Cecilia Bermudez
Sent: Thursday, March 10, 2016 12:05 PM
To: Linnea Nelson; 'Bryon Gustafson'; Laura Y. Miller; gpp@jones-mayer.com
Cc: Julie Penn; Martin J. Mayer; Nayna Gupta
Subject: RE: Stockton USDPD CPRA Request

Hello All,

I am confirming receipt of the zip file.

Thank you!

Cecilia Bermudez
Pronouns: She/Her/Hers
Legal Assistant
ACLU of Northern California
39 Drumm St., San Francisco, CA 94111
(415) 621-2493 x 329 | cbermudez@aclunc.org

This communication is for use by the intended recipient and contains information that may be privileged, confidential, or copyrighted under applicable law. If you are not the intended recipient, you are hereby formally notified that any use, copying or distribution of this communication, in whole or in part, is strictly prohibited. Please advise the sender immediately by reply e-mail and delete this message and any attachments without retaining a copy. This communication does not constitute consent to the use of sender's contact information for direct marketing purposes or for transfers of data to third parties.

From: Linnea Nelson
Sent: Thursday, March 10, 2016 11:59 AM
To: 'Bryon Gustafson' <BGustafson@stocktonusd.net>; Laura Y. Miller <lym@jones-mayer.com>; gpp@jones-mayer.com
Cc: Julie Penn <jpenn@stocktonusd.net>; Martin J. Mayer <mjm@jones-mayer.com>; Nayna Gupta <ngupta@aclunc.org>; Cecilia Bermudez <cbermudez@aclunc.org>
Subject: RE: Stockton USDPD CPRA Request

Thank you. I'm home with a sick child today, but am cc'ing Ceci Bermudez from my office, who confirm with you when she has successfully downloaded the documents.

Best,

Linnea Nelson
Education Equity Staff Attorney
Pronouns: She/her/hers
ACLU of Northern California
39 Drumm St.
San Francisco, CA 94111
Tel.: 415.621.2493 x383
lnelson@aclunc.org
www.aclunc.org

From: Bryon Gustafson [<mailto:BGustafson@stocktonusd.net>]
Sent: Thursday, March 10, 2016 10:40 AM

To: Linnea Nelson <lnelson@aclunc.org>; Laura Y. Miller <lym@jones-mayer.com>; gpp@jones-mayer.com
Cc: Julie Penn <jpenn@stocktonusd.net>; Martin J. Mayer <mjm@jones-mayer.com>; Nayna Gupta <ngupta@aclunc.org>
Subject: RE: Stockton USDPD CPRA Request

Ms. Nelson:

The following link will take you to a ZIP file with the public records production. The documents are organized in folders consistent with the format of the request (e.g., A: 1, 2, 3; B: 1... etc.). Please confirm when you have successfully downloaded the file as the link is temporary.

http://www.stocktonschoolpolice.org/uploads/6/6/5/9/6659357/aclu_cpri_susdproduction03102016.zip

Regards,
BG

Bryon G. Gustafson, Ph.D.
Chief of Police

Stockton Unified School District Police Department
640 N. San Joaquin Street
Stockton, CA 95202

(209) 933-7085 ext. 2461

www.StocktonSchoolPolice.org

From: Linnea Nelson [<mailto:lnelson@aclunc.org>]
Sent: Wednesday, March 09, 2016 4:27 PM
To: Bryon Gustafson; Laura Y. Miller; gpp@jones-mayer.com
Cc: Julie Penn; Martin J. Mayer; Nayna Gupta
Subject: RE: Stockton USDPD CPRA Request

Thank you very much, Mr. Gustafson. I look forward to receiving the link.

Best,

Linnea Nelson
Education Equity Staff Attorney
Pronouns: She/her/hers
ACLU of Northern California
39 Drumm St.
San Francisco, CA 94111
Tel.: 415.621.2493 x383
lnelson@aclunc.org
www.aclunc.org

This message and any files or text attached to it are intended only for the recipients named above, and contain information that may be confidential or privileged. If you are not an intended recipient, you must not read, copy, use or disclose this communication. Please also notify the sender by replying to this message, and then delete all copies of it from your system. Thank you.

From: Bryon Gustafson [<mailto:BGustafson@stocktonusd.net>]
Sent: Wednesday, March 09, 2016 3:46 PM
To: Linnea Nelson <lnelson@aclunc.org>; Laura Y. Miller <lym@jones-mayer.com>; gpp@jones-mayer.com
Cc: Julie Penn <jpenn@stocktonusd.net>; Martin J. Mayer <mjm@jones-mayer.com>; Nayna Gupta <ngupta@aclunc.org>
Subject: RE: Stockton USDPD CPRA Request

Ms. Nelson:

Thank you for your patience and clarification. The documents are too many and voluminous to send via e-mail. I'm heading out to an appointment now. However, I will setup an online "drop box" and e-mail you a link that will allow you to download all the files electronically first thing tomorrow.

Regards,
BG

Bryon G. Gustafson, Ph.D.
Chief of Police

Stockton Unified School District Police Department
640 N. San Joaquin Street
Stockton, CA 95202
(209) 933-7085 ext. 2461

www.StocktonSchoolPolice.org

From: Linnea Nelson [<mailto:lnelson@aclunc.org>]
Sent: Wednesday, March 09, 2016 3:25 PM
To: Laura Y. Miller; gpp@jones-mayer.com
Cc: Bryon Gustafson; Julie Penn; Martin J. Mayer; Nayna Gupta
Subject: RE: Stockton USDPD CPRA Request

Mr. Palmer,

Thank you for your response to my letter dated March 7. As I emphasized at least twice in that letter, contact from you or others in the District regarding both the January 19 and the March 7 CPRA requests from the ACLU should be directed to me. Both my phone number and my email address were provided in both letters. It is very unclear to me why you were in contact with Jennifer Chou, another attorney in this office who is not working on this matter, to leave a voicemail message for Ms. Gupta regarding the manner in which we wish to receive responsive records; or even why you chose to contact Ms. Gupta regarding the District's response to our CPRA request when I stated clearly and directly in my letter to you that I, and not Ms. Gupta, am the attorney with whom you should be in contact on this matter.

