



David Loy, Legal Director
dloy@firstamendmentcoalition.org
Direct: 1.619.701.3993

October 24, 2025

VIA ELECTRONIC MAIL

Christian Curtis
City Attorney
City of Redding
777 Cypress Ave., 3rd floor
Redding, CA 96001
Email: attorney@cityofredding.gov

Re: Shasta Scout request for public records

Dear Mr. Curtis:

I represent Shasta Scout, which submitted a request for public records to the City of Redding that was denied on September 8, 2025. For your convenience, I attach a copy of the request and the letter denying the request. I write to inform the City that the denial likely violated the California Public Records Act ("CPRA") and the City is exposed to litigation resulting in a substantial attorney fee award if the records are not immediately disclosed.

Shasta Scout requested the following records:

All body-worn camera footage capturing the arrest of Daniel Maher and his transportation to the jail on June 28, 2025. Ray Maready, Dylan Johnson, and Joseph Lensing were the officers on site. Maher suffered broken ribs as a result of his arrest, resulting in "bodily injury" that would meet the standard of the public's right to access these records.

As [reported by Shasta Scout](#), the City's police chief emailed that "the officers' body-worn cameras were turned on during the arrest, writing that the footage 'shows Maher was resisting the officer and was taken down to the ground to gain control – both at the car and at the jail.'"

The City withheld the requested footage, citing the investigatory records exemption found in Government Code section 7923.600. For the following reasons, the City's assertion of that exemption is unfounded, and the denial of Shasta Scout's request violated the CPRA.

According to A.B. 748, "a video or audio recording that relates to a critical incident" must be disclosed on request except for limited delays in circumstances that do not apply to this case. Gov't Code § 7923.625. In relevant part, "a video or audio recording relates to a critical incident if it depicts ... [a]n incident in which the use of force by a peace officer ... against a person resulted in ... great bodily injury." Govt. Code § 7923.625(e)(2).

As a result of A.B. 748, public agencies may not assert the investigatory records exemption to withhold recordings of critical incidents. *Sacramento Television Stations Inc. v. Superior Ct.*, 111 Cal. App. 5th 984, 997 (2025).

As reported by Shasta Scout, Mr. Maher suffered two rib fractures, which were documented in medical records after his release from jail. It appears the force used on Mr. Maher caused the rib fractures. In a CPRA lawsuit, the City would have the burden to prove otherwise, because the City has the burden to justify withholding public records. Gov't Code § 7922.000; *Long Beach Police Officers Ass'n v. City of Long Beach*, 59 Cal. 4th 59, 70 (2014); *ACLU of N. Cal. v. Superior Ct.*, 202 Cal. App. 4th 55, 82 (2011).

Accordingly, unless the City can prove otherwise, the records requested by Shasta Scout must be disclosed immediately because they depict “[a]n incident in which the use of force by a peace officer ... against a person resulted in ... great bodily injury.” Govt. Code § 7923.625(e)(2). The statute contains no requirement that the force was excessive or unlawful. Regardless of whether the force was lawful or within police department policy, the requested records must be disclosed if the use of force resulted in great bodily injury.

Although A.B. 748 does not define “great bodily injury,” the Legislature has done so elsewhere, deeming it to be any “significant or substantial injury.” Penal Code § 12022.7(f). The Legislature incorporated that definition into A.B. 748. A court must presume “the Legislature intended that similar phrases be accorded the same meaning, particularly if the terms have been construed by judicial decision.” *People v. Wells*, 12 Cal. 4th 979, 986 (1996) (cleaned up). When “a term has developed a particular meaning in the law, we generally presume the legislative body used the term in that sense.” *In re Friend*, 11 Cal. 5th 720, 730 (2021).

As construed by the courts, great bodily injury does not require “‘permanent,’ ‘prolonged’ or ‘protracted’ disfigurement, impairment, or loss of bodily function.” *People v. Escobar*, 3 Cal. 4th 740, 750 (1992); see also, e.g., *People v. Saez*, 237 Cal. App. 4th 1177, 1188 (2015) (great bodily injury “need not be permanent or cause lasting bodily damage”).

Mr. Maher’s two rib fractures amounted to great bodily injury. See *People v. Johnson*, 104 Cal. App. 3d 598, 609 (1980) (“It is common knowledge that a bone fracture is not merely a transitory bodily distress, but a severe and protracted injury which causes significant pain and requires considerable time to heal.”). Two broken ribs is not a minor matter such as a small hairline fracture that conceivably might not be great bodily injury.

Indeed, even injuries less severe than broken ribs, such as lacerations, bruises, or abrasions, can be great bodily injury. See, e.g., *People v. Washington*, 210 Cal. App. 4th 1042, 1047–48 (2012) (noting “some physical pain or damage, such as lacerations, bruises, or abrasions” can qualify as great bodily injury); *People v. Jung*, 71 Cal. App. 4th 1036, 1042 (1999) (“Abrasions, lacerations, and bruising can constitute great bodily injury.”).

Accordingly, the force used against Mr. Maher resulted in great bodily injury, and the recordings depicting his arrest must be disclosed immediately. Nothing in A.B. 748 justifies any continued delay in disclosure.

First, the mere fact of any active prosecution against Mr. Maher does not justify withholding the recordings. *Sacramento Television Stations*, 111 Cal. App. 5th at 1000–02.

Second, if the police department is conducting an “administrative investigation” into the use of force on Mr. Maher, as reported by Shasta Scout, disclosure of the recordings would not “substantially interfere with the investigation,” such as “by endangering the safety of a witness or a confidential source.” Gov’t Code § 7923.625(a)(1)–(2).

Mr. Maher was arrested almost four months ago. An internal investigation into use of force during an arrest involves routine steps such as review of body camera footage and incident reports, as well as perhaps interviews with the officers involved. There is no reason to believe that disclosure of the requested recordings would endanger any witnesses or sources in a routine internal investigation of an incident occurring several months ago.

Indeed, the City appeared to recognize that disclosure would not substantially interfere with any investigation into the force used on Mr. Maher because it failed to adhere to the statutory requirements for asserting otherwise. The City did not give Shasta Scout an “estimated date for disclosure” or state in writing the “specific basis” for any reason to believe that “disclosure would substantially interfere with the investigation” or that any “interest in preventing interference with an active investigation outweighs the public interest in disclosure.” Gov’t Code § 7923.625(a)(1)–(2). Accordingly, the City may not plausibly contend that withholding the requested recordings is necessary to prevent substantial interference with any ongoing investigation into the force used on Mr. Maher.

For the foregoing reasons, the requested recordings should be disclosed to Shasta Scout immediately. Failure to disclose the recordings exposes the City to litigation to compel disclosure, which is likely to result in a substantial attorney fee award under the CPRA.

All rights are reserved; this letter may not present all applicable claims or arguments.

Please let me know if you have any questions. I am available to discuss this matter at any mutually convenient time.

Sincerely,

FIRST AMENDMENT COALITION



David Loy
Legal Director