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February 24, 2009

David W. Wiechert

Andrea L. Jacobs

VIA U.S. MAIL

Clerk of the Orange County Board of Supervisors
333 W. Santa Ana Blvd., Room 465
P.O. Box 687
Santa Ana, CA 92702

Re: Public Records Act & Legislative Open Records Act Request

Dear Sir/Madam:

This office represents Ordinary California Citizens Concerned With Safety (“OCCCWS”). Representatives of the Orange County Sheriff’s Department (“OCSD”) discriminatingly searched many OCCCWS supporters before, during, or after a public meeting of the Orange County Board of Supervisors (“OCBOS”) on January 13, 2009. Whether the OCSD’s actions constituted inappropriate or illegal harassment is a matter of both public and private interest.

Pursuant to the California Public Records Act (Cal. Gov. Code § 6250 et seq.) (“CPRA”) and the Legislative Open Records Act (Cal. Gov. Code § 9071 et seq.) (“LORA”) we request, on behalf of OCCCWS, a copy of the following, which we understand may be held by your agency:

1. Copies of video footage or any other photographic or electronic images from the January 13, 2009 OCBOS meeting from all ceiling cameras in the OCBOS Chamber for the period one hour before the meeting started until one hour after the meeting ended.
2. Copies of video footage or any other photographic or electronic images from the January 13, 2009 OCBOS meeting from all first floor cameras in the Hall of Administration, located at 333 W. Santa Ana Blvd., Santa Ana, CA, for the period one hour before the meeting started until one hour after the meeting ended.
3. Copies of video footage or any other photographic or electronic images from the January 13, 2009 OCBOS meeting from any other source than the cameras listed in

Subparagraphs 1 and 2 for the period one hour before the meeting started until one hour after the meeting ended.

On January 13, 2009, an open meeting of the OCBOS was held so that members of the public could address the soundness of concealed weapon permit policies contemplated by the OCSD. There is no concept more fundamental to our democracy and our constitutions than the citizenry be undeterred from attending, and expressing opinions to their public servants in, open session. Furthermore, the issue of the right to bear arms is of constitutional import. During this meeting, select individuals, in particular those who wore OCCWS buttons, were searched by OCSD personnel after being allowed entrance into the OCBOS chamber. Unwarranted attention was also placed on these individuals. For example, the wife of one OCCWS supporter was followed into the restroom by a female deputy.

In responses to previous letters sent to both the OCBOS and the OCSD regarding this issue, the OCSD asserted exemptions on its and your behalf based on: (1) publication of the recordings purportedly compromising the security of the Board Chamber, thereby jeopardizing the safety of the Board and those who attend Board meetings; and (2) video disclosure allegedly enabling the identification of undercover officers who were present in the Board Chamber putting these officers and their families at risk of harm. In our opinion the exemptions raised by the OCSD are meritless. First, all board meetings are video taped and posted on the OCBOS website. Thus, there are no imminent safety concerns for members of the