



October 29, 2012

**Via US Mail and facsimile**

Gabriella Raymond  
Deputy County Counsel  
1229 Oak Street,  
Suite 450  
Oakland, CA 94612-4296  
FAX: 510 272 5020

Re: Public Records Act Request

Dear Ms. Raymond:

I write in regard to our letter of October 26, 2012 in response to my Public Records Act Request dated October 11, 2012 and which you state was received in your office on or about October 16, 2012.

You stated that the Alameda County Sheriff's Office (ACSO) "does have public records responsive to some of [my] requests," but that you would not be providing those documents already identified as responsive until ACSO first provides a cost estimate, which will not occur until possibly the end of next week, November 9, 2012, and my office thereafter provides payment. By delaying a cost estimate until 14 days from the date of your letter, and production until sometime thereafter, ACSO is unduly delaying its substantive response to my Public Records Act request. But the Act states that agencies "upon a request for a copy of records that reasonably describes an identifiable record or records, *shall* make the records *promptly* available." Cal. Gov. Code §6253(b) (emphasis added). ACSO's interest in acquiring a drone has been the topic of substantial media coverage. Members of the community are interested in introducing the issue of drones into the upcoming November 6, 2012 election. It is therefore essential that ACSO promptly produce all responsive records located to date at once. *See Powers v. City of Richmond*, 10 Cal.4<sup>th</sup> 85, 118 (1995) (George, J., concurring) (legislature intended "disclosure of public information at a time when the material was still newsworthy"); *Wilder v. Super. Ct.*, 66 Cal.App.4<sup>th</sup> 77, 84 (1998) ("the timeliness of disclosure often is of crucial importance"). The public is entitled to know about the Sheriff's reasons for acquiring a drone, cost estimates, and proposed safeguards before any decisions are made to acquire drones and while the topic is still prominent in the public eye.

*Ms. Raymond*  
*Page 2*

Second, you asked for clarification of the term “other forms of aerial surveillance.” This term is intended to refer to any unmanned aerial system, including both unmanned aerial vehicles, flown either remotely or autonomously, and the corresponding control equipment required to operate any such vehicles. The request does not seek information about aerial surveillance conducted with helicopters.

In sum, please provide me with the records you have already identified on a rolling basis, and as soon as possible. Please do not delay production until after you have identified records responsive to the portion of my request as to which you requested clarification and which I have provided in this letter. I would be happy to discuss any aspect of my initial request or this follow-up letter by telephone. I can be reached at 415 621 2493.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Linda Lye", with a stylized flourish at the end.

Linda Lye  
Staff Attorney  
ACLU of Northern California