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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SOLANO  
10

11 VALLEJO SUN LLC,

12 Petitioner,

13 v.

14 CITY OF VALLEJO,

15 Respondent.  
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Case No. CU25-10261

**MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF  
MOTION FOR JUDGMENT GRANTING  
PETITION FOR DECLARATORY  
RELIEF AND WRIT OF MANDATE**

Date: April 29, 2026  
Time: 10:00 a.m.  
Dept: 3  
Judge: Hon. Stephen Gizzi

Action filed: November 5, 2025

**ELECTRONICALLY FILED**  
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County of Solano  
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1 **I. INTRODUCTION**

2 This case seeks to enforce petitioner Vallejo Sun LLC's ("petitioner" or "the *Sun*") and the  
3 public's right of access to video recordings related to the shooting of Alex Schumann by officers  
4 of respondent City of Vallejo's ("respondent" or "the City") police department under, among other  
5 laws, Assembly Bill 748, which is codified at Government Code section 7923.625 ("AB 748").

6 The shooting in question took place on August 29, 2025. That evening, the City received  
7 multiple 911 calls about Mr. Schumann, including one from a caller who reported that Mr.  
8 Schumann had said he wanted police officers to shoot him. The City dispatched police officers to  
9 the area. Whether and to what extent the City informed these officers of Mr. Schumann's reported  
10 desire to be shot in a police encounter and, if so, what steps officers took in response is not clear  
11 from the limited records and information the City has disclosed to date. (See Declaration of Scott  
12 Morris in Support of Motion for Judgment ("Morris Decl.") ¶¶ 8-10.) Regardless, when officers  
13 encountered Mr. Schumann, the situation quickly became violent. Mr. Schumann stood up and  
14 aimed a pellet gun wrapped in black tape at the officers, who then shot him, wounding but not  
15 killing him.

16 The *Sun* has covered extensively and is continuing to investigate the shooting.<sup>1</sup> To shed  
17 more light on what happened, the *Sun* made a Public Records Act request to the City for video  
18 recordings related to the shooting, citing AB 748. (See Morris Decl., Ex. A [requesting "any video  
19 of the officer-involved shooting on Aug. 29 under AB 748"].) Enacted in 2018, AB 748 provides  
20 that recordings related to the most serious "critical incidents" – incidents "involving the discharge  
21 of a firearm at a person" by a peace officer, Gov. Code § 7923.625(e)(1), and incidents "in which  
22 the use of force by a peace officer or custodial officer against a person resulted in death or in great  
23 bodily injury," Gov. Code § 7923.625(e)(2) – must be disclosed particularly promptly and  
24 completely. (See *Sac. Television Stations, Inc. v. Superior Court* (2025) 111 Cal.App.5th 984, 997

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25 <sup>1</sup> (Scott Morris, *Vallejo police shoot man allegedly holding pellet gun* (Vallejo Sun Aug. 30,  
26 2025), <https://www.vallejosun.com/vallejo-police-shoot-man-allegedly-holding-pellet-gun/>; Scott  
27 Morris, *Vallejo police identify officers who shot man allegedly holding pellet gun* (Vallejo Sun  
28 Sept. 5, 2025), [https://www.vallejosun.com/vallejo-police-identify-officers-who-shot-man-](https://www.vallejosun.com/vallejo-police-identify-officers-who-shot-man-allegedly-holding-pellet-gun/)  
[allegedly-holding-pellet-gun/](https://www.vallejosun.com/vallejo-police-identify-officers-who-shot-man-allegedly-holding-pellet-gun/); Sebastien K. Bridonneau, *Vallejo Police reveal details of Aug. 29*  
*police shooting* (Vallejo Sun Sept. 12, 2025), [https://www.vallejosun.com/vallejo-police-reveal-](https://www.vallejosun.com/vallejo-police-reveal-details-of-aug-29-police-shooting/)  
[details-of-aug-29-police-shooting/](https://www.vallejosun.com/vallejo-police-reveal-details-of-aug-29-police-shooting/).)

1 [discussing enactment of AB 748].) Under AB 748, recordings related to covered critical incidents  
2 “may be withheld *only*” to the extent that its narrow delay or redaction provisions apply. (Gov.  
3 Code § 7923.625 [emphasis added].) These provisions state, *inter alia*, that an agency may not  
4 delay the disclosure of recordings related to covered critical incidents for more than forty-five (45)  
5 days except to the extent that it can prove that disclosure would “substantially interfere” with an  
6 “active criminal or administrative investigation.” (Gov. Code § 7923.625(a).)

7       Rather than complying with AB 748, however, the City denied the *Sun*’s request in full  
8 (except as to some previously disclosed redacted, partial recordings) based on Penal Code section  
9 832.7(b)(8)(B), a delay provision in Senate Bill 1421 (“SB 1421”), a separate statute. The City  
10 contends that this SB 1421 provision allows it to delay disclosing the AB 748 recordings that the  
11 *Sun* seeks until a verdict is returned on the criminal charges against Mr. Schumann or he enters a  
12 plea that becomes final.