Be that as it may, I am available anytime this afternoon to speak with you about the manner in which we would like responsive records sent to our office. As stated in both the January 19 and March 7 letters, our preference is that the records be sent electronically to save time and expense on both sides. Any records sent electronically should be directed to my email address: lnelson@aclunc.org. If you wish to speak with me directly about delivering the records, I can be reached at 415-621-2493, extension 383.

Very truly yours,

Linnea Nelson
Education Equity Staff Attorney
Pronouns: She/her/hers

ACLU of Northern California
39 Drumm St.
San Francisco, CA 94111
Tel.: 415.621.2493 x383
lnelson@aclunc.org
www.aclunc.org

This message and any files or text attached to it are intended only for the recipients named above, and contain information that may be confidential or privileged. If you are not an intended recipient, you must not read, copy, use or disclose this communication. Please also notify the sender by replying to this message, and then delete all copies of it from your system. Thank you.

From: Laura Y. Miller [<mailto:lym@jones-mayer.com>]
Sent: Wednesday, March 09, 2016 2:12 PM
To: Linnea Nelson <lnelson@aclunc.org>
Cc: Bryon Gustafson <BGustafson@stocktonusd.net>; jpenn@stocktonusd.net; Martin J. Mayer <mjm@jones-mayer.com>; Gregory P. Palmer <gpp@jones-mayer.com>
Subject: Stockton USDPD CPRA Request

Dear Ms. Nelson,

Attached please find correspondence from Gregory Palmer regarding the above-referenced matter.

Sincerely,

Laura Y. Miller

Legal Secretary to Gregory Palmer
Jones & Mayer
3777 N. Harbor Blvd.
Fullerton, CA 92835
(714) 446-1400
(714) 446-1448/Fax
lym@jones-mayer.com

PRIVILEGED AND CONFIDENTIAL COMMUNICATION

This electronic transmission, and any documents attached hereto, may contain confidential and/or legally privileged information. The information is intended only for use by the recipient named above. If you have received this electronic message in error, please notify the sender and delete the electronic message. Any disclosure, copying, distribution, or use of the contents of information received in error is strictly prohibited.

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

EXHIBIT 2-13

Cecilia Bermudez

From: Bryon Gustafson <BGustafson@stocktonusd.net>
Sent: Thursday, March 10, 2016 12:15 PM
To: Cecilia Bermudez; Linnea Nelson; Laura Y. Miller; gpp@jones-mayer.com
Cc: Julie Penn; Martin J. Mayer; Nayna Gupta
Subject: RE: Stockton USDPD CPRA Request

Very good – thank you!

BG

Bryon G. Gustafson, Ph.D.
Chief of Police

Stockton Unified School District Police Department
640 N. San Joaquin Street
Stockton, CA 95202

(209) 933-7085 ext. 2461

www.StocktonSchoolPolice.org

From: Cecilia Bermudez [mailto:cbermudez@aclunc.org]
Sent: Thursday, March 10, 2016 12:05 PM
To: Linnea Nelson; Bryon Gustafson; Laura Y. Miller; gpp@jones-mayer.com
Cc: Julie Penn; Martin J. Mayer; Nayna Gupta
Subject: RE: Stockton USDPD CPRA Request

Hello All,

I am confirming receipt of the zip file.

Thank you!

Cecilia Bermudez
Pronouns: She/Her/Hers
Legal Assistant
ACLU of Northern California
39 Drumm St., San Francisco, CA 94111
(415) 621-2493 x 329 | cbermudez@aclunc.org

This communication is for use by the intended recipient and contains information that may be privileged, confidential, or copyrighted under applicable law. If you are not the intended recipient, you are hereby formally notified that any use, copying or distribution of this communication, in whole or in part, is strictly prohibited. Please advise the sender immediately by reply e-mail and delete this message and any attachments without retaining a copy. This communication does not constitute consent to the use of sender's contact information for direct marketing purposes or for transfers of data to third parties.

From: Linnea Nelson
Sent: Thursday, March 10, 2016 11:59 AM
To: 'Bryon Gustafson' <BGustafson@stocktonusd.net>; Laura Y. Miller <lym@jones-mayer.com>; gpp@jones-mayer.com
Cc: Julie Penn <jpenn@stocktonusd.net>; Martin J. Mayer <mjm@jones-mayer.com>; Nayna Gupta

<ngupta@aclunc.org>; Cecilia Bermudez <cbermudez@aclunc.org>

Subject: RE: Stockton USDPD CPRA Request

Thank you. I'm home with a sick child today, but am cc'ing Ceci Bermudez from my office, who confirm with you when she has successfully downloaded the documents.

Best,

Linnea Nelson
Education Equity Staff Attorney
Pronouns: She/her/hers
ACLU of Northern California
39 Drumm St.
San Francisco, CA 94111
Tel.: 415.621.2493 x383
lnelson@aclunc.org
www.aclunc.org

From: Bryon Gustafson [<mailto:BGustafson@stocktonusd.net>]

Sent: Thursday, March 10, 2016 10:40 AM

To: Linnea Nelson <lnelson@aclunc.org>; Laura Y. Miller <lym@jones-mayer.com>; gpp@jones-mayer.com

Cc: Julie Penn <jpenn@stocktonusd.net>; Martin J. Mayer <mjm@jones-mayer.com>; Nayna Gupta <ngupta@aclunc.org>

Subject: RE: Stockton USDPD CPRA Request

Ms. Nelson:

The following link will take you to a ZIP file with the public records production. The documents are organized in folders consistent with the format of the request (e.g., A: 1, 2, 3; B: 1... etc.). Please confirm when you have successfully downloaded the file as the link is temporary.

http://www.stocktonschoolpolice.org/uploads/6/6/5/9/6659357/aclu_cptra_susdproduction03102016.zip

Regards,
BG

Bryon G. Gustafson, Ph.D.
Chief of Police

Stockton Unified School District Police Department
640 N. San Joaquin Street
Stockton, CA 95202

(209) 933-7085 ext. 2461

www.StocktonSchoolPolice.org

From: Linnea Nelson [<mailto:lnelson@aclunc.org>]

Sent: Wednesday, March 09, 2016 4:27 PM

To: Bryon Gustafson; Laura Y. Miller; gpp@jones-mayer.com

Cc: Julie Penn; Martin J. Mayer; Nayna Gupta

Subject: RE: Stockton USDPD CPRA Request

Thank you very much, Mr. Gustafson. I look forward to receiving the link.

