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12 California

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14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 COUNTY OF FRESNO

16 ACLU OF NORTHERN CALIFORNIA,
17
18 *Plaintiff and Petitioner,*
19 vs.
20 FRESNO COUNTY SHERIFF'S OFFICE,
21 *Defendant and Respondent.*

Case No.

**VERIFIED COMPLAINT AND PETITION
FOR WRIT OF MANDATE**

[Gov. Code, §§ 6250, *et seq.*; Code Civ. Proc.,
§§ 1085, *et seq.*]

INTRODUCTION

1
2 1. In 1968, the California Legislature enacted the Public Records Act (“PRA”) “for
3 the purpose of increasing freedom of information by giving members of the public access to
4 information in the possession of public agencies.” (*Copley Press, Inc. v. Superior Court* (2006) 39
5 Cal.4th 1272, 1281, citations omitted.) The Legislature declared “that access to information
6 concerning the conduct of the people’s business is a fundamental and necessary right of every
7 person in this state.” (Gov. Code, § 6250.)

8 2. Despite this fundamental commitment to transparency in government, California
9 was—for decades—among the most secretive states in the nation with respect to police officer
10 misconduct and deadly uses of force. Unlike the laws in most other states, which recognized the
11 importance of this information for public oversight of the police, California’s Penal Code,
12 §§ 832.7 and 832.8 (“*Pitchess* Statutes”) exempted records of police discipline from disclosure
13 under the PRA. Courts interpreted these provisions broadly to bar disclosure of any records
14 regarding how officers had been disciplined (or not), including incident reports, internal
15 investigations, civilian complaints, and other records related to uses of force or investigations into
16 misconduct. This level of secrecy was afforded only to peace officers. Records of proven
17 misconduct by other categories of public employees were generally available to the public. For
18 non-law enforcement public employees, even records related to matters that agencies ultimately
19 found to be unsubstantiated could be disclosed, provided they were the subject of significant
20 public interest.

21 3. In 2018, the Legislature enacted S.B. 1421, amending the PRA to require
22 disclosure of certain records related to police uses of force and misconduct. Specifically, the
23 legislation made public peace officer personnel records relating to police shootings or uses of
24 force resulting in death or great bodily injury, and records relating to incidents for which there was
25 a sustained finding of misconduct involving sexual assault against a member of the public or
26 officer dishonesty. (Pen. Code, § 832.7, subd. (b)(1).)

27 4. Following the enactment of S.B. 1421, on or about January 1, 2019, Plaintiff and
28 Petitioner American Civil Liberties Union of Northern California (“ACLU”), requested peace

officer records from the Fresno County Sheriff's Office ("Department"). The ACLU requested records under all four categories of documents that S.B 1421 subjected to disclosure: (1) police uses of force causing death or great bodily injury, (2) discharges of firearms, (3) sustained findings of sexual assault, and (4) sustained findings of dishonesty in the reporting, investigation, or prosecution of a crime. To limit the burden on the Department, the request did not seek the entire file for each incident, but rather sought only "Decisional Documents," i.e., documents setting forth and explaining the disciplinary decisions.

5. In response to the ACLU's request, the Department did not produce a single responsive record for over twenty-two months. During this time, the ACLU made numerous follow-up efforts seeking the Department's compliance with the PRA. In mid-October 2020, the Department finally began producing responsive documents, but the productions have been very limited. As of the filing of this petition—more than 26 months after the request—the Department has produced documents for only 23 incidents. The Department admits there are many additional responsive incidents, but has failed to provide documents for those incidents or to estimate a reasonable time for production.

6. The Department also issued invoices to the ACLU seeking thousands of dollars in improper fees for the productions.

7. Because of the Department's blatant disregard for its obligations under the PRA, Petitioner asks this Court to issue a writ of mandate compelling the Department to comply with its obligations under the PRA and S.B. 1421 and fully respond to the ACLU's request, as well as declaratory and injunctive relief to the same effect.

PARTIES

8. Plaintiff and Petitioner AMERICAN CIVIL LIBERTIES UNION OF NORTHERN CALIFORNIA is a non-profit corporation that defends the fundamental rights outlined in the United States Constitution and the Bill of Rights. The ACLU is also committed to principles of transparency and accountability and seeks to ensure that the public is informed about the conduct of government officials. The ACLU is a member of the public with the right to enforce its requests for records under Government Code, §§ 6252, subds. (b), (c) and 6258. The ACLU

1 sought disclosure from the Department of public records in its possession related to investigations
2 and discipline of peace officers.

3 9. Defendant and Respondent FRESNO COUNTY SHERIFF'S OFFICE is a
4 California local agency within the meaning of the PRA, Government Code, § 6252, subds. (a) and
5 (d).

6 **JURISDICTION AND VENUE**

7 10. This Court has jurisdiction under Government Code, §§ 6258 and 6259, Code of
8 Civil Procedure, §§ 1060 and 1085, and Article VI, section 10 of the California Constitution.

9 11. Venue is proper in this Court because Respondent and the records in question, or
10 some portion of them, are situated in this County. (See Code Civ. Proc., §§ 394, subd. (a), 395,
11 subd. (a), 401, subd. (1); Gov. Code, § 6259, subd. (a).)

12 **FACTUAL BACKGROUND**

13 **A. The Statutory and Constitutional Rights to Public Records**

14 12. The public's access to public records is governed by statute and the California
15 Constitution.

16 13. Under the PRA, "access to information concerning the conduct of the people's
17 business"—business conducted by public agencies on behalf of the people—is a "fundamental and
18 necessary right of every person in this state." (Gov. Code, § 6250.)

19 14. Prior to 2019, peace officer personnel records—defined as all records related to the
20 "advancement, appraisal, or discipline" of peace officers—were exempted from PRA disclosure.
21 (See Pen. Code, §§ 832.7 and 832.8.) This exemption included public records regarding
22 investigations into police shootings and other serious uses of force, and allegations of serious
23 misconduct—even when the agency had concluded that the officer had engaged in misconduct.
24 (*City of Hemet v. Superior Court (Press-Enterprise Co.)* (1995) 37 Cal.App.4th 1415, 1431.)

25 15. In 2018, the California Legislature enacted S.B. 1421, which modifies Penal Code,
26 § 832.7 by making four categories of records related to peace officers public under the PRA. The
27 categories include records related to (1) use of force causing death or great bodily injury;
28 (2) discharges of a firearm; (3) a sustained finding of sexual assault by a peace officer; and (4) a

1 sustained finding of dishonesty tied to police officers' unique powers in investigating and
2 prosecuting crimes, such as perjury or the fabrication of evidence, or police misconduct. (See Pen.
3 Code, § 832.7, subd. (b)(1)(A)–(C), effective Jan. 1, 2019.)

4 16. The Legislature recognized the strong public interest in access to these records:

5 The public has a right to know all about serious police misconduct,
6 as well as about officer-involved shootings and other serious uses of
7 force. Concealing crucial public safety matters such as officer
8 violations of civilians' rights, or inquiries into deadly use of force
incidents, undercuts the public's faith in the legitimacy of law
enforcement, makes it harder for tens of thousands of hardworking
peace officers to do their jobs, and endangers public safety.

9 (S.B. 1421, § 1, subd. (b).)

10 17. Accordingly, a member of the public who files a PRA request on or after January 1,
11 2019 is entitled to disclosure of all such documents in the possession of the public agency,
12 regardless of when those documents were created. (See *Walnut Creek Police Officers' Assn. v.*
13 *City of Walnut Creek* (2019) 33 Cal.App.5th 940, 941–42.)

14 18. The new amendments to Penal Code, § 832.7 mandate redaction of certain
15 categories of information (such as to protect the identity of a complainant) but generally do not
16 permit withholding entire records subject to disclosure. (See Pen. Code, § 832.7, subd. (b)(6).)
17 An agency may withhold a disclosable record only under limited, enumerated circumstances
18 during “an active criminal or administrative investigation[.]” (*Id.* at § 832.7, subd. (b)(7).)

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

23 20. Mandate lies to compel the government to comply with the PRA and the California
24 Constitution. (Gov. Code, § 6258; Civ. Proc., § 1085.)

25 **B. Making Requests Under the PRA**

26 21. To ensure that state and local agencies are transparent and accountable, the PRA
27 empowers members of the public to inspect and copy agency records upon request. (See Gov.
28 Code, § 6253, subs. (a) & (d)(1).) The PRA facilitates this transfer of information by codifying

1 specific requirements and deadlines that agencies must observe upon receipt of a public records
2 request.

3 22. The PRA requires an agency to conduct a search that is “reasonably calculated to
4 locate responsive documents,” *American Civil Liberties Union of Northern California v. Superior*
5 *Court* (2011) 202 Cal.App.4th 55, 85, and an agency may be required to assist a requestor to
6 formulate a request based on the agency’s greater knowledge of its own recordkeeping system.
7 (Gov. Code, § 6253.1, subd. (a)(1)–(3).)

8 23. A public agency must “promptly” make publicly available for inspection or provide
9 a copy of any record that it prepared, owns, uses, or retains—unless the record is subject to the
10 PRA’s limited exemptions to disclosure. (Gov. Code, § 6253, subd. (b).) If an agency determines
11 that a request should be denied, it must justify its denial in writing. (Gov. Code, § 6255,
12 subd. (b).)

13 24. The Government Code generally requires that an agency respond to a PRA request
14 within ten days of receiving it. (Gov. Code, § 6253, subd. (c).) Within those ten days, the agency
15 must: determine whether the request seeks disclosable public records, notify the requestor of its
16 determination and reasoning, and provide the requestor with an estimate of when the disclosable
17 records will be made available. (*Ibid.*)

18 25. In “unusual circumstances,” an agency can extend this deadline for up to fourteen
19 days, but it must notify the requestor in writing, setting forth the reasons for the extension and a
20 date upon which a determination will be made, and must still estimate when the records will be
21 made available at the point that it makes such a determination. (Gov. Code, § 6253, subd. (c).)
22 The PRA limits “unusual circumstances” to mean several specific needs for delay.¹ (*Ibid.*) Even
23

24 _____
25 ¹ Those circumstances include: “(1) The need to search for and collect the requested records from
26 field facilities or other establishments that are separate from the office processing the request.
27 (2) The need to search for, collect, and appropriately examine a voluminous amount of separate
28 and distinct records that are demanded in a single request. (3) The need for consultation, which
shall be conducted with all practicable speed, with another agency having substantial interest in
the determination of the request or among two or more components of the agency having
substantial subject matter interest therein. (4) The need to compile data, to write programming

1 for these purposes, the PRA permits delay “only to the extent reasonably necessary to the proper
2 processing of the particular request.” (*Ibid.*) The same section of the PRA clearly forbids delay
3 for any other reasons: “Nothing in this chapter shall be construed to permit an agency to delay or
4 obstruct the inspection or copying of public records.” (Gov. Code, § 6253, subd. (d).)²

5 26. The PRA also provides that a requestor may be charged only for the “direct costs of
6 duplication, or a statutory fee if applicable[.]” (Gov. Code, § 6253, subd. (b).) As explained in
7 *North County Parents Organization v. Dept. of Education* (1994) 23 Cal.App.4th 144, 147
8 (hereafter *North County Parents Organization*), “[t]here seems to be little dispute as to what
9 ‘duplicate’ means. It means just what we thought it did, before looking it up: to make a copy.
10 (See Black’s Law Dict. (4th ed. 1968) p. 593 [‘to . . . reproduce exactly’]; Webster’s Third New
11 Internat. Dict. (1981) p. 702 [‘to be or make a duplicate, copy or transcript . . .’].)” “‘Direct cost’
12 does not include the ancillary tasks necessarily associated with the retrieval, inspection and
13 handling of the file from which the copy is extracted.” (*North County Parents Organization*,
14 *supra*, 23 Cal.App.4th at p. 148.)

15 27. The PRA makes clear that a verified petition is the correct procedural vehicle to
16 address public records improperly withheld: “Whenever it is made to appear by verified petition to
17 the superior court of the county where the records or some part thereof are situated that certain
18 public records are being improperly withheld from a member of the public, the court shall order
19 the officer or person charged with withholding the records to disclose the public record or show
20 cause why he or she should not do so.” (Gov. Code, § 6259, subd. (a).)

21 **C. The Department’s Unreasonable Delay in Responding and Producing Records**
22 **Violates the Public Records Act**

23 28. On January 1, 2019, Petitioner ACLU of Northern California, as part of a coalition
24 of organizations including the ACLU of Southern California, submitted a PRA request to the

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26 language or a computer program, or to construct a computer report to extract data.” (Gov. Code,
§ 6253, subd. (c)(1)–(4).)

27 ² In addition to the timeliness requirements of the PRA, S.B. 1421 specifically provides for short
28 extensions (e.g., “up to 60 days from the date the use of force occurred”) for certain categories of
records in limited circumstances. (See Pen. Code, § 832.7, subd. (b)(7)(A)(i).) Absent these
statutorily provided extensions, however, records must be disclosed more promptly.

1 Department. (**Exhibit A.**) The request sought documents that are now subject to public disclosure
2 under S.B. 1421. For the most serious conduct, including fatal uses of force by the Department's
3 officers and sustained cases of dishonesty, the request sought records created within the last
4 twenty years. For other conduct, such as serious uses of force that did not result in death, or for
5 sustained findings of sexual assault, the request sought records within the previous five or ten
6 years. (See *ibid.*)

7 29. Rather than requesting the entire file for every incident in each of these categories,
8 the request sought only "Decisional Documents." (See *ibid.*) The request for and definition of
9 "Decisional Documents" were intended to provide for a narrower category of easily discernable
10 documents, if doing so reduced the burden of producing the entire file related to an incident. The
11 ACLU's request included explanatory language to clarify the scope of "Decisional Documents."
12 Stated briefly, "Decisional Documents" include: (1) any final investigative reports relating to the
13 incident, including reports provided to external agencies and including underlying evidence to the
14 extent not sufficiently described in the report; (2) all documents regarding the decision whether or
15 not to impose discipline; (3) all documents reflecting any appeal of a disciplinary action or referral
16 of an investigation or disciplinary action to another adjudicatory body; and (4) any related
17 settlement agreements or other resolution of the incident.

18 30. On January 3, 2019, the Department responded to the ACLU's request and
19 indicated it was examining the request and would be in contact with the ACLU once it had
20 reviewed and processed the request. (**Exhibit B.**) The Department's response did not state
21 whether the Department possessed disclosable records that were responsive to the ACLU's request
22 or provide an estimated date and time when any such records would be made available. (*Ibid.*)

23 31. The ACLU received no further communication from the Department for the next
24 five months. On June 6, 2019, the ACLU sent a letter to the Department asking whether it had
25 identified disclosable records and to estimate a date and time for production of such records.
26 (**Exhibit C.**) The Department responded on June 12, 2019 and represented that it had been
27 "actively" reviewing its files but that it did not have an "exact time frame" for the production.
28 (**Exhibit D.**) It did not elaborate on the steps that it had taken to review documents and ready

1 them for production over the preceding five months, nor did it invoke any statutory basis for
2 withholding any of the documents that the ACLU requested.

3 32. Another three months passed with no further communication from the Department.
4 On September 10, 2019, the ACLU again wrote to the Department to inquire whether it possessed
5 disclosable records and to request an estimate of when such records will be made available.

6 **(Exhibit E.)**

7 33. On September 18, 2019, the Department called the ACLU and asked for the
8 administrative number that was assigned to the ACLU's January 1, 2019 request. The ACLU
9 promptly returned this call to provide the requested number.

10 34. On September 27, 2019, having not received any further communication from the
11 Department, the ACLU once again followed up, this time detailing its efforts to ensure the
12 Department's compliance with its January 1, 2019 request. **(Exhibit F.)** The ACLU again asked
13 the Department whether it possessed disclosable records and requested an estimate of the date for
14 production. *(Ibid.)*

15 35. Later that day, the Department sent the ACLU a letter containing an index of
16 incidents subject to disclosure from January 1, 2014 to the present. **(Exhibit G.)** The index
17 included 32 use of force incidents, 16 officer-involved shootings, and no incidents of dishonesty
18 or sexual assault. *(Ibid.)* Under the heading "Fresno County Master Schedule of Fees," the
19 Department's letter also contained the following breakdown of charges, presumably in reference
20 to the cost of producing the identified incidents:

21	1-8 pages	\$0.10 per page
22	9- more pages	\$0.05 per page
23	Photo(s):	\$3.00 per photo
24	(If loaded on CD	\$13.00 (CD) + \$3.50 per photo)
25	Video(s):	\$13.00 (loaded on CD)

26 *(Ibid.)*

27 36. The Fresno County Master Schedule of Fees ("MSF") is a document, adopted by
28 local ordinance, which sets out the fees to be charged "for the rendering of specified services" by

1 each county department. (Fresno Mun. Code § 4.44.020). The section of the MSF pertaining to
2 the County Sheriff's Office does not include the fees cited in the Department's letter. (**Exhibit**
3 **H.**) In fact, the MSF does not specify *any* fees for public records productions by *any* county
4 department. The Department's letter did not clarify how its cost breakdown related to the MSF,
5 or, more broadly, why the MSF was applicable to a PRA request.

6 37. On October 3, 2019, the ACLU sent another letter to the Department, addressing
7 the Department's introduction of improper fees and its continued failure to produce responsive
8 records. (**Exhibit I.**) First, the ACLU asked the Department to explain why it believed the MSF
9 was relevant to the ACLU's request. The ACLU noted that the PRA only provides reimbursement
10 for the direct costs of duplication or a statutory fee. (See Gov. Code, § 6253, subd. (b).) The fees
11 indicated by the Department far exceeded the cost of simple copying and had no statutory basis.
12 Thus, even if they were attributable to the MSF, they were still inapplicable to a PRA request.
13 Next, the ACLU pointed out that the index the Department had sent only stretched back five years
14 and therefore was not fully responsive to the ACLU's request which, in some limited instances,
15 requested records dating as far back as 1999. The ACLU requested an index of all responsive
16 records in this time period. (*Ibid.*) Lastly, the ACLU again sought a date for production of
17 records and asked the Department to begin production of records on a rolling basis. (See *ibid.*)

18 38. Later that same day, the Department produced a separate index of six use of force
19 incidents that occurred in jail, which the Department claimed were "immediately ready for
20 release." (**Exhibit J.**) The Department noted it would "provid[e] a rolling response to SB 1421
21 incidents." (*Ibid.*) The Department also produced an invoice for the jail incident records, photos,
22 and videos, which totaled \$151.30. (**Exhibit K.**) This included \$65.00 for 5 videos and \$84 for
23 28 photos, with an additional \$13.00 charge requested to have the photos "stored onto CD."
24 (*Ibid.*) The Department specifically acknowledged it still had not provided clarification on these
25 costs and would discuss any concerns about the fees with its business manager. (**Exhibit L.**)

26 39. The ACLU sent a follow-up letter to the Department on October 15, 2019 that once
27 again requested clarification of the costs that the Department sought and a complete index of
28

1 responsive records. It also asked that the first installment of records be produced on or before
2 October 25, 2019. (**Exhibit M.**)

3 40. On October 23, 2019, the Department responded, noting that it still did not “have a
4 definitive answer” regarding its fee rates. (**Exhibit N.**) The Department’s email attached a second
5 invoice but did not include any actual records. (**Exhibit O.**)

6 41. On November 15, 2019, the Department wrote that it “elected to provide the ACLU
7 with a thumb drive with photos, reports and videos related to the use of force incidents that
8 occurred in jail.” (**Exhibit P.**) It sought payment in the amount of \$6.00 for the cost of the thumb
9 drive. It also indicated it was re-evaluating the fees and cost study related to PRA requests. The
10 Department stated it would provide the thumb drive upon payment of the invoice and asked for a
11 mailing address. (See *ibid.*)

12 42. On November 18, 2019, the ACLU provided its mailing address and indicated it
13 would send a check out shortly. (**Exhibit Q.**) On November 18, 2019, the ACLU sent a check to
14 the Department in the amount of \$6.00 for responsive documents and again included a mailing
15 address for the records. (**Exhibit R.**)

16 43. As of January 7, 2020, the ACLU had not yet received any response, documents, or
17 thumb drive from the Department, so it reached out to the Department once again to inquire about
18 its request. (**Exhibit S.**) On January 15, 2020, the Department responded that the individual with
19 whom the ACLU had been corresponding, Lieutenant Ronald Hayes, had been transferred out of
20 the PRA unit in November and provided the contact information for his successor, Lieutenant
21 Frances Devins. (See *ibid.*) The ACLU emailed Lieutenant Devins the same day. (**Exhibit T.**)

22 44. When Lieutenant Devins had not responded, the ACLU followed up by calling and
23 leaving a voicemail message for her on January 17, 2020. The ACLU requested in its message an
24 update to its PRA request. On January 21, 2020, the ACLU called Lieutenant Devins once again
25 and left a voicemail making the same request.

26 45. On January 28, 2020, Lieutenant Devins emailed the ACLU, indicating that she
27 expected the “Jail Use of Force (UOF) reports” to be released after 60 days and she was in the
28 process of reviewing and redacting enforcement UOF reports. (**Exhibit T.**) She also asked the

1 ACLU to advise whether any reports related to sustained findings of dishonesty or sexual assault
2 were ever produced, as the Department could “get those to [the ACLU] rather quickly.” (See
3 *ibid.*)

4 46. The ACLU promptly responded later that same day, noting that an additional delay
5 of 60 days for the production was unreasonable as the initial request was dated over one year
6 earlier, and asked that records be immediately produced on a rolling basis. (**Exhibit U.**) The
7 ACLU also relayed that it had not yet received any records and requested that any sustained
8 findings of dishonesty or sexual assault be identified and produced promptly. (See *ibid.*) The
9 Department responded later that day, explaining that the “Executive Staff must review and
10 approve release of the Records” and that it would provide a response regarding records of
11 sustained findings of sexual assault or dishonesty “shortly”, meaning “no later than the end of the
12 week.” (**Exhibit V.**)

13 47. The ACLU did not receive the promised response by the following week, so it
14 again emailed the Department on February 5, 2020. (*Ibid.*) The ACLU requested that all records
15 be released by February 27, 2020, and reiterated that it had been over a year since the ACLU made
16 its PRA request and months since the ACLU remitted payment for a thumb drive.

17 48. Over 8 months passed without any response or production from the Department.
18 On October 8, 2020, the ACLU contacted the Department once again and requested that all
19 records be released by October 23, 2020. (**Exhibit W.**)

20 49. On October 15, 2020, the Department responded and included with its response a
21 thumb drive of seven reports of jail use of force incidents, totaling thirty-eight pages. (**Exhibit X.**)
22 The Department claimed the responsive documents related to non-jail use of force incidents for the
23 years 2014 and 2015 would be ready by mid-November, and documents for years 2016 to 2018
24 would be ready by the end of the year. (*Ibid.*) The Department claimed that there were
25 “unavoidable delays” in sending the responsive documents to the ACLU. (*Ibid.*)

26 50. On November 11, 2020, the ACLU responded to the Department. (**Exhibit Y.**)
27 The ACLU noted that the Department’s failure to produce any responsive records to the ACLU’s
28 request for 21 months was not justified and a clear violation of the PRA. The ACLU explained

1 that any future delay exacerbates the harm to the ACLU and the public in not having access to the
2 documents, and requested that all documents be produced by December 4, 2020. (*Ibid.*)

3 51. On November 20, 2020, counsel for the ACLU attended a call with the Office of
4 Fresno County Counsel (“County Counsel”). County Counsel explained that the ACLU’s request
5 to the Department had been “essentially forgotten” until the ACLU contacted the Department
6 again in October 2020. County Counsel said they expected documents to be produced on a rolling
7 basis beginning the following week.