13       The City’s claim that SB 1421’s criminal proceeding delay provision, Pen. Code §  
14 832.7(b)(8)(B), allows it to delay disclosing critical incident recordings covered by AB 748 is  
15 incorrect. The plain language of AB 748, its legislative history, recent case law interpreting it, see  
16 *Sac. Television Stations Inc.*, *supra*, 111 Cal.App.5th at p. 1000, multiple canons of statutory  
17 construction, and the requirement in Article I, section 3(b) of the California Constitution that  
18 statutes be construed in favor of access make clear that AB 748’s disclosure requirements are  
19 mandatory and cannot be displaced by a delay provision of a different statute.

20       For these reasons and the reasons below, the *Sun*’s petition should be granted.

## 21 **II. STATEMENT OF FACTS**

22       On September 11, 2025, the City held a Town Hall Community Meeting (the “Meeting”)  
23 regarding Mr. Schumann’s shooting at which it played redacted excerpts of selected audio and  
24 video recordings of the incident.<sup>2</sup> (See Verified Petition for Declaratory Relief and Writ of  
25 Mandate (“Petition”) ¶ 24; Declaration of Aaron R. Field in Support of Motion for Judgment  
26 (“Field Decl.”), Ex. B, F.) The City later published a video of the Meeting on its website, at

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27 <sup>2</sup> At the Meeting, the City played recordings of 911 calls. (Morris Decl. ¶ 4; Petition ¶ 25.) It also  
28 played a selection of excerpts of redacted video footage, including some body camera and dash  
camera footage. (*Ibid.*)

1 <https://vallejoca.portal.civicclerk.com/event/7585/media>, where it remains publicly available  
2 today. (Petition ¶ 24.)

3 It appears from City press releases about the shooting and the recordings it played at the  
4 Meeting that on August 29, 2025, the City received multiple 911 calls reporting that a person in  
5 apparent distress was clinging to the hood of a moving vehicle and vandalizing other vehicles near  
6 an apartment complex in Vallejo. (Morris Decl. ¶¶ 3-4; Field Decl. ¶ 2 & Ex. E-F.) The 911 callers  
7 reported that Mr. Schumann was “a crazy person,” that he had “made a comment that he wanted  
8 the police to shoot him” earlier that day, and that he was “shooting a gun outside.” (Morris Decl. ¶  
9 10; Petition ¶ 16.)

10 At approximately 6:01 pm, multiple officers arrived and encountered Mr. Schumann in the  
11 passenger seat of an SUV. (*Id.* ¶ 3 & Ex. E-F; Petition ¶ 17.) When officers approached, he stood  
12 up and pointed a pellet gun at them that resembled a firearm. (Petition ¶¶ 17-18; Field Decl., Ex.  
13 B.) As he turned away from the officers and began to raise his hands while still holding the object,  
14 the officers opened fire and hit him in the upper and lower body. (Petition ¶ 18.)

15 In addition to the two officers who fired at Mr. Schumann, see Field Decl., Ex. F [press  
16 release identifying the officers who discharged their firearms at Mr. Schuman], at least four other  
17 officers were present at the scene. (Petition ¶ 19.) Mr. Schumann survived, but he was wounded in  
18 the back, hip, and foot. (Petition ¶ 20.) The Solano County District Attorney’s office filed criminal  
19 charges against him arising from this incident. (*Ibid.*)

20 The City did not disclose all video and audio recordings related to Schumann’s shooting,  
21 either at the Meeting or afterward. (Morris Decl. ¶ 5; Petition ¶ 26.) The City did not disclose dash  
22 camera video footage from a Vallejo police patrol vehicle that followed the vehicle which carried  
23 the officers who shot Schumann, either at the Meeting or afterward, which may depict the  
24 shooting from a different angle. (Morris Decl. ¶ 6; Petition ¶ 27.) The video footage played at the  
25 Meeting blurs the faces of officers involved in the incident who did not shoot at Schumann.  
26 (Morris Decl. ¶ 7; Petition ¶ 28.)

27 The video footage that the City has disclosed to date is insufficient to allow the press and  
28 the public to fully understand the incident. (Morris Decl. ¶ 8.) For example, the selection of

1 redacted audio and video recordings disclosed at the Meeting left unclear what, if anything,  
2 officers had done to de-escalate the situation. (*Id.* ¶ 9.) At the Meeting, Mr. Schumann’s father  
3 asked about this, and a police spokesperson responded that officers had made “multiple attempts”  
4 to de-escalate and had “staged at the scene” and “contacted each other just to make sure that we  
5 had enough officers there in case.” (*Ibid.*) However, recordings played at the Meeting do not  
6 reflect any such information. (*Ibid.*)

7         The recordings played at the Meeting also left ambiguous what officers were told about  
8 Mr. Schumann before they arrived at the scene. (Morris Decl. ¶ 10.) 911 call recordings that the  
9 City played at the Meeting revealed that callers had told the City before the shooting that Mr.  
10 Schumann was “a crazy person,” that he had “made a comment that he wanted the police to shoot  
11 him” and that he was “shooting a gun outside.” (*Ibid.*) Yet, according to the City, this information  
12 may not have reached responding police officers. (*Ibid.*) At the Meeting, Deputy Vallejo Police  
13 Department Chief Robert Knight stated, “City Officers attempted to gather additional information  
14 by contacting a witness via telephone, as well as checking whether Schumann had any firearms  
15 registered to him” but, “[b]ased upon what we know at this stage of the investigation, we do not  
16 believe the officers had any information that the subject was armed with a firearm.” (*Ibid.*)

17         To further the *Sun*’s reporting on the shooting, on September 5, 2025, on behalf of the *Sun*,  
18 Scott Morris made a Public Records Act to the City for “any video of the officer-involved  
19 shooting on Aug. 29 under AB 748.” The City denominated the request as Request No. 25-1048  
20 (“Request”). (Morris Decl. ¶ 11 & Ex. A.)

