

City Attorney's Office  
PRA Office  
P. O. Box 5002  
Tempe, AZ 85280

September 30, 2021

To Whom It May Concern:

Pursuant to the Arizona Public Records Law, I hereby request the following records:

Any records created, transmitted, or distributed between June 20, 2020 and present that mention ANY of the following: "BLM" "black lives matter" "chalk walk" "Christopher Johnson" "Caitlin Clifford" "chalk event" "Tempe chalk"

"Records" include correspondence, documents, operation plans/checklists, emails, equipment lists, flight plans, debrief documents, incident reports, memoranda, guidelines, faxes, evaluations, notes, orders, policies, training materials, other manuals.

Arizona Public Records Law carries with it a presumption that all records are "open to the public for inspection as public records." Carlson v. Pima County, 141 Ariz. 487, 490, 687 P.2d 1242 (1984). If this request is denied in part or in whole, please indicate the specific grounds for denial under the Public Records law and provide the name and address of the person to whom I may direct an appeal. All agreeable portions of otherwise exempt material must be produced. Moreover, under another Arizona Supreme Court case, the burden of justifying non-disclosure is on the party that seeks non-disclosure rather than on the party that seeks access. Mitchell v. Superior Court, 142 Ariz. 332, 690 P.2d 51, 53 (1984).

A.R.S. § 39-121 provides that "other matters in the custody" of public officers are open to inspection by the public. "Other matters subject to the public's right of access include 'documents which are not required by law to be filed as public records. . . .'" Salt River Pima-Maricopa Indian Cmty. v. Rogers, 168 Ariz. 531, 539, 815 P.2d 900, 908 (1991). "Other matters" include documents held by the public officer in his or her official capacity and in which the public's interest in disclosure outweighs the governmental interest in confidentiality. Id. "Because the language of A.R.S. § 39-121.01(B) is so broad, [the Arizona Supreme] Court has abandoned any 'technical distinction' between public records and other matters." Griffis v. Pinal Cty., 215 Ariz. 1, 4 n.5, 156 P.3d 418, 421 n.5 (2007) (quoting Carlson, 141 Ariz. at 490, 687 P.2d at 1245).

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 business days.

Sincerely,

Russell Facente

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PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.