Best,

Linnea Nelson
Education Equity Staff Attorney
Pronouns: She/her/hers
ACLU of Northern California
39 Drumm St.
San Francisco, CA 94111
Tel.: 415.621.2493 x383
lnelson@aclunc.org
www.aclunc.org

This message and any files or text attached to it are intended only for the recipients named above, and contain information that may be confidential or privileged. If you are not an intended recipient, you must not read, copy, use or disclose this communication. Please also notify the sender by replying to this message, and then delete all copies of it from your system. Thank you.

From: Bryon Gustafson [<mailto:BGustafson@stocktonusd.net>]
Sent: Wednesday, March 09, 2016 3:46 PM
To: Linnea Nelson <lnelson@aclunc.org>; Laura Y. Miller <lym@jones-mayer.com>; gpp@jones-mayer.com
Cc: Julie Penn <jpenn@stocktonusd.net>; Martin J. Mayer <mjm@jones-mayer.com>; Nayna Gupta <ngupta@aclunc.org>
Subject: RE: Stockton USDPD CPRA Request

Ms. Nelson:

Thank you for your patience and clarification. The documents are too many and voluminous to send via e-mail. I'm heading out to an appointment now. However, I will setup an online "drop box" and e-mail you a link that will allow you to download all the files electronically first thing tomorrow.

Regards,
BG

Bryon G. Gustafson, Ph.D.
Chief of Police

Stockton Unified School District Police Department
640 N. San Joaquin Street
Stockton, CA 95202

(209) 933-7085 ext. 2461

www.StocktonSchoolPolice.org

From: Linnea Nelson [<mailto:lnelson@aclunc.org>]
Sent: Wednesday, March 09, 2016 3:25 PM
To: Laura Y. Miller; gpp@jones-mayer.com
Cc: Bryon Gustafson; Julie Penn; Martin J. Mayer; Nayna Gupta
Subject: RE: Stockton USDPD CPRA Request

Mr. Palmer,

Thank you for your response to my letter dated March 7. As I emphasized at least twice in that letter, contact from you or others in the District regarding both the January 19 and the March 7 CPRA requests from the ACLU should be directed to me. Both my phone number and my email address were provided in both letters. It is very unclear to me why you were in contact with Jennifer Chou, another attorney in this office who is not working on this matter, to leave a voicemail message for Ms. Gupta regarding the manner in which we wish to receive responsive records; or even why you chose to contact Ms. Gupta regarding the District's response to our CPRA request when I stated clearly and directly in my letter to you that I, and not Ms. Gupta, am the attorney with whom you should be in contact on this matter.

Be that as it may, I am available anytime this afternoon to speak with you about the manner in which we would like responsive records sent to our office. As stated in both the January 19 and March 7 letters, our preference is that the records be sent electronically to save time and expense on both sides. Any records sent electronically should be directed to my email address: lnelson@aclunc.org. If you wish to speak with me directly about delivering the records, I can be reached at 415-621-2493, extension 383.

Very truly yours,

Linnea Nelson
Education Equity Staff Attorney
Pronouns: She/her/hers
ACLU of Northern California
39 Drumm St.
San Francisco, CA 94111
Tel.: 415.621.2493 x383
lnelson@aclunc.org
www.aclunc.org

This message and any files or text attached to it are intended only for the recipients named above, and contain information that may be confidential or privileged. If you are not an intended recipient, you must not read, copy, use or disclose this communication. Please also notify the sender by replying to this message, and then delete all copies of it from your system. Thank you.

From: Laura Y. Miller [<mailto:lym@jones-mayer.com>]
Sent: Wednesday, March 09, 2016 2:12 PM
To: Linnea Nelson <lnelson@aclunc.org>
Cc: Bryon Gustafson <BGustafson@stocktonusd.net>; jpenn@stocktonusd.net; Martin J. Mayer <mjm@jones-mayer.com>; Gregory P. Palmer <gpp@jones-mayer.com>
Subject: Stockton USDPD CPRA Request

Dear Ms. Nelson,

Attached please find correspondence from Gregory Palmer regarding the above-referenced matter.

Sincerely,

Laura Y. Miller

Legal Secretary to Gregory Palmer
Jones & Mayer
3777 N. Harbor Blvd.
Fullerton, CA 92835

(714) 446-1400
(714) 446-1448/Fax
lym@jones-mayer.com

PRIVILEGED AND CONFIDENTIAL COMMUNICATION

This electronic transmission, and any documents attached hereto, may contain confidential and/or legally privileged information. The information is intended only for use by the recipient named above. If you have received this electronic message in error, please notify the sender and delete the electronic message. Any disclosure, copying, distribution, or use of the contents of information received in error is strictly prohibited.

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

EXHIBIT 2-14



April 22, 2016

Gregory P. Palmer
Jones & Mayer, Attorneys at Law
3777 N. Harbor Blvd.
Fullerton, CA 92835
gpp@jones-mayer.com

RE: ACLU-NC California Public Records Act Request to Stockton Unified School District

Dear Mr. Palmer,

I received the documents that the Stockton Unified School District (“District”) made available in response to the ACLU’s PRA requests on January 19 and March 7. I have now had a chance to review those documents, and it is clear to me that the District has not disclosed responsive documents in its possession pursuant to its obligations under the California Public Records Act (“CPRA”).