8 52. By the two-year anniversary of the request, the Department had produced
9 documents from only five use of force incidents from the years 2014 and 2015. In an email dated
10 December 7, 2020, County Counsel indicated that there were at least 30 additional non-jail use of
11 force cases from 2014 to 2018 for which records had not yet been released. (**Exhibit Z.**) County
12 Counsel did not indicate when the remaining documents would be produced. (*Ibid.*) County
13 Counsel also did not provide any estimate of the number of cases that remain to be produced for
14 the other categories in the ACLU’s PRA request, including jail use of force cases, sustained
15 findings of sexual assault, and sustained findings of dishonesty. (*Ibid.*)

16 53. As of January 1, 2021, the Department had also sent the following invoices to the
17 ACLU, totaling \$10,051.15. (See **Exhibits K, O, and AA – II.**)

Exhibit	Invoice Number	Invoice Date	Amount
Exhibit K	SO16901	10/2/2019	\$151.30
Exhibit O	SO16963	10/23/2019	\$2.30
Exhibit AA	SO17918	11/16/2020	\$3,243.85
Exhibit BB	SO17919	11/16/2020	\$973.85
Exhibit CC	SO17920	11/16/2020	\$129.25
Exhibit DD	SO17921	11/16/2020	\$3,120.85
Exhibit EE	SO17922	11/16/2020	\$109.95
Exhibit FF	SO17923	11/16/2020	\$17.95
Exhibit GG	SO17924	11/16/2020	\$12.95
Exhibit HH	SO17934	11/25/2020	\$488.25
Exhibit II	SO17966	12/3/2020	\$1,800.65

1 54. In its December 7, 2020 email, the Department repeated its erroneous claim that
2 “all ‘costs’ on the invoices come directly” from the MSF. (**Exhibit Z.**) It asserted that the per-
3 page charge for incident reports derived “from the Library’s approved MSF,” although that fee is
4 for self-service use of library copiers and is wholly inapplicable to the Department’s services.
5 (**Exhibit JJ.**) The Department further indicated that the \$13 “base charge” it had invoiced for
6 each set of photos came “from the Coroner’s prices for base charge,” while, in actuality, that fee is
7 for “Photo CDs” that accompany autopsy reports; it too is inapplicable to the Department’s simple
8 transfer of public records on to a thumb drive. (**Exhibits Z and KK.**) Notably, the Department
9 did not attempt to identify a source for the \$3 per-photo charge, levied in addition to the base
10 charge, which accounted for over \$9,000 of the invoiced fees.

11 55. On December 8, 2020, the ACLU sent an email to County Counsel, inquiring about
12 the fees in the invoices and explaining (as it had done before) that PRA requestors are required to
13 pay only the “direct costs of duplication, or a statutory fee if applicable.” (**Exhibit LL** (citing
14 Gov. Code, § 6253, subd. (b)).) The ACLU explained that there should be no direct costs of
15 duplication, as all of the documents produced by the Department have been produced in electronic
16 format. (*Ibid.*) The ACLU explained that the invoices were also improper because the ACLU was
17 not given notice of any of the charges prior to the production, despite expressly requesting prior
18 notice of any charges exceeding \$50.00 in its initial PRA request. (*Ibid.*)

19 56. On December 29, 2020, County Counsel sent the ACLU an email stating that the
20 Department was “suspending the right to receive pre-payment/payment” on its existing invoices,
21 while it waited for the Fresno County Board of Supervisors to adopt a new MSF for the coming
22 year—one that actually enumerated fees “related to requests for public records.” (See
23 **Exhibit MM.**) County Counsel indicated that, if and when they were adopted, the Sheriff’s
24 Office would attempt to apply these fees retroactively not only to the ACLU’s two-year-old
25 request, but even to records that the Sheriff’s Office had already produced pursuant to that request.

26 57. County Counsel also proposed new rationales for these fees, which it
27 acknowledged exceed the “direct costs of duplication.” (See Gov. Code, § 6253, subd. (b).)
28 County Counsel claimed that additional charges were proper because the ACLU’s request

1 necessitated the programming and extraction of digital records, citing Gov. Code, § 6253.9;
2 however, it did not clarify what those activities entailed. County Counsel also suggested that the
3 Department’s charges might qualify as a “statutory fee,” per Gov. Code, § 6253, though it failed to
4 raise any applicable statute.

5 58. On January 5, the ACLU sent an email in response to County Counsel. (**Exhibit**
6 **NN.**) The ACLU noted that record “extraction” had not been specified on the invoices, and
7 explained that extraction charges cannot account for “time spent searching for responsive records
8 in an e-mail inbox or a computer’s documents folder” or “redacting exempt data from otherwise
9 producible electronic records.” (*Ibid.*, citing *National Lawyers Guild, San Francisco Bay Area*
10 *Chapter v. City of Hayward* (2020) 9 Cal. 5th 488, 506.) The ACLU also reminded County
11 Counsel that it had not identified any statute that would permit the Department to charge a so-
12 called “statutory fee.” (See Gov. Code, § 6253, subd. (b).).

13 59. While County Counsel never directly responded to these points, in the following
14 month, the Department sent two sets of revised invoices to the ACLU, which omitted the fees for
15 photos and videos that were included in the earlier versions. (**Exhibits PP – FFF.**) In cover
16 letters attached to the invoices, the Department stated that it would charge the ACLU additional
17 fees for these media files, “upon approval of [a] revised Master Schedule of Fees” by the County.
18 (See *ibid.*). The cover letters again did not explain why such fees would be proper under the PRA.
19 The cover letters also did not estimate the amount of those fees, how they would be calculated, or
20 even when they would be charged.

21 60. Since January 1, 2021, the Department has produced records for 12 new incidents,
22 bringing its total production to 23 incidents—all of which involve the same issue (use of force)
23 and time period (2014–2018). The Department has indicated that at least 18 additional incidents
24 remain to be produced for that category alone. Meanwhile, the Department has not produced a
25 single record pertaining to a sustained finding of sexual assault or dishonesty. Nor has it produced
26 any records involving incidents before 2014, even though the ACLU’s request includes incidents
27 dating back to 2000. Twenty-six months after the ACLU made its initial request, it is unclear
28 whether the Department has even begun its search for responsive records in these categories.

1 61. The Department has sent the ACLU 29 separate invoices for the 23 incidents
2 produced so far, demanding thousands of dollars in improper fees. (**Exhibits K, O, AA – II, and**
3 **OO – FFF.**) While the Department has supposedly “suspended” fees that were initially levied for
4 photo and video production, the 17 most recent invoices indicate that new fees for those media
5 files are forthcoming. If the previous invoices are any indication, such fees could exceed \$3,000
6 per incident. (See **Exhibit AA.**) The Department has never given any explanation for its
7 retroactive application of these fees to a more than two-year old request, for which some records
8 have already been produced.

9 62. Many of the Department’s invoices also contain charges that are inconsistent,
10 duplicative, or outright erroneous. For example, 17 invoices claim to be revisions of invoices sent
11 months earlier; however, only six of the original invoices indicated were ever received by the
12 ACLU. (See **Exhibits PP – FFF** (no originals received).) Meanwhile, five invoices that are *not*
13 marked as revisions either repeat or add charges pertaining to the same set of incident files. (See
14 **Exhibits K, O, and EE – GG.**) These contradictory invoices make it difficult to discern how
15 much the Department actually contends it is owed by the ACLU.

16 63. Several invoices also contain charges for records that the ACLU still has not
17 received. Indeed, the ACLU continues to wait for the jail incident photos and videos that were
18 listed in the Department’s first invoice on October 2, 2019. (**Exhibit K.**) Likewise, the ACLU
19 has yet to receive 50 pages of jail incident reports, which were invoiced on November 16, 2020.
20 (**Exhibit FF.**)

21 64. The Department’s failure to initially respond to the ACLU’s request within 10 days
22 with its determination as to whether it possesses responsive records and an estimated date and time
23 when such records will be made available violates the PRA. (See Gov. Code, § 6253, subd. (c).)

24 65. The Department’s failure to produce *any* records in response to the ACLU’s
25 January 1, 2019 request for over twenty-one months, and continued delay in producing responsive
26 records, violates the PRA. Such disclosure is not “prompt,” and delays and obstructs the public
27 inspection of records. (Gov. Code, § 6253, subds. (b) & (d).)

1 66. The Department is also violating the PRA by attempting to charge costs that exceed
2 those recoverable under the PRA. (See Gov. Code, § 6253, subd. (b).)

3 **FIRST CAUSE OF ACTION**

4 **For Writ of Mandate for Violation of the California Public Records Act**

5 67. Petitioner incorporates by reference the foregoing paragraphs as though fully set
6 forth herein.

7 68. The PRA creates mandatory, non-discretionary duties on the part of the Department
8 to adhere to deadlines and notice requirements when responding to records requests. (Gov. Code,
9 § 6253, subds. (c)–(d).)

10 69. Specifically, Government Code section 6253(c) creates duties on the part of the
11 Department to determine and notify requestors whether requested records are disclosable within
12 ten days, to be extended to no more than fourteen days in the event of “unusual circumstances”
13 upon notification of requestors in writing of the existence of such circumstances. Such records
14 shall be made “promptly available.” (Gov. Code, § 6253, subd. (b).)

15 70. The PRA also limits what the Department can charge for the production of
16 responsive records to “fees covering direct costs of duplication, or a statutory fee if applicable.”
17 (Gov. Code, § 6253, subd. (b).)

18 71. The Department has repeatedly refused to satisfy its obligations under the PRA to
19 timely search for and produce records responsive to Petitioner’s requests. To the extent the
20 Department has produced responsive records, it has attempted to charge fees that are neither direct
21 costs of duplication or applicable statutory fees.

22 72. Issuance of a writ of mandate compelling the Department to perform its duties
23 under the PRA is required because there exists no plain, speedy, and adequate remedy in the
24 ordinary course of law which would protect Petitioner’s rights and interests.
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73. Petitioner incorporates by reference the foregoing paragraphs as though fully set forth herein.

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80. The Department has repeatedly refused to satisfy its obligations under the PRA to timely search for and produce records responsive to Petitioner's requests. To the extent the Department has produced responsive records, it has attempted to charge fees that are neither direct costs of duplication or applicable statutory fees.

81. A declaration that the Department has violated the PRA by failing to promptly produce disclosable records and attempting to charge excessive fees is therefore appropriate and injunction should issue compelling the Department to produce all responsive records forthwith without imposing any fee beyond the direct cost of duplication.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

1. For issuance of a peremptory writ of mandate compelling the Department to immediately disclose all non-exempt, requested public records in its possession;

2. For issuance of an alternative writ of mandate, directing and requiring the Department to immediately disclose all non-exempt, requested public records in its possession, or show cause why the Department should not have to; and upon return to the alternative writ, issue a peremptory writ as set forth in paragraph 1, above;

3. For a declaration that the Department's conduct violates the PRA in failing to timely disclose all non-exempt, requested public records in its possession and failing to timely respond to public records requests;

4. For a declaration that the ACLU does not owe the Department any money for records provided to date because the Department has not identified any allowable fees or costs;

5. For an injunction requiring the Department to produce all disclosable documents forthwith and without imposing any fees beyond the actual costs of duplication;

6. For reasonable attorneys' fees pursuant to Code Civ. Proc., § 1021.5 and Gov. Code, § 6259, subd. (d);

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- 7. For costs of suit; and
- 8. For such other and further relief as the Court may deem just and proper.

DATED: March 22, 2021 MUNGER, TOLLES & OLSON LLP

By: /s/ Sarah S. Lee
SARAH S. LEE
Attorneys for Petitioner/Plaintiff ACLU of Northern
California

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I have read the foregoing VERIFIED COMPLAINT AND PETITION FOR WRIT OF MANDATE and know the contents thereof. The facts as alleged therein are true to the best of my knowledge, except as to those matters alleged on information and belief, and as to those matters, I believe them to be true. I have authorization to verify such facts on behalf of the ACLU.

San Francisco

Abdi Solh

Abdi Soltani

EXHIBIT A



January 1, 2019

Fresno County Sheriff Department
2200 Fresno St.
Fresno, CA 93721

Re: Request for Public Records on Police Use of Force Investigations, Sustained Findings of Police Dishonesty and Sexual Assault

To Whom It May Concern:

I write to respectfully request records related to the investigation and discipline of peace officers employed by the Fresno County Sheriff Department (the "Department") under the California Public Records Act, Gov't Code §§ 6250 et seq., California Penal Code §§832.7-832.8, and Art. I, § 3(b) of the California Constitution, as set forth below.

Last fall, the California legislature passed, and Governor Brown enacted, SB 1421 (Skinner), which amends California Penal Code section 832.7 to provide the public a right of access to records related to investigations into investigations and discipline of peace officers for shootings and serious uses of force, as well as sustained findings of dishonesty related to the investigation, reporting, and prosecution of a crime or police misconduct. We now respectfully request the records newly available under SB 1421. We make this request as the American Civil Liberties Union of Southern California, as requestor, on behalf of the ACLU of California (including the ACLU of Northern California, ACLU of Southern California, and ACLU of San Diego and Imperial Counties) as well as a wide array of civil rights, government transparency, and criminal defense groups, including the Youth Justice Coalition, Justice Teams Network, Anti Police-Terror Project, California Faculty Association, PolicyLink, STOP Coalition, California Public Defender Association, and National Association of Criminal Defense Lawyers.

We have coordinated this request, and will share all records obtained, with this group of organizations, and further commit to making those records available to the public by posting on the Internet and other means, to help facilitate access to the records you produce.

I. Requests for Records

We understand that this change in the law may result in a significant number of responsive documents, and that you may have received a number of requests for similar documents from other requestors. We have endeavored to tailor our request to a limited selection of the most important documents and most relevant timeframe for incidents.

As set forth below, for purposes Requests 1 through 7, we do not seek all records relating to the underlying incident, but only a limited set of "Decisional Documents" relating to the

administrative investigation of the incident. For purposes of these requests, “Decisional Documents” means all documents¹ reflecting or setting forth:

- The Department’s decision, prior to any administrative appeal, that an officer’s conduct did (or did not) violate the law or agency policy, and any reasons for that decision;
- The final investigative report (prior to any administrative appeal) of the Department, or any division of the Department, or any document setting out factual findings of, or recommended factual findings for, the person or body charged with deciding whether the officer’s conduct was within policy and/or warranted discipline or other corrective action;
- The punishment imposed or corrective action taken as the result of an administrative investigation, including letters of intent to impose discipline or other documents reflecting discipline imposed, changes in rank or assignment, training required, or changes to or examinations of Department policy, training or practice;
- A decision on appeal from the Department’s factual finding, or the discipline or corrective action imposed, including review by a superior or arbitration, including any statement of reasoning by an appeal body and any revised discipline or corrective action imposed, or any documents reflecting modifications of discipline due to the *Skelly* or grievance process,
- Any agreement to resolve an administrative investigation, including any agreement (or lack of agreement) as to the facts of what happened in the incident, or discipline or corrective action to be imposed;
- The final investigative report, factual findings, legal conclusions, or recommendations on discipline, policy, procedures or training, by the district attorney, independent civilian oversight body, or outside law enforcement agency brought on to conduct an investigation into an incident;
- The final imposition of discipline or implementation of corrective action.

For purposes of this request, records include, but are not limited to all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer’s action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action. Cal. Penal Code §832.7(b)(2).

¹ The term “records” as used in this request is defined as “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.” Cal. Govt. Code § 6252, subsection (e). “Writing” is defined as “any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.” Cal. Govt. Code § 6252 (g).

For purposes of these requests, “Decisional Documents” does not include underlying evidence, expert reports, witness statements, audio or video, unless incorporated by or included in the documents described above.

We also recognize that at some departments, older records may be stored in different recordkeeping systems that may require more time and effort to retrieve. If this is the case with your agency, we are happy to discuss particular obstacles or concerns and a process for retrieving records as efficiently as possible.

Records Request No. 1: All DECISIONAL DOCUMENTS related to the administrative investigation of any use of force by a peace officer employed by the Department² that resulted in death, from January 1, 1999 to the present. *See* Penal Code § 832.7(b)(1)(A)(ii).

Records Request No. 2: All DECISIONAL DOCUMENTS relating to any incident in which a peace officer employed by the Department was found to have committed an act of dishonesty directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence, at any time from Jan. 1, 1999, to the present. *See* Penal Code § 832.7(b)(1)(C). Such incidents may also include receipt or solicitation of bribes, loans, favors, or gifts in relation to an investigation; misappropriation of property in an investigation, obstructing an investigation, or influencing a witness.

Records Request No. 3: For any officer about whom a sustained finding of dishonesty is disclosed in response to Records Request No. 2, above, all DECISIONAL DOCUMENTS relating to any sustained finding of dishonesty relating to the reporting, investigation, or prosecution of a crime or misconduct by another peace officer, regardless of date.

Records Request No. 4: All DECISIONAL DOCUMENTS related to any administrative investigation into the discharge of a firearm at a person by a peace officer employed by the Department, which did not result in death, from January 1, 2014 to the present. *See* Penal Code § 832.7(b)(1)(A)(i).

Records Request No. 5: All DECISIONAL DOCUMENTS related to any administrative investigation into a use of force by a peace officer employed by the Department against a person that resulted in great bodily injury, from January 1, 2009 to the present. *See* Penal Code § 832.7(b)(1)(A)(ii).

Records Request No. 6: For any officer who used force resulting in death at any time since January 1, 1999, all DECISIONAL DOCUMENTS related to any administrative investigation into the discharge of a firearm at a person by that officer that did not result in death, or a use of

² A peace officer is “employed by the Department” for purposes of these requests if that officer has been employed by the Department at any time. The modifying phrase “employed by the Department” does *not* limit the requests only to officers currently employed by the Department, nor does it exclude documents within the position of the Department that concern the incidents that occurred while the peace officer was employed by another agency.

force by that officer against a person that resulted great bodily injury but not death, regardless of date.

Records Request No. 7: All DECISIONAL DOCUMENTS relating to any incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer employed by the Department engaged in sexual assault involving a member of the public, from January 1, 2009 to the present. *See* Penal Code § 832.7(b)(1)(B). For purposes of this request, “sexual assault” refers to the commission or attempted initiation of a sexual act with a member of the public by means of force, threat coercion, extortion, offer of leniency or other official favor, or under the color of authority, including unwanted or gratuitous sexual contact such as touching or groping. *See id.* § 832.7(b)(1)(B)(ii).

Records Request No. 8: For any officer about whom a sustained finding of sexual assault is disclosed in response to Records Request No. 7, above, all DECISIONAL DOCUMENTS relating to any sustained finding of sexual assault, regardless of date.

II. Request for Preservation, or in the Alternative, Request for Documents

While we have asked for a limited selection of documents that are newly available pursuant to S.B. 1421, review of those documents will very likely reveal some incidents in which requestors or other members of the public would like additional detail, such as records of investigation, audio, video, expert reports and other documents excluded from the present request. We therefore request that you provide assurances that you will preserve all such documents, at least for a reasonable time after complying with the present set of document requests, to allow targeted requests for additional information on specific cases.

III. Prioritization of Requests

We understand that this change in the law may result in a significant number of responsive documents, and that you may have received a number of requests for similar documents from other requestors. To help make sure your response serves the public interest in disclosure of these important records as efficiently as possible, we ask that you prioritize in the following order:

First, *please prioritize requests from other requestors who are family members of those killed by police seeking information on how their loved ones died.* We recognize that the change in law in many instances may allow these family members access to this information for the first time, and for the first time provide answers about their losses, and urge you prioritize these disclosures.

Second, for our requests, prioritize in the order of requests, 1 through 8.

Third, if for any reason some categories of documents responsive to a request are more readily disclosable and others more difficult — for example, if older records are in archival storage or stored in a different and harder-to-use system, or documents responsive to one request are not as easily categorized for disclosure and would require more time-intensive searching than another — please contact us to discuss the obstacles to prompt disclosure so that we can work out a

timeline, process, or refined selection criteria for documents that are more difficult to find or produce.

Please respond to this request in ten days, either by providing the requested information or providing a written response setting forth the specific legal authority on which you rely in failing to disclose each requested record, or by specifying a date in the near future to respond to the request. See Cal. Gov't Code § 6255. Pursuant to section 6253, please disclose all reasonably segregable non-exempt information from any portions of records you claim are exempt from disclosure.

If any records requested above are available in electronic format, please provide them in an electronic format, as provided in Govt. Code § 6253.9. To assist with the prompt release of responsive material, we ask that you make records available to us as you locate them, rather than waiting until all responsive records have been collected and copied.

If you would like to discuss these requests, please feel free to call Hermelinda Calderon or Casey Kasher at (213) 977-5265. Otherwise, please send any correspondence or documents in electronic format via email to prarequest@aclusocal.org, or correspondence or documents on CD-ROM or USB drive to:

SB 1421 Records
ATTN: Casey Kasher
ACLU of Southern California
1313 W. 8th Street
Los Angeles, CA 90017

Because this request is made on behalf of a number of nonprofit public interest organizations, with the intent to make this material easily accessible to the public as promptly as possible, we request that you waive any fees. *North Cty. Parents Ass'n v. Dep't of Ed.*, 23 Cal. App. 4th 144, 148 (1994); Cal. Gov. Code §6253(e). However, should you be unable to do so, ACLU SoCal will reimburse your agency for the "direct costs" of copying these records plus postage. If you anticipate these costs to exceed \$50.00, please notify us prior to making the copies.

Thank you in advance for providing the records we have requested. Please do not hesitate to contact us with any questions regarding this letter.

Best,



Peter Bibring
Director of Police Practices
ACLU of Southern California

EXHIBIT B



County of Fresno

SHERIFF-CORONER'S OFFICE

MARGARET MIMS

Sheriff-Coroner

January 3, 2019

SB 1421 Records
Attn: Casey Kasher
ACLU of Southern California
1313 W 8th Street
Los Angeles, CA 90017

Dear Casey Kasher,

The Fresno County Sheriff-Coroner's Office is in receipt of your Public Records Act Request for "Decisional Documents" Records Requests No. 1 – 8, reflected in your letter dated 1/1/2019. Your request was received on January 3, 2019 and assigned reference number 19-01.

We are currently examining your request and will be in contact with you once it has been reviewed and processed.

Sincerely,

MARGARET MIMS
Sheriff-Coroner

Xai Fang, Supervising Office Assistant
Records Unit
Fresno County Sheriff-Coroner's Office

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CPRA Reference: http://ag.ca.gov/publications/summary_public_records_act.pdf

Serving You Since 1856

EXHIBIT C



June 6, 2019

Fresno County Sheriff Department
2200 Fresno Street
Fresno, CA 93721

Via U.S. Mail

RE: S.B. 1421 Follow-up Request for Public Records Related to Police Use of Force Investigations, Sustained Findings of Police Dishonesty and Sexual Assault

To Whom It May Concern:

On January 1, 2019, the American Civil Liberties Union of California (“ACLU”) sent the Fresno County Sheriff Department (the “Department”) a request for records related to police use of force investigations, sustained findings of police dishonesty and sexual assault pursuant to S.B. 1421’s amendment to the California Public Records Act (“PRA”), Cal. Gov’t Code § 6250 *et seq.*, California Penal Code §§ 832.7–832.8, and Art. .I, § 2(b) of the California Constitution.

On January 3, 2019, the Department acknowledged receipt of the ACLU’s request and indicated it was examining our request and would be in contact once it had been reviewed and processed. We have not received any further correspondence from the Department nor have we received any records disclosable under S.B. 1421.

Although the Department was under a duty not to disclose records and information created prior to S.B. 1421’s January 1, 2019 enactment because of a stay order entered in *Fresno Deputy Sheriff’s Association v. County of Fresno*, Case No. 19CECG00659 on February 28, 2019, an entry of dismissal was entered in that case on April 5, 2019. The dismissal eliminates any obligation the Department was under not to disclose pre-2019 records. *See Cook v. Stewart McKee & Co.*, 68 Cal. App. 2d 758, 761 (1945)(“A plaintiff’s voluntary dismissal of his action has the effect of an absolute withdrawal of his claim and leaves the defendant as though he had never been a party.”).

Moreover, on Friday March 29, 2019, the Court of Appeal certified for publication its order in the consolidated litigation in *Walnut Creek Police Officers’ Association v. City of Walnut Creek, et al.*, 33 Cal. App. 5th 940 (2019). The Court of Appeal held that the argument that pre-2019 records could be withheld under S.B. 1421 is “without merit.” Similarly, on May 17, 2019, the San Francisco County Superior Court granted petitioners’ motion for writ of mandate in *First Amendment Coalition; KQED Inc., v. Xavier Becerra, et al.*, similarly finding the San Francisco Attorney General’s argument that “pre-2019 records need not be disclosed because the Penal Code §832.7 revisions are not retroactive” to be “without merit.”

Additionally, the enactment of S.B. 1421 and the consequent amendments to Penal Code Section 832.7 displaced all exemptions under the PRA or any other provision of law. The new law strictly limits any possible bases for withholding. *See* Penal Code § 832.7(b)(1) (“Notwithstanding subdivision (a), subdivision (f) of Section 6254 of the Government Code, ***or any other law***, the following peace officer or custodial officer personnel records and records maintained by any state or local agency ***shall not be confidential and shall be made available for public inspection*** pursuant to the California Public Records Act” (emphasis added)).