21         On September 15, 2025, the City denied the Request in its entirety, stating, “Pursuant to  
22 Penal Code Section 832.7(b)(8)(A), the City is not releasing the requested records as there is an  
23 active criminal investigation and the District Attorney’s Office has not yet determined whether to  
24 file criminal charges against any involved officer. Public interest in delaying disclosure of the  
25 requested information clearly outweighs the public interest in disclosure because disclosure of the  
26 requested information would interfere with any potential criminal enforcement proceeding.  
27 The City expects to provide a response to your request on October 28, 2025.” (Morris Decl. ¶ 12  
28 & Ex. A.) Mr. Morris responded that the City had screened video footage at the Meeting and had

1 waived any exemptions with respect to footage it had already disclosed. (Morris Decl. ¶ 13 & Ex.  
2 B.) The City replied with a link to its video of the Meeting. (*Ibid.*)

3 On October 28, 2025, the City restated its denial of the Request, but no longer relied on a  
4 pending criminal investigation to support its position. (Morris Decl. ¶ 14 & Ex. C.) Instead, it  
5 stated, “The City has released all records that are currently subject to public disclosure. The  
6 remainder of the requested records remain exempt as the filing of criminal charges is yet to be  
7 resolved in this matter. Therefore, the information in this case is exempt from disclosure pursuant  
8 to Penal Code § 832.7(b)(8)(B).” (*Ibid.*)

9 After receiving the City’s second letter denying its Request based on a delay provision in  
10 Penal Code section 832.7(b) rather than Government Code section 7923.625, the *Sun* filed this  
11 lawsuit.

### 12 **III. ARGUMENT**

#### 13 **A. THE REQUESTED RECORDS ARE PRESUMPTIVELY PUBLIC, AND THE CITY BEARS** 14 **THE BURDEN OF PROVING THAT ANY DELAY PROVISION OR EXEMPTION APPLIES**

15 The Public Records Act, Gov. Code § 7920.000 *et seq.*, Article I, section 3(b) of the  
16 California Constitution, AB 748, Gov. Code § 7923.625, Senate Bills 1421 and 16, Pen. Code §  
17 832.7(b), and other laws that require transparency in government serve public policy purposes that  
18 are fundamental to our system of government. “Openness in government is essential to the  
19 functioning of a democracy.” (*International Federation of Professional & Technical Engineers,*  
20 *Local 21, AFL-CIO v. Superior Court* (“*IFPTE*”) (2007) 42 Cal.4th 319, 328.) “Implicit in the  
21 democratic process is the notion that government should be accountable for its actions. In order to  
22 verify accountability, individuals must have access to government files.” (*CBS, Inc. v. Block*  
23 (1986) 42 Cal.3d 646, 651.)

24 Transparency is particularly important with respect to serious uses of force by law  
25 enforcement officers. “Given the extraordinary authority with which they are entrusted, the need  
26 for transparency, accountability and public access to information is particularly acute when the  
27 information sought involves the conduct of police officers.” (*Pasadena Police Officers Assn. v.*  
28 *Superior Court* (2015) 240 Cal.App.4th 268, 283.) “In order to maintain trust in its police

1 department, the public must be kept fully informed of the activities of its peace officers.” (*Com. on*  
2 *Peace Officer Stds. & Training v. Superior Court* (2007) 42 Cal.4th 278, 297 [citation and  
3 quotation marks omitted]; accord. *Long Beach Police Officers Assn. v. City of Long Beach* (2014)  
4 59 Cal.4th 59, 74 [“In a case such as this one, which concerns officer-involved shootings, the  
5 public’s interest in the conduct of its peace officers is particularly great because such shootings  
6 often lead to severe injury or death.”].)

7       The Public Records Act, Gov. Code § 7920.000 *et seq.*, advances these public interests by  
8 “establish[ing] a basic rule requiring disclosure of public records upon request. [. . .] In general, it  
9 creates ‘a presumptive right of access to any record created or maintained by a public agency that  
10 relates in any way to the business of the public agency.’ ” (*City of San Jose v. Superior Court*  
11 (2017) 2 Cal.5th 608, 616 [citations omitted, italics in original]; see also *Pasadena Police Officers*  
12 *Assn., supra*, 240 Cal.App.4th at p. 288 [records related to uses of force by peace officers are  
13 public records].) “Every such record ‘must be disclosed unless a statutory exception is shown.’ ”  
14 (*Ibid.*; accord. *Sierra Club v. Superior Court* (2013) 57 Cal.4th 157, 166 [all public records are  
15 subject to disclosure unless the Legislature has expressly provided to the contrary.”] [citations and  
16 quotation marks omitted].) Article I, section 3(b) of the California Constitution confirms and  
17 enshrines the right of access to public records and supplements it with a rule of statutory  
18 construction that should guide the Court’s analysis here: It provides that any statute, court rule, or  
19 other authority must be construed in favor of access. (Cal. Const., art. I, § 3(b)(1)-(2).)

