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VIA EMAIL

Mandy Kamphoefner
Legal Advisor
San Diego County Sheriff's Department
9621 Ridgeway Court
San Diego, CA 92123
Email: Amanda.Kamphoefner@sdsheriff.org

Re: [Records Center] Public Records Request: S001525-071222

Dear Ms. Kamphoefner:

I am writing in response to your message, dated August 29, 2022, which addressed the First Amendment Coalition's letter regarding a public records request by activist Tasha Williamson concerning Sheriff's Department case number 19165673.

As you may recall, on July 12, 2022, Ms. Williamson asked the San Diego County Sheriff's Department to disclose:

all reports, internal correspondence, patrol deputies BWC regarding December 21, 2019 DUI checkpoint detention of Black minors and subsequent arrest of the drivers Black father who came to pick him up! Deputies tased the father hitting a light in his pocket which caused him to ignite in flames. Deputies proceeded to stomp the father's body with their boots to put the fire out.

In our letter to you, dated August 17, 2022, we noted that the harm caused to Mr. Joe Young, the father in Ms. Williamson's request, represented "great bodily injury," which required disclosure of records related to the incident as requested by Ms. Williamson. (Gov. Code § 6254(f)(4); Pen. Code § 832.7(b)(1)(A)(ii), (b)(3)).

In your response to our request, you stated that, "The San Diego County Sheriff's Department defines great bodily injury as a significant or substantial physical injury, including, but not limited to, a bodily injury that involves a substantial risk of death, prolonged unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of a bodily member or organ." You stated that this definition was in accordance with Penal Code section 12022.7(f) and, "Per the Department's records, Mr. Young did not sustain great bodily injury."

As reflected in records we have since obtained from County Counsel, the injuries of Mr. Young fall under the statutory and case law definition of bodily injury described in our letter of August 17, making the records disclosable.

On October 6, 2021, Mr. Young was deposed by the Office of County Counsel as part of an action arising from the incident at issue. (*Joe Young v. County of San Diego*, No. 20-cv-02441-H-AHG (S.D. Cal)). We have attached a copy of his deposition as Exhibit A. In the deposition, Mr. Young outlined the injuries he sustained as a result of force used by deputy sheriffs. Among the injuries was “[a] scar – a mark on [his] face that’s still there to this day.” (Ex. A at 184). Mr. Young described the scarring as “[a] black mark from banging – from [the officers] banging [his] head on the pavement,” and a separate “black mark on [another] side [of his head] ... from the incident.” These injuries were still present during the deposition, as County Counsel referred to the marks on Mr. Young’s face throughout questioning.

Further, Mr. Young testified to other injuries including a burn on his right thigh that lasted about two weeks, nose injuries with pain lasting nearly two months, abrasions and bruises on his back, stomach, arms, hands, and the back of his head. (Ex. A at 189). Mr. Young also testified that these abrasions were, “cuts, like gashes... [his] skin was off in these sections.” (Ex. A at 190.)

In addition, Sergeant Joseph Jarjura was deposed on November 15, 2021 as a Rule 30(b)(6) witness on behalf of the County and testified to use of tasers on Mr. Young based on his review of records about the incident, including body camera videos. A copy of his deposition is attached as Exhibit B. Sergeant Jarjura testified that tasers were deployed on Mr. Young three times within “14 to 21 seconds.” (Ex. B at 44). Two cartridge deployments consisted of “probes” and the third taser consisted of a “dry stun mode, which is where the [t]aser itself actually makes physical contact with the subject instead of the probes.” (Ex. B at 41). Mr. Jarjura further testified that there were “knee strikes,” “body weight,” and “foot strikes or kicks” used on Mr. Young. (Ex. B at 46).

Based on Mr. Young’s deposition outlining his injuries, and Sergeant Jarjura’s testimony on the use of force on Mr. Young, Mr. Young’s injuries constitute great bodily injury under Penal Code section 12022.7(f), making the records associated with case number 19165673 disclosable. (Gov. Code § 6254(f)(4); Pen. Code § 832.7(b)(1)(A)(ii), (b)(3)). Further, the scarring of Mr. Young’s face in two separate areas constitutes protracted and obvious disfigurement as described in your message.

The California Public Records Act requires any “local agency” to disclose non-exempt public records on request. Gov. Code § 6253(b). The term “local agency” includes any “county.” Gov. Code § 6252(a). Therefore, the County as a whole is responsible for responding to Ms. Williamson’s request, and the response to her request must be based on all information available to the County. Based on the deposition testimony in Mr. Young’s lawsuit, the County and thus the Sheriff’s Department are on notice of facts establishing that he sustained great bodily injury as a result of actions by deputy sheriffs, making the County and Sheriff’s Department obligated to disclose the requested records.

We again respectfully urge disclosure of all records requested in connection with case number 19165673. We appreciate your attention to this matter and welcome any questions you may have.

Very truly yours,

FIRST AMENDMENT COALITION



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