Section 832.7 also permits redaction of personal information instead of withholding records subject to disclosure. *See* Pen. Code § 832.7(b)(6) (“Notwithstanding paragraph (5), an agency may redact a record disclosed pursuant to this section, including personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure of the information.”). An agency may only actually withhold a disclosable record under limited, enumerated circumstances during “an active criminal or administrative investigation[.]” Penal Code § 832.7(b)(7). Accordingly, any argument that the public interest is not served by disclosing the information merely permits the agency to redact, not withhold the record altogether.

The PRA imposes strict timelines for responding to such requests and mandates that all state and local agencies, upon receipt of a request for public records, (1) determine whether the requested records are “disclosable”—in whole or in part—and (2) “promptly notify” the requestor of that determination “within 10 days from receipt of the request.” Cal. Gov’t Code § 6253(c). Only in specifically enumerated “unusual circumstances” may an agency extend this timeline. *See* Cal. Gov’t Code § 6253(c)(1)-(4). In exercising a determination-notice extension, the agency must (1) give written notice to the requestor, (2) set forth the reasons for the extension, and (3) set forth the date on which a determination is expected to be dispatched—in no event shall that date “result in an extension for more than 14 days.” *Id.*

It has now been 155 days since our initial request, 68 days since the First District Court of Appeal certified for publication its order in the consolidated litigation in *Walnut Creek*, and 61 days since entry of dismissal in *Fresno Deputy Sheriff’s Association*, and we have received no responsive documents. At this point the failure to produce records appears to be in clear violation of the Public Records Act. Please respond to this letter within 10 days indicating whether the City possesses any disclosable records, and if so, estimate a reasonable time for production of records so we are not forced to judicially compel production. An agency may be liable for the attorneys’ fees and costs incurred to litigate the production of records improperly withheld. Cal. Gov’t Code § 6259(d).

Thank you for your attention to this request. Please do not hesitate to contact me with any questions regarding this letter at agilbert@aclunc.org or on the phone at 415-293-6394.

I appreciate your prompt compliance with this letter.

Regards,

A handwritten signature in blue ink that reads "Amy Gilbert". The signature is written in a cursive, flowing style.

Amy Gilbert
Staff Attorney

EXHIBIT D

From: Amy Gilbert
Sent: Thursday, June 13, 2019 9:03 AM
To: 'Hayes, Ronald'
Cc: Crozier, Tracee; Fang, Xai; Kathleen Guneratne; Sean Riordan; Himani Nadgauda
Subject: RE: Emailing: doc20190103141543

Good morning Lieutenant Hayes,

Thank you for your email. I can confirm that the attached PRA request from the ACLU dated January 1, 2019, is the same request to which my June 5, 2019, follow-up letter relates.

We appreciate your review of files and look forward to receiving your first production of documents. I can confirm that we do want the records, rather than a synopsis of each incident. As we discussed on the phone, we would also appreciate an index of incidents if possible.

Please let me know if you have any questions.

Thank you very much,
Amy

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Amy Gilbert

-----Original Message-----

From: Hayes, Ronald <Ronald.Hayes@fresnosheriff.org>
Sent: Wednesday, June 12, 2019 5:52 PM
To: Amy Gilbert <AGilbert@aclunc.org>
Cc: Crozier, Tracee <Tracee.Crozier@fresnosheriff.org>; Fang, Xai <Xai.Fang@fresnosheriff.org>
Subject: Emailing: doc20190103141543

Amy Gilbert,

The Sheriff's Office has received your updated request related to the request made in January of 2019. After conducting a complete check of our system, we were able to locate the original request sent to our office by Casey Kasher (See attached).

Can you please verify the attached document.

As I stated on the phone, the Sheriff's Office has been actively conducting a complete review of our files related to the numerous SB 1421 type request. As you could imagine, this has been extremely time consuming. The Sheriff's Office is actively verifying the data, redacting the necessary information and ensuring the information is accurate. I do not have an exact time frame.

Please feel free to contact me if you have any further questions.

Lieutenant Ronald Hayes
Fresno County Sheriff's Office
Records Unit Commander
(559) 600-8030

EXHIBIT E



September 10, 2019

Lieutenant Ronald Hayes
Fresno County Sheriff's Office
Records Unit Commander
2200 Fresno Street
Fresno, CA 93721
Ronald.Hayes@fresnosheriff.org

Via E-mail and U.S. Mail

RE: S.B. 1421 Follow-up Request for Public Records Related to Police Use of Force Investigations, Sustained Findings of Police Dishonesty and Sexual Assault

Dear Lieutenant Hayes,

On January 1, 2019, the American Civil Liberties Union of California ("ACLU") sent the Fresno County Sheriff's Office (the "Sheriff's Office") a request for records related to police use of force investigations, sustained findings of police dishonesty and sexual assault pursuant to S.B. 1421's amendment to the California Public Records Act ("PRA"), Cal. Gov't Code § 6250 *et seq.*, California Penal Code §§ 832.7–832.8, and Art. .I, § 2(b) of the California Constitution.

On January 3, 2019, the Sheriff's Office acknowledged receipt of the ACLU's request and indicated it was examining our request and would be in contact once it had been reviewed and processed. On June 6, 2019, the ACLU sent the Sheriff's Office a follow up letter, as we had not received any further correspondence or records from the Sheriff's Office. The Sheriff's Office acknowledged receipt of our follow-up letter on June 12, 2019, and again indicated the Office is reviewing and redacting the necessary information in response to our request. It is now September 10, 2019, and we have yet to receive any further correspondence, records, or an estimate of the date and time when such records will be made available.

At this point, the failure to produce records or estimate a reasonable date and time when such records will be made available is in clear violation of the PRA. *See* Cal. Gov't Code § 6253(c). If we do not receive a proper response from the Sheriff's Office within 10 days, including a reasonable estimate of the time for production of responsive records, we may be forced to judicially compel production of such records. As we have mentioned previously, an agency may be liable for the attorneys' fees and costs incurred to litigate the production of records improperly withheld. Cal. Gov't Code § 6259(d).

Thank you for your attention to this request. Please do not hesitate to contact me with any questions regarding this letter at agilbert@aclunc.org or on the phone at 415-293-6394.

I appreciate your prompt compliance with this letter.

Regards,

A handwritten signature in blue ink that reads "Amy Gilbert". The signature is written in a cursive, flowing style.

Amy Gilbert
Staff Attorney

EXHIBIT F



September 27, 2019

Lieutenant Ronald Hayes
Fresno County Sheriff's Office
Records Unit Commander
2200 Fresno Street
Fresno, CA 93721
Ronald.Hayes@fresnosheriff.org

Daniel C. Cederborg
The Office of the Fresno County Counsel
2220 Tulare St., Fifth Floor
Fresno, CA 93721
dcederborg@fresnocountyca.gov

Via E-mail and U.S. Mail

RE: S.B. 1421 Final Request for Public Records Related to Police Use of Force Investigations, Sustained Findings of Police Dishonesty and Sexual Assault – Reference No. 19-01

Dear Lieutenant Hayes,

On January 1, 2019, the American Civil Liberties Union of California (“ACLU”) sent the Fresno County Sheriff’s Office (the “Sheriff’s Office”) a request for records related to police use of force investigations, sustained findings of police dishonesty and sexual assault pursuant to SB 1421’s amendment to the California Public Records Act (“PRA”), Cal. Gov’t Code § 6250 *et seq.*, California Penal Code §§ 832.7–832.8, and Art. .I, § 2(b) of the California Constitution.

It has now been 269 days since our initial request, and despite multiple efforts to ensure compliance with SB 1421, the Sheriff’s Office has not produced a single responsive record nor has it estimated a date and time by when such records will be made available. As explained more fully below, the Sheriff’s Office is grossly out of compliance with its obligations under SB 1421. Please commit to begin production of documents responsive to this request and provide an index of all documents subject to disclosure under SB 1421 no later than **Monday, October 7, 2019**.

On January 1, 2019, the ACLU sent a request for records disclosable under the newly enacted SB 1421 from the Sheriff’s Office. *See Exhibit A*. On January 3, 2019, the Sheriff’s Office confirmed receipt of the ACLU’s request, and assigned it reference number 19-01. *See Exhibit B*. The Sheriff’s Office indicated it would be in contact once it has reviewed and processed the request. *Id.* The ACLU did not receive any further communication from the Sheriff’s Office regarding its request.

On June 6, 2019, the ACLU sent a follow-up letter to the Sheriff's Office, again seeking documents responsive to the ACLU's request under SB 1421. *See Exhibit C.* This letter also requested the Sheriff's Office comply with California Government Code § 6253(c) and respond to the letter in 10 days, notifying the ACLU whether it possesses disclosable records and estimate the date and time when such records will be made available. *See id.* On June 12, 2019, Lieutenant Ronald Hayes confirmed receipt of the ACLU's follow-up request. *See Exhibit D.* He indicated the Sheriff's Office was actively reviewing and redacting information but did "not have an exact time frame" for disclosure. *See id.* On June 13, 2019, the ACLU responded to Lieutenant Hayes, confirming that the ACLU sought records as opposed to a synopsis of incidents. *See Exhibit E.* The ACLU also requested an index of incidents subject to disclosure if possible. *Id.* After this exchange, the ACLU did not hear from the Sheriff's Office again.

On September 10, 2019, the ACLU sent a follow-up letter to the Sheriff's Office, again seeking disclosable records responsive to the ACLU's request and an estimated date and time when such records will be made available. *See Exhibit F.* On September 18, 2019, the ACLU received a phone call from the Sheriff's Office asking for the request number of the ACLU's request. The ACLU promptly provided this information. We have received no further communication or updates from the Sheriff's Office.

The failure to produce records or estimate a reasonable date and time when such records will be made available is in clear violation of the PRA. *See* Cal. Gov't Code § 6253(c). If we do not receive an index and initial installment of disclosable records by **October 7, 2019**, we may be forced to judicially compel production of such records. As we have mentioned previously, an agency may be liable for the attorneys' fees and costs incurred to litigate the production of records improperly withheld. Cal. Gov't Code § 6259(d).

Thank you for your attention to this request. Please do not hesitate to contact me with any questions regarding this letter at agilbert@aclunc.org or on the phone at 415-293-6394.

I appreciate your prompt compliance with this letter.

Regards,



Amy Gilbert
Staff Attorney

EXHIBIT G



Margaret Mims
Sheriff
Fresno County Sheriff's Office

September 27, 2019

ACLU

Himani Nadgauda Litigation Assistant
39 Drumm St., San Francisco, CA 94111
415-293-6393 / HNadgauda@aclunc.org

This letter is to provide you with an update to your public records request for SB 1421 data. Since January 2019, the Fresno County Sheriff's Office has received numerous SB 1421 public records act requests.

The Fresno County Sheriff's Office is a full service public safety agency with various entities. These individual entities compile and maintain their own separate databases. As you could assume, this creates a voluminous amount of data. The Sheriff's Office conducted a comprehensive and thorough review of such records to determine data and/or documents which qualify to be releasable under SB 1421 / PC 832.7.

The Sheriff's Office is providing the following index of reports / incidents that qualify under PC 832.7 / SB 1421 for events that occurred between January 1, 2014 to current. The Sheriff's Office will continue to search for and evaluate files for releasable documents.

The attached index provides a list of use of force incidents that fall within the SB 1421 statute.

- A) Thirty seven use of force incidents
- B) Sixteen Officer Involved shootings
- C) Zero sustained allegations of dishonesty
- D) Zero sustained allegation of sexual assault

Some of the reports required redaction of certain information, such as removal of personal data or information, confidential information, and information necessary to preserve the anonymity of civilian witness and complainants. Any incident(s) that fall under PC 832.7(7) active criminal or administrative investigation will be withheld.

The Fresno County Master Schedule of fees:

1-8 pages \$0.10 per page

9- more pages \$0.05 per page

Photo(s): \$3.00 per photo (If loaded on CD \$13.00 (CD) + \$3.50 per photo)

Video(s): \$13.00 (loaded on CD)

Thank you for your understanding and patience during this time-consuming process.

Sincerely,

Lieutenant Ronald Hayes
Records Unit Commander
Fresno County Sheriff's Office
559 600-8030 Office
559 488-1899 Fax
ronald.hayes@fresnosherriff.org

Dedicated to Protect & Serve

EXHIBIT H

MASTER SCHEDULE OF FEES, CHARGES, AND RECOVERED COSTS

SECTION 2600 -- SHERIFF-CORONER

FEE DESCRIPTION	FEE AMOUNT	FEE SETTING AUTHORITY	YEAR ADOPTED	EFFECTIVE DATE	% OF COST	REFERENCE
2602. Explosive Permit		Board of Supervisors	1991-92		100%	Ord.# 91-023
	County State					
a. Under 100 lbs.	\$1 \$1	State/ Board				
b. Over 100 lbs.	\$5 \$5	State/ Board				
c. Application renewal under 100 lb.	\$1 \$1	State/ Board				
d. Application renewal over 100 lb.	\$5 \$5	State/ Board				
e. Administrative Fee New Applicant						
Applicant under or over 100 lb.	\$70.00 each	Board of Supervisors	2007-08	2/28/2008		Ord. # 08-003
f. Administration fees for renewals under or over 100 lb.	\$40.00 each	Board of Supervisors	2007-08	2/28/2008		Ord. # 08-003
2603. Fingerprints	\$ 20.00 each	Board of Supervisors	1991-92	11/24/2008	97%	Ord.# 07-045
2604. IT Labor Rate	\$79.00	Board of Supervisors	2007-08	11/24/2008		Ord.# 07-045
2605. Gun Permits		Board of Supervisors	2007-08	11/24/2008	100%	Ord.# 07-045
a. New	\$115.00 + State Fee					
b. Renewal	\$25.00 + State Fee					
c. Modification/add-on	\$10 per permit					
2606. Notary Fee	\$ 10.00 each	State				G.C. 8211
2607. Arrest File Duplication Rate	(1-8 copies) \$0.10 per page (9 or more) \$.05 per Page	Board of Supervisors	2007-08	2/28/2008	100%	Ord. # 08-003
2608. Clearance Letters	\$30.00 each	Board of Supervisors	2007-08	2/28/2008	100%	Ord. # 08-003
2609. Contract Service Fees						
a. Deputy Sheriff III	\$114.98/hr (Regular) \$65.26/hr (Overtime)	Board of Supervisors Board of Supervisors	2020-21 2020-21	11/19/2020 11/19/2020	93% 96%	Ord. # 20-019 Ord. # 20-019
b. Community Service Officer	\$70.51/hr (Regular) \$39.35/hr (Overtime)	Board of Supervisors Board of Supervisors	2020-21 2020-21	11/19/2020 11/19/2020	100% 100%	Ord. # 20-019 Ord. # 20-019
c. Correctional Officer III	\$109.09/hr (Regular) \$55.86/hr (Overtime)	Board of Supervisors Board of Supervisors	2020-21 2020-21	11/19/2020 11/19/2020	100% 100%	Ord. # 20-019 Ord. # 20-019
d. Dispatcher Per Capita	\$15.75	Board of Supervisors	2020-21	11/19/2020	100%	Ord. # 20-019
e. Reserve Officer	\$24.79/hr (Regular)	Board of Supervisors	2020-21	11/19/2020	100%	Ord. # 20-019
f. Prisoner Processing	\$32.82 per Inmate	Board of Supervisors	2020-21	11/19/2020	100%	Ord. # 20-019
2610. Jail Booking Fees	\$85.00 each	Board of Supervisors	2005-06	08/19/05	50%	Ord # 05-015 & G.C. 29550
2612. Life Scan (Massage Ordinance)						
a. Identification Technician	\$95.89/hr	Board of Supervisors	2020-21	01/14/21	100%	Ord. # 20-026

EXHIBIT I



October 3, 2019

Lieutenant Ronald Hayes
Fresno County Sheriff's Office
Records Unit Commander
2200 Fresno Street
Fresno, CA 93721
Ronald.Hayes@fresnosheriff.org

Daniel C. Cederborg
The Office of the Fresno County Counsel
2220 Tulare St., Fifth Floor
Fresno, CA 93721
dcederborg@fresnocountyca.gov

Via E-mail and U.S. Mail

RE: SB 1421 Final Request for Public Records Related to Police Use of Force Investigations, Sustained Findings of Police Dishonesty and Sexual Assault – Reference No. 19-01 – 4th Letter

Dear Lieutenant Hayes,

Thank you for the Fresno County Sheriff's Office ("Sheriff's Office") response dated September 27, 2019, and the index detailing the use of force incidents from 2014 to 2019 subject to disclosure under SB 1421. Certain categories in our original request sought records **from as far back as 1999**, so if the Sheriff's Office has records prior to 2014, we would also like an index of any such responsive records.

As an initial matter, we seek clarification for the costs. The Public Records Act ("PRA") only provides reimbursement for the direct cost of duplication or a statutory fee. Gov't Code § 6253(b). The costs included in your letter appear higher than the costs of duplication. For example, you are requesting \$3 per photo but \$3.50 per photo to upload onto a CD, and \$13 per video. At Walgreens, for example, the cost to print 1–74 photos is \$0.34 each, and over 75 photos is \$0.23 each. But burning a CD takes less than a couple minutes maximum. The costs quoted therefore do not appear to be permitted by the PRA. You cite to the Fresno County Master Schedule of fees, but such a schedule has no application to the PRA and has no obvious relationship to the direct cost of duplication of records. Are you able to provide the Fresno County Master Schedule of fees?

Additionally, as indicated in our original request and subsequent correspondence, if any records requested are available in electronic format, we ask that you provide them in electronic format,

as provided in Government Code § 6253.9(a). This will eliminate the time and costs associated with duplication of records. Some agencies have created an online portal whereby we can download records while others have sent us records via dropbox or another online database.

Lastly, while we appreciate the index provided by the Sheriff's Office, your office has still not turned over a single record to us in response to our January 1, 2019 request. To our knowledge, your office has not turned over any 1421 records to any other requester; although if we are wrong about this please correct us.

We understand the Sheriff's Office has received numerous public records acts requests, however, we request a timeline for the production of records pursuant to Government Code § 6253(c). We will also accept documents on a rolling basis.

Thank you for your attention to this request. Please do not hesitate to contact me with any questions regarding this letter at agilbert@aclunc.org or on the phone at 415-293-6394.

Regards,



Amy Gilbert
Staff Attorney

EXHIBIT J

From: Hayes, Ronald <Ronald.Hayes@fresnosheriff.org>
Sent: Thursday, October 3, 2019 1:32 PM
To: Himani Nadgauda; Cederborg, Daniel (cof)
Cc: Amy Gilbert; Kathleen Guneratne; Sean Riordan; Casey Kasher; Crozier, Tracee; Fang, Xai; Angelica Salceda; Hawkins, Scott C. (cof)
Subject: RE: S.B. 1421 Final Request for Public Records Related to Police Use of Force Investigations, Sustained Findings of Police Dishonesty and Sexual Assault - FSO Reference No. 19-29 (Updated PRA # for FSO)
Attachments: Releasable Use of Force SB 1421 cases FSO.pdf; ACLU PRA SB 1421 Update letter.docx; ACLU PRA-19-29 invoice.pdf; Jail Incident Index X.docx

Amy Gilbert,

The Fresno County Sheriff's Office has compiled the attached index related to SB 1421 incidents.

- 1] Copy of the SB 1421 assessment for the Fresno County Sheriff's Office. (Enforcement and the Jail)
- 2] Copy of the revised PRA update letter dated 9-27-2019
- 3] Copy of the Jail SB 1421 incident, which are immediately ready for release
- 4] Invoice for PRA 19-29: Jail SB 1421 use of force incident(s).
 - 4a. List of each incident broken down by date and case number
 - 4b. Type of force used
 - 4c. Number of report(s) associated with each incident and page count
 - 4d. Number of photos and videos associated with each incident and count
 - 4e. The Sheriff's office will release documents upon receipt of payment.

The Sheriff's Office is providing a rolling response to SB 1421 incidents. The first stage will include all SB 1421 incidents in the jail.

Please review the attached index(s). Please advise if you wish to have copies of all data related to all case for the jail incidents, or can you narrow your search to certain cases.

The Sheriff's Office is in the process of creating a separate index for the Enforcement cases, we are waiting for a final count of the pages, photos and videos. Once that is complete, I will forward you an index.

PRA Reference number: 19-01 vs. 19-29.

To clarify, in January originally the Sheriff's Office sent reference number of FSO PRA- 19-01. However due to the high volume of PRAs coming into the office, your actual PRA reference number is 19-29. FSO PRA 19-01 is assigned to another requester, which caused some confusion.

If you have any further questions, please contact me at 559-600-8030

From: Hayes, Ronald

Sent: Friday, September 27, 2019 4:55 PM

To: 'Himani Nadgauda' <HNadgauda@aclunc.org>; Cederborg, Daniel (cof) <dcederborg@fresnocountyca.gov>

Cc: 'Amy Gilbert' <AGilbert@aclunc.org>; 'Kathleen Guneratne' <KGuneratne@aclunc.org>; 'Sean Riordan' <SRiordan@aclunc.org>; 'Casey Kasher' <CKasher@aclusocal.org>; Crozier, Tracee <Tracee.Crozier@fresnosheriff.org>; Fang, Xai <Xai.Fang@fresnosheriff.org>; 'Angelica Salceda' <asalceda@aclunc.org>; Hawkins, Scott C. (cof) <schawkins@fresnocountyca.gov>; Gularte, Greg <Greg.Gularte@fresnosheriff.org>

Subject: RE: S.B. 1421 Final Request for Public Records Related to Police Use of Force Investigations, Sustained Findings of Police Dishonesty and Sexual Assault - Reference No. 19-01

Please see [attached letter and index regarding the Fresno County Sheriff's Office SB 1421 cases](#).

EXHIBIT K



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
10/2/2019	SO16901

ACLU
Amy Gilbert
Agilbert@aclunc.org
(415)293-6394
PRA 19-29

MAKE YOUR REMITTANCE PAYABLE TO
COUNTY OF FRESNO
AND SEND IT TO THE FOLLOWING ADDRESS
FRESNO COUNTY SHERIFF P.O. BOX 1788 FRESNO, CA 93717 BUSINESS OFFICE

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

FOR COUNTY USE ONLY					
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
SB1421 - Use of force incidents in the Jail Public Records Act Request 7 reports @ 38 pages \$0.10 x 8 pages + \$0.05 x 30 pages= \$2.30 Photos: 28 (ea.) x \$3.00= \$84.00 Videos: 5 (ea.) x \$13.00= \$65.00 loaded onto a CD If requesting photos stored onto CD add \$13.00 (Total \$97.00) If requesting reports loaded onto CD add \$13.00 (Total \$15.30)	4975	31112403	1	151.30	151.30
TOTAL AMOUNT DUE				\$151.30	

COPIES:	Original	Remittance	AR Control	AR File
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EXHIBIT L

From: Hayes, Ronald <Ronald.Hayes@fresnosheriff.org>
Sent: Thursday, October 3, 2019 5:02 PM
To: Amy Gilbert
Cc: Kathleen Guneratne; Himani Nadgauda; Hawkins, Scott C. (cof); Crozier, Tracee; Fang, Xai
Subject: RE: S.B. 1421 Final Request for Public Records Related to Police Use of Force Investigations, Sustained Findings of Police Dishonesty and Sexual Assault - FSO Reference No. 19-29 (Updated PRA # for FSO)

Amy,

I read your email after I sent the email this afternoon. I discuss your concerns about the fees with my business manager.

I will re-contact you once I have additional information.

From: Amy Gilbert <AGilbert@aclunc.org>
Sent: Thursday, October 3, 2019 4:01 PM
To: Hayes, Ronald <Ronald.Hayes@fresnosheriff.org>
Cc: Kathleen Guneratne <KGuneratne@aclunc.org>; Himani Nadgauda <HNadgauda@aclunc.org>
Subject: RE: S.B. 1421 Final Request for Public Records Related to Police Use of Force Investigations, Sustained Findings of Police Dishonesty and Sexual Assault - FSO Reference No. 19-29 (Updated PRA # for FSO)

**** EXTERNAL EMAIL ** Use caution opening attachments or clicking on links from unknown senders. ****

Thank you, Lieutenant Hayes.

The letter I sent earlier this afternoon still seeks clarification on the costs the Sheriff's Office is seeking. Please let me know if you have any questions.