20       To sustain any withholding of public records in litigation, the City, as the proponent of  
21 nondisclosure, bears the burden of justifying its withholdings by proving that one or more  
22 statutory exemptions apply. (*IFPTE, supra*, 42 Cal.4th at pp. 328-29; Gov. Code § 7922.000;  
23 Evid. Code § 500; see also, e.g., *Cal. State Univ. Fresno v. Superior Court* (“*CSU Fresno*”) (2001)  
24 90 Cal.App.4th 810, 831, 835.) To do so, when relevant to an asserted exemption, the City “must  
25 describe each document or portion thereof withheld, and for each withholding it must discuss the  
26 consequences of disclosing the sought-after information.” (*ACLU of N. Cal. v. Superior Court*  
27 (2011) 202 Cal.App.4th 55, 83 [internal citations and quotation marks omitted].) “Conclusory or  
28 boilerplate assertions that merely recite statutory standards are not sufficient” to justify non-

1 disclosure. (*Ibid.*) The presumption of access means that “on the facts,” “doubtful cases must  
2 always be resolved in favor of disclosure.” (*Essick v. County of Sonoma* (2022) 81 Cal.App.5th  
3 941, 950.)

4 **B. THE REQUESTED RECORDS MUST BE DISCLOSED UNDER AB 748, AND THE**  
5 **CITY’S CONTENTION TO THE CONTRARY BASED ON A PROVISION OF SB 1421 AND**  
6 **THE PENDENCY OF A RELATED CRIMINAL CASE SHOULD BE REJECTED.**

7 Contrary to the City, Penal Code section 832.7(b)(8)(B) does not allow a public agency to  
8 withhold critical incident recordings covered by AB 748 based solely on the pendency of a related  
9 criminal case. The City’s contention to the contrary is inconsistent with the plain language of AB  
10 748, the legislative history of AB 748, multiple canons of construction, and Article I, section  
11 3(b)(2) of the California Constitution. It is also inconsistent with the Court of Appeal’s rejection  
12 of an attempt to delay disclosing critical incident recordings under AB 748 based on the pendency  
13 of a related criminal proceeding in *Sac. Television Stations Inc.*, *supra*, 111 Cal.App.5th at p.  
14 1000.

15 The City’s position requires the Court to consider two 2018 California police records  
16 disclosure laws that govern separate, if sometimes overlapping,<sup>3</sup> records: Government Code  
17 section 7923.625 (created by AB 748) and Penal Code section 832.7(b) (created by SB 1421 and  
18 modified by SB 16).

19 First, California enacted AB 748, which created a statutory framework that governs and  
20 requires the prompt and proactive disclosure of video and audio recordings related to two of the  
21 most serious kinds of “critical incident” involving peace officers: incidents involving the  
22 discharge of a firearm at a person and incidents involving uses of force that result in great bodily  
23 injury or death. (Gov. Code § 7923.625(e)(1)-(2).) AB 748 provides that “a video or audio  
24 recording that relates to” either of these kinds of incident “may be withheld *only*” under one of the  
25 limited justifications for doing so set forth elsewhere in the law. (Gov. Code § 7923.625 [emphasis  
26 added].)

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27 <sup>3</sup> Body camera video recordings are generally not “personnel records” under Penal Code section  
28 832.7(a). “[T]he information contained in the initial incident reports of an on-duty shooting are  
typically not ‘personnel records.’” (*Long Beach Police Officers Assn.*, *supra*, 59 Cal. 4th at p. 71.)  
The same is true for the video footage related to Mr. Schumann’s shooting that is at issue here.

1 The Court of Appeal in *Sacramento Television Stations Inc.*, *supra*, 111 Cal.App.5th at p.  
2 997, contextualized AB 748 as follows:

3 Before Assembly Bill No. 748, public agencies generally could decline to release  
4 body camera footage by invoking a CPRA exemption for law enforcement  
5 investigatory records. (See former § 6254, subd. (f); *Castañares v. Superior Court*  
6 (2023) 98 Cal.App.5th 295, 305–306 & fn. 7 [316 Cal.Rptr.3d 422] [video footage  
7 that is part of an investigatory file exempt from disclosure]; *Becerra v. Superior*  
8 *Court* (2020) 44 Cal.App.5th 897, 914 [257 Cal. Rptr. 3d 897] (Becerra) [“law  
9 enforcement investigatory files were, until recently, categorically exempted from  
10 the CPRA's general requirement of disclosure”]; Sen. Com. on Judiciary, Analysis  
11 of Assem. Bill No. 748 (2017–2018 Reg. Sess.) as amended June 14, 2018, p. 9  
12 [“This bill would require the disclosure of certain audio or visual records that a law  
13 enforcement agency would otherwise be able to withhold under the investigatory  
14 exemption”].)