For example, Part B of our January 19 CPRA request asks for “records regarding arrests and referrals of students by officers employed by the [District] Police Department for the 2012-2013 academic year until the present,” including “any and all documents containing data regarding arrests, and referrals for arrest, of students in [District] schools” and which include any of various categories of information, such as type of offense committed, race of student, gender of student, and disability status of student, among other things. In response, the District has provided us with only the following documents: 1) a “Call for Service log” from 2012-2015 listing requests to the District Police Department for service by location, date, and time; 2) a one-page document on District Police Department letterhead entitled “Definition of Arrest – March 2016”; and 3) a one-page text document entitled “File Structure for Individual Location Reports.” In your letter to me dated March 9, you stated that any other documents in the District’s possession are exempt from public disclosure and, “other than the material which the District has already agreed to provide, no other disclosures will be made.”

Yet we are aware from publicly-available reports that the District has documents in its possession, which it has not provided to us, that are clearly responsive to Part B of our January 19 CPRA request and not exempt from public disclosure under the CPRA. These include: any and all correspondence with other public officials, including state legislators, “regarding arrests

and referrals of students by officers employed by the SUSD Police Department;”¹ documents prepared by District Police Department Chief Gustafson in the development of his “findings” regarding the District Police Department’s arrest rates or other information regarding arrests of District students;² surveys required to be submitted to federal agencies, including the United States Department of Education, collecting data on education and civil rights issues such as student referrals to law enforcement; any other documents prepared by the District in response to the reporting requirements of federal, state, or local agencies regarding arrests and referrals to law enforcement; and documents previously provided to us by the District in response to our August 2012 PRA request which the District now refuses to provide.

Under the CPRA, a public agency may not delay or obstruct the inspection or copying of public records. Cal. Gov’t Code § 6253(d). It has now been over two months since our original PRA request to the District, and the District still has not disclosed all responsive, non-exempt documents in its possession. It appears that the District is continuing to obstruct and delay the ACLU’s access to records responsive to our January 19 CPRA request.

Please notify me by Friday, May 6 when the District will disclose to the ACLU the remainder of non-exempt documents in its possession that are responsive to our PRA request, including but not limited to the documents described above. I can be reached by email at lnelson@aclunc.org, or by telephone at 415-621-2493.

Very truly yours,



Linnea Nelson
Education Equity Staff Attorney

cc: Julie Penn, Interim Superintendent
Stockton Unified School District
701 N. Madison Street
Stockton, CA 95202
jpenn@stocktonusd.net

Chief Bryan Gustafson, Stockton Unified School District Police Department
640 N. San Joaquin St.
Stockton, CA 95202
bgustafson@stockton.k12.ca.us

¹ We are aware of at least one such letter from District Police Department Chief Bryon Gustafson to a state legislator from an article posted in the Stockton Record stating that “[District Police Department Chief] Gustafson spent several months researching and preparing his own response [to a report published by the Center on Juvenile and Criminal Justice] and *has sent his findings to state Sen. Cathleen Galgiani’s office* in hopes that perhaps she can write legislation to change what the DOJ considers an arrest.” Nicholas Filipas, *State Investigating SUSD Over Juvenile ‘Arrests’*, Stockton Record, Apr. 16, 2016, available at <http://www.recordnet.com/article/20160416/NEWS/160419749> (emphasis added).

² See *id.*

EXHIBIT 2-15



Stockton Unified School District
POLICE DEPARTMENT

Bryon G. Gustafson, Ph.D., Chief of Police

May 5, 2016

Linnea Nelson, Staff Attorney
ACLU of Northern California
39 Drumm Street
San Francisco, CA 94111
Via e-mail to lnelson@aclunc.org

Re: Your April 22, 2016 Correspondence to Greg Palmer as Counsel to SUSD

Dear Ms. Nelson:

I have reviewed your most recent correspondence and am disappointed by the implication. As I understand your logic, you read an article in the April 17, 2016 *Stockton Record*. From that article, you surmised that the Stockton Unified School District and its Police Department didn't provide public records you think we have and you requested between January 19, 2016 and March 7, 2016 because the newspaper article references subject matter related to that for which you sought records. The logic isn't unreasonable; however, the conclusion is inaccurate. We aren't holding back (delaying or obstructing your access to) public records.

That said, I can understand why the article would pique your interest. My hope is that it piques the interest of many people—especially civil liberties policy advocates like me. I strongly believe there is a terrible problem with (a) how DOJ is (and is not) collecting data from law enforcement agencies and (b) how they are (mis)classifying said data. That's a separate (but related) issue. Here I will focus directly on your CPRA request.

As you know, a CPRA request must be narrow and specific. A CPRA request cannot be made prospectively. Finally, the CPRA does not cover draft working documents that are incomplete. These are key reasons why records that you requested between January 19 and March 7, which I produced and made available on March 10, did not include the document provided to Senator Galgiani dated March 29. The "two" documents (although they are one in the same) footnoted in your April 22 letter did not exist on March 10. I did not write the Senator a letter. The (single) document was delivered via intermediaries. Beyond that, I think reasonable people could debate what was narrowly and specifically requested. However, I don't think that's needed or helpful. I am happy to provide the document provided to Senator Galgiani. It is attached. The version attached is dated April 13, 2016 because the original (dated March 29) had a typographical error.

In closing, I want to note that I am not opposed to the work of the ACLU. In my professional capacity I cannot provide every document that may be requested and I have an obligation to protect various records (e.g., those of juvenile offenders). Different organizations have different missions. Even so, I believe there is common ground and room for collaboration. I'd be happy to meet with you at some point if you are interested. It might be useful to engage in dialogue about what data/information/records exist, what questions can/should be asked and answered, and how that can be achieved. I don't think there is anything to lose. You can, of course, still make any CPRA request you wish. Please consider this an open invitation...