Thank you,
Amy

--
Amy Gilbert

From: Hayes, Ronald <Ronald.Hayes@fresnosheriff.org>
Sent: Thursday, October 3, 2019 4:32 PM
To: Himani Nadgauda <HNadgauda@aclunc.org>; Cederborg, Daniel (cof) <dcederborg@fresnocountyca.gov>
Cc: Amy Gilbert <AGilbert@aclunc.org>; Kathleen Guneratne <KGuneratne@aclunc.org>; Sean Riordan <SRiordan@aclunc.org>; Casey Kasher <CKasher@aclusocal.org>; Crozier, Tracee <Tracee.Crozier@fresnosheriff.org>; Fang, Xai <Xai.Fang@fresnosheriff.org>; Angelica Salceda <asalceda@aclunc.org>; Hawkins, Scott C. (cof) <schawkins@fresnocountyca.gov>
Subject: RE: S.B. 1421 Final Request for Public Records Related to Police Use of Force Investigations, Sustained Findings of Police Dishonesty and Sexual Assault - FSO Reference No. 19-29 (Updated PRA # for FSO)

Amy Gilbert,

The Fresno County Sheriff's Office has compiled the attached index related to SB 1421 incidents.

- 1] Copy of the SB 1421 assessment for the Fresno County Sheriff's Office. (Enforcement and the Jail)
- 2] Copy of the revised PRA update letter dated 9-27-2019
- 3] Copy of the Jail SB 1421 incident, which are immediately ready for release
- 4] Invoice for PRA 19-29: Jail SB 1421 use of force incident(s).
 - 4a. List of each incident broken down by date and case number
 - 4b. Type of force used
 - 4c. Number of report(s) associated with each incident and page count
 - 4d. Number of photos and videos associated with each incident and count
 - 4e. The Sheriff's office will release documents upon receipt of payment.

The Sheriff's Office is providing a rolling response to SB 1421 incidents. The first stage will include all SB 1421 incidents in the jail.

Please review the attached index(s). Please advise if you wish to have copies of all data related to all case for the jail incidents, or can you narrow your search to certain cases.

The Sheriff's Office is in the process of creating a separate index for the Enforcement cases, we are waiting for a final count of the pages, photos and videos. Once that is complete, I will forward you an index.

PRA Reference number: 19-01 vs. 19-29.

To clarify, in January originally the Sheriff's Office sent reference number of FSO PRA- 19-01. However due to the high volume of PRAs coming into the office, your actual PRA reference number is 19-29. FSO PRA 19-01 is assigned to another requester, which caused some confusion.

If you have any further questions, please contact me at 559-600-8030

From: Hayes, Ronald

Sent: Friday, September 27, 2019 4:55 PM

To: 'Himani Nadgauda' <HNadgauda@aclunc.org>; Cederborg, Daniel (cof) <dcederborg@fresnocountyca.gov>

Cc: 'Amy Gilbert' <AGilbert@aclunc.org>; 'Kathleen Guneratne' <KGuneratne@aclunc.org>; 'Sean Riordan' <SRiordan@aclunc.org>; 'Casey Kasher' <CKasher@aclusocal.org>; Crozier, Tracee <Tracee.Crozier@fresnosheriff.org>; Fang, Xai <Xai.Fang@fresnosheriff.org>; 'Angelica Salceda' <asalceda@aclunc.org>; Hawkins, Scott C. (cof) <schawkins@fresnocountyca.gov>; Gularte, Greg <Greg.Gularte@fresnosheriff.org>

Subject: RE: S.B. 1421 Final Request for Public Records Related to Police Use of Force Investigations, Sustained Findings of Police Dishonesty and Sexual Assault - Reference No. 19-01

Please see attached letter and index regarding the Fresno County Sheriff's Office SB 1421 cases.

EXHIBIT M



October 15, 2019

Lieutenant Ronald Hayes
Fresno County Sheriff's Office
Records Unit Commander
2200 Fresno Street
Fresno, CA 93721
Ronald.Hayes@fresnosheriff.org

Daniel C. Cederborg
The Office of the Fresno County Counsel
2220 Tulare St., Fifth Floor
Fresno, CA 93721
dcederborg@fresnocountyca.gov

Via E-mail

RE: SB 1421 Follow-up to ACLU's Final Request for Public Records Related to Police Use of Force Investigations, Sustained Findings of Police Dishonesty and Sexual Assault – Reference No. 19-29 – 5th Letter

Dear Lieutenant Hayes,

I write to follow up on the status of outstanding records related to police use of force investigations, sustained findings of police dishonesty and sexual assault in response to the American Civil Liberties Union of Northern California's ("ACLU") January 1, 2019 Public Records Act ("PRA") Request.

We appreciate the Fresno County Sheriff's Office ("Sheriff's Office") index detailing the use of force incidents from 2014 to 2019 subject to disclosure under SB 1421. As we have mentioned previously, however, the PRA requires prompt production of such records. *See* Gov't Code § 6253(b). The PRA prohibits an agency from delaying or obstructing the public inspection of records. *Id.* § 6253(d). The Sheriff's Office has identified responsive records, and we therefore expect the first installment of records to be produced within 10 days, on or before **Friday, October 25, 2019**, with production continuing on an ongoing basis until all disclosable records have been produced.

The index also does not include records related to any sustained findings of dishonesty or sexual assault, in response to Categories 2, 3, 7 and 8 of the ACLU's January 1, 2019 PRA request. *See* Penal Code §§ 832.7(b)(1)(B), (C). We expect the Sheriff's Office to indicate whether it has responsive records related to sustained findings of dishonesty and/or sexual assault within 10

days, on or before **Friday, October 25, 2019**. Please also estimate the date and time when such records will be made “promptly available[.]” *Id.* at § 6253(b).

As previously indicated, certain categories in our original request sought records from as far back as 1999, so if the Sheriff’s Office has records prior to 2014, we would also like an index of any such responsive records and an estimated date for their production.

Lastly, we are still awaiting the Sheriff’s Office clarification for the costs cited in your September 27, 2019 letter.

Please respond to this letter **within 10 days** with the information and records requested above so we are not forced to judicially compel production. An agency may be liable for the attorneys’ fees and costs incurred to litigate the production of records improperly withheld. Cal. Gov’t Code § 6259(d).

Thank you for your attention to this letter. Please do not hesitate to contact me with any questions regarding this letter at agilbert@aclunc.org or on the phone at 415-293-6394.

Regards,



Amy Gilbert
Staff Attorney

EXHIBIT N

From: Hayes, Ronald <Ronald.Hayes@fresnosheriff.org>
Sent: Wednesday, October 23, 2019 6:29 PM
To: Amy Gilbert
Cc: Kathleen Guneratne; Sean Riordan; Casey Kasher; Crozier, Tracee; Fang, Xai; Hawkins, Scott C. (cof); Himani Nadgauda; Gularte, Greg; Trester, Thomas
Subject: RE: S.B. 1421 Final Request for Public Records Related to Police Use of Force Investigations, Sustained Findings of Police Dishonesty and Sexual Assault - Reference No. 19-29 (Price of photos
Attachments: SO16963-ACLU.pdf

Amy Gilbert,

Update to your request:

The Sheriff's Business Office Manager and I conducted research of your question regarding the price of \$3.00 per photo.

California Government code 54985(a) states:

County Board of Supervisors may increase or decrease the fee or charge in the amount reasonably necessary to recover the cost of providing any product or service

California Government code 27366 states:

The Board of Supervisors may set fees for copies of records in an amount necessary to recover the direct and indirect costs of providing the copy.

The cost per photo is included in the current Fresno County Master Schedule of Fees. A cost study was conducted and the Fresno County Board of Supervisors approved the fees. Our Business Manager has requested a copy of the cost study used to establish the cost for the photos.

Responsive documents:

In an effort to be responsive to your request, I have attached an invoice for reports only. These files will be immediately available upon payment. Please advise whom you wish to receive the documents.

Issue regarding photos:

The Sheriff's Office will continue to address your question related to the fees for the photos. I will send you a separate invoice for the photos once I have a definitive answer related to your question. The Sheriff's Office will immediately release the photos upon receiving payment.

Lieutenant Ronald Hayes

From: Amy Gilbert <AGilbert@aclunc.org>
Sent: Thursday, October 3, 2019 12:03 PM
To: Hayes, Ronald <Ronald.Hayes@fresnosheriff.org>
Cc: Kathleen Guneratne <KGuneratne@aclunc.org>; Sean Riordan <SRiordan@aclunc.org>; Casey Kasher <CKasher@aclusocal.org>; Crozier, Tracee <Tracee.Crozier@fresnosheriff.org>; Cederborg, Daniel (cof)

<dcederborg@fresnocountyca.gov>; Fang, Xai <Xai.Fang@fresnosheriff.org>; Angelica Salceda <asalceda@aclunc.org>; Hawkins, Scott C. (cof) <schawkins@fresnocountyca.gov>; Himani Nadgauda <HNadgauda@aclunc.org>; Gularte, Greg <Greg.Gularte@fresnosheriff.org>

Subject: RE: S.B. 1421 Final Request for Public Records Related to Police Use of Force Investigations, Sustained Findings of Police Dishonesty and Sexual Assault - Reference No. 19-01

**** EXTERNAL EMAIL ** Use caution opening attachments or clicking on links from unknown senders. ****

Good afternoon Lieutenant Hayes,

Please find attached the ACLU's response to your correspondence from September 27, 2019.

Please let me know if you have any questions.

Thank you,
Amy

--

Amy Gilbert

From: Hayes, Ronald <Ronald.Hayes@fresnosheriff.org>

Sent: Friday, September 27, 2019 7:55 PM

To: Himani Nadgauda <HNadgauda@aclunc.org>; Cederborg, Daniel (cof) <dcederborg@fresnocountyca.gov>

Cc: Amy Gilbert <AGilbert@aclunc.org>; Kathleen Guneratne <KGuneratne@aclunc.org>; Sean Riordan <SRiordan@aclunc.org>; Casey Kasher <CKasher@aclusocal.org>; Crozier, Tracee <Tracee.Crozier@fresnosheriff.org>; Fang, Xai <Xai.Fang@fresnosheriff.org>; Angelica Salceda <asalceda@aclunc.org>; Hawkins, Scott C. (cof) <schawkins@fresnocountyca.gov>; Gularte, Greg <Greg.Gularte@fresnosheriff.org>

Subject: RE: S.B. 1421 Final Request for Public Records Related to Police Use of Force Investigations, Sustained Findings of Police Dishonesty and Sexual Assault - Reference No. 19-01

Please see attached letter and index regarding the Fresno County Sheriff's Office SB 1421 cases.

EXHIBIT O



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
10/23/2019	SO16963

MAKE YOUR REMITTANCE PAYABLE TO

COUNTY OF FRESNO

AND SEND IT TO THE FOLLOWING ADDRESS

FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717

BUSINESS OFFICE

ACLU
Amy Gilbert
(415) 293-6394

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

FOR COUNTY USE ONLY					
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
SB1421 - Use of Force reports (reports only) Public Records Act Request 19-29 7 reports @ 38 pages total \$0.10 x 8 = \$0.80 \$0.05 x 30 = \$1.50 Amount \$2.30	4975	31112403	1	2.30	2.30
TOTAL AMOUNT DUE				\$2.30	

COPIES: Original Remittance AR Control AR File

EXHIBIT P



Margaret Mims
Sheriff-Coroner
Fresno County Sheriff's Office

November 15, 2019

Amy Gilbert,

The following is an update to your letter regarding electronic copies and the invoice for photos. The matter was submitted to the Sheriff's Executive staff and County Counsel for review.

The Sheriff's Executive staff following the advice from Fresno County Counsel has elected to provide the ACLU with a thumb drive with photos, reports and videos related to the use of force incidents that occurred in jail. The invoice will be for \$6.00, which is the price of the thumb drive based on the Fresno County Master Schedule of fees. This recommendation is strictly related to the ACLU request and the SB 1421 jail use of force reports.

The Sheriff's Office is currently re-evaluating the fees and the cost study related to public records act requests. The Sheriff's Office reserves the right to follow the Fresno County Master schedule of fees on any future public records act requests.

The thumb drive will be available upon payment of the invoice. Please provide a mailing address

Sincerely,

Lieutenant Ronald Hayes
Records Unit Commander
Fresno County Sheriff's Office
559 600-8030 Office
559 488-1899 Fax
ronald.hayes@fresnosheriff.org

Dedicated to Protect & Serve

Law Enforcement Administration Building / 2200 Fresno Street / P.O. Box 1788 / Fresno, California 93717 / (559) 600-8800
Equal Employment Opportunity Employer

EXHIBIT Q

From: Amy Gilbert
Sent: Monday, November 18, 2019 9:58 AM
To: 'Hayes, Ronald'
Cc: Fang, Xai; Hawkins, Scott C. (cof); Crozier, Tracee; Kathleen Guneratne; Casey Kasher; Sean Riordan
Subject: RE: ACLU Response letter Thumb drive

Good morning, Lieutenant Hayes,

Thank you for your email. We will send you a check this week. Please send the thumb drive to:

ACLU of Southern California
Attn: Casey Kasher
1313 W. 8th Street
Los Angeles, CA 90017

Please let me know if you have any questions.

Thank you,
Amy
--
Amy Gilbert

From: Hayes, Ronald <Ronald.Hayes@fresnosheriff.org>
Sent: Friday, November 15, 2019 7:51 PM
To: Amy Gilbert <AGilbert@aclunc.org>
Cc: Fang, Xai <Xai.Fang@fresnosheriff.org>; Hawkins, Scott C. (cof) <schawkins@fresnocountyca.gov>; Crozier, Tracee <Tracee.Crozier@fresnosheriff.org>
Subject: ACLU Response letter Thumb drive

Amy,

Please see attached email regarding your letter.

EXHIBIT R



November 18, 2019

Fresno County Sheriff
P.O. Box 1788
Fresno, CA 93717
Business Office

Re: Public Records Act Request – Payment

To Whom It May Concern,

Pursuant to your attached response to our Public Records Act request dated January 1, 2019, please find payment in the amount of \$6.00 for responsive documents. Please mail the documents to my attention at the address below.

Sincerely,

Casey Kasher, Paralegal
ACLU of Southern California
1313 West 8th Street
Los Angeles, CA 90017
213.977.5265
ckasher@aclusocal.org

Encls.

EXECUTIVE DIRECTOR Hector O. Villagra

CHAIR Shari Leinwand **VICE CHAIR** Sherry Frumkin

CHAIRS EMERITI Danny Goldberg Allan K. Jonas* Burt Lancaster* Irving Lichtenstein, MD* Jarl Mohn Laurie Ostrow* Stanley K. Sheinbaum*
Stephen Rohde

*deceased

EXHIBIT S

From: Hayes, Ronald <Ronald.Hayes@fresnosheriff.org>
Sent: Wednesday, January 15, 2020 7:05 AM
To: Casey Kasher
Cc: Amy Gilbert
Subject: RE: ACLU SB1421 PRA

Casey,

I transferred out of the PRA unit in November and the new Lt. is Frances Devins. The thumb drive was given to her to process.

I forwarded your email to her to review.

Her contact information is the following:
Frances Devins emails frances.devins@fresnosheriff.org
Phone 559-600-8617

From: Casey Kasher <CKasher@aclusocal.org>
Sent: Tuesday, January 7, 2020 12:23 PM
To: Hayes, Ronald <Ronald.Hayes@fresnosheriff.org>
Cc: Amy Gilbert <AGilbert@aclunc.org>
Subject: ACLU SB1421 PRA

**** EXTERNAL EMAIL ** Use caution opening attachments or clicking on links from unknown senders. ****

Hi Lieutenant Hayes,

Back in November, my office submitted payment in the amount of \$6.00 for records responsive to our SB1421 public records request. We haven't yet received the thumb drive referenced in your November 15, 2019 fee request. Please advise if your office received the payment and if the thumb drive has been mailed. Thanks for your help.

Best,
Casey

Casey Kasher, Paralegal (she/her/hers)
ACLU of Southern California
1313 West 8th Street
Los Angeles, CA 90017
213.977.5265

EXHIBIT T

From: Devins, Frances <Frances.Devins@fresnosheriff.org>
Sent: Tuesday, January 28, 2020 11:31 AM
To: Amy Gilbert
Cc: Kathleen Guneratne; Sean Riordan; Casey Kasher
Subject: PRA 19-29

Good morning Amy,

Please accept my apologies for the delay in responding. I had to get an update on your request from Lt. Hayes, which took some time to accomplish. Once I was able to get a response, I had to research what had been done and what the actual status is on this request.

I see from the records we have payment for (2) thumb drives was received.

Part 1. Jail Use of Force

I have obtained some of the information Lt. Hayes gathered and have reviewed and redacted the Jail Use of Force (UOF) reports. I have submitted this portion, which is completed, to my Cpt. for review and approval to release. I expect this to be done within approx. 60 days. I am currently unable to locate a physical address in the files I have on your request to send it to you. If you could provide a physical address to me, I will send it to you once they are authorized for release. This will also be released to everyone else who asked for it at the same time.

Part 2. Enforcement Use of Force

The UOF reports for the Enforcement side appeared to have been collected and partially redacted. I am working on those now to ensure we have all of the incidents during that time frame. I am in the process of reviewing/redacting those we have gathered. Those are going to take longer because there are so many reports for each incident and there are quite a few incidents during the time period you requested. There are also a significant number of photos as well, which I also expect will take some time to review/confirm redaction.

Part 3. Sexual Assault

I am unable to determine if anything was released to you about this. Can you please advise?

Part 4. Discharge of a Firearm

This will be included within the UOF reports.

Part 5. Dishonesty

I am unable to determine if anything was released to you about this. Can you please advise?

As you might imagine, there were a lot of requests and not a lot of preparation for the volume of requests we received. Stepping into this assignment has been a challenge but it is my belief we are now starting to get to a point where we are able to respond to requests and get them fulfilled. I assure you I am working on Part 2 of your request diligently as you are not the only one waiting for our response. If you can advise if you received Part 3 and Part 5, I can get those to you rather quickly.

I appreciate your patience as we work through this and will contact you once Part 1 is authorized for release.

Sincerely,

Lt. Frances Devins
Records Unit Commander
ICS Team Commander
Fresno County Sheriff's Office
(559) 600-8617 Office
(559) 488-1899 FAX
Frances.Devins@fresnosheriff.org

From: Amy Gilbert <AGilbert@aclunc.org>

Sent: Wednesday, January 15, 2020 9:51 AM

To: Devins, Frances <Frances.Devins@fresnosheriff.org>

Cc: Kathleen Guneratne <KGuneratne@aclunc.org>; Sean Riordan <SRiordan@aclunc.org>; Casey Kasher <CKasher@aclusocal.org>

Subject: ACLU January 1, 2019 PRA request for SB 1421 records

**** EXTERNAL EMAIL ** Use caution opening attachments or clicking on links from unknown senders. ****

Good morning, Lt. Devins,

I am emailing to follow up on the ACLU's January 1, 2019 request for public records newly disclosable under S.B. 1421. We had been corresponding with Lt. Hayes prior to his departure from the PRA unit and we submitted a check to the Department on November 25, 2019 to cover the cost of a thumb drive.

It has now been over a year since our initial request and we have still not received any records. Could you please confirm you received the check, and provide a status update on our request? For your reference, I have attached our original request to this email. The reference number is 19-29.

If you would like to discuss any of this by phone, please feel free to call me at 415-293-6394.

Thank you,
Amy



Amy Gilbert
Staff Attorney
ACLU Foundation of Northern California
39 Drumm Street, San Francisco, CA 94111
office +1 (415) 293-6394 |
agilbert@aclunc.org | www.aclunc.org
pronouns: she/her/hers

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EXHIBIT U

From: Amy Gilbert
Sent: Tuesday, January 28, 2020 12:28 PM
To: 'Devins, Frances'
Cc: Kathleen Guneratne; Sean Riordan; Casey Kasher; Angelica Salceda
Subject: RE: PRA 19-29

Thank you for your response and the below information, Lt. Devins.

You are correct that we submitted payment for the thumb drives back in November 2019. We have not, however, received any records. We also have not received any information or records related to any sustained findings of sexual assault or dishonesty (parts 3 and 5 of your email), and request these records are identified and produced promptly.

We are not sure why the Department requires an additional 60 days to begin production of records related to Jail Use of Force (part 1) given that our initial request was dated January 1, 2019, over one year ago. We request instead that such records be immediately produced on a rolling basis. I also want to clarify that the records discussed in parts 1 and 2 of your email include records related to uses of force occurring outside of the jail setting.

As for the best mailing address, you can mail the thumb drives and any other records to:

ACLU of Southern California
Attn: Casey Kasher
1313 W. 8th Street
Los Angeles, CA 90017

Please let me know if you have any questions.

Thank you,
Amy

--

Amy Gilbert

From: Devins, Frances <Frances.Devins@fresnosheriff.org>
Sent: Tuesday, January 28, 2020 2:31 PM
To: Amy Gilbert <AGilbert@aclunc.org>
Cc: Kathleen Guneratne <KGuneratne@aclunc.org>; Sean Riordan <SRiordan@aclunc.org>; Casey Kasher <CKasher@aclusocal.org>
Subject: PRA 19-29

Good morning Amy,

Please accept my apologies for the delay in responding. I had to get an update on your request from Lt. Hayes, which took some time to accomplish. Once I was able to get a response, I had to research what had been done and what the actual status is on this request.

I see from the records we have payment for (2) thumb drives was received.

Part 1. Jail Use of Force

I have obtained some of the information Lt. Hayes gathered and have reviewed and redacted the Jail Use of Force (UOF) reports. I have submitted this portion, which is completed, to my Cpt. for review and approval to release. I expect this to be done within approx. 60 days. I am currently unable to locate a physical address in the files I have on your request to send it to you. If you could provide a physical address to me, I will send it to you once they are authorized for release. This will also be released to everyone else who asked for it at the same time.

Part 2. Enforcement Use of Force

The UOF reports for the Enforcement side appeared to have been collected and partially redacted. I am working on those now to ensure we have all of the incidents during that time frame. I am in the process of reviewing/redacting those we have gathered. Those are going to take longer because there are so many reports for each incident and there are quite a few incidents during the time period you requested. There are also a significant number of photos as well, which I also expect will take some time to review/confirm redaction.

Part 3. Sexual Assault

I am unable to determine if anything was released to you about this. Can you please advise?

Part 4. Discharge of a Firearm

This will be included within the UOF reports.

Part 5. Dishonesty

I am unable to determine if anything was released to you about this. Can you please advise?

As you might imagine, there were a lot of requests and not a lot of preparation for the volume of requests we received. Stepping into this assignment has been a challenge but it is my belief we are now starting to get to a point where we are able to respond to requests and get them fulfilled. I assure you I am working on Part 2 of your request diligently as you are not the only one waiting for our response. If you can advise if you received Part 3 and Part 5, I can get those to you rather quickly.

I appreciate your patience as we work through this and will contact you once Part 1 is authorized for release.

Sincerely,

Lt. Frances Devins
Records Unit Commander
ICS Team Commander
Fresno County Sheriff's Office
(559) 600-8617 Office
(559) 488-1899 FAX
Frances.Devins@fresnosheriff.org

From: Amy Gilbert <AGilbert@aclunc.org>
Sent: Wednesday, January 15, 2020 9:51 AM
To: Devins, Frances <Frances.Devins@fresnosheriff.org>
Cc: Kathleen Guneratne <KGuneratne@aclunc.org>; Sean Riordan <SRiordan@aclunc.org>; Casey Kasher <CKasher@aclusocal.org>
Subject: ACLU January 1, 2019 PRA request for SB 1421 records

**** EXTERNAL EMAIL ** Use caution opening attachments or clicking on links from unknown senders. ****

Good morning, Lt. Devins,

I am emailing to follow up on the ACLU's January 1, 2019 request for public records newly disclosable under S.B. 1421. We had been corresponding with Lt. Hayes prior to his departure from the PRA unit and we submitted a check to the Department on November 25, 2019 to cover the cost of a thumb drive.

It has now been over a year since our initial request and we have still not received any records. Could you please confirm you received the check, and provide a status update on our request? For your reference, I have attached our original request to this email. The reference number is 19-29.

If you would like to discuss any of this by phone, please feel free to call me at 415-293-6394.

Thank you,
Amy



Amy Gilbert
Staff Attorney
ACLU Foundation of Northern California
39 Drumm Street, San Francisco, CA 94111
office +1 (415) 293-6394 |
agilbert@aclunc.org | www.aclunc.org
pronouns: she/her/hers

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EXHIBIT V

From: Amy Gilbert
Sent: Wednesday, February 5, 2020 11:05 AM
To: 'Devins, Frances'
Cc: Kathleen Guneratne; Casey Kasher; Angelica Salceda
Subject: RE: PRA 19-29

Dear Lt. Devins,

Thank you for your prior correspondence. Your prior email indicated we were to receive a response from the Sheriff's Office last week regarding parts 3 and 5 of your initial email. We are still awaiting a response. It has been over a year since our initial Public Records Act (PRA) request, months since we paid your office \$6 for a thumb drive, and we have not received anything. It appears your office is not taking its obligations under the PRA seriously. We have yet to receive a single document from the Sheriff's Office in response to our January 1, 2019 PRA request.