15 Assembly Bill No. 748 limited the scope of this “investigatory exemption” by  
16 “provid[ing] specific guidelines to govern the disclosure ... of certain ... recordings  
17 held by law enforcement.” (Assem. Com. on Privacy and Consumer Protection,  
18 Analysis of Assem. Bill No. 748, *supra*, p. 5.)[n.11]

19 Subdivision (a) of AB 748 places strict limits on delays in disclosing covered recordings.  
20 (Gov. Code § 7923.625(a).) In substance, it provides that “[n]otwithstanding any other provision  
21 of this article,” “[d]uring an ‘active criminal or administrative investigation,’ disclosure may be  
22 delayed for no longer than” forty-five (45) days, *Sac. Television Stations Inc.*, *supra*, 111  
23 Cal.App.5th at p. 997, if “disclosure would substantially interfere with the investigation” based on  
24 the content of the recordings, Gov. Code § 7923.625(a)(1). After forty-five (45) days and for up to  
25 a year, an agency may continue to delay disclosure only to the extent that it can demonstrate that  
26 disclosure will substantially interfere with its investigation. (Gov. Code § 7923.625(a)(2).)  
27 Further, after a year, an agency can continue to delay disclosure only to the extent that it can  
28 demonstrate this “by clear and convincing evidence.” (*Ibid.*) To delay disclosure under any of  
these provisions, an agency must provide the requester with “the specific basis” in writing for its  
determination that the interest in preventing interference with an active investigation outweighs  
the public interest in access and provide an estimated disclosure date. (Gov. Code § 7923.625(a).)

AB 748 also places strict limits on redactions. (Gov. Code § 7923.625(b).) It provides,

If the agency demonstrates, on the facts of the particular case, that the public  
interest in withholding a video or audio recording clearly outweighs the public  
interest in disclosure because the release of the recording would, based on the facts  
and circumstances depicted in the recording, violate the reasonable expectation of  
privacy of a subject depicted in the recording, the agency shall provide in writing

1 to the requester the specific basis for the expectation of privacy and the public  
2 interest served by withholding the recording and may use redaction technology,  
3 including blurring or distorting images or audio, to obscure those specific portions  
4 of the recording that protect that interest. However, the redaction shall not interfere  
5 with the viewer's ability to fully, completely, and accurately comprehend the events  
6 captured in the recording and the recording shall not otherwise be edited or altered.

7 (*Ibid.*)

8 Second, California enacted SB 1421 (which it strengthened in 2021 by enacting Senate Bill  
9 16). While peace officer personnel records, including records of police misconduct investigations,  
10 were once categorically exempt from disclosure, SB 1421 created an important exception to this  
11 exemption. (See *Becerra v. Superior Court* (2020) 44 Cal.App.5th 897, 915.) Under SB 1421,  
12 “peace officer or custodial officer personnel records and records maintained by any other state or  
13 local agency” related to “the report, investigation, or findings” of a wider range of uses of force  
14 and allegations of misconduct than AB 748 covers are generally no longer exempt from  
15 disclosure. (Pen. Code § 832.7(b)(1)(A).) SB 1421 also applies to a different, broader universe of  
16 documents than AB 748. (Pen. Code § 832.7(b)(3).)

17 SB 1421 allows agencies to delay disclosure for a wider range of reasons than AB 748, and  
18 the justifications for delay it contains differ from those in AB 748 in important ways. In  
19 subdivision (b)(8)(B), which the City contends applies here, SB 1421 provides that “[i]f criminal  
20 charges are filed related to” a covered incident “the agency may delay” disclosure “until a verdict  
21 on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to  
22 withdraw the plea pursuant to Section 1018.” (Pen. Code § 832.7(b)(8)(B).) In subdivision  
23 (b)(8)(A), it allows an agency to delay disclosure during an active criminal investigation for up to  
24 sixty (60) days to the extent that the agency can show disclosure would reasonably be expected to  
25 interfere with the investigation, and for longer to the extent that the agency can show that  
26 disclosure would reasonably be expected to interfere with a future criminal proceeding against an  
27 officer who committed misconduct or used force or a third party. (Pen. Code § 832.7(b)(8)(A).)  
28 And, in subdivision (b)(8)(C), it allows an agency to delay disclosure during an administrative  
investigation into a covered incident – although it caps any delay in disclosure on this basis at one  
hundred and eighty (180) days. (Pen. Code § 832.7(b)(8)(C).)

1 The City contends that the criminal proceeding delay provision in SB 1421, Pen. Code §  
2 832.7(b)(8)(B), applies to and allows the City to delay disclosing critical incident recordings, even  
3 though the Legislature chose not to include a criminal proceeding delay provision in AB 748. To  
4 evaluate that contention, the Court must interpret both statutes. In doing so, the Court’s

5 . . . fundamental task . . . is to determine the Legislature’s intent so as to effectuate  
6 the law’s purpose. We first examine the statutory language, giving it a plain and  
7 commonsense meaning. [. . .] If the language is clear, courts must generally follow  
8 its plain meaning unless a literal interpretation would result in absurd consequences  
9 the Legislature did not intend. If the statutory language permits more than one  
10 reasonable interpretation, courts may consider other aids, such as the statute’s  
11 purpose, legislative history, and public policy.” [Citation.] ‘Furthermore, we  
12 consider portions of a statute in the context of the entire statute and the statutory  
13 scheme of which it is a part, giving significance to every word, phrase, sentence,  
14 and part of an act in pursuance of the legislative purpose.