Thank you for your time and commitment to Stockton youth. Please let me know if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Bryon G. Gustafson". The signature is written in a cursive style with a large, stylized 'B' and 'G'.

BRYON G. GUSTAFSON, PH.D.
Chief of Police

Attachment: *Setting the Record Straight* (April 13, 2016)

cc: G. Palmer, Jones & Mayer



Stockton Unified School District
POLICE DEPARTMENT

Bryon G. Gustafson, Ph.D., Chief of Police

Setting the Record Straight – SUSD Police Arrests – April 13, 2016

In May 2015 a San Francisco-based nonprofit published a report about arrests of young children in California. The report was based on incomplete and misleading data from the California Attorney General’s Department of Justice (DOJ). The DOJ data and the report greatly exaggerate “high rates of arrests of young children” and paint an unrealistic and unfair picture of the Stockton Unified School District Police Department (SUSD Police). As a result, in December 2015 the DOJ began a "comprehensive review" of the SUSD Police based on its incomplete and inaccurate statistical data and vague assertions that "Department officers have allegedly violated the civil and constitutional rights of young children." This document addresses key issues and aims to set the record straight about SUSD Police arrests.

“SUSD Police actively support student achievement. It is essential for both our community and law enforcement partners to know the truth of the matter.”

Dr. Bryon G. Gustafson, Chief of Police

The Issues: Claims and Facts

1. DOJ claims SUSD Police have “high rates of arrests of young children” and "Department officers have allegedly violated the civil and constitutional rights of young children."
 - a. Fact: SUSD Police are not “arresting” young children.
 - i. Over the past three years, zero children under age 10 have been arrested and booked into juvenile hall by SUSD Police.
2. DOJ claims that the data show SUSD Police are making comparatively more arrests than other school police departments.
 - a. Fact: Most school police departments don’t report arrest data to DOJ.
 - i. DOJ collects data from just four (4)—including SUSD Police—of twenty-one (21) school district police departments.
 - ii. DOJ doesn’t have the data to make comparisons.
3. DOJ claims SUSD Police are making too many arrests of “young children.”
 - a. Fact: SUSD Police give warnings to nearly all children under 10 accused of crime.
 - b. Fact: DOJ counts warnings as “arrests.”
 - i. For example, if an SUSD Police officer warns a student about fighting and writes a report to document it, DOJ counts that warning as an “arrest” and keeps that student’s name in an arrest database in Sacramento.
4. DOJ claims SUSD Police are doing a poor job of serving students based on their data.
 - a. Fact: DOJ is collecting data from just four (4) of twenty one (21) school district police departments and misrepresenting the data it does collect.
 - i. DOJ doesn’t have the data to make comparisons.

Background (School Police, Statistical Reports, and “Arrests”) & Next Steps for SUSD Police

SUSD Police – Supporting Safe Schools

The Stockton Unified School District (SUSD) established a Police Department on December 10, 1985 “to ensure the safety of school district personnel and pupils, and the security of real and personal property of the school district.” The SUSD Police Department was certified by the Commission on Peace Officer Standards and Training (POST) for adherence to “standards for the selection and training of peace officers as established by the laws of the State of California” on August 21, 1989. *Because of SUSD’s commitment to progressive student services, SUSD and its Police Department were invited to the White House in July 2015 to participate in the “Rethink School Discipline” workshop to document best practices for school districts across the nation.*

School Police in California

At least 21 large school districts throughout the state have formed their own school district police departments to meet the specific needs of their schools. A smaller number (17) are certified by POST as meeting state standards. Just 4 school police departments report arrest and enforcement contacts to DOJ.

Arrest Reporting and Statistics in California

SUSD Police send details of reported crime, arrest, and enforcement contacts to DOJ monthly as required by the California Penal Code. This includes the name and date of birth of arrestees. DOJ makes these data anonymous and combines them with other data to create criminal justice statistics that are publically available on its website:

<http://oag.ca.gov/crime/cjsc/stats/arrests>

The statistics on the DOJ website group arrests and non-arrest enforcement contacts into one category it calls “arrests.” These “arrests” include individuals who were:

- a) Arrested: Booked into jail or juvenile hall;
- b) Arrested: Issued a notice to appear in court or juvenile probation (ticket or citation); or
- c) NOT Arrested: Counseled and released (warned) with no further action.

In May 2015 a researcher published a misleading and inaccurate report based on the incomplete and flawed statistics made available by DOJ. The report indicates that SUSD Police have arrested more than a thousand school students under age ten (10). From the report:

- *“Stockton is one of two major California cities whose school district officers have authority to arrest students, and they do so regularly. In Stockton...and San Bernardino...school officers have arrested 34,368 and 59,290 students under age 18, respectively, on criminal charges... More than 1,800 of those arrested students were under age 10.”*

The report, published by the Center on Juvenile and Criminal Justice (CJCJ), goes on to indicate that statewide DOJ data *“lists no other cities where school officers have made any arrests.”* The report continues to make a series of flawed and damaging comparisons and allegations about SUSD Police, including:

- *“In 2013...arrest rates for children under 10...were...[higher than] the rest of California—37 times higher in Stockton...”*
- *“Stockton, with one percent of California's youth under age 10, accounts for 26 percent of the state's arrests of children that age.”*
- *“In Stockton, 22 percent of the 1,510 children under age 10 arrested by school district officers during the 1991-2013 period were charged with felonies...”*

“The information in this CJC report is simply not true.”

Dr. Bryon G. Gustafson, Chief of Police

The CJC report—and in fact the DOJ—neglect to mention that the definition of “arrest” used to create the statistics and analysis departs dramatically from the California Penal Code and common law enforcement practice. Accepted law enforcement arrest practices—consistent with the Penal Code—include:

- Physical arrests – bookings; and
- Notices to appear – tickets or citations.

