**FAC Sample Public Records Act request seeking information about police conduct accessible under Senate Bill 1421**

Date

Name and title **[of the official/agency with custody of the records]**

Name of   
Agency

Address

RE: Public Records Act Request

Dear \_\_\_\_\_\_\_\_\_\_\_,

I am requesting access to records in possession or control of the **[insert government entity]** pursuant to the California Public Records Act, Government Code section 6250 et seq., Article I, section 3(b) of the California Constitution, and California Penal Code sections 832.7 and 832.8.  The specific records I seek are listed below. As used herein, “records” includes “public records” and “writings” as those terms are defined at Government Code section 6252(e) & (g), and includes but is not limited by the items set forth in Penal Code section 832.7(b)(2).

**[If you are seeking records about a specific officer and/or incident, name the officer and/or describe that incident as precisely as possible]**

**[If you are seeking records about a certain category of incident, you can use one or more of the following:**

1. **Incidents involving the discharge of a firearm at a person by a peace officer or custodial officer;**
2. **Incidents in which the use of force by a peace officer or custodial officer against a person resulted in death or great bodily injury;**
3. **Incidents in which there was a sustained finding of dishonesty by any peace officer or custodial officer;**
4. **Incidents in which there was a sustained finding of sexual assault by a peace officer or custodial officer involving a member of the public]**

If you contend that any portion of the records requested is exempt from disclosure by express provisions of law, Government Code § 6253(a) requires segregation and redaction of that material in order that the remainder of the records may be released. If you contend that any express provision of law exists to exempt from disclosure all or a portion of the records I have requested, Government Code § 6253(c) requires that you notify me of the reasons for the determination not later than 10 days from your receipt of this request. Government Code §§ 6253(d) & 6255(b) require that any response to this request that includes a determination that the request is denied, in whole or in part, must be in writing and include the name and title of the person(s) responsible for the City’s response.

Government Code § 6253(d) prohibits the use of the 10-day period, or any provisions of the CPRA or any other law, “to delay access for purposes of inspecting public records.”

In responding to this request, please keep in mind that Article 1, § 3(b)(2) of the California Constitution expressly requires you to broadly construe all provisions that further the public’s right of access, and to apply any limitations on access as narrowly as possible.

If I can provide any clarification that will help expedite your attention to my request, please contact me at **[provide phone or email address],** pursuant to Government Code § 6253.1.

Because I **[explain any role in the incident at issue — e.g., if you are a relative of an individual harmed, etc -- or if you represent a nonprofit public interest organization that intends to distribute this information]** I 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). In any event, to the extent records responsive to my request include audio or video recordings, chargeable fees for such recordings are limited to “direct costs of duplication,” and cannot include time spent reviewing or redacting any recordings that are covered by my request. *Nat'l Lawyers Guild v. City of Hayward*, 9 Cal. 5th 488, 506-507 (2020). Finally, I ask that you notify me of any duplication costs exceeding $**xx** before you duplicate the records so that I may decide which records I want copied.

Thank you for your timely attention to this matter.

Sincerely,

**[NAME]**

*Last updated September 2020*