11 (*City of San Jose, supra*, 2 Cal.5th at pp. 616-17 [internal citations and quotation marks omitted].)

12 Further, the Court should “avoid an interpretation that renders any portion of the statute  
13 superfluous, unnecessary, or a nullity; this is so because we presume that the Legislature does not  
14 engage in idle acts.” (*Teachers’ Retirement Bd. v. Genest* (2006) 154 Cal.App.4th 1021, 1028.)

15 The plain meaning of AB 748’s text resolves the interpretive question here in favor of  
16 access. (See *Great Lakes Properties, Inc. v. City of El Segundo* (1977) 19 Cal.3d 152,155 [“It is  
17 axiomatic that in the interpretation of a statute where the language is clear, its plain meaning  
18 should be followed.”].) AB 748 explicitly provides at the outset that “a video or audio recording  
19 that relates to a critical incident, as defined in subdivision (e), may be withheld **only**” when  
20 permitted by the exemptions in AB 748 itself. (Gov. Code § 7923.625 [emphasis added].) This  
21 “only” phrasing in AB 748 alone makes clear that critical incident recordings covered by AB 748  
22 must be disclosed unless the agency demonstrates that one of the exemptions *in AB 748* applies  
23 and provides otherwise. (See *Mustaqeem v. City of San Diego* (Cal.Ct.App. Jan. 22, 2026), No.  
24 D085750, 2026 Cal. App. LEXIS 32, at \*19 [holding that the Legislature’s use of the term “only”  
25 in Government Code § 51039(a)(1) made the exclusivity of the list in that subdivision  
26 “unambiguous”]; see also *id.*, at \*20 [stating that “the Legislature was quite clear that violations of  
27 a local authority’s sidewalk vending regulations are punishable *only* by the enumerated monetary  
28 fines or the rescission of the vendor’s permit” under Gov. Code § 51039(a)].)

1 Two subdivisions of AB 748, Gov. Code § 7923.625(c), (f), confirm that the *Sun*’s plain  
2 language interpretation of the statute is correct. First, subdivision (c) provides that “An agency  
3 may provide greater public access to video or audio recordings than ***the minimum standards*** set  
4 forth in this section.” (Gov. Code § 7923.625(c) [emphasis added].) This characterization of AB  
5 748 as creating “minimum standards” for disclosing critical incident recordings confirms that  
6 delay provisions in other statutes, like the criminal proceeding delay provision raised by the City,  
7 cannot reduce the City’s disclosure obligations beyond the “minimum standards” in AB 748.  
8 Second, subdivision (f) provides that AB 748 “does not alter, limit, or negate any other rights,  
9 remedies, or obligations with respect to public records regarding an incident ***other than a critical***  
10 ***incident as described in subdivision (e).***” (Gov. Code § 7923.625(f) [emphasis added].) This  
11 supports interpreting AB 748 as establishing a new minimum standard for disclosing covered  
12 recordings that overrides delay provisions in other statutes like SB 1421.

13 AB 748’s legislative history confirms that the Legislature understood and intended that AB  
14 748 alone would govern when covered critical incident recordings must be disclosed. For  
15 example, an August 31, 2018 Assembly Floor Analysis summarized AB 748 as a statute that  
16 would “establish[] a standard for the release of body-worn camera footage by balancing privacy  
17 interests with the public’s interest in the footage,” and would “[p]rovide that” covered recordings  
18 “may only be withheld” under the circumstances set forth in AB 748. (Field Decl., Ex. D, at p. 1.)  
19 A June 25, 2018 Analysis by the Senate Judiciary Committee likewise characterized AB 748 as  
20 providing that records covered by the law “may be withheld only” as provided in the body of AB  
21 748 and as creating a “minimum standard” for disclosing covered records. (Field Decl., Ex. E, at  
22 pp. 5-6.) The Legislative Counsel’s Digest regarding AB 748 similarly explained that “[b]y  
23 ***requiring local agencies to make these recordings available,***” AB 748 “would impose a state-  
24 mandated local program” – confirming that AB 748 was intended to create a new disclosure  
25 framework for critical incident recordings rather than one perforated by preexisting delay  
26 provisions in other statutes. (Stats. 2017-18, ch. 960, Leg. Counsel’s Digest [emphasis added];  
27 accord *Sac. Television Stations Inc.*, *supra*, 111 Cal.App.5th at pp. 997-999 & n.10 [taking judicial  
28 notice of and discussing AB 748’s legislative history, including a statement in a Consumer

1 Protection Committee Analysis that AB 748 would provide “specific guidelines to govern the  
2 disclosure . . . of certain . . . recordings held by law enforcement”] [internal citations and quotation  
3 marks omitted].)