However, the report relies on DOJ statistics and reporting practices that include enforcement or “counsel and release” contacts—what most people call “warnings”—as arrests. Moreover, DOJ receives arrest and contact data from just 4 of 21 known school police departments in California. Those 4 departments make up just 12% of the 1.3 million K-12 students enrolled in school districts with police departments as shown in the tables below:

Table 1 – School Police NOT Reporting Arrest and Contact Data to DOJ	K-12 Enrollment*
Apple Valley Unified School District Police Department	14,490
Baldwin Park Unified School District Police Department	18,767
Clovis Unified School District Police Department	40,783
Compton Unified School District Police Department	22,452
El Rancho Unified School District Police Department	9,376
Hacienda-La Puente School District Police and Safety Department	20,032
Hesperia School District Police Department	23,528
Huntington Beach Union High School District Police Department	16,431
Inglewood Unified School District Police Department	13,915
Kern High School District Police Department	37,100
Los Angeles School Police Department	653,826
Montebello Unified School District Police Department	29,951
Oakland Unified School District Police Department	47,194
San Diego City Schools Police Department	130,303
San Jose Unified School District Police Department	33,152
Santa Ana Unified School District Police Department	57,499
Snowline Joint Unified School District Police Department	7,824
Total Enrollment in Districts NOT Reporting Arrest Statistics	1,176,623

Table 2 –School Police Reporting Arrest and Contact Data to DOJ	K-12 Enrollment*
Fontana School District Police Department	39,982
San Bernardino City Unified School District Police Department	53,785
Stockton Unified School District Police Department	39,486
Twin Rivers Police Department	31,122
Total Enrollment in Districts Reporting Arrest Statistics	164,375

**2013-2014 enrollment data sourced from www.ed-data.org*

The CJCJ report includes data from Stockton and San Bernardino, but does not include data from Los Angeles, San Jose, San Diego, or any of the other 17 school district police departments that do not report data. The DOJ database is grossly incomplete and misleading.

“Approximately 90% of school police data are missing and ignored by the DOJ ‘arrest’ database. Inaccurate comparisons and conclusions are being drawn from misleading definitions and incomplete data.”

Dr. Bryon G. Gustafson, Chief of Police

Defining an Arrest

While the DOJ continues to confuse the public—by misstating what constitutes an arrest—the Stockton Unified School District and its Police Department (as well as law enforcement in general) continue to use the following basic terms and understandings relating to “arrests” consistent with the California Penal Code:

- Cite and Release – A person commits a low-level crime (typically a misdemeanor) and is issued a criminal notice to appear (i.e., a ticket or citation) pursuant to Penal Code §836.5(c). This person has technically been arrested and then released on their written promise to appear.
 - DOJ calls this a “Stat 1” arrest and maintains a statewide database with the violation information, case number, and name and date of birth of the arrestee.
- Booking – A person commits a (typically) serious crime and is physically taken into custody and incarcerated at the county jail or juvenile hall pursuant to Penal Code §§834 and 835. This is commonly called a “custodial arrest.”
 - DOJ calls this a “Stat 2” arrest and maintains a statewide database with the violation information, case number, and name and date of birth of the arrestee.
- Counsel and Release – A person commits—or is believed to have committed—a low-level crime and is warned. This is a common SUSD Police intervention when dealing with students. It includes no criminal justice follow up. There is no citation or ticket issued. There is no booking or custody. There is counseling and/or a warning and the matter is documented in a police report.
 - **IMPORTANT: DOJ calls this a “Stat 3” arrest and maintains a statewide database with the violation information, case number, and name and date of birth of the “arrestee.” This is inconsistent with state law.**

By using—and in fact proliferating—incomplete data and inaccurate definitions for “arrests”—especially as it relates to juveniles—DOJ is jeopardizing the wellbeing and reputations of students and communities. By making these claims, and by using incomplete data as they do, DOJ is unwittingly magnifying the “school to prison” pipeline that SUSD is trying to close. If DOJ identifies a “counseled and released” (warned) student as an arrested criminal in its database, what impact does that have? It criminalizes kids unjustly. This is both tragic and unnecessary. It weakens the criminal justice system as well as schools and the educational system.

For example, if SUSD Police break up a schoolyard fight between two students, counsel each to resolve their conflicts in other, peaceful ways, then document the contact in a report, DOJ considers it two (2) arrests! By misusing these definitions and data, the DOJ is damaging the reputations of young children and their communities, documenting them as being arrested, and adding to the oppressive “school to prison” pipeline.

The public, law enforcement, the media, and most state legislators have a working understanding of what constitutes an arrest. The DOJ has its own, which is not consistent with the law. The law clearly states that police are to provide “complete and accurate” data, and this is impossible under the requirements set forth by DOJ.

Parents, School Administrators, and Police Working Together

Last year, the SUSD hosted more than 24 public meetings relating to the health and well-being of its schools. The District reached out to parents, local non-profits, advocacy groups, businesses, and community organizations. The District received more than 3,500 comments and recommendations. From this outreach plan, the District allocated an additional \$2 million dollars from its budget for community (school) policing, including a dispatcher, added officers, campus safety assistants, and other school safety assets.

Parents of school-age students in the SUSD are pleased with the school police, campus security monitors, and campus safety assistants. They are relieved to know that school yards are safe, classrooms are safe, and that dedicated school police are responsible for school safety and security to support teachers and school site staff. Even parents of students who were contacts—those who were “counseled and released” (labeled inappropriately as “arrested” by DOJ) understand that their child was not arrested, and are pleased that their child had an “intervention” with school police that had a positive impact.

The SUSD, its Board of Trustees, and its Police Department are continuing to work closely with teachers and parents to ensure that students are safe, schools are safe, and that accurate data are available for the purposes of evaluating successes, identifying and making improvements, and providing complete and accurate information for planning and comparison purposes.