If we do not receive all responsive records subject to disclosure pursuant to SB 1421 on or before **Thursday, February 27, 2020**, we may be forced to judicially compel production. As you are no doubt aware, an agency may be liable for the attorneys' fees and costs incurred to litigate the production of records improperly withheld. Cal. Gov't Code § 6259(d).

The legislature passed SB 1421 to increase transparency into law enforcement misconduct and serious uses of force. Withholding these records deprives the public of their right to know about how departments, such as yours, investigate law enforcement uses of force and allegations of misconduct. And delaying production of any documents for over a year is contrary to the PRA and the California Constitution's bedrock principles of open governance.

Please let me know if you have any questions.

Thank you,
Amy

--
Amy Gilbert

From: Devins, Frances <Frances.Devins@fresnosheriff.org>
Sent: Tuesday, January 28, 2020 4:14 PM
To: Amy Gilbert <AGilbert@aclunc.org>
Cc: Kathleen Guneratne <KGuneratne@aclunc.org>; Sean Riordan <SRiordan@aclunc.org>; Casey Kasher <CKasher@aclusocal.org>; Angelica Salceda <asalceda@aclunc.org>
Subject: RE: PRA 19-29

Hello Amy,

Please let me clarify since it appears my explanation was unclear.

I will provide you a response to Parts 3 and 5 shortly (no later than the end of the week).

Per our procedure, the Executive Staff must review and approve release of the Records. As soon as the Executive Staff authorizes release of the records, I will send them to you at the address you provided in your email. Thank you for sending me that information. That is where the 60 days come from.

Parts 1 and 2 are separated only for the convenience of gathering the material and getting it released as soon as possible as there are a lot more incidents on the Enforcement side than there are on the Jail side. The Enforcement side will include all UOF outside of the Jail.

I hope this clarifies my earlier email. I apologize that it was confusing.

I understand and share in your frustration at you not having this information yet and appreciate your patience with me as I work to get this to you.

Thank you for your understanding,

Lt. Frances Devins
Records Unit Commander
ICS Team Commander
Fresno County Sheriff's Office
(559) 600-8617 Office
(559) 488-1899 FAX
Frances.Devins@fresnosheriff.org

From: Amy Gilbert <AGilbert@aclunc.org>

Sent: Tuesday, January 28, 2020 12:28 PM

To: Devins, Frances <Frances.Devins@fresnosheriff.org>

Cc: Kathleen Guneratne <KGuneratne@aclunc.org>; Sean Riordan <SRiordan@aclunc.org>; Casey Kasher <CKasher@aclusocal.org>; Angelica Salceda <asalceda@aclunc.org>

Subject: RE: PRA 19-29

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Los Angeles, CA 90017

Please let me know if you have any questions.

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Amy

--

Amy Gilbert

From: Devins, Frances <Frances.Devins@fresnosheriff.org>

Sent: Tuesday, January 28, 2020 2:31 PM

To: Amy Gilbert <AGilbert@aclunc.org>

Cc: Kathleen Guneratne <KGuneratne@aclunc.org>; Sean Riordan <SRiordan@aclunc.org>; Casey Kasher <CKasher@aclusocal.org>

Subject: PRA 19-29

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Sincerely,

Lt. Frances Devins
Records Unit Commander
ICS Team Commander
Fresno County Sheriff's Office
(559) 600-8617 Office
(559) 488-1899 FAX
Frances.Devins@fresnosheriff.org

From: Amy Gilbert <AGilbert@aclunc.org>
Sent: Wednesday, January 15, 2020 9:51 AM
To: Devins, Frances <Frances.Devins@fresnosheriff.org>
Cc: Kathleen Guneratne <KGuneratne@aclunc.org>; Sean Riordan <SRiordan@aclunc.org>; Casey Kasher <CKasher@aclusocal.org>
Subject: ACLU January 1, 2019 PRA request for SB 1421 records

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Good morning, Lt. Devins,

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If you would like to discuss any of this by phone, please feel free to call me at 415-293-6394.

Thank you,
Amy



Amy Gilbert
Staff Attorney
ACLU Foundation of Northern California
39 Drumm Street, San Francisco, CA 94111
office +1 (415) 293-6394 |
agilbert@aclunc.org | www.aclunc.org
pronouns: she/her/hers

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EXHIBIT W

MUNGER, TOLLES & OLSON LLP

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ROBERT E. DENHAM
JEFFREY I. WEINBERGER
CARY B. LERMAN
GREGORY P. STONE
BRAD D. BRIAN
BRADLEY S. PHILLIPS
GEORGE M. GARVEY
WILLIAM D. TENKO
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BETHANY W. KRISTOVICH
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JUSTIN P. RAPHAEL
ROSE LEDA EHLE
ERIC P. TUTTLE
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ROBYN K. BACON
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KAREN A. LORANG
CRAIG JENNINGS LAVOIE
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JENNIFER L. BRYANT
ANDREW CATH RUBENSTEIN
NICHOLAS D. FRAM
JOHN L. SCHWAB
ASHLEY D. KAPLAN

350 SOUTH GRAND AVENUE
FIFTIETH FLOOR
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October 8, 2020

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MICHAEL E. GREANEY
E. LEROY TOLLES
(1922-2008)
*ADMITTED IN DC.
ALL OTHERS ADMITTED IN CA

VIA ELECTRONIC MAIL ONLY

Lieutenant Frances Devins
Fresno County Sheriff's Office
Records Unit Commander
ICS Team Commander
2200 Fresno Street
Fresno, CA 93721
Frances.Devins@fresnosheriff.org

Re: **Follow-up to ACLU's January 1, 2019 Request for Public Records Related to Police Use of Force Investigations, Sustained Findings of Police Dishonesty and Sexual Assault - Reference No. 19-29**

Dear Lieutenant Devins:

We have been retained by the California affiliates of the American Civil Liberties Union ("ACLU") to enforce their rights under the California Public Records Act ("PRA"). On January 1, 2019, the ACLU sent the Fresno County Sheriff's Office (the "Sheriff's Office") a request for records related to police use of force investigations, sustained findings of police dishonesty and sexual assault pursuant to SB 1421's amendment to the PRA, Cal. Gov't Code § 6250 *et seq.*, California Penal Code §§ 832.7–832.8, and Art. I, § 2(b) of the California Constitution.

It has been 646 days since the ACLU's initial request, and despite multiple efforts by the ACLU to ensure compliance with SB 1421 and ample time for the Sheriff's Office to comply,

Writer's Direct Contact
(213) 683-9550
(213) 683-4064 FAX
Sarah.Lee@mto.com

Lieutenant Frances Devins
October 8, 2020
Page 2

the Sheriff's Office has not produced a single responsive record. On November 18, 2019, in response to the Sheriff's Office's requests for payment, the ACLU promptly complied and submitted two payments of \$2.30 and \$6.00 for responsive documents. The Sheriff's Office indicated that the payment would cover the cost of a thumb drive that would contain responsive records related to use of force investigations in jails.

The ACLU did not receive any subsequent communication after it submitted payments for the records. So, on January 15, 2020, the ACLU sent you an email inquiring about the status of the thumb drive and the other responsive records. On January 28, 2020, you responded that records related to use of force in jails would be released within approximately 60 days and that you would be able to produce documents related to sustained findings of police dishonesty and sexual assault "rather quickly." It has now been 8 months since you sent that email, yet no responsive records have been produced.

We understand that the COVID-19 pandemic may have contributed to some delay in responding to the ACLU's request. We do not believe any further delay is justified, however, as the ACLU's initial request was pending for over a year before the start of the pandemic, and the Sheriff's Office has now had over six months to adjust to a new remote and safe work environment. It is clear that, even accounting for the difficulties attendant to the global pandemic, the Sheriff's Office has been disregarding its obligations under the PRA. We therefore request production of all responsive records subject to disclosure pursuant to SB 1421 on or before **Friday, October 23, 2020**.

Please send any records in electronic format via email to sarah.lee@mto.com, or paper records, records on CD-ROM or USB drive to:

Munger Tolles & Olson LLP
Attn: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

As the ACLU has informed you previously, the Sheriff's Office's failure to produce records or estimate a reasonable date and time when such records will be made available is in clear violation of the PRA. *See* Cal. Gov't Code § 6253(c). If we do not receive the disclosable records by October 23, 2020, we will have no choice but to judicially compel production of such records. An agency such as yours may be liable for the attorneys' fees and costs incurred to litigate the production of records improperly withheld. Cal. Gov't Code § 6259(d).

Lieutenant Frances Devins
October 8, 2020
Page 3

Thank you for your attention to this letter. Please do not hesitate to contact me with any questions regarding this letter at sarah.lee@mtol.com or on the phone at 213-683-9550.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Sarah", followed by a long horizontal flourish.

Sarah S. Lee

cc: Daniel C. Cederborg (dcederborg@fresnocountyca.gov)

EXHIBIT X



Margaret Mims
Sheriff
Fresno County Sheriff's Office

October 15, 2020

DELIVERED VIA EMAIL AND USPS

Ms. Amy Gilbert
ATTN: Casey Kasher
ACLU of Southern California
1313 W. 8th Street
Los Angeles, CA 90017

RE: FSO PRA Request 19-29

Dear Ms. Gilbert,

First, my apologies for not getting back to you on this sooner. As you know, I was new to the unit at the beginning of the year. There have been changes in personnel in this unit and with that, comes changes in focus and priority of tasks, in addition to training and learning about the job and understanding the established procedures for handling PRA's within my agency.

The significant increase in Public Records requests this year has proved to be extremely challenging as I continue to attempt to balance completing older, complex PRA's, like this one, with all of the new incoming ones. I also have a new supervisor who is trying to learn about PRA's as well as train new personnel who are assisting me on how to fulfill a PRA request.

After being assigned to the unit, I was told this was another "1421" request and provided a thumb drive of "Jail incidents" to be released. In an effort to learn what my job was, be thorough and familiarize myself in what we were releasing, I reexamined the data my predecessor had gathered.

As you know, SB 1421 is categorized into four parts:

1. Use of force causing great bodily injury or death
2. Discharge of a firearm at a person
3. Sustained complaint of sexual assault against a member of the public
4. Sustained complaint of dishonesty

My predecessor had gathered the material related to parts one and two and turned parts three and four over to our Internal Affairs Unit to research. Due to the organizational design of our agency, he combined parts one and two into Jail Use of Force incidents and Enforcement Use of Force incidents.

Dedicated to Protect & Serve

Upon my review of the data on the thumb drive, I discovered material missing for the "Jail" Use of Force portion and the material was improperly redacted. I then began regathering and redacting the missing material. This was the only material on the thumb drive.

While looking for the Enforcement material, I found that was much more complex due mostly to the Discharge of a Firearm cases. Due to the organizational structure and immense volume of that material alone, I was unable to determine what had been gathered for each case and if all of the material had been collected. I had to regather all of it to ensure completeness.

After gathering everything, I reread your request to ensure we were fulfilling it completely. Overall, it was a very confusing request in that it contradicted itself. It initially appeared to be quite easy to fulfill as it attempted to assist us by stating you were not "...seek[ing] all records relating to the underlying incident" and only requested "Decisional Documents". The request then "defines" "Decisional Documents" by providing examples using terminology consistent with that found in discipline related documents. It also provides a footnote defining "records" under Government Code Section 6252(e) and 6252(g). (page 2 paragraph 1).

The next paragraph defines records to include all information we have on each incident, including photos, videos, transcripts etc. under Penal Code 832.7(b)(2). (page 2 paragraph 2).

At the top of page 3, it then again states, "Decisional Documents does not include underlying evidence, expert reports, witness statements, audio or video, unless incorporated by or included in the documents described above." (page 3 paragraph 1).

Finally, on page 4 Section II, it requests we preserve or provide documents we didn't originally provide previously.

It appears the confusion on what records you actually wanted contributed to the significant delay in getting these records to your organization. In rereading your request, I have also learned there are also various timelines for each of your requests. Unfortunately, my predecessor only gathered data back to 2014 for all of your requests.

In an effort to get this cleared up, I have several clarifying questions and statements.

RESPONSE to Requests 1, 4, and 6:

We have no "DECISIONAL DOCUMENTS" related to these requests for the time frame of 1/1/2014-12/31/2018 as no Deputy or Correctional Officer received discipline or corrective action for any use of force.

Jail Incidents

We have all of the records relating to the underlying incidents of the Use of Force for the Jail side ready. In reviewing the original Invoice sent to you (SO 16963), you paid for a total of (7) reports at (38) pages. These are included on the enclosed thumb drive. This invoice did not include the cost for the photos related to these incidents.

Enforcement Incidents

I am still reviewing the reports and records for the Enforcement side. The information for all Use of Force incidents between 1/1/2014-12/31/2018 are gathered.

Incidents for 2014 and 2015 are almost ready to release. Those should be done within the next two weeks and should be ready to send out by mid-November. Years 2016-2018 still need to be reviewed. My goal is to have those ready by the end of the year.

RESPONSE to Request 5:

We have one incident where "DECISIONAL DOCUMENTS" are present. There are a total of (50) pages related to the Administrative Investigation of the incident. As that was not previously billed or paid for, I will email a separate Invoice for those documents.

QUESTIONS:

1. Do you want the Jail incident photos?
 - a. If so, I will invoice you separately for them and send them on another thumb drive. If not, please advise.
2. For Request 1, do you still want the information back to 1999?
3. For Request 5, do you still want the information back to 2009?
4. Do you want all of the underlying incident Enforcement documents for 2014-2018?

I would like to advise we have changed report-writing programs three times since 1999. Any records prior to 2014 will require a much longer search time to gather. This is due to needing to read each report written that year to determine if it meets SB 1421 criteria.

RESPONSE to Requests 2, 3, 7 and 8:

I can find no record of a response from my predecessor's prior request to Internal Affairs. I have asked again and am waiting on our Internal Affairs Unit to review their records to determine how far back they go and if there are any releasable incidents. I expect an answer by the end of next week. If there are releasable incidents, they will need redaction. It is unknown how long that will take as it depends on the number of cases there are and the complexity of each case.

Again, I apologize for the unavoidable delays in sending this information. Not only were we dealing with the overwhelming number of requests we received initially when the law passed, but we were also dealing with confusion on what was actually being requested in this case, the complexity of gathering the requested materials and the technological difficulty in completing required redactions. We also were dealing with the learning curve on the part of all involved in what information was releasable, as well as numerous personnel changes throughout the process. Anything you do for the first time is difficult.

I appreciate your patience and look forward to your response.

Sincerely,

Lieutenant Frances Devins
Public Records Act Commander
Fresno County Sheriff's Office
(559) 600-8617 Office
(559) 488-1899 Fax
frances.devins@fresnosheriff.org

EXHIBIT Y

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LAURA D. SMOLOWE
ANJAN CHOUDHURY
KYLE W. MACH
HEATHER E. TAKAHASHI
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November 11, 2020

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* ADMITTED IN DC;
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VIA ELECTRONIC MAIL ONLY

Lieutenant Frances Devins
Fresno County Sheriff's Office
Records Unit Commander
ICS Team Commander
2200 Fresno Street
Fresno, CA 93721
Frances.Devins@fresnosheriff.org

Re: **Follow-up to ACLU's January 1, 2019 Request for Public Records Related to Police Use of Force Investigations, Sustained Findings of Police Dishonesty and Sexual Assault - Reference No. 19-29**

Dear Lieutenant Devins:

We write to respond to your letter dated October 15, 2020 to the American Civil Liberties Union ("ACLU") of Southern California. As we previously informed you, we have been retained by the California affiliates of the ACLU to enforce their rights under the California Public Records Act ("PRA"). For any future correspondence regarding the ACLU's January 1, 2019 PRA request to the Fresno County Sheriff's Office (the "Sheriff's Office"), please copy us on your transmittal.

We appreciate your attention to the ACLU's PRA request, and we understand that you joined the unit responsible for PRA requests at the beginning of this year. Those circumstances

Writer's Direct Contact
(213) 683-9550
(213) 683-4064 FAX
Sarah.Lee@mto.com

Lieutenant Frances Devins
November 11, 2020
Page 2

do not excuse the Sheriff's Office's failure to produce any responsive records for 21 months. The Sheriff's Office has clearly failed to comply with its legal obligations to provide this information promptly—typically within days or weeks—under California Government Code § 6253(c). To the extent that the Sheriff's Office attributes any delay to its confusion about the scope of the request, that delay is also unjustified. Under California Government Code § 6253.1, the Sheriff's Office is obligated to seek clarification from the ACLU about the scope of the request, yet failed to seek any clarification until very recently in your letter of October 15.

Any future delay exacerbates the harm to the ACLU and public in not having access to these documents for nearly two years now. We therefore reiterate our request to produce all responsive records as soon as possible, and no later than **Friday, December 4, 2020**.

As you know, the ACLU's request of January 1, 2019 was narrowly tailored to limit the burden on the Sheriff's Office, specifically designed to obtain the category of documents that were used in investigating any decisions regarding officer conduct, or what the ACLU has described as "Decisional Documents." The request for and definition of "Decisional Documents" were intended to provide for a narrower category of easily discernable documents, if doing so reduced the burden of producing the entire file related to an incident. It includes explanatory language that is meant to clarify and avoid misunderstandings. In summary, "Decisional Documents" include: (1) any final investigative reports relating to the incident regarding whether or not an officer's conduct did or did not violate the law or agency policy, including reports provided to and from external agencies and including underlying evidence used to support that decision to the extent not sufficiently described in the report; (2) all documents regarding the decision whether or not to impose discipline or other corrective action; (3) all documents reflecting any appeal of a disciplinary action or referral of an investigation or disciplinary action to another adjudicatory body; and (4) any related settlement agreements or other resolution of the incident.

By limiting its request to "Decisional Documents," the ACLU was trying to relieve the burden on the Sheriff's Office and facilitate prompt productions of responsive records. Because of the limited scope of this request, the ACLU asked that you preserve the underlying records of investigations in the event we seek additional records related to an incident subject to disclosure. Many other agencies, however, continue to produce material beyond the definition of "Decisional Documents." If that is easier for the Sheriff's Office, we have no objection to that approach. We hope this clarifies any confusion regarding the scope of the request.

Below are our responses to your questions and statements regarding specific requests:

Request Nos. 1, 4, 5, and 6:

Request Nos. 1, 4 and 6 are not limited to only those records related to uses of force or discharge of a firearm that resulted in discipline or corrective action. These requests also ask for all records related to any investigation into such uses of force or discharge of a firearm,

Lieutenant Frances Devins
November 11, 2020
Page 3

regardless of any discipline or corrective action taken or not taken. Such records are subject to disclosure under the plain language of California Penal Code section 832.7(b)(1)(A), which requires the disclosure of records related to any incident involving the discharge of a firearm at a person (regardless of injury) and use of force resulting in death or great bodily injury. Please produce all records responsive to these requests by **Friday, December 4, 2020**.

As for Request No. 5, you indicate that you will email a separate invoice for documents responsive to this request. Please issue that invoice promptly, on or before **Friday, November 20, 2020**, so that these documents can be produced by **Friday, December 4, 2020**.

Below are our responses to your questions regarding these requests:

1. Yes, we would like a copy of the Jail Incident photos. Please send an invoice for those photos on or before **Friday, November 20, 2020**.
2. For Request No. 1, we would still like the information dating back to 1999. If you need more time for this limited subset of records, we are willing to extend the deadline for production to **Monday, December 28, 2020**.
3. For Request No. 5, we would still like the information dating back to 2009.
4. Yes, we would like a copy of all of the underlying incident Enforcement documents for 2014 to 2018.

Requests No. 2, 3, 7 and 8

Again, while we appreciate your attention to these requests, not a single document has been produced in response to these requests. The delay of almost two years is not justified and we disagree that the delay is unavoidable. We therefore reiterate our request to produce all responsive records as soon as possible, and no later than **Friday, December 4, 2020**.

Please send any invoices and records in electronic format via email to sarah.lee@mto.com, or paper records, records on CD-ROM or USB drive to:

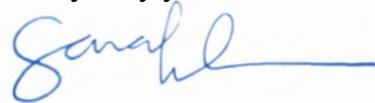
Munger Tolles & Olson LLP
Attn: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

As we have informed you previously, the Sheriff's Office's failure to produce records or estimate a reasonable date and time when such records will be made available is in clear violation of the PRA. *See* Cal. Gov't Code § 6253(c). The ACLU reserves all rights to judicially compel production of such records.

Lieutenant Frances Devins
November 11, 2020
Page 4

Thank you for your attention to this letter. Please do not hesitate to contact me with any questions regarding this letter at sarah.lee@mtol.com or on the phone at 213-683-9550.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Sarah", followed by a long horizontal flourish.

Sarah S. Lee

cc: Daniel C. Cederborg (dcederborg@fresnocountyca.gov)

EXHIBIT Z

From: Hawkins, Scott C. <schawkins@fresnocountyca.gov>
Sent: Monday, December 7, 2020 1:03 PM
To: Lee, Sarah <Sarah.Lee@mto.com>
Cc: Devins, Frances <frances.devins@fresnosheriff.org>; Hushaw, Ryan <ryan.hushaw@fresnosheriff.org>; Cederborg, Daniel <dcederborg@fresnocountyca.gov>
Subject: Update re ACLU and PRA Response Issues.

Hi Sarah. Dan asked me to get you some additional information per your discussion with him.

Please consider the following:

All "costs" on the invoices come directly from FSO's/County's CURRENT master schedule of fees. As you know, County Counsel and FSO have been finalizing a revision to these schedules for 2021. I believe they will have those before the Board in January. Currently, for example, the .10 cents per page comes from the Library's approved MSF. The \$13.00 is from the Coroner's prices for base charge.

I am asking FSO to provide a break-down of an actual invoice or two for you as a further example, and I will get that to you as soon as I can.

By "case file" FSO means one, entire packaged incident (i.e., the reports, photos, videos, audios, etc. - as ONE file).

As to the issue of number of cases, total, to disclose, as previously discussed, FSO is focusing on the 2014-present cases before addressing *pre* 2014 cases, which they would like to discuss further. So far, FSO states that on October 25, 2020 – (7) JAIL UOF cases were released (2014-2018). On November 25, 2020 – (5) 2014 Enforcement UOF cases were released. On December 3, 2020 – (1) 2015 Enforcement UOF case was released.

After further review, FSO's search effort confirms identification of an additional (2) 2014 UOF cases, (3) 2015 UOF cases, (2) 2017 UOF cases, and (3) 2018 UOF cases. I am advised those have all been pulled and redacted.

Those cases will be reviewed throughout the week. FSO believes it will be able to release ALL of these new found cases by the end of this week. (10 in total).

To date, no 2016 cases have been released. (5) 2016 UOF cases have been identified. However, one is the shooting incident resulting in the death of Det. Rod Lucas (currently in litigation), and one other is the Toamalama Scanlan Jail Lobby shooting incident. These two case files are very large, and as stated previously, will take considerable time to review/release disclosable records. The remaining several 2016 cases are being prioritized with the others mentioned.

There are a total of (7) 2017 cases and (8) 2018 cases, none of which have been released as this communication. They have been redacted but have not gone through final level review yet. They are pending in the queue.

In total then, by our best assessment, FSO has identified (30) cases pending release, for the ENFORCEMENT side. Review of 2014-2018 JAIL cases is underway, and Sheriff's I.T. staff is currently working on data extraction for those cases. While FSO estimates there are over 5,000 potential JAIL cases that are classified as "UOF," those cases must each be reviewed to see if they meet the 1421 criteria. FSO estimates that only a

very small fraction of those will actually qualify for disclosure.

Internal Affairs is currently gathering and redacting all related 1421 cases. FSO does not have a number of cases for that yet for the given set of years. They estimate, however, that there will be less than a dozen cases or so.

As stated above, FSO would like to address the period of 1999-2013 and the mostly older filing and storage systems. As it can, Sheriff's I.T. is working on data extractions and programming to make the 1999 to 2013 Enforcement cases readable. Additional time/costs will be incurred when they start doing the same for Jail cases. If an agreement can be reached to halt or postpone work on this period in order to direct resources to complete the 2014 - to present period, this would greatly assist the process, and will curtail the incurring of expenses related to this older period.

I am also advised that FSO has also assigned an additional deputy to Lt. Devins and her team to further assist with these tasks.

If there are other suggestions that can narrow the work being done we would appreciate hearing about them.

Thanks very much.