4       The *expressio unius est exclusio alterius* canon of construction confirms the *Sun*’s reading  
5 of AB 748 and further undermines the City’s. “Under the maxim of statutory construction,  
6 *expressio unius est exclusio alterius*, if exemptions are specified in a statute,” courts “may not  
7 imply additional exemptions unless there is a clear legislative intent to the contrary. [Citation.]”  
8 (*Rojas v. Superior Court* (2004) 33 Cal.4th 407, 424 [internal citations and quotation marks  
9 omitted].) In subdivisions (a)(1) and (a)(2), AB 748 created narrowly drawn exceptions, complete  
10 with procedural and substantive requirements that evolve over time, from AB 748’s general rule  
11 covered critical incident recordings must be disclosed. (Gov. Code § 7923.625(a)(1)-(2).) These  
12 delay provisions are not the same as those of SB 1421, despite some resemblances. (Compare  
13 Gov. Code § 7923.625(a)(1)-(2) with Pen. Code § 832.7(b)(8)(A)(i)-(iii), (b)(8)(B).) In particular,  
14 despite knowing how to write delay provisions and incorporating some of them into AB 748, the  
15 Legislature chose not to include a criminal proceeding delay provision like Penal Code section  
16 832.7(b)(8)(B). Accordingly, the *expressio unius est exclusio alterius* canon applies. Because there  
17 is no evidence of a “clear legislative intent to the contrary,” *Rojas, supra*, 33 Cal.4th at p. 424, the  
18 Court should follow the Legislature’s decision not to include a criminal proceeding delay  
19 exception in AB 748 and hold that Penal Code section 832.7(b)(8)(B) cannot relieve the City of its  
20 AB 748 obligations.

21       The rule against interpreting statutory language in a way that would deprive it of its force  
22 or effect also supports the *Sun*’s position and undermines the City’s. (See *Imperial Merchant*  
23 *Services, Inc. v. Hunt* (2009) 47 Cal.4th 381, 390 [“We do not presume that the Legislature  
24 performs idle acts, nor do we construe statutory provisions so as to render them superfluous.”]  
25 [internal citations and quotation marks omitted]; see also, e.g., *TRW Inc. v. Andrews* (2001) 534  
26 U.S. 19, 31 [characterizing the rule against surplusage as a “cardinal” rule of statutory  
27 interpretation]; *Bennett v. Spear* (1997) 520 U.S. 154, 173 [applying the rule against surplusage to  
28 reject an interpretation of a statute that would “emasculate an entire section”].) The City’s

1 position, if accepted, would deprive AB 748’s delay provisions and “only” and “minimum  
2 standards” language of force and effect, and would result in agencies relying on SB 1421’s more  
3 liberal delay provisions to delay the disclosure of AB 748 records.

4 The “well-established principles of statutory interpretation” that “the more specific  
5 provision takes precedence over the more general one” when two statutory provisions are in  
6 conflict also supports the *Sun*’s position. (*Salazar v. Eastin* (1995) 9 Cal.4th 836, 857.) AB 748 is  
7 more specific than SB 1421, so if both statutes potentially apply, AB 748 should prevail.

8 If any doubt remains that SB 1421’s criminal proceeding delay provision cannot absolve  
9 the City of AB 748’s disclosure requirements (and none should), Article I, section 3(b)(2) of the  
10 California Constitution should dispel it and resolve the issue presented in favor of access. Article  
11 I, section 3(b)(2) provides that laws that “further[] the people’s right of access” must be “broadly  
12 construed” and laws that “limit[] the right of access” must be “narrowly construed.” (See also  
13 *Nat’l Lawyers Guild v. City of Hayward* (2020) 9 Cal.5th 488, 507 [applying interpretive  
14 mandate].) Here, that would mean resolving the question presented about whether AB 748’s delay  
15 and disclosure framework (which is more favorable to access) and SB 1421’s delay and disclosure  
16 framework (which is less favorable to access) in favor of access and granting the *Sun*’s petition.

17 The Court of Appeal’s analysis and decision in *Sac. Television Stations Inc.*, *supra*, is also  
18 dissonant with the City’s position. (111 Cal.App.5th at p. 1000.) There, the Court of Appeal held  
19 that “a pending criminal prosecution, by itself and without more information, is not an ‘active  
20 investigation’ within the meaning of [Gov. Code § 7923.625(a)],” AB 748’s delay provision, and  
21 rejected the respondent’s attempt to delay the disclosure of AB 748 records on the grounds that a  
22 related criminal case remained pending. (*Ibid.*) The respondent made this argument in *Sac.*  
23 *Television Stations Inc.* in support of its attempt to invoke AB 748’s delay provisions, not SB  
24 1421’s, so *Sac. Television Stations Inc.* is not controlling here. Still, the Court of Appeal’s  
25 rejection of respondent’s attempt to justify delaying the disclosure of AB 748 records based on the  
26 mere pendency of a related criminal proceeding is dissonant with and further undermines the  
27 City’s position here. So, too, do references in the City’s police policy manual to AB 748, which  
28 appear to recognize that AB 748’s delay and disclosure framework, not delay provisions in other

1 statutes, control here. (See Field Decl., Ex. A, at p. 71 [VPD Policy 302.5: Release of Video  
2 Recordings].)