Fixing Juvenile Justice Policy

SUSD Police have begun to contact state and national networks of child/juvenile advocates seeking their opinions and input. Some are volunteering to engage to find a “complete and accurate” data collection and data-driven solution. There seems to be immediate agreement

that California's incomplete and inconsistent data collection and definitions are far from accurate and in need of legislative correction.

SUSD Police will be providing briefings for state legislators, community and regional leaders, media, parent/teacher organizations, and child/juvenile justice experts. New legislation is being considered that will provide useful, accurate, and equitable requirements for data collection and reporting. Agreed upon standards and definitions about "arrests," crimes, infractions, and contacts are to be included.

Conclusion

Any attempt to draft corrective legislation, will have to include the following:

1. An understanding of, and elimination of, collapsed/blended statistics.
2. Appropriate distinctions between arrest and contacts—counsel and release/warnings.
3. Data must be consistently and completely collected, and provided to DOJ:
 - a. All school districts police departments must report.
 - b. The data, if collected, must be useful.

This potential legislation will help make it clear to the public, to law enforcement, to the judicial system, as well as school administrators, parents, and students how each school, school district, and the state will categorize contacts, notices to appear (citations or tickets), and arrests.

The SUSD and its Police Department are cooperating fully with the review underway by DOJ. At the same time, the District is committed to complete and accurate data collection and definitions. SUSD Police are continuing to reach out to parents, teachers, youth advocates, and local community opinion leaders about this review, seeking to both educate the public, and to receive any additional constructive input from interested parties.

###

EXHIBIT 2-16

Cecilia Bermudez

From: Linnea Nelson
Sent: Monday, May 16, 2016 5:18 PM
To: 'Martin J. Mayer'
Subject: RE: Stockton

Hi Marty,

I understand from Jennie that you would like to talk to me about policies and practices of the Stockton Unified School District Police Department.

At this stage, the ACLU is primarily focused on ensuring that we receive all documents from the District that are responsive to our PRA request from earlier this year. My April 22 letter to your firm lays out a range of documents in the District's possession which are both responsive and not exempt from public disclosure under the PRA, but which have not been provided to us. My understanding from Gregory Palmer's March 9 letter to me is that the District will not disclose any further records beyond what has been provided to the ACLU up to this point. If that is not accurate, please let me know as soon as possible, and please have your client send all responsive records to me by Friday, May 20.

I understand from Chief Gustafson's May 5 letter to me, and from your conversation with Jennie, that your clients at the District wish to explain the data reported to the California Attorney General in greater detail, and that Chief Gustafson believes that there is common ground and room for collaboration between his Department and the ACLU. Once we have received the District's complete response to our PRA request, including all non-exempt records that are responsive to our request, I am certainly open to discussing the content of those records with you or your client.

Feel free to email or call me at 415-621-2493 at your earliest convenience to discuss the completeness of the District's response to our PRA request.

Best,
Linnea

Linnea Nelson
Education Equity Staff Attorney
Pronouns: She/her/hers
ACLU of Northern California
39 Drumm St.
San Francisco, CA 94111
Tel.: 415.621.2493 x383
lnelson@aclunc.org
www.aclunc.org

This message and any files or text attached to it are intended only for the recipients named above, and contain information that may be confidential or privileged. If you are not an intended recipient, you must not read, copy, use or disclose this communication. Please also notify the sender by replying to this message, and then delete all copies of it from your system. Thank you.

From: Jennie Pasquarella [mailto:JPasquarella@ACLUSOCAL.ORG]
Sent: Thursday, May 12, 2016 4:29 PM
To: 'Martin J. Mayer' <mjm@jones-mayer.com>
Cc: Linnea Nelson <lnelson@aclunc.org>
Subject: Stockton

Hi Marty,

Good to talk to you the other day. As we discussed, I'm writing to connect you to Linnea Nelson, who is the attorney in our Northern California affiliate, who is engaged on the Stockton issues. Hopefully you two can find a time to connect. Best, Jennie

Jennie Pasquarella

Director of Immigrants' Rights, ACLU of California
Senior Staff Attorney, ACLU of Southern California
1313 West Eighth Street | Los Angeles, CA 90017
(T) 213.977.5236 | (F) 213.977.5297

aclusocal.org || [facebook](https://www.facebook.com/acluofcalifornia) || [twitter](https://twitter.com/acluofcalifornia) || [blog](http://blog.aclusocal.org)

The ACLU: Because Freedom Can't Protect Itself

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED.

EXHIBIT 3



Stockton Unified School District

Since 1852

Dr. Steven Lowder, Superintendent

Lily Cervantes
Counsel/Legal Affairs

701 North Madison Street • Stockton, CA 95202
Phone (209) 933-6415 Fax (209) 466-6786

BOARD OF EDUCATION
Gloria Allen, President
Sal Ramirez, Vice President
Colleen Keenan
Kathy Garcia
David Varela
Sara Cázares
Steven Smith

January 25, 2013

VIA FIRST CLASS MAIL

Anna Salem
ACLU of Northern California
39 Drumm Street
San Francisco, CA 94111

Re: August 16, 2012 Public Records Act Request - Supplemental Response

Dear Ms. Salem:

This letter is provided as a supplemental response to Julia Mendoza's August 16, 2012 Public Records Act request to the Stockton Unified School District ("SUSD") related to police records. SUSD provided initial replies to the ACLU's request, including responsive documents on October 8 and December 3 of 2012 and requested additional time to respond to questions A(10), C(1), C(2), C(3), D(10), D(11), D(12), D(14), and D(15). The responses to those inquiries follow.

Per our previous communications, the ACLU revised its original request and now seeks public records from July 1, 2006 forward.