Scott C. Hawkins

Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Suite 500
Fresno, CA 93721
Tel: 559-600-3457 | Fax: 559-600-3480



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EXHIBIT AA



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
11/16/2020	SO17918

ACLU of Southern California
C/O Munger Tolles & Olsen LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, Ca. 90071

MAKE YOUR REMITTANCE PAYABLE TO
COUNTY OF FRESNO
AND SEND IT TO THE FOLLOWING ADDRESS
FRESNO COUNTY SHERIFF P.O. BOX 1788 FRESNO, CA 93717 BUSINESS OFFICE

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

	FOR COUNTY USE ONLY				
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
Public Records Act Request #19-29 Case 14-5785					
Processing Fees					
Direct Cost for Reports	5800	31113265	559	0.10	55.90
Direct Cost of Photos	5800	31113265	1,054	3.00	3,162.00
Base Rate	5800	31113265	1	13.00	13.00
Medi Costs					
Direct Cost of Jump Drive	5800	31113265	1	4.55	4.55
Delivery Cost					
Postage to Mail Priority Mail 2 Day Padded flat envelope	5800	31113265	1	8.40	8.40
-Notify Lt. Devins when payment is received					
TOTAL AMOUNT DUE					\$3,243.85

COPIES: Original Remittance AR Control AR File

EXHIBIT BB



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
11/16/2020	SO17919

ACLU of Southern California
C/O Munger Tolles & Olsen LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, Ca. 90071

MAKE YOUR REMITTANCE PAYABLE TO
COUNTY OF FRESNO
AND SEND IT TO THE FOLLOWING ADDRESS
FRESNO COUNTY SHERIFF P.O. BOX 1788 FRESNO, CA 93717 BUSINESS OFFICE

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

FOR COUNTY USE ONLY					
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
Public Records Act Request #19-29 Case 14-16103					
Processing Fees					
Direct Cost for Reports	5800	31113265	179	0.10	17.90
Direct Cost of Photos	5800	31113265	310	3.00	930.00
Base Rate	5800	31113265	1	13.00	13.00
Medi Costs					
Direct Cost of Jump Drive	5800	31113265	1	4.55	4.55
Delivery Cost					
Postage to Mail Priority Mail 2 Day Padded flat envelope	5800	31113265	1	8.40	8.40
-Notify Lt. Devins when payment is received					
TOTAL AMOUNT DUE				\$973.85	

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EXHIBIT CC



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
11/16/2020	SO17920

MAKE YOUR REMITTANCE PAYABLE TO

COUNTY OF FRESNO

AND SEND IT TO THE FOLLOWING ADDRESS

FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717

BUSINESS OFFICE

ACLU of Southern California
C/O Munger Tolles & Olsen LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, Ca. 90071

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

FOR COUNTY USE ONLY					
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
Public Records Act Request #19-29 Case 14-4953					
Processing Fees					
Direct Cost for Reports	5800	31113265	43	0.10	4.30
Direct Cost of Photos	5800	31113265	33	3.00	99.00
Base Rate	5800	31113265	1	13.00	13.00
Medi Costs					
Direct Cost of Jump Drive	5800	31113265	1	4.55	4.55
Delivery Cost					
Postage to Mail Priority Mail 2 Day Padded flat envelope	5800	31113265	1	8.40	8.40
-Notify Lt. Devins when payment is received					
TOTAL AMOUNT DUE				\$129.25	

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EXHIBIT DD



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
11/16/2020	SO17921

ACLU of Southern California
C/O Munger Tolles & Olsen LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, Ca. 90071

MAKE YOUR REMITTANCE PAYABLE TO
COUNTY OF FRESNO
AND SEND IT TO THE FOLLOWING ADDRESS
FRESNO COUNTY SHERIFF P.O. BOX 1788 FRESNO, CA 93717 BUSINESS OFFICE

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

FOR COUNTY USE ONLY					
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
Public Records Act Request #19-29 Case 14-6291					
Processing Fees					
Direct Cost for Reports	5800	31113265	739	0.10	73.90
Direct Cost of Photos	5800	31113265	1,007	3.00	3,021.00
Base Rate	5800	31113265	1	13.00	13.00
Medi Costs					
Direct Cost of Jump Drive	5800	31113265	1	4.55	4.55
Delivery Cost					
Postage to Mail Priority Mail 2 Day Padded flat envelope	5800	31113265	1	8.40	8.40
-Notify Lt. Devins when payment is received					
TOTAL AMOUNT DUE				\$3,120.85	

COPIES:	Original	Remittance	AR Control	AR File
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EXHIBIT EE



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
11/16/2020	SO17922

MAKE YOUR REMITTANCE PAYABLE TO

COUNTY OF FRESNO

AND SEND IT TO THE FOLLOWING ADDRESS

FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717

BUSINESS OFFICE

ACLU of Southern California
C/O Munger Tolles & Olsen LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, Ca. 90071

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

		FOR COUNTY USE ONLY			
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
Public Records Act Request #19-29 Jail UOF Photos Processing Fees Direct Cost for Reports	5800	31113265	0	0.10	0.00
Direct Cost of Photos	5800	31113265	28	3.00	84.00
Base Rate	5800	31113265	1	13.00	13.00
Medi Costs					
Direct Cost of Jump Drive	5800	31113265	1	4.55	4.55
Delivery Cost					
Postage to Mail Priority Mail 2 Day Padded flat envelope	5800	31113265	1	8.40	8.40
-Notify Lt. Devins when payment is received					
TOTAL AMOUNT DUE				\$109.95	

COPIES: Original Remittance AR Control AR File

EXHIBIT FF



Margaret Mims
Sheriff
Fresno County Sheriff's Office

November 24, 2020

DELIVERED VIA EMAIL AND USPS

Munger, Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

RE: FSO PRA Request 19-29 Jail Case 17-12260 Decisional Documents

Dear Ms. Lee,

I am writing in response to your email dated November 11, 2020. Please find enclosed the invoices related to the release of the following information as requested in the American Civil Liberties Union (ACLU) of Southern California's request dated January 1, 2019.

Invoice SO 17923 Jail Case 17-12260 Decisional Documents \$17.95

These documents were on the thumb drive sent to your client on October 15, 2020. We temporarily suspended our right to receive payment prior to the production of records per Government Code section 6253(b) and released the above listed information in expectation the enclosed invoice for our direct costs will be paid in full.

We accept cash, Cashier's checks, Money Orders or Company checks. Please make your payment to Fresno County Sheriff's Office and include the Invoice Number on your check or money order.

Sincerely,

Lieutenant Frances Devins
Public Records Act Commander
Fresno County Sheriff's Office
(559) 600-8617 Office
(559) 488-1899 Fax
frances.devins@fresnosheriff.org

Dedicated to Protect & Serve



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
11/16/2020	SO17923

ACLU of Southern California
C/O Munger Tolles & Olsen LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, Ca. 90071

MAKE YOUR REMITTANCE PAYABLE TO
COUNTY OF FRESNO
AND SEND IT TO THE FOLLOWING ADDRESS
FRESNO COUNTY SHERIFF P.O. BOX 1788 FRESNO, CA 93717 BUSINESS OFFICE

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

FOR COUNTY USE ONLY					
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
Public Records Act Request #19-29 Jail UOF Case 17-12260 Processing Fees Direct Cost for Reports	5800	31113265	50	0.10	5.00
Direct Cost of Photos	5800	31113265	0	3.00	0.00
Base Rate	5800	31113265	0	13.00	0.00
Medi Costs					
Direct Cost of Jump Drive	5800	31113265	1	4.55	4.55
Delivery Cost					
Postage to Mail Priority Mail 2 Day Padded flat envelope	5800	31113265	1	8.40	8.40
-Notify Lt. Devins when payment is received					
TOTAL AMOUNT DUE				\$17.95	

COPIES:	Original	Remittance	AR Control	AR File
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EXHIBIT GG



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
11/16/2020	SO17924

ACLU of Southern California
C/O Munger Tolles & Olsen LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, Ca. 90071

MAKE YOUR REMITTANCE PAYABLE TO
COUNTY OF FRESNO
AND SEND IT TO THE FOLLOWING ADDRESS
FRESNO COUNTY SHERIFF P.O. BOX 1788 FRESNO, CA 93717 BUSINESS OFFICE

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

	FOR COUNTY USE ONLY				
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
Public Records Act Request #19-29 Case Previously Unbilled Related to SO16963 Processing Fees Direct Cost for Reports	5800	31113265	0	0.10	0.00
Direct Cost of Photos	5800	31113265	0	3.00	0.00
Base Rate	5800	31113265	0	13.00	0.00
Medi Costs					
Direct Cost of Jump Drive	5800	31113265	1	4.55	4.55
Delivery Cost					
Postage to Mail Priority Mail 2 Day Padded flat envelope	5800	31113265	1	8.40	8.40
-Notify Lt. Devins when payment is received					
TOTAL AMOUNT DUE					\$12.95

COPIES: Original Remittance AR Control AR File

EXHIBIT HH



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
11/25/2020	SO17934

ACLU of Southern California
C/O Munger Tolles & Olsen LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, Ca. 90071

MAKE YOUR REMITTANCE PAYABLE TO
COUNTY OF FRESNO
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FRESNO COUNTY SHERIFF P.O. BOX 1788 FRESNO, CA 93717 BUSINESS OFFICE

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

FOR COUNTY USE ONLY					
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
Public Records Act Request #19-29 Case #14-18866					
Processing Fees					
Direct Cost for Reports	5800	31113265	243	0.10	24.30
Direct Cost of Photos	5800	31113265	146	3.00	438.00
Base Rate	5800	31113265	1	13.00	13.00
Medi Costs					
Direct Cost of Jump Drive	5800	31113265	1	4.55	4.55
Delivery Cost					
Postage to Mail Priority Mail 2 Day Padded flat envelope	5800	31113265	1	8.40	8.40
-Notify Lt. Devins when payment is received					
TOTAL AMOUNT DUE				\$488.25	

COPIES:	Original	Remittance	AR Control	AR File
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EXHIBIT II



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
12/3/2020	SO17966

MAKE YOUR REMITTANCE PAYABLE TO
COUNTY OF FRESNO
AND SEND IT TO THE FOLLOWING ADDRESS
FRESNO COUNTY SHERIFF P.O. BOX 1788 FRESNO, CA 93717 BUSINESS OFFICE

ACLU of Southern California
C/O Munger Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, Ca. 90071

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

	FOR COUNTY USE ONLY				
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
Public Records Act Request #19-29 Case #15-9337					
Processing Fees					
Direct Cost for Reports	5800	31113265	287	0.10	28.70
Direct Cost of Photos	5800	31113265	582	3.00	1,746.00
Base Rate	5800	31113265	1	13.00	13.00
Medi Costs					
Direct Cost of Jump Drive	5800	31113265	1	4.55	4.55
Delivery Cost					
Postage to Mail Priority Mail 2 Day Padded flat envelope	5800	31113265	1	8.40	8.40
-Notify Lt. Devins when payment is received					
TOTAL AMOUNT DUE				\$1,800.65	

COPIES:	Original	Remittance	AR Control	AR File
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EXHIBIT JJ

MASTER SCHEDULE OF FEES, CHARGES, AND RECOVERED COSTS

SECTION 1100 -- LIBRARY

FEE DESCRIPTION	FEE AMOUNT	FEE SETTING AUTHORITY	YEAR ADOPTED	EFFECTIVE DATE	% OF COST	REFERENCE
1101. Lost/Damaged Library Materials Payment	Cost of item plus \$7.00	Board of Supervisors	2016-17	07/20/17	100%	Ord.#17-012
1103. Fee for Replacement of Library Card (per card)	\$2.00 per card	Board of Supervisors	2017-18	07/04/18	100%	Ord.#18-010
1108. Fax Services		Board of Supervisors	2017-18	07/04/18	100%	Ord.#18-010
a. Local Faxing	\$1.00 for first page and \$0.30 for each additional page					
b. Long Distance Faxing	\$1.00 for first page and \$0.45 for each additional page					
1109. Overdue Fines		Board of Supervisors	2017-18	07/04/18	100%	Ord.#18-010
a. Overdue Item (Library Materials)	\$0.25 per day not to exceed \$4.00					
b. Overdue Laptop/Mobile Device	\$0.25 per hour overdue					
1110. Copier Services		Board of Supervisors	2017-18	07/04/18	100%	Ord.#18-010
Self Service	\$0.10 per page					
1112. Computer Accessories		Board of Supervisors	2017-18	07/20/18	100%	Ord.#17-012
a. Flash Drive	\$5.00 Each					
b. Headphones	\$5.00 Each					
c. Earbuds	\$2.00 Each					
1113. Computer Print Fee: B&W	\$.10 per page	Board of Supervisors	2008-09	4/24/09	100%	Ord.# 09-011
Computer Print Fee: Color	\$.50 per page					
1115. Micro Form Copy Services		Board of Supervisors	2017-18	07/04/18	100%	Ord.#18-010
a. Staff-Made Micro Form Copy Fee	\$1.00 per page					
b. Self-Service Micro Form Copy Fee	\$0.10 per page					
1117. Scanner Services		Board of Supervisors	2017-18	07/04/18	100%	Ord.#18-010
a. Scanning Job Order-Staff	\$1.00 per item up to 10 pages					
b. Self-Service Kiosk Scan	\$0.00					
c. Scanning Material Fee	\$0.00					
Send to customer's personal USB	\$0.00					
Send to customer's personal Email	\$0.00					
CD	\$2.00					
1118. Send Account to Revenue Reimbursement	\$7.50	Board of Supervisors	2009-10	6/25/10	100%	Ord.#10-009
1119. 3D Printer Fee	\$2.00/hour	Board of Supervisors	2016-17	07/20/17	100%	Ord.#17-012
1120. Laptop/Mobile Device		Board of Supervisors	2017-18	07/04/18	100%	Ord.#18-010
Lost or Damaged Laptop (other than screen) / Mobile Device	Actual Cost of Replacement or repair of Laptop					
a. Cracked Laptop Screen	\$200.00					
c. Lost Power Card	\$10.00					
d. Lost Mouse	\$5.00					
1121. Interlibrary Loan - Out of Library	\$5.00/item	Board of Supervisors	2016-17	07/20/17	100%	Ord.#17-012
1122. Meeting Room: Cleaning and Damage Charges	Use of Meeting Room: \$0 If Cleaning required after use: \$60.00 per hour for cleaning cost 30 minute minimum charge (\$30.00) Damage Fine: Cost of repair	Board of Supervisors	2016-17	07/20/17	100%	Ord.#17-012

EXHIBIT KK

MASTER SCHEDULE OF FEES, CHARGES, AND RECOVERED COSTS

SECTION 1900 -- CORONER-PUBLIC ADMINISTRATOR/GUARDIAN

FEE DESCRIPTION	FEE AMOUNT	FEE SETTING AUTHORITY	YEAR ADOPTED	EFFECTIVE DATE	% OF COST	REFERENCE
1901. Coroner Facility Use Fee	\$50.00 per autopsy (more than 4 days after completion of autopsy)	State	1982-83		100%	
1902. Coroner, Removal and Storage	\$100.00 per removal	Board of Supervisors	1991-92		100%	Ord. #92-009
1903. Coroner Report Fee	\$84.55 per report + \$338.20 per hour over minimum 0.25 hours	Board of Supervisors	2019-20	06/18/19	100%	Ord. #19-0513
1904. Extraordinary Services (Sale of Property, Location of Relatives, Etc.).	\$96.00 per hour	Board of Supervisors	2008-09	02/13/09	100%	Ord. #09-002
1905. Guardianship Fees	\$96.00 per hour (billed via Statement of Services)	Board of Supervisors	2008-09	02/13/09	100%	Probate Policy Memo
1906. Probate and Estate Fees	4% of 1st \$100,000.00 3% of next \$100,000.00 2% of next \$800,000.00 1% of next 9,000,000.00 1/2% of next \$15,000,000.00 Over \$25,000,000.00 to be determined by the court minimum of \$1,000.00	State	2008-09			Probate Code Section 10800
1907. Coroner Verification Report	\$31.00 per report + \$120.00 per hour over minimum 0.25 hours	Board of Supervisors	2008-09	02/13/09	100%	Ord. #09-002
1908. Private Autopsy		Board of Supervisors	2008-09	02/13/09	100%	Ord. #09-002
a. Private Autopsy	\$3,344.00 each + \$262.00 per hour over minimum 6.5 hours					
b. Government Agencies						
1. Homicide/Suspicious/Undetermined	\$2,389.00 each + \$262.00 per hour over minimum 6.5 hours					
2. Accidental/Natural Death	\$1,983.00 each + \$262.00 per hour over minimum 5.5 hours					
1909. Deposition/Expert Witness		Board of Supervisors	2008-09	02/13/09	100%	Ord. #09-002
a. Forensic Pathologist	\$1,835.00 each for minimum 3.5 hours + \$524.00 per hour or fraction thereof					
b. Deputy Coroner	\$544.00 each for minimum 3.0 hours + \$120.00 per hour or fraction thereof					
1910. Miscellaneous Fees		Board of Supervisors	2008-09	02/13/09	100%	Ord. #09-002
a. Histology Slides	Cost + \$13.00 each					
b. Photo CDs	Cost + \$13.00 each					

EXHIBIT LL

From: Lee, Sarah
Sent: Tuesday, December 8, 2020 11:46 AM
To: Hawkins, Scott C.
Cc: Devins, Frances; Hushaw, Ryan; Cederborg, Daniel; Fry, David
Subject: RE: ACLU invoices.

Hi Scott,

Thank you for your emails and for providing additional information on the productions.

We have received the copies of the actual invoices from the Fresno Sheriff's Office, and still have questions regarding the activities covered by the invoices. Would you kindly explain how the "QTY" and the "RATE" for the "Direct Costs" are calculated? The numbers in the "QTY" column do not appear to match up with the number of pages. For example, for Case 14-6291 (Invoice # SO17921), the "QTY" in the row for "Direct Costs of Photos" is 1,007, but the production appears to contain only approximately 430 photos.

We continue to have questions about the activities covered by these charges. You have informed us that there is a "master schedule of fees" that contains these costs, but we do not know what is covered by that master schedule and whether imposing the fees in that schedule is permissible under the PRA. PRA requestors are only required to pay the "direct costs of duplication, or a statutory fee if applicable." Gov. Code § 6253(b). Here, there should be no direct costs of duplication, as all of the documents produced by the Sheriff's Office have been produced in electronic format. If it is the Sheriff's Office's position that these are statutory fees, please provide a citation to the relevant statute or statutes. To the extent these charges include costs to prepare and/or redact audio and/or visual records, or other electronic records, the law prohibits an agency from charging the requestor for the labor costs involved in such redactions. *See National Lawyers Guild v. City of Hayward*, 9 Cal. 5th 488 (2020). If the Sheriff's Office nevertheless believes these charges are proper under Section 6253(b), please provide an explanation of why it thinks these are proper.

We would note that the invoices sent to us by the Fresno Sheriff's Office, which total \$7,967.65 to date, are also improper because the ACLU was not given notice of any of these charges prior to the production. In the ACLU's initial PRA request, dated January 1, 2019, the ACLU requested prior notice of any costs exceeding \$50.00. Given that request, it is unreasonable for the Sheriff's Office to not provide such notice and then send invoices for nearly 160 times that amount.

As we discussed on our call a few weeks ago, we are willing to discuss narrowing the scope of the documents dated prior to 2010, but we would need a better understanding of how those

documents are stored and searched. We are happy to set up a call with the Sheriff's Office to discuss that process.

Thanks,
Sarah

Sarah S. Lee ([she/her/hers](#)) | Munger, Tolles & Olson LLP
350 South Grand Avenue | Los Angeles, CA 90071
Tel: 213.683.9550 | Sarah.Lee@mto.com | www.mto.com

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From: Hawkins, Scott C. <schawkins@fresnocountyca.gov>
Sent: Monday, December 7, 2020 2:21 PM
To: Lee, Sarah <Sarah.Lee@mto.com>
Cc: Devins, Frances <frances.devins@fresnosheriff.org>; Hushaw, Ryan <ryan.hushaw@fresnosheriff.org>; Cederborg, Daniel <dcederborg@fresnocountyca.gov>
Subject: ACLU invoices.

Sarah,

Attached are two actual invoices. In these examples, the terms "Processing Fees" is the title of the charging category. There are no fees next to it in the columns to the right.

The "Direct Costs" for Reports is just the number of pages and the cost per page (Master Fee Sch.) in the with a total amount in the far right column. Same with the photos, etc.

Considering my last email also, please let me know if there is something else in particular you would like me clarify with FSO.

Thanks Sarah.

Scott C. Hawkins
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Suite 500
Fresno, CA 93721
Tel: 559-600-3457 | Fax: 559-600-3480



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EXHIBIT MM

From: Hawkins, Scott C. <schawkins@fresnocountyca.gov>

Sent: Tuesday, December 29, 2020 11:30 AM

To: Lee, Sarah <Sarah.Lee@mto.com>

Cc: Cederborg, Daniel <dcederborg@fresnocountyca.gov>; Hushaw, Ryan <ryan.hushaw@fresnosheriff.org>; Devins, Frances <frances.devins@fresnosheriff.org>

Subject: RE: ACLU invoices.

Importance: High

Morning Sarah. Hope you had a nice holiday. You beat to the email this morning.

So thanks again you for your patience and the opportunity to provide this response to your recent letter. As you know, the proliferation of requests and the increasing requirements for resources and dedicated personnel to manage them, requires that local agencies work to navigate the changing legal landscape, and what is an acceptable cost recoupment policy.

The short answer to your recent questions about the fees for specific electronic disclosures, is that the Sheriff's Office is suspending the right to receive pre-payment/payment on the current invoices for the time and reasons set forth below, and will continue providing disclosures as they are completed. This is primarily the result of a decision to defer these requests for payment pending presentation to and adoption by the County Board, of our amended Master Fee Schedule for 2021.

In particular, the Sheriff's Office has amended and added a number of line items pertaining to cost recoupment related to requests for public records. We expect to present the amended Schedule to the board this January, and anticipate it being adopted in February.

With the work on the amendments, the Sheriff's Office has conducted and will continue to conduct further analysis of all legal principles and precedent involved in cost recoupment related to requests for public records. This includes a study of fees/costs by the business department in conjunction with the County Auditor's Office. The goal is that these determinations will contribute to a better, more consistent and comprehensive costs approach – not only with the Sheriff's office, but County wide. We will evaluate and determine any impact on the invoices for your client's requests as part of this process.

In reviewing the invoices for recent disclosures to your client, the major charges appear related to the production of photographs. I touch on that below. As I mentioned previously, however, we believe there *is* clear support for the lessor charges related to the Sheriff's IT services, including those required to extract responsive historical data and compile and construct requested records in a non-native format or from a otherwise non-disclosable data-base.

These includes related programming, compilation, or extraction under Government Code section 6253.9, as would be required to charge a requester for more than the direct cost of copying, citing the recent *National Lawyer's Guild* (NLG) case.

The NLG case however, in fact supports the charges for the required actual use of the Sheriff's computer services personnel. Here are just several references to the opinion:

"(although the statute now specifies that in the case of electronic records, the "cost of duplication shall be limited to the direct cost of producing a copy of a record in an electronic format"). (§ 6253.9, subd. (a)(2).) But the statute provides an exception specific to electronic records: Notwithstanding the usual limitations on chargeable costs, "the requester shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record" if one of two conditions applies. (Id., subd. (b).) First, the requester must pay these additional costs if "the public agency would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals." (Id., subd. (b)(1).) Second, the requester must pay the costs if "[t]he request would require data compilation, extraction, or programming to produce the record."

. . .

"By contrast, NLG argues the term "extraction" refers, in context, to a process of retrieving responsive information from a government repository in order to produce the responsive information in a newly constructed record. On this narrower understanding produce the spreadsheet, but they would not include time spent redacting per personally identifiable or other confidential information from the spreadsheet once constructed."

. . .

"NLG's view aligns with this more technical usage of the term "extraction," as well as with the particular context in which the term appears in section 6253.9(b)(2). Understood in this more technical way, the term "extraction" conveys an idea unique to the production of electronic records. It generally refers to a particular technical process—a process of retrieving data from government data stores—when this process is "require[d]" (§ 6253.9(b)(2)) or "necessary to produce" a record suitable for public release (§ 6253.9(b))."

"In short, NLG's interpretation is more than supportable; it is the interpretation that more readily comports with the statutory text. Under that interpretation, section 6253.9(b)(2) permits the shifting of costs uniquely associated with the production of electronic record copies—including, as relevant here, the need to retrieve responsive data in order to produce a record that can be released to the public—but not the costs of redacting exempt information from the record. This interpretation fits with the typical usage of the term "data extraction," as well as with the usage of the term in related statutory provisions."