3 **C. THE CITY SHOULD BE ORDERED TO DISCLOSE VIDEO RECORDINGS CREATED**  
4 **FROM THE TIME THAT POLICE OFFICERS WERE FIRST CONTACTED REGARDING**  
5 **REPORTS OR 911 CALLS RELATED TO MR. SCHUMANN UNTIL THROUGH THE**  
6 **TIME OF MR. SCHUMANN’S DEPARTURE FROM THE AREA OF THE SHOOTING BY**  
7 **AMBULANCE.**

8 To ensure that the requested records enable the *Sun* and the public “to fully, completely,  
9 and accurately comprehend” the incident, see *Sac. Television Stations Inc.*, *supra*, 111  
10 Cal.App.5th at pp. 1103-04, the City should be ordered to disclose video recordings created from  
11 the time when police officers were first alerted to complaints or 911 calls about Mr. Schumann  
12 until the time that Mr. Schumann was removed from the scene of the shooting by ambulance.  
13 Disclosing video recordings related to the incident that were created during this time period is  
14 critical to understanding this incident and to answering important, outstanding questions about  
15 how to mitigate harm in similar situations moving forward.

16 **D. THE CITY SHOULD BE ORDERED TO DISCLOSE RESPONSIVE VIDEO RECORDINGS**  
17 **WITHOUT REDACTIONS THAT CONCEAL THE IDENTITIES OF POLICE OFFICERS.**

18 The critical incident videos that the City played at its public meeting to discuss officers’  
19 shooting of Mr. Schumann on September 11, 2025 contained numerous redactions, including  
20 redactions of police officers’ faces. The City should be ordered to disclose all critical incident  
21 video recordings related to the incident without these redactions, because it has not shown, and  
22 cannot show, that they are permitted under AB 748. Further, it should not be permitted to make  
23 any other redactions, either, except to the extent that it demonstrates to the Court, with non-  
24 speculative, non-conclusory, and particularized evidence, that a redaction is permitted. (See Gov.  
25 Code § 7923.625(b).)

26 Under AB 748, the City can redact critical incident recordings only to the extent that it can  
27 “demonstrate[],” “on the facts of the particular case, that the public interest in” nondisclosure  
28 “clearly outweighs the public interest in disclosure because” disclosure would “violate the  
reasonable expectation of privacy of a subject depicted in the recording.” (Gov. Code §  
7923.625(b).) This test all but forecloses redacting police officers’ faces or concealing their

1 identities, because police officers working in public places do not, and cannot, have a “reasonable  
2 expectation of privacy.” Also, the names of peace officers involved in police shootings have long  
3 been subject to disclosure under the Public Records Act notwithstanding the Public Records Act’s  
4 similarly-worded catch-all exemption absent extenuating circumstances. (*Long Beach Police  
5 Officers Assn., supra*, 59 Cal.4th at p. 74.)

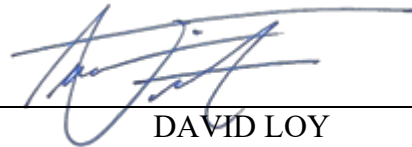
6 **IV. CONCLUSION**

7 For the foregoing reasons, the petition should be granted in its entirety. The City should be  
8 ordered to disclose all responsive video recordings immediately. The City should also be ordered  
9 not to redact police officers’ faces or identities in these recordings because it has not shown, and  
10 cannot show, that AB 748 allows such redactions. Finally, the Court should find and declare that  
11 the City’s denial of the *Sun*’s request based on the criminal proceeding delay provision in SB 1421  
12 was unlawful.

13 Dated: January 23, 2026

14 FIRST AMENDMENT COALITION

15  
16 By



17 DAVID LOY  
18 AARON R. FIELD  
19 Attorneys for Petitioner FIRST  
20 AMENDMENT COALITION  
21  
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28

1 PROOF OF SERVICE

2 At the time of service, I was over 18 years of age and not a party to this action. I am  
3 employed in the County of Marin, State of California. My business address is 534 4th Street,  
Suite B, San Rafael, CA 94901-3334.

4 On January 23, 2026, I served true copies of the following document(s) described as **REQUEST**  
5 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR**  
6 **JUDGMENT GRANTING PETITION FOR DECLARATORY RELIEF AND WRIT OF**  
**MANDATE** on the interested parties in this action as follows:

7 Katelyn M. Knight, Assistant City Attorney  
8 Kristoffer S. Jacob, Assistant City Attorney  
9 Sukhnandan Nijjar, Deputy City Attorney  
10 CITY OF VALLEJO, City Hall  
555 Santa Clara Street, 3rd Floor  
Vallejo, CA 94590  
Email: katelyn.knight@cityofvallejo.net;  
Sarah.Chesser@cityofvallejo.net

11 **BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the  
12 document(s) to be sent from e-mail address rregnier@firstamendmentcoalition.org to the persons  
13 at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after  
the transmission, any electronic message or other indication that the transmission was  
unsuccessful.

14 I declare under penalty of perjury under the laws of the State of California that the  
15 foregoing is true and correct. Executed on January 23, 2026, at East Palo Alto, California.

16   
17 Robin P. Regnier