- **A(10): Any and all documents regarding school crime, arrest, citation, violence, weapons, and safety rates from the creation of SSPD to the current school year.**

This request is broadly stated; to comply with this request, the SUSD has narrowed the scope of the request to give it meaningful effect. Although a request may identify a document generally by its content, the California Public Records Act also requires that a public records request reasonably describe an identifiable record. (*Cal. First Amend. Coalition v. Superior Court* (1998) 67 Cal. App. 4th 159; Government Code § 6253(b)). Broadly interpreted, nearly every document related to the SUSD Police Department could be encompassed in request A(10), because every action the Department takes relates to crime rates. Therefore, in an effort to assist your office to make a more focused and effective request pursuant to Government Code section 6253.1, we are treating your inquiry (A(10)) as limited to a request for non-confidential SUSD prepared, owned, or retained aggregate data reports for the subjects, and time frame identified above.

In arriving at the above limiting interpretation, SUSD has assumed the ACLU does not seek protected law enforcement records. (*See* Government Code § 6254(f) (investigatory files); *and* Welfare and Institutions Code § 827.9 (juvenile arrest records are

confidential); *and* Welfare and Institutions Code § 15633 (elder abuse reports are confidential). Likewise, SUSD assumes that the ACLU does not request the SUSD's confidential law enforcement database, or that SUSD create a report that does not already exist. (Government Code § 6254(f); Government Code § 6252(e)).

Based on the above criteria, the following aggregate data reports are attached:

1. Redacted Juvenile Arrest Log July 1, 2006 – January 14, 2013 (See January 2013 ACLU Disk #2. Please note the District has removed any reference to the name of the minors and his/her birth dates.)
2. Adult Arrest Log July 1, 2006 – December 30, 2012 (See January 2013 ACLU Disk #1.)
3. Crime and Location Log July 1, 2006 – January 14, 2013 (See January 2013 ACLU Disk #1.)

Also, please see the Federal Bureau of Investigation website at www.fbi.gov/about-us/cjis/ucr/ucr. This website provides agency specific data (including SUSD PD) that may be helpful to the ACLU.

- **C(1): Any and all complaints received from any sources about the activities of the SSPD since its creation, this includes, but is not limited to all information, formal and / or criminal complaints filed against school police offices.**

The information requested in C(1) is primarily maintained in peace officer personnel files. SUSD police officer personnel records are private and protected by the California Constitution Article 1, Section 3(b)(3). The information requested in C(1) is also protected by various statutes, including, but not limited to, Penal Code sections 832.5, 832.7 and 832.8 and is only producible following a successful *Pitchess* Motion brought pursuant to Evidence Code section 1043 *et seq.* Such information is further exempt from the PRA pursuant to Government Code section 6254(c) covering personnel records, 6254(f) covering investigative and security records, 6254(k) covering official information, and 6255 covering the public interest exemption. Accordingly, SUSD declines to produce any information contained in confidential peace officer records.

On occasion during District Safety Committee meetings, and Board of Education meetings, members of the public express concerns/complaints about the SUSD PD. As such, included for your review are public minutes for these meetings since 2006 where the subject of the SUSD PD were addressed. (See January 2013 ACLU Disk #1.)

Also, included for your review is a report regarding the number and general out come of Internal Affairs investigations since July 1, 2006. (See January 2013 ACLU Disk #1.)

- **C(2): Any and all documents reflecting investigations of school police officers, either as a result of public or internal complaints or concerns.**

See response to C(1) above.

- **C(3): Any and all documents reflecting the results of investigations of school police officers.**

See response to C(1) above.

- **D(10): The aggregate number of petitions or complaints filed with the Probation Department by school police officers disaggregated by type of offense, school, location, and race, ethnicity, disability and gender of arrestee.**

Request D(10) calls for information that does not exist in any document currently in possession of SUSD but, rather, is maintained in a confidential law enforcement database. The California Public Records Act authorizes members of the general public to inspect and receive copies of existing records which have been reasonably identified by the requestor, and which records are not exempt from disclosure under the Act. However, the Act does not require the public agency to compile data, perform research, or create new records that do not currently exist. (*See* Government Code section 6252(e); *See also Haynie v. Superior Court* (2001) 26 Cal. 4th 1061; 71 Ops. Cal Atty. Gen 235(1998)).

- **D(11): The aggregate number of arrests made by school police officers, disaggregated by type of offense, school location, and race, ethnicity, disability and gender.**

See response to request D(10).

- **D(12): The aggregate number of citations for infractions or misdemeanors given by schools police officers, disaggregated by type of offense, school location, and race ethnicity, disability and gender of the student cited.**

See response to request D(10).

- **D(14): Any and all documents related to incidents in which weapons were drawn and/or used by school police officers.**

To the extent this request seeks information contained in constitutionally protected peace officer records, law enforcement investigation records, or juvenile arrest or detention records, SUSD denies the request (*See* reply to C(1) above; Government Code § 6254(f); Welfare and Institutions Code § 827.9). The District does not maintain aggregate non-specific public records responsive to this request.

- **D(15): Any and all documents related to incidents in which a student was injured by the actions of a school police officer.**

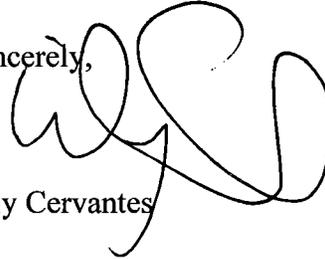
To the extent this request seeks information contained in constitutionally protected peace officer records, law enforcement investigation records, or juvenile arrest or detention records, SUSD denies the request (*See* reply to C(1) above; Government Code § 6254(f);

Welfare and Institutions Code § 827.9). The District does not maintain aggregate non-specific public records responsive to this request.

For your convenience electronic copies of the public records responsive to your request are included in the disks attached hereto. If you have any questions or wish to discuss this matter further, please do not hesitate to contact me.

Sincerely,

Lily Cervantes

A handwritten signature in black ink, appearing to be 'Lily Cervantes', written over the printed name.

Enclosures: January 2013 ACLU Disks #1 & Disks #2

cc: Steven Lowder, Superintendent
Jim West, Chief of Police
Marie A. Nakamura, KMTG