And

"In sum, the legislative history offers little support for Hayward's proposed interpretation of section 6253.9(b)(2)'s extraction costs provision as covering the costs of redacting electronic records. But it does clearly reflect other concerns, including the difficulties associated with retrieving responsive data from massive, potentially intractable databases. The language of section 6253.9(b)(2)—which permits charging requesters for the cost of "extract[ing]" data to produce or construct electronic records—is consistent

with that narrower focus.”

“Neither the text of section 6253.9 nor its history permits us to comprehensively catalog what types of processes will or will not qualify as “extraction” within the meaning of the statute, but they do provide some guideposts. As the legislative history makes clear, the term is designed to cover retrieving responsive data from an unproducible government database—.”

[NLG declined to discuss the “data compilation” prong].

A separate consideration, under further evaluation, is the reference to 6253 and “*or a statutory fee if applicable.*” This is the authority that an agency (County Board) may adopt an ordinance providing for a *statutory* fee under certain circumstances. See Gov. Code 54985, and 85 Cal. Op. Att’y Gen. 225 (2002). See also, *Requesting Public Records*, California Practice Guide: Administrative Law Ch. 29-G, [29:893] **Statutory fees**: Agencies may charge “a statutory fee if applicable” for public records. [Gov.C. § 6253(b)].

Further evaluation of this authority is necessary in order to determine whether and how it might factor into a future comprehensive policy in Fresno County.

Like I stated, Fresno like most other Counties in the State, must consider all lawful ways to help mitigate the incredible and real impact created by the increasing number, size and scope of requests for production of records. We believe that the Sheriff’s fee structure supports the fees for services described above and invoiced in response to your client’s request, and is lawful and reasonable as described. We believe it will be further clarified in the amended official fee schedule/ordinance for 2021.

With that, I also wanted to inquire whether it is possible for your client to review the current disclosures, particularly the photographs, and advise whether there is any ability to narrow or further define what types of photographs your client is interested in. For example, there may be certain types (possibly categories) of photographs that are little interest or value to your client. Using the recent disclosures as a sampling, perhaps your client can provide further clarification on this issue and we may be able to meaningfully avoid/reduce these charges.

Another option would be that your client physically come in and inspect a future production of photographs at the Office in Fresno upon notice, and take only the photographs it is interested in. This could also reduce the number of photos chosen.

As far as notice, I think it unlikely that any production of an SB1421 request would *not* exceed a nominal \$50 fee, even for simple copies, given the volume of information. If this is still an issue after the foregoing, please let me know and I can have the Sheriff’s Office review the disclosures exceeding this amount and hold off production pending notice to and response from your office.

I am advised that production is rolling as I write this Sarah, and you may have already received additional recent disclosures. Dan and I would be happy to schedule another phone conference with you in the future to discuss these matters after you have time to

review. I am also interested in your experience with other large counties and where you are dealing with similar issues.

For now though, we will continue to evaluate our amended fee schedule and work on getting you all of the disclosures per the PRA and your client's requests.

Once you have had a chance to review this and confirm you are receiving our disclosures, feel free to contact me. I am particularly interested in the issue of the photographs and look forward to your client's thoughts on the suggestions above.

Thanks again Sarah.

Sincerely,

Scott C. Hawkins

Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Suite 500
Fresno, CA 93721
Tel: 559-600-3457 | Fax: 559-600-3480



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EXHIBIT NN

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January 5, 2021

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Sarah.Lee@mto.com

VIA ELECTRONIC MAIL ONLY

Scott C. Hawkins
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Suite 500
Fresno, CA 93721
schawkins@fresnocountyca.gov

Re: **Follow-up regarding the ACLU's January 1, 2019 PRA Request**

Dear Scott:

Thank you for your email of December 29, 2020. We write to seek further clarification on the invoices the Fresno Sheriff's Office issued to the ACLU in connection with its January 1, 2019 request under the California Public Records Act ("PRA").

To date, the Sheriff's Office has issued invoices for charges totaling \$9,897.55. You state in your email that "the Sheriff's Office is suspending the right to receive pre-payment/payment on the current invoices." We understand this to mean that there is no outstanding balance that you are seeking to collect from the ACLU for the records produced to date. If this is incorrect, please clarify the amount you contend the ACLU should pay for the records and the basis for those charges.

The ACLU does not waive any right to dispute these charges, and reiterates its position that these charges are impermissible under the PRA. **You claim in your email that some of these**

Lieutenant Frances Devins
January 5, 2021
Page 2

costs may be for the “extraction” of electronic records, but the invoices do not refer to any costs of “extraction.” Nor does your email clarify what charges in the invoices are for “extraction” costs and what those activities include. It is difficult to imagine any permissible “extraction” costs here, as the *National Lawyers Guild* case, which you cite in your email, holds that “extraction” activities do not encompass “time spent searching for responsive records in an e-mail inbox or a computer’s documents folder” or “redacting exempt data from otherwise producible electronic records.” *Nat’l Lawyers Guild, San Francisco Bay Area Chapter v. City of Hayward*, 9 Cal. 5th 488, 506, 464 P.3d 594, 606–07 (2020).

You also cite to the reference to “a statutory fee” in California Government Code section 6253(b), but you provide no applicable statute that would provide a basis for these charges. It is therefore our understanding that there are no applicable statutes that would permit the charges imposed in the Sheriff’s Office’s invoices.

If we do not receive a response to this letter by **Friday, January 15, 2021**, we will assume that the Sheriff’s Office is withdrawing all of the charges in the invoices and will continue producing responsive documents as soon as possible, as required by the PRA. As we have informed you previously, the Sheriff’s Office’s failure to produce records or estimate a reasonable date and time when such records will be made available is in clear violation of the PRA. *See* Cal. Gov’t Code § 6253(c). The ACLU reserves all rights to judicially compel production of such records.

Please do not hesitate to contact me with any questions regarding this letter.

Very truly yours,



Sarah S. Lee

cc: Daniel C. Cederborg (dcederborg@fresnocountyca.gov)
Ryan Hushaw (ryan.hushaw@fresnosheriff.org)
Frances Devins (frances.devins@fresnosheriff.org)

EXHIBIT OO



Margaret Mims
Sheriff
Fresno County Sheriff's Office

January 25, 2021

DELIVERED VIA USPS

Munger, Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

RE: FSO PRA Request 19-29 Enforcement UOF Case 14-1772

Dear Ms. Lee,

Please find enclosed the thumb drive and the invoice related to the release of the following information as requested in the American Civil Liberties Union (ACLU) of Southern California's request dated January 1, 2019.

Invoice SO 17974 Enforcement UOF Case 14-1772 \$16.15

We are temporarily suspending our right to receive payment prior to the production of records per Government Code section 6253(b) and releasing the above listed information in expectation the enclosed invoice for our direct costs will be paid in full. We accept cash, Cashier's checks, Money Orders or Company checks. Please make your payment to Fresno County Sheriff's Office and include the Invoice Number on your check or money order.

For this case, we have released all reasonably segregable non-exempt information.

We did not provide the photos taken during this incident as they were taken by the Fresno Police Department I. Bureau Unit and we do not have them.

Sincerely,

Lieutenant Frances Devins
Public Records Act Commander
Fresno County Sheriff's Office
(559) 600-8617 Office
(559) 488-1899 Fax
frances.devins@fresnosherriff.org

Dedicated to Protect & Serve



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
12/7/2020	SO17974

ACLU of Southern California
C/O Munger Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, Ca. 90071

MAKE YOUR REMITTANCE PAYABLE TO
COUNTY OF FRESNO
AND SEND IT TO THE FOLLOWING ADDRESS
FRESNO COUNTY SHERIFF P.O. BOX 1788 FRESNO, CA 93717 BUSINESS OFFICE

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

FOR COUNTY USE ONLY					
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
Public Records Act Request #19-29					
Case #14-1772 Rev. v1					
Processing Fees	5800	31113265	32	0.10	3.20
Direct Cost for Reports	5800	31113265	0	3.00	0.00
	5800	31113265	0	13.00	0.00
Direct Cost of Photos					
Base Rate	5800	31113265	1	4.55	4.55
Media Costs					
Direct Cost of Jump Drive	5800	31113265	1	8.40	8.40
Delivery Cost					
Postage to Mail Priority Mail 2 Day Padded flat envelope					
-Notify Lt. Devins when payment is received					
*Rates are per current Fresno County Master Schedule of Fees					
TOTAL AMOUNT DUE					\$16.15

COPIES:	Original	Remittance	AR Control	AR File
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EXHIBIT PP



Margaret Mims
Sheriff
Fresno County Sheriff's Office

January 25, 2021

DELIVERED VIA USPS

Munger, Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

RE: FSO PRA Request 19-29 Enforcement UOF Case 14-6256

Dear Ms. Lee,

Please find enclosed the thumb drive and the invoice related to the release of the following information as requested in the American Civil Liberties Union (ACLU) of Southern California's request dated January 1, 2019.

Invoice SO 17978 (Revised) Enforcement UOF Case 14-6256 \$19.75

We are temporarily suspending our right to receive payment prior to the production of records per Government Code section 6253(b) and releasing the above listed information in expectation the enclosed revised invoice for our direct costs will be paid in full. All rates listed on the invoice are per the Fresno County Master Schedule of Fees (MSF) statutory authority. Photos will be invoiced upon approval of revised Master Schedule of Fees and are due and payable upon receipt.

We accept cash, Cashier's checks, Money Orders or Company checks.
Please make your payment to Fresno County Sheriff's Office and include the Invoice Number on your check or money order.

For this case, we have released all reasonably segregable non-exempt information.

Sincerely,

Lieutenant Frances Devins
Public Records Act Commander
Fresno County Sheriff's Office
(559) 600-8617 Office
(559) 488-1899 Fax
frances.devins@fresnosheriff.org

Dedicated to Protect & Serve



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
12/7/2020	SO17978

ACLU of Southern California
C/O Munger Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, Ca. 90071

MAKE YOUR REMITTANCE PAYABLE TO
COUNTY OF FRESNO
AND SEND IT TO THE FOLLOWING ADDRESS
FRESNO COUNTY SHERIFF P.O. BOX 1788 FRESNO, CA 93717 BUSINESS OFFICE

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

	FOR COUNTY USE ONLY				
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
Public Records Act Request #19-29 Case #14-6256 Rev. v1					
Processing Fees	5800	31113265	68	0.10	6.80
Direct Cost for Reports	5800	31113265	4	0.00	0.00
Direct Cost of Photos					
Media Costs	5800	31113265	1	4.55	4.55
Direct Cost of Jump Drive					
Delivery Cost					
Postage to Mail Priority Mail 2 Day Padded flat envelope	5800	31113265	1	8.40	8.40
-Notify Lt. Devins when payment is received *All rates are per current Fresno County Master Schedule of Fees (MSF) **All non-exempt photos for this case have been released ***Photos will be invoiced upon approval of revised MSF					
TOTAL AMOUNT DUE					\$19.75

COPIES:	Original	Remittance	AR Control	AR File
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EXHIBIT QQ



Margaret Mims
Sheriff
Fresno County Sheriff's Office

January 25, 2021

DELIVERED VIA USPS

Munger, Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

RE: FSO PRA Request 19-29 Enforcement UOF Case 16-3800

Dear Ms. Lee,

Please find enclosed the thumb drive and the invoice related to the release of the following information as requested in the American Civil Liberties Union (ACLU) of Southern California's request dated January 1, 2019.

Invoice SO 17984 (Revised) Enforcement UOF Case 16-3800 \$48.85

We are temporarily suspending our right to receive payment prior to the production of records per Government Code section 6253(b) and releasing the above listed information in expectation the enclosed revised invoice for our direct costs will be paid in full. All rates listed on the invoice are per the Fresno County Master Schedule of Fees (MSF) statutory authority. Photos will be invoiced upon approval of revised Master Schedule of Fees and will be due and payable upon receipt.

We accept cash, Cashier's checks, Money Orders or Company checks.
Please make your payment to Fresno County Sheriff's Office and include the Invoice Number on your check or money order.

For this case, we have released all reasonably segregable non-exempt information

We did not release the CHP H40 Aerial Video as it is exempt per GC 6254(c) and (k).

Sincerely,

Lieutenant Frances Devins
Public Records Act Commander
Fresno County Sheriff's Office
(559) 600-8617 Office
(559) 488-1899 Fax
frances.devins@fresnosherriff.org

Dedicated to Protect & Serve



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
12/9/2020	SO17984

ACLU of Southern California
C/O Munger Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

MAKE YOUR REMITTANCE PAYABLE TO
COUNTY OF FRESNO
AND SEND IT TO THE FOLLOWING ADDRESS
FRESNO COUNTY SHERIFF P.O. BOX 1788 FRESNO, CA 93717 BUSINESS OFFICE

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

		FOR COUNTY USE ONLY			
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
Public Records Act Request #19-29 Case #16-3800 Rev. v1					
PROCESSING FEES					
Direct Cost (PAGES)	5800	31113265	359	0.10	35.90
Direct Cost (PHOTOS)	5800	31113265	357	0.00	0.00
MEDIA COSTS					
Direct Cost (JUMP DRIVE)	5800	31113265	1	4.55	4.55
DELIVERY COST					
Postage to Mail Priority 2 Day Padded flat envelope	5800	31113265	1	8.40	8.40
-Notify Lt. Devins when payment is received					
TOTAL AMOUNT DUE					\$48.85

COPIES:	Original	Remittance	AR Control	AR File
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EXHIBIT RR



Margaret Mims
Sheriff
Fresno County Sheriff's Office

January 25, 2021

DELIVERED VIA USPS

Munger, Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

RE: FSO PRA Request 19-29 Enforcement UOF Case 16-11257

Dear Ms. Lee,

Please find enclosed the thumb drive and the invoice related to the release of the following information as requested in the American Civil Liberties Union (ACLU) of Southern California's request dated January 1, 2019.

Invoice SO 17985 (Revised) Enforcement UOF Case 15-5532 \$16.75

We are temporarily suspending our right to receive payment prior to the production of records per Government Code section 6253(b) and releasing the above listed information in expectation the enclosed revised invoice for our direct costs will be paid in full. All rates listed on the invoice are per the Fresno County Master Schedule of Fees (MSF) statutory authority. Photos will be invoiced upon approval of revised Master Schedule of Fees and will be due and payable upon receipt.

We accept cash, Cashier's checks, Money Orders or Company checks.
Please make your payment to Fresno County Sheriff's Office and include the Invoice Number on your check or money order.

For this case, we have released all reasonably segregable non-exempt information.

Sincerely,

Lieutenant Frances Devins
Public Records Act Commander
Fresno County Sheriff's Office
(559) 600-8617 Office
(559) 488-1899 Fax
frances.devins@fresnosheriff.org

Dedicated to Protect & Serve



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
12/9/2020	SO17985

ACLU of Southern California
C/O Munger Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

MAKE YOUR REMITTANCE PAYABLE TO
COUNTY OF FRESNO
AND SEND IT TO THE FOLLOWING ADDRESS
FRESNO COUNTY SHERIFF P.O. BOX 1788 FRESNO, CA 93717 BUSINESS OFFICE

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

	FOR COUNTY USE ONLY				
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
Public Records Act Request #19-29 Case #16-11257 Rev. v1					
PROCESSING FEES					
Direct Cost (PAGES)	5800	31113265	38	0.10	3.80
Direct Cost (PHOTOS)	5800	31113265	48	0.00	0.00
MEDIA COSTS					
Direct Cost (JUMP DRIVE)	5800	31113265	1	4.55	4.55
DELIVERY COST					
Postage to Mail Priority 2 Day Padded flat envelope	5800	31113265	1	8.40	8.40
-Notify Lt. Devins when payment is received					
TOTAL AMOUNT DUE					\$16.75

COPIES:	Original	Remittance	AR Control	AR File
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EXHIBIT SS



Margaret Mims
Sheriff
Fresno County Sheriff's Office

January 25, 2021

DELIVERED VIA USPS

Munger, Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

RE: FSO PRA Request 19-29 Enforcement UOF Case 15-406

Dear Ms. Lee,

Please find enclosed the thumb drive and the invoice related to the release of the following information as requested in the American Civil Liberties Union (ACLU) of Southern California's request dated January 1, 2019.

Invoice SO 17986 (Revised) Enforcement UOF Case 15-406 \$15.45

We are temporarily suspending our right to receive payment prior to the production of records per Government Code section 6253(b) and releasing the above listed information in expectation the enclosed revised invoice for our direct costs will be paid in full. All rates listed on the invoice are per the Fresno County Master Schedule of Fees (MSF) statutory authority. Photos will be invoiced upon approval of revised Master Schedule of Fees and will be due and payable upon receipt.

We accept cash, Cashier's checks, Money Orders or Company checks.
Please make your payment to Fresno County Sheriff's Office and include the Invoice Number on your check or money order.

For this case, we have released all reasonably segregable non-exempt information.

Sincerely,

Lieutenant Frances Devins
Public Records Act Commander
Fresno County Sheriff's Office
(559) 600-8617 Office
(559) 488-1899 Fax
frances.devins@fresnosheriff.org

Dedicated to Protect & Serve



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
12/9/2020	SO17986

ACLU of Southern California
C/O Munger Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

MAKE YOUR REMITTANCE PAYABLE TO
COUNTY OF FRESNO
AND SEND IT TO THE FOLLOWING ADDRESS
FRESNO COUNTY SHERIFF P.O. BOX 1788 FRESNO, CA 93717 BUSINESS OFFICE

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

	FOR COUNTY USE ONLY				
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
Public Records Act Request #19-29 Case #15-406 Rev. v1					
PROCESSING FEES					
Direct Cost (PAGES)	5800	31113265	25	0.10	2.50
Direct Cost (PHOTOS)	5800	31113265	20	0.00	0.00
MEDIA COSTS					
Direct Cost (JUMP DRIVE)	5800	31113265	1	4.55	4.55
DELIVERY COST					
Postage to Mail Priority 2 Day Padded flat envelope	5800	31113265	1	8.40	8.40
-Notify Lt. Devins when payment is received					
TOTAL AMOUNT DUE					\$15.45

COPIES:	Original	Remittance	AR Control	AR File
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EXHIBIT TT



Margaret Mims
Sheriff
Fresno County Sheriff's Office

January 25, 2021

DELIVERED VIA USPS

Munger, Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

RE: FSO PRA Request 19-29 Enforcement UOF Case 15-5532

Dear Ms. Lee,

Please find enclosed the thumb drive and the invoice related to the release of the following information as requested in the American Civil Liberties Union (ACLU) of Southern California's request dated January 1, 2019.

Invoice SO 17987 (Revised) Enforcement UOF Case 15-5532 \$16.15

We are temporarily suspending our right to receive payment prior to the production of records per Government Code section 6253(b) and releasing the above listed information in expectation the enclosed revised invoice for our direct costs will be paid in full. All rates listed on the invoice are per the Fresno County Master Schedule of Fees (MSF) statutory authority. Photos will be invoiced upon approval of revised Master Schedule of Fees and will be due and payable upon receipt.

We accept cash, Cashier's checks, Money Orders or Company checks.
Please make your payment to Fresno County Sheriff's Office and include the Invoice Number on your check or money order.

For this case, we have released all reasonably segregable non-exempt information.

Sincerely,

Lieutenant Frances Devins
Public Records Act Commander
Fresno County Sheriff's Office
(559) 600-8617 Office
(559) 488-1899 Fax
frances.devins@fresnosherriff.org

Dedicated to Protect & Serve



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
12/9/2020	SO17987

ACLU of Southern California
C/O Munger Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

MAKE YOUR REMITTANCE PAYABLE TO
COUNTY OF FRESNO
AND SEND IT TO THE FOLLOWING ADDRESS
FRESNO COUNTY SHERIFF P.O. BOX 1788 FRESNO, CA 93717 BUSINESS OFFICE

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

	FOR COUNTY USE ONLY				
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
Public Records Act Request #19-29 Case #15-5532 Rev. v1					
PROCESSING FEES					
Direct Cost (PAGES)	5800	31113265	32	0.10	3.20
Direct Cost (PHOTOS)	5800	31113265	32	0.00	0.00
MEDIA COSTS					
Direct Cost (JUMP DRIVE)	5800	31113265	1	4.55	4.55
DELIVERY COST					
Postage to Mail Priority 2 Day Padded flat envelope	5800	31113265	1	8.40	8.40
-Notify Lt. Devins when payment is received					
TOTAL AMOUNT DUE				\$16.15	

COPIES: Original Remittance AR Control AR File

EXHIBIT UU



Margaret Mims
Sheriff
Fresno County Sheriff's Office

January 25, 2021

DELIVERED VIA USPS

Munger, Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

RE: FSO PRA Request 19-29 Enforcement UOF Case 15-13405

Dear Ms. Lee,

Please find enclosed the thumb drive and the invoice related to the release of the following information as requested in the American Civil Liberties Union (ACLU) of Southern California's request dated January 1, 2019.

Invoice SO 17988 (Revised) Enforcement UOF Case 15-13405 \$17.05

We are temporarily suspending our right to receive payment prior to the production of records per Government Code section 6253(b) and releasing the above listed information in expectation the enclosed revised invoice for our direct costs will be paid in full. All rates listed on the invoice are per the Fresno County Master Schedule of Fees (MSF) statutory authority. Photos will be invoiced upon approval of revised Master Schedule of Fees and will be due and payable upon receipt.

We accept cash, Cashier's checks, Money Orders or Company checks.
Please make your payment to Fresno County Sheriff's Office and include the Invoice Number on your check or money order.

For this case, we have released all reasonably segregable non-exempt information.

Sincerely,

Lieutenant Frances Devins
Public Records Act Commander
Fresno County Sheriff's Office
(559) 600-8617 Office
(559) 488-1899 Fax
frances.devins@fresnosheriff.org

Dedicated to Protect & Serve



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
12/9/2020	SO17988

ACLU of Southern California
C/O Munger Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

MAKE YOUR REMITTANCE PAYABLE TO
COUNTY OF FRESNO
AND SEND IT TO THE FOLLOWING ADDRESS
FRESNO COUNTY SHERIFF P.O. BOX 1788 FRESNO, CA 93717 BUSINESS OFFICE

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

FOR COUNTY USE ONLY					
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
Public Records Act Request #19-29 Case #15-13405 Rev. v1					
PROCESSING FEES					
Direct Cost (PAGES)	5800	31113265	41	0.10	4.10
Direct Cost (PHOTOS)	5800	31113265	51	0.00	0.00
MEDIA COSTS					
Direct Cost (JUMP DRIVE)	5800	31113265	1	4.55	4.55
DELIVERY COST					
Postage to Mail Priority 2 Day Padded flat envelope	5800	31113265	1	8.40	8.40
-Notify Lt. Devins when payment is received					
TOTAL AMOUNT DUE				\$17.05	

COPIES:	Original	Remittance	AR Control	AR File
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EXHIBIT VV



Margaret Mims
Sheriff
Fresno County Sheriff's Office

January 25, 2021

DELIVERED VIA USPS

Munger, Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

RE: FSO PRA Request 19-29 Enforcement UOF Case 17-1387

Dear Ms. Lee,

Please find enclosed the thumb drive and the invoice related to the release of the following information as requested in the American Civil Liberties Union (ACLU) of Southern California's request dated January 1, 2019.

Invoice SO 17989 (Revised) Enforcement UOF Case 17-1387 \$14.45

We are temporarily suspending our right to receive payment prior to the production of records per Government Code section 6253(b) and releasing the above listed information in expectation the enclosed revised invoice for our direct costs will be paid in full. All rates listed on the invoice are per the Fresno County Master Schedule of Fees (MSF) statutory authority. Photos will be invoiced upon approval of revised Master Schedule of Fees and will be due and payable upon receipt.

We accept cash, Cashier's checks, Money Orders or Company checks.
Please make your payment to Fresno County Sheriff's Office and include the Invoice Number on your check or money order.

For this case, we have released all reasonably segregable non-exempt information.

