



**Second  
Amendment  
Foundation**

**Self Defense  
Public Records  
Investigation**



"The Common Sense Gun Lobby"

**CCRKBA**

CITIZENS COMMITTEE FOR THE  
RIGHT TO KEEP AND BEAR ARMS

*A special joint project of the Second Amendment Foundation  
and the Citizen's Committee for the Right to Keep and Bear Arms*

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**Responding agency:**

San Joaquin County Sheriff's Office, attn: Sgt. Cindy Angeli

**11/22/04**

This is a response and demand letter regarding your PRAR response to date (letter of Nov. 17<sup>th</sup>). We consider it specifically inadequate and write this letter in final preparation for litigation under the PRA.

Problems:

1) You claim that the names of "criminal justice employees" are barred from disclosure under Government Code 6254(u). As you are no doubt aware, 6254(u) was enacted shortly after the California Supreme Court opened CCW records to public access in 1986 (CBS v. Block).

6254(u) doesn't support your proposition. Here's the code in its entirety:

6254. Except as provided in Sections 6254.7 and 6254.13, nothing in this chapter shall be construed to require disclosure of records that are any of the following:

...

(u) (1) Information contained in applications for licenses to carry firearms issued pursuant to Section 12050 of the Penal Code by the sheriff of a county or the chief or other head of a municipal police department that indicates when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of members of his or her family.

(2) The home address and telephone number of peace officers, judges, court commissioners, and magistrates that are set forth in applications for licenses to carry firearms issued pursuant to Section 12050 of the Penal Code by the sheriff of a county or the chief or other head of a municipal police department.

(3) The home address and telephone number of peace officers, judges, court commissioners, and magistrates that are set forth in licenses to carry firearms issued pursuant to Section 12050 of the Penal Code by the sheriff of a county or the chief or other head of a municipal police department.

The “home addresses” of “peace officers, judges, court commissioners and magistrates” are protected from disclosure. Fine. We’re not asking for that for anybody, let alone them.

Nothing here protects their names.

We have enough documented examples of “crony issuance to crony sheriff’s reserves” (in other counties) to make it clear to any court that we need access to reservist CCW issuance.

We also need to review campaign contribution links to permitholders, as part of a statewide survey on that issue.

2) You claim that “all permits were issued for personal protection”, therefore we don’t need detailed “good cause data”. Have you bothered to read CBS v. Block? We’ll make it easy for you:

<http://www.equalccw.com/cbsvblock.html>

That specific issue was decided: the full details of “good cause” were declared necessary to ensure public oversight into the CCW issuance process. We’re doing that oversight. Your agency is going to make full disclosure.

The one area that you are allowed to redact in terms of “good cause” is information that reveals the “time and/or place of vulnerability”. It is my experience in having examined well over 1,000 “good cause statements” that such information is very rare.

3) Now let’s discuss fees. You claim fees for the labor to redact “good cause data”, stripping out pages and names that mention “criminal justice employee names”, totaling \$6,476.

I have some recommended reading for you: North County Parents v. DOE, 23 Cal.App.4th 144 (1994). The full text is archived at:

<http://cfac.org/CaseLaw/Cases/north.html>

Allow me to quote:

Appellant requested copies of all decisions rendered in the last two years. Department charged \$.25 per page for furnishing the copies, rendering a total bill of \$126.50. This charge not only covered the cost of duplication of the documents, but also reimbursed Department for staff time involved in searching the records, reviewing records for information exempt from disclosure under law, and deleting such exempt information. Department refused to reduce this charge, and also refused to waive the charge upon the ground that “there is no legal authority to waive such

charges." Appellant paid the charge and then brought this action seeking miscellaneous relief.

The trial court ruled for the Department, finding that section 6257 permits the Department to charge "the full direct costs of duplication," and that the Department's charge of \$.25 per copy "was not in contravention of section 6257." The court made a second ruling pertaining to the potential of waiver of fees. It ruled that the Department had discretion to waive fees pursuant to section 6253.1, but that it was not required to waive fees and did not err in this case by refusing to consider waiver. Appellant contends both rulings are in error.

[1] We agree with appellant. Section 6257 provides that one who requests copies of public documents must pay the statutory fee for same, if there is one. The parties agree there is none prescribed in this case. Lacking a statutory fee the cost chargeable is a "fee[ ] covering direct costs of duplication." There seems to be little dispute as to what "duplicate" means. It means just what we thought it did, before looking it up: to make a copy. (See Black's Law Dict. (4th ed. 1968) p. 593 ["to ... reproduce exactly"]; Webster's Third New Internat. Dict. (1981) p. 702 ["to be or make a duplicate, copy or transcript ..."].) Since words of a statute are to be interpreted "according to the usual, ordinary import of the language employed in framing them" (In re Alpine (1928) 203 Cal. 731, 737 [265 P. 947, 58 A.L.R. 1500]), we conclude that the cost chargeable by the Department for furnishing these copies is the cost of copying them.

In short, your proposed "redacting fees" are completely illegal by both statute and case law.

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Let's be clear. Your agency above any other needs to make a full and complete disclosure in this matter. The California Supreme Court opened up CCW records for a reason: they realized the possibility of major misconduct in the handling of these permits. Put bluntly, they smelled a rat.

Read the case.

That decision wasn't overturned by 6254(u), it was only slightly refined by the legislature.

We expect a rapid response to this letter. We realize you may need some extra time to prepare data, and we're willing to wait those 14 days. But we'll sue faster than that if we don't get a positive response to the points raised in this document.

Ah yes, one more detail: on denial records, assume we want data going back as far as you've got it on the new state-standard forms, or late 1999.

You can respond to this electronically or on paper as desired.

Jim March