



**City Attorney**



February 6, 2019

**Sent via Email**

KPBS  
Claire Trageser, Investigative Reporter  
Email: [ctrageser@kpbs.org](mailto:ctrageser@kpbs.org)

Re: Public Records Act Request received January 2, 2018

Dear Ms. Trageser:

This letter is to follow up on our determination letter of January 28, 2019. In addition to the determinations set out in that letter, on February 5, 2019, the Honorable Eddie C. Sturgeon, Judge of the Superior Court in and for the County of San Diego, signed an Order Directing Alternative Writ of Mandate and Stay Order ("Stay") directing the City of El Cajon (the "City"), Chief of Police, Jeff Davis, and others, to refrain from retroactively enforcing or applying SB 1421's amendments to California Penal Code sections 832.7 and 832.8 in any manner that would result in the disclosure or production of peace officer personnel records and information regarding incidents or reflecting conduct occurring prior to January 1, 2019. The Stay is currently in effect and the City will comply with it. Until the legal question of retroactive application of the statute is resolved and litigation is concluded, we have determined that the public interest in accessing these records is clearly outweighed by the public's interest in protecting privacy rights. (California Government Code section 6255.) We will not disclose any peace officer personnel records that pre-date January 1, 2019 at this time.

Responsive records, not subject to the Stay, can be made available to you on a Compact Disk. The cost of the CD is \$25.00. You will be contacted with an invoice for the cost of the fully burdened rate of the records staff to scan and produce the CD in the next week. At current staffing levels, personnel in the Records Division estimate the City can start to produce responsive documents in approximately 4 weeks. If this timeline changes, we will notify you.

Sincerely,

Barbara C. Luck  
Staff Attorney

City of El Cajon • 200 Civic Center Way • El Cajon, CA 92020

(619) 441-1798 • Fax (619) 441-1772

[www.cityofelcajon.us](http://www.cityofelcajon.us)