Sincerely,

Lieutenant Frances Devins
Public Records Act Commander
Fresno County Sheriff's Office
(559) 600-8617 Office
(559) 488-1899 Fax
frances.devins@fresnosheriff.org

Dedicated to Protect & Serve



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
12/9/2020	SO17989

MAKE YOUR REMITTANCE PAYABLE TO
COUNTY OF FRESNO
AND SEND IT TO THE FOLLOWING ADDRESS
FRESNO COUNTY SHERIFF P.O. BOX 1788 FRESNO, CA 93717 BUSINESS OFFICE

ACLU of Southern California
C/O Munger Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

FOR COUNTY USE ONLY					
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
Public Records Act Request #19-29 Case #17-1387 Rev. v1					
PROCESSING FEES					
Direct Cost (PAGES)	5800	31113265	15	0.10	1.50
Direct Cost (PHOTOS)	5800	31113265	27	0.00	0.00
MEDIA COSTS					
Direct Cost (JUMP DRIVE)	5800	31113265	1	4.55	4.55
DELIVERY COST					
Postage to Mail Priority 2 Day Padded flat envelope	5800	31113265	1	8.40	8.40
-Notify Lt. Devins when payment is received					
TOTAL AMOUNT DUE					\$14.45

COPIES:	Original	Remittance	AR Control	AR File
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EXHIBIT WW



Margaret Mims
Sheriff
Fresno County Sheriff's Office

January 25, 2021

DELIVERED VIA USPS

Munger, Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

RE: FSO PRA Request 19-29 Enforcement UOF Case 17-2816

Dear Ms. Lee,

Please find enclosed the thumb drive and the invoice related to the release of the following information as requested in the American Civil Liberties Union (ACLU) of Southern California's request dated January 1, 2019.

Invoice SO 17990 (Revised) Enforcement UOF Case 17-2816 \$14.85

We are temporarily suspending our right to receive payment prior to the production of records per Government Code section 6253(b) and releasing the above listed information in expectation the enclosed revised invoice for our direct costs will be paid in full. All rates listed on the invoice are per the Fresno County Master Schedule of Fees (MSF) statutory authority. Photos will be invoiced upon approval of revised Master Schedule of Fees and will be due and payable upon receipt.

We accept cash, Cashier's checks, Money Orders or Company checks.
Please make your payment to Fresno County Sheriff's Office and include the Invoice Number on your check or money order.

For this case, we have released all reasonably segregable non-exempt information.

Sincerely,

Lieutenant Frances Devins
Public Records Act Commander
Fresno County Sheriff's Office
(559) 600-8617 Office
(559) 488-1899 Fax
frances.devins@fresnosherriff.org

Dedicated to Protect & Serve



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
12/9/2020	SO17990

ACLU of Southern California
C/O Munger Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

MAKE YOUR REMITTANCE PAYABLE TO
COUNTY OF FRESNO
AND SEND IT TO THE FOLLOWING ADDRESS
FRESNO COUNTY SHERIFF P.O. BOX 1788 FRESNO, CA 93717 BUSINESS OFFICE

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

FOR COUNTY USE ONLY					
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
Public Records Act Request #19-29 Case #17-2816 Rev. v1					
PROCESSING FEES					
Direct Cost (PAGES)	5800	31113265	19	0.10	1.90
Direct Cost (PHOTOS)	5800	31113265	3	0.00	0.00
MEDIA COSTS					
Direct Cost (JUMP DRIVE)	5800	31113265	1	4.55	4.55
DELIVERY COST					
Postage to Mail Priority 2 Day Padded flat envelope	5800	31113265	1	8.40	8.40
-Notify Lt. Devins when payment is received					
TOTAL AMOUNT DUE					\$14.85

COPIES:	Original	Remittance	AR Control	AR File
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EXHIBIT XX



Margaret Mims
Sheriff
Fresno County Sheriff's Office

January 25, 2021

DELIVERED VIA USPS

Munger, Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

RE: FSO PRA Request 19-29 Enforcement UOF Case 18-8147

Dear Ms. Lee,

Please find enclosed the thumb drive and the invoice related to the release of the following information as requested in the American Civil Liberties Union (ACLU) of Southern California's request dated January 1, 2019.

Invoice SO 17992 (Revised) Enforcement UOF Case 18-8147 \$13.85

We are temporarily suspending our right to receive payment prior to the production of records per Government Code section 6253(b) and releasing the above listed information in expectation the enclosed revised invoice for our direct costs will be paid in full. All rates listed on the invoice are per the Fresno County Master Schedule of Fees (MSF) statutory authority. Photos will be invoiced upon approval of revised Master Schedule of Fees and will be due and payable upon receipt.

We accept cash, Cashier's checks, Money Orders or Company checks.
Please make your payment to Fresno County Sheriff's Office and include the Invoice Number on your check or money order.

For this case, we have released all reasonably segregable non-exempt information.

Sincerely,

Lieutenant Frances Devins
Public Records Act Commander
Fresno County Sheriff's Office
(559) 600-8617 Office
(559) 488-1899 Fax
frances.devins@fresnosheriff.org

Dedicated to Protect & Serve



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
12/8/2020	SO17992

ACLU of Southern California
C/O Munger Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

MAKE YOUR REMITTANCE PAYABLE TO
COUNTY OF FRESNO
AND SEND IT TO THE FOLLOWING ADDRESS
FRESNO COUNTY SHERIFF P.O. BOX 1788 FRESNO, CA 93717 BUSINESS OFFICE

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

FOR COUNTY USE ONLY					
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
Public Records Act Request #19-29 Case #18-8147 Rev. v1					
PROCESSING FEES					
Direct Cost (PAGES)	5800	31113265	9	0.10	0.90
Direct Cost (PHOTOS)	5800	31113265	10	0.00	0.00
MEDIA COSTS					
Direct Cost (JUMP DRIVE)	5800	31113265	1	4.55	4.55
DELIVERY COST					
Postage to Mail Priority 2 Day Padded flat envelope	5800	31113265	1	8.40	8.40
-Notify Lt. Devins when payment is received					
TOTAL AMOUNT DUE					\$13.85

COPIES:	Original	Remittance	AR Control	AR File
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EXHIBIT YY



Margaret Mims
Sheriff
Fresno County Sheriff's Office

January 25, 2021

DELIVERED VIA USPS

Munger, Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

RE: FSO PRA Request 19-29 Enforcement UOF Case 18-11014

Dear Ms. Lee,

Please find enclosed the thumb drive and the invoice related to the release of the following information as requested in the American Civil Liberties Union (ACLU) of Southern California's request dated January 1, 2019.

Invoice SO 17993 (Revised) Enforcement UOF Case 18-11014 \$17.85

We are temporarily suspending our right to receive payment prior to the production of records per Government Code section 6253(b) and releasing the above listed information in expectation the enclosed revised invoice for our direct costs will be paid in full. All rates listed on the invoice are per the Fresno County Master Schedule of Fees (MSF) statutory authority. Photos will be invoiced upon approval of revised Master Schedule of Fees and will be due and payable upon receipt.

We accept cash, Cashier's checks, Money Orders or Company checks.
Please make your payment to Fresno County Sheriff's Office and include the Invoice Number on your check or money order.

For this case, we have released all reasonably segregable non-exempt information.

Sincerely,

Lieutenant Frances Devins
Public Records Act Commander
Fresno County Sheriff's Office
(559) 600-8617 Office
(559) 488-1899 Fax
frances.devins@fresnosherriff.org

Dedicated to Protect & Serve



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
12/9/2020	SO17993

ACLU of Southern California
C/O Munger Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

MAKE YOUR REMITTANCE PAYABLE TO
COUNTY OF FRESNO
AND SEND IT TO THE FOLLOWING ADDRESS
FRESNO COUNTY SHERIFF P.O. BOX 1788 FRESNO, CA 93717 BUSINESS OFFICE

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

	FOR COUNTY USE ONLY				
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
Public Records Act Request #19-29 Case #18-11014 Rev. v1					
PROCESSING FEES					
Direct Cost (PAGES)	5800	31113265	49	0.10	4.90
Direct Cost (PHOTOS)	5800	31113265	103	0.00	0.00
MEDIA COSTS					
Direct Cost (JUMP DRIVE)	5800	31113265	1	4.55	4.55
DELIVERY COST					
Postage to Mail Priority 2 Day Padded flat envelope	5800	31113265	1	8.40	8.40
-Notify Lt. Devins when payment is received					
TOTAL AMOUNT DUE					\$17.85

COPIES: Original Remittance AR Control AR File

EXHIBIT *ZZ*



Margaret Mims
Sheriff
Fresno County Sheriff's Office

January 25, 2021

DELIVERED VIA USPS

Munger, Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

RE: FSO PRA Request 19-29 Enforcement UOF Case 18-11767

Dear Ms. Lee,

Please find enclosed the thumb drive and the invoice related to the release of the following information as requested in the American Civil Liberties Union (ACLU) of Southern California's request dated January 1, 2019.

Invoice SO 17994 (Revised) Enforcement UOF Case 18-11767 \$22.85

We are temporarily suspending our right to receive payment prior to the production of records per Government Code section 6253(b) and releasing the above listed information in expectation the enclosed revised invoice for our direct costs will be paid in full. All rates listed on the invoice are per the Fresno County Master Schedule of Fees (MSF) statutory authority. Photos will be invoiced upon approval of revised Master Schedule of Fees and will be due and payable upon receipt.

We accept cash, Cashier's checks, Money Orders or Company checks.
Please make your payment to Fresno County Sheriff's Office and include the Invoice Number on your check or money order.

For this case, we have released all reasonably segregable non-exempt information.

Sincerely,

Lieutenant Frances Devins
Public Records Act Commander
Fresno County Sheriff's Office
(559) 600-8617 Office
(559) 488-1899 Fax
frances.devins@fresnosheriff.org

Dedicated to Protect & Serve



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
12/10/2020	SO17994

MAKE YOUR REMITTANCE PAYABLE TO

COUNTY OF FRESNO

AND SEND IT TO THE FOLLOWING ADDRESS

FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717

BUSINESS OFFICE

ACLU of Southern California
C/O Munger Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

	FOR COUNTY USE ONLY				
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
Public Records Act Request #19-29 Case #18-11767 Rev. v1					
PROCESSING FEES					
Direct Cost (PAGES)	5800	31113265	99	0.10	9.90
Direct Cost (PHOTOS)	5800	31113265	77	0.00	0.00
MEDIA COSTS					
Direct Cost (JUMP DRIVE)	5800	31113265	1	4.55	4.55
DELIVERY COST					
Postage to Mail Priority 2 Day Padded flat envelope	5800	31113265	1	8.40	8.40
-Notify Lt. Devins when payment is received					
TOTAL AMOUNT DUE					\$22.85

COPIES: Original Remittance AR Control AR File

EXHIBIT AAA



Margaret Mims
Sheriff
Fresno County Sheriff's Office

February 2, 2021

DELIVERED VIA EMAIL AND USPS

Munger, Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

RE: FSO PRA Request 19-29 Enforcement UOF Case 14-5785

Dear Ms. Lee,

Please find enclosed the revised invoice related to the release of the following information as requested in the American Civil Liberties Union (ACLU) of Southern California's request dated January 1, 2019.

Invoice SO 17918 (Revised) Enforcement UOF Case 14-5785 \$63.05

We temporarily suspended our right to receive payment prior to the production of records per Government Code section 6253(b) and released the above listed information in expectation the enclosed revised invoice for our direct costs will be paid in full. All rates listed on the invoice are per the Fresno County Master Schedule of Fees (MSF) statutory authority. Photos will be invoiced upon approval of revised Master Schedule of Fees and will be due and payable upon receipt.

We accept cash, Cashier's checks, Money Orders or Company checks. Please make your payment to Fresno County Sheriff's Office and include the Invoice Number on your check or money order.

Sincerely,

Lieutenant Frances Devins
Public Records Act Commander
Fresno County Sheriff's Office
(559) 600-8617 Office
(559) 488-1899 Fax
frances.devins@fresnosherriff.org

Dedicated to Protect & Serve



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
11/16/2020	SO17918

ACLU of Southern California
C/O Munger Tolles & Olsen LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, Ca. 90071

MAKE YOUR REMITTANCE PAYABLE TO
COUNTY OF FRESNO
AND SEND IT TO THE FOLLOWING ADDRESS
FRESNO COUNTY SHERIFF P.O. BOX 1788 FRESNO, CA 93717 BUSINESS OFFICE

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

FOR COUNTY USE ONLY					
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
Public Records Act Request #19-29 Case 14-5785 Rev. v1 Processing Fees Direct Cost for Reports	5800	31113265	501	0.10	50.10
Direct Cost of Photos	5800	31113265	490	0.00	0.00
Media Costs Direct Cost of Jump Drive	5800	31113265	1	4.55	4.55
Delivery Cost Postage to Mail Priority Mail 2 Day Padded flat envelope	5800	31113265	1	8.40	8.40
All rates are per current Fresno County Master Schedule of Fees (MSF). All non-exempt photos for this case have been released. Photos will be invoiced upon approval of revised MSF and are due and payable upon receipt. -Notify Lt. Devins when payment is received					
TOTAL AMOUNT DUE					\$63.05

COPIES:	Original	Remittance	AR Control	AR File
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EXHIBIT BBB



Margaret Mims
Sheriff
Fresno County Sheriff's Office

February 2, 2021

DELIVERED VIA EMAIL AND USPS

Munger, Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

RE: FSO PRA Request 19-29 Enforcement UOF Case 14-16103

Dear Ms. Lee,

Please find enclosed the revised invoice related to the release of the following information as requested in the American Civil Liberties Union (ACLU) of Southern California's request dated January 1, 2019.

Invoice SO 17919 (Revised) Enforcement UOF Case 14-16103 \$31.55

We temporarily suspended our right to receive payment prior to the production of records per Government Code section 6253(b) and released the above listed information in expectation the enclosed revised invoice for our direct costs will be paid in full. All rates listed on the invoice are per the Fresno County Master Schedule of Fees (MSF) statutory authority. Photos will be invoiced upon approval of revised Master Schedule of Fees and will be due and payable upon receipt.

We accept cash, Cashier's checks, Money Orders or Company checks. Please make your payment to Fresno County Sheriff's Office and include the Invoice Number on your check or money order.

Sincerely,

Lieutenant Frances Devins
Public Records Act Commander
Fresno County Sheriff's Office
(559) 600-8617 Office
(559) 488-1899 Fax
frances.devins@fresnosherriff.org

Dedicated to Protect & Serve



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
11/16/2020	SO17919

ACLU of Southern California
C/O Munger Tolles & Olsen LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, Ca. 90071

MAKE YOUR REMITTANCE PAYABLE TO
COUNTY OF FRESNO
AND SEND IT TO THE FOLLOWING ADDRESS
FRESNO COUNTY SHERIFF P.O. BOX 1788 FRESNO, CA 93717 BUSINESS OFFICE

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

	FOR COUNTY USE ONLY				
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
Public Records Act Request #19-29 Case 14-16103 Rev. v1 Processing Fees Direct Cost for Reports	5800	31113265	186	0.10	18.60
Direct Cost of Photos	5800	31113265	307	0.00	0.00
Media Costs Direct Cost of Jump Drive	5800	31113265	1	4.55	4.55
Delivery Cost Postage to Mail Priority Mail 2 Day Padded flat envelope All rates are per current Fresno County Master Schedule of Fees (MSF). All non-exempt photos for this case have been released. Photos will be invoiced upon approval of revised MSF and are due and payable upon receipt. -Notify Lt. Devins when payment is received	5800	31113265	1	8.40	8.40
TOTAL AMOUNT DUE					\$31.55

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EXHIBIT CCC



Margaret Mims
Sheriff
Fresno County Sheriff's Office

February 2, 2021

DELIVERED VIA EMAIL AND USPS

Munger, Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

RE: FSO PRA Request 19-29 Enforcement UOF Case 14-4953

Dear Ms. Lee,

Please find enclosed the revised invoice related to the release of the following information as requested in the American Civil Liberties Union (ACLU) of Southern California's request dated January 1, 2019.

Invoice SO 17920 (Revised) Enforcement UOF Case 14-4953 \$17.25

We temporarily suspended our right to receive payment prior to the production of records per Government Code section 6253(b) and released the above listed information in expectation the enclosed revised invoice for our direct costs will be paid in full. All rates listed on the invoice are per the Fresno County Master Schedule of Fees (MSF) statutory authority. Photos will be invoiced upon approval of revised Master Schedule of Fees and will be due and payable upon receipt.

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Sincerely,

Lieutenant Frances Devins
Public Records Act Commander
Fresno County Sheriff's Office
(559) 600-8617 Office
(559) 488-1899 Fax
frances.devins@fresnosheriff.org

Dedicated to Protect & Serve



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
11/16/2020	SO17920

MAKE YOUR REMITTANCE PAYABLE TO

COUNTY OF FRESNO

AND SEND IT TO THE FOLLOWING ADDRESS

FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717

BUSINESS OFFICE

ACLU of Southern California
C/O Munger Tolles & Olsen LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, Ca. 90071

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

	FOR COUNTY USE ONLY				
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
Public Records Act Request #19-29 Case 14-4953 Rev. v1 Processing Fees Direct Cost for Reports	5800	31113265	43	0.10	4.30
Direct Cost of Photos	5800	31113265	33		0.00
Media Costs Direct Cost of Jump Drive	5800	31113265	1	4.55	4.55
Delivery Cost Postage to Mail Priority Mail 2 Day Padded flat envelope	5800	31113265	1	8.40	8.40
All rates are per current Fresno County Master Schedule of Fees (MSF). All non-exempt photos for this case have been released. Photos will be invoiced upon approval of revised MSF and are due and payable upon receipt. -Notify Lt. Devins when payment is received					
TOTAL AMOUNT DUE					\$17.25

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EXHIBIT DDD



Margaret Mims
Sheriff
Fresno County Sheriff's Office

February 2, 2021

DELIVERED VIA EMAIL AND USPS

Munger, Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

RE: FSO PRA Request 19-29 Enforcement UOF Case 14-6291

Dear Ms. Lee,

Please find enclosed the revised invoice related to the release of the following information as requested in the American Civil Liberties Union (ACLU) of Southern California's request dated January 1, 2019.

Invoice SO 17921 (Revised) Enforcement UOF Case 14-6291 \$63.25

We temporarily suspended our right to receive payment prior to the production of records per Government Code section 6253(b) and released the above listed information in expectation the enclosed revised invoice for our direct costs will be paid in full. All rates listed on the invoice are per the Fresno County Master Schedule of Fees (MSF) statutory authority. Photos will be invoiced upon approval of revised Master Schedule of Fees and will be due and payable upon receipt.

We accept cash, Cashier's checks, Money Orders or Company checks. Please make your payment to Fresno County Sheriff's Office and include the Invoice Number on your check or money order.

Sincerely,

Lieutenant Frances Devins
Public Records Act Commander
Fresno County Sheriff's Office
(559) 600-8617 Office
(559) 488-1899 Fax
frances.devins@fresnosherriff.org

Dedicated to Protect & Serve



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
11/16/2020	SO17921

ACLU of Southern California
C/O Munger Tolles & Olsen LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, Ca. 90071

MAKE YOUR REMITTANCE PAYABLE TO
COUNTY OF FRESNO
AND SEND IT TO THE FOLLOWING ADDRESS
FRESNO COUNTY SHERIFF P.O. BOX 1788 FRESNO, CA 93717 BUSINESS OFFICE

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

	FOR COUNTY USE ONLY				
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
Public Records Act Request #19-29 Case 14-6291 Rev. v1 Processing Fees Direct Cost for Reports	5800	31113265	503	0.10	50.30
Direct Cost of Photos	5800	31113265	414		0.00
Media Costs Direct Cost of Jump Drive	5800	31113265	1	4.55	4.55
Delivery Cost Postage to Mail Priority Mail 2 Day Padded flat envelope	5800	31113265	1	8.40	8.40
All rates are per current Fresno County Master Schedule of Fees (MSF). All non-exempt photos for this case have been released. Photos will be invoiced upon approval of revised MSF and are due and payable upon receipt. -Notify Lt. Devins when payment is received					
TOTAL AMOUNT DUE					\$63.25

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EXHIBIT EEE



Margaret Mims
Sheriff
Fresno County Sheriff's Office

February 2, 2021

DELIVERED VIA EMAIL AND USPS

Munger, Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

RE: FSO PRA Request 19-29 Enforcement UOF Case 14-18866

Dear Ms. Lee,

Please find enclosed the revised invoice related to the release of the following information as requested in the American Civil Liberties Union (ACLU) of Southern California's request dated January 1, 2019.

Invoice SO 17934 (Revised) Enforcement UOF Case 14-18866 \$32.05

We temporarily suspended our right to receive payment prior to the production of records per Government Code section 6253(b) and released the above listed information in expectation the enclosed revised invoice for our direct costs will be paid in full. All rates listed on the invoice are per the Fresno County Master Schedule of Fees (MSF) statutory authority. Photos will be invoiced upon approval of revised Master Schedule of Fees and will be due and payable upon receipt.

We accept cash, Cashier's checks, Money Orders or Company checks. Please make your payment to Fresno County Sheriff's Office and include the Invoice Number on your check or money order.

Sincerely,

Lieutenant Frances Devins
Public Records Act Commander
Fresno County Sheriff's Office
(559) 600-8617 Office
(559) 488-1899 Fax
frances.devins@fresnosheriff.org

Dedicated to Protect & Serve



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
11/25/2020	SO17934

ACLU of Southern California
C/O Munger Tolles & Olsen LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, Ca. 90071

MAKE YOUR REMITTANCE PAYABLE TO
COUNTY OF FRESNO
AND SEND IT TO THE FOLLOWING ADDRESS
FRESNO COUNTY SHERIFF P.O. BOX 1788 FRESNO, CA 93717 BUSINESS OFFICE

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

FOR COUNTY USE ONLY					
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
Public Records Act Request #19-29 Case #14-18866 Rev. v1 Processing Fees Direct Cost for Reports	5800	31113265	191	0.10	19.10
Direct Cost of Photos	5800	31113265	145		0.00
Media Costs Direct Cost of Jump Drive	5800	31113265	1	4.55	4.55
Delivery Cost Postage to Mail Priority Mail 2 Day Padded flat envelope	5800	31113265	1	8.40	8.40
All rates are per current Fresno County Master Schedule of Fees (MSF). All non-exempt photos for this case have been released. Photos will be invoiced upon approval of revised MSF and are due and payable upon receipt. -Notify Lt. Devins when payment is received					
TOTAL AMOUNT DUE					\$32.05

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EXHIBIT FFF



Margaret Mims
Sheriff
Fresno County Sheriff's Office

February 2, 2021

DELIVERED VIA EMAIL AND USPS

Munger, Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, CA 90071

RE: FSO PRA Request 19-29 Enforcement UOF Case 15-9337

Dear Ms. Lee,

Please find enclosed the revised invoice related to the release of the following information as requested in the American Civil Liberties Union (ACLU) of Southern California's request dated January 1, 2019.

Invoice SO 17966 (Revised) Enforcement UOF Case 15-9337 \$41.75

We temporarily suspended our right to receive payment prior to the production of records per Government Code section 6253(b) and released the above listed information in expectation the enclosed revised invoice for our direct costs will be paid in full. All rates listed on the invoice are per the Fresno County Master Schedule of Fees (MSF) statutory authority. Photos will be invoiced upon approval of revised Master Schedule of Fees and will be due and payable upon receipt.

We accept cash, Cashier's checks, Money Orders or Company checks. Please make your payment to Fresno County Sheriff's Office and include the Invoice Number on your check or money order.

Sincerely,

Lieutenant Frances Devins
Public Records Act Commander
Fresno County Sheriff's Office
(559) 600-8617 Office
(559) 488-1899 Fax
frances.devins@fresnosherriff.org

Dedicated to Protect & Serve



FRESNO COUNTY SHERIFF
P.O. BOX 1788
FRESNO, CA 93717
BUSINESS OFFICE
(559) 600-8100

Invoice

INVOICE DATE	INVOICE NUMBER
12/3/2020	SO17966

ACLU of Southern California
C/O Munger Tolles & Olson LLP
ATTN: Sarah Lee
350 South Grand Avenue
Los Angeles, Ca. 90071

MAKE YOUR REMITTANCE PAYABLE TO
COUNTY OF FRESNO
AND SEND IT TO THE FOLLOWING ADDRESS
FRESNO COUNTY SHERIFF P.O. BOX 1788 FRESNO, CA 93717 BUSINESS OFFICE

PLEASE INCLUDE THE INVOICE NUMBER ON YOUR CHECK OR MONEY ORDER. THANK YOU.

	FOR COUNTY USE ONLY				
DESCRIPTION	ACCOUNT	ORG	QTY	RATE	AMOUNT
Public Records Act Request #19-29 Case #15-9337 Rev. v1 Processing Fees Direct Cost for Reports	5800	31113265	288	0.10	28.80
Direct Cost of Photos	5800	31113265	363		0.00
Media Costs Direct Cost of Jump Drive	5800	31113265	1	4.55	4.55
Delivery Cost Postage to Mail Priority Mail 2 Day Padded flat envelope All rates are per current Fresno County Master Schedule of Fees (MSF). All non-exempt photos for this case have been released. Photos will be invoiced upon approval of revised MSF and are due and payable upon receipt.	5800	31113265	1	8.40	8.40
-Notify Lt. Devins when payment is received					
TOTAL AMOUNT DUE					\$41.75

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