

Kevin McGrath

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June 16, 2008

Kevin McGrath
P.O. Box 1
Redway, CA 95560
(707) 923-1984

Sheriff Gary Philp
Humboldt County Sheriff's Department
Records Supervisor
Records Section/Division
604 C Street
Eureka, CA 95501

Via hand delivery and certified U.S. mail

Re: Request to inspect records pursuant to the California Public Records Act, Cal. Gov't Code §§ 6250 *et. seq.*

Dear Sir/Madam:

Pursuant to California Public Records Act, Cal Gov't Code §§ 6250 *et. seq.*, the undersigned taxpayer citizen hereby requests to inspect and receive copies of the below-enumerated public records.

The undersigned requests that no documents material to this request be destroyed or deleted, but that they are instead preserved until inspection as requested herein has been completed and all disputes regarding the availability and production of documents have been finally resolved.

Cal Gov't Code §§ 6253(c) provides, "Each agency, upon a request for a copy of records, shall, within 10 days from the receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefore." The burden of demonstrating that any record is exempt from disclosure is upon the Humboldt County Sheriff's Department. *Braun v. City of Taft* (1984) Cal.App.3d 322, 201 Cal.Rptr. 654.

The undersigned insists upon a response from the Humboldt County Sheriff's Department meeting the requirements of § 6256 within the statutorily prescribed time limit. Should you not timely respond, I shall deem my request denied and proceed with appropriate legal action to compel disclosure. Should such action become necessary, I shall seek costs and attorney's fees against the Humboldt County Sheriff's Department. All responses and any other written correspondence pertaining to this request should be addressed to Kevin McGrath at the abovementioned address.

Should you contend that portions of any of the below-described documents are exempt from disclosure, I request that you expurgate only such portions as you establish are exempt and produce forthwith for inspection the remainder of the requested documents. See Cal. Gov't Code § 6253(a)

(“Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletions of the portions that are exempted by law.”)

I request that in releasing documents responsive to this request you indicate to which particular request the documents pertain. To the extent you claim an objection to or privilege against releasing any requested document, specify the particular request to which the objection or privilege pertains.

I seek a waiver of fees in this matter. The requested information will not be used in any manner for profit, but solely to evaluate official policies affecting the public’s health, safety, civil, and human rights. However, I ask that this application for a fee waiver not delay processing this request. In the event that the application for a fee waiver is denied, please explain the basis therefore, and I shall either pursue an appeal or pay all reasonable search and copying fees.

In addition to providing the above-requested and statutorily required response, and release and copy of documents, please call (707) 923-1984 to arrange with Kevin McGrath a date and time at which below-described documents can be inspected.

In the event that you are not in possession of any of the documents material to this request, please disclose the name and contact information of persons, organizations, and/or agencies that are or may be in possession of such documents.

DEFINITIONS

As used herein-

- (1) the term “WRITING” means handwriting, typewriting, printing, photostating, photographing, email, text messages, radio logs, phone logs, meeting schedules, agendas and transcripts, memorandums, planners, and every other means of recording upon any form of communication or representation, including but not limited to notes, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, memory cards, drums, servers, and other documents.
- (2) the term “DOCUMENT” means any writing containing information and requests relating to the conduct of the public’s business prepared, owned, used or retained by the Humboldt County Sheriff’s Department [HCSD].
- (3) “Humboldt County Sheriff’s Department” or “HCSD” refers to all agents, units, bureaus, divisions, teams, and any other organizations of and/or under the authority of the Humboldt County Sheriff’s Department.

DOCUMENTS REQUESTED

1. All documents setting forth guidelines, policies, practices, or standards the HCSD has adopted and/or follows regarding homeless and/or transient persons.
2. All documents regarding and/or generated by HCSD’s “illegal camping” operation which, according to Brenda Godsey on KMUD’s May 12, 2008 news broadcast interview, began on May 12, 2008.

3. All documents reflecting communications on or since May 12, 2006 to the present between Humboldt County Sheriff's Department and the Garberville Redway Chamber of Commerce regarding homeless and/or transient people, people sleeping or camping outside, and/or people sitting on public sidewalks.
4. All documents reflecting communications on or since May 12, 2006 to the present between Humboldt County Sheriff's Department and any private property owners in the Garberville Redway area regarding homeless and/or transient people, people sleeping and/or camping outside, and/or people sitting on public sidewalks.
5. All documents reflecting communications on or since May 12, 2006 to the present between Humboldt County Sheriff's Department and any private property owners in the Garberville Redway area regarding people on private property against the property owner's wishes.
6. All documents reflecting communications on or since May 12, 2006 to the present between Humboldt County Sheriff's Department and any of the Supervisors of the Humboldt County Board of Supervisors regarding homeless and/or transient people, people sleeping and/or camping outside, and/or people sitting on public sidewalks.
7. All documents reflecting communications on or since May 12, 2006 to the present between Humboldt County Sheriff's Department and the Garberville Redway area Chamber of Commerce regarding people on private property against the property owner's wishes.
8. All documents reflecting communications since May 12, 2006 between Humboldt County Sheriff's Department and the Garberville Redway area Chamber of Commerce regarding people sleeping and/or camping outside.
9. All documents reflecting communications since May 12, 2006 between Humboldt County Sheriff's Department and the Garberville Redway area Chamber of Commerce regarding people sitting on public sidewalks.
10. All documents reflecting communications on or since May 12, 2006 to present between Humboldt County Sheriff's Department and agents of any California State and/or Humboldt County park service regarding people sleeping and/or camping outside.
11. All documents reflecting communications on or since May 12, 2006 to present between Humboldt County Sheriff's Department and agents of any California State or Humboldt County park service regarding homeless and/or transient people.
12. All documents reflecting communications on or since May 12, 2006 to present between Humboldt County Sheriff's Department and agents of Humboldt County Health and Human Services regarding homeless and/or transient people, people sleeping or camping outside, and/or people sitting on public sidewalks.

SECTION 6253.1 REQUEST

The purpose of this request is threefold: 1) to permit public scrutiny of the HCSD customs, practices, and procedures material to contact with homeless and/or transient people, people sleeping and/or camping outside, and people sitting on public sidewalks; 2) to permit public scrutiny of the *specific* actions of HCSD in the Garberville Redway area in relation to homeless and/or transient people, people sleeping and/or camping outside, and people sitting on public sidewalks; and, 3) to evaluate the need for additional training, guidance, oversight, and monitoring regarding HCSD interactions with homeless and/or transient people, people sleeping and/or camping outside, and people sitting on public sidewalks to prevent the violation of said peoples' rights (rights established by law, by the California and United States Constitutions, and by international treaties)

The undersigned requests, pursuant to Cal Gov't Code §§ 6253.1, that the Humboldt County Sheriff's Department-

1. Assist the undersigned to identify records and information that are responsive to this request or to the purpose of the request, as stated.
2. Describe the information technology and physical location in which the records exist.
3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

Sincerely,

Kevin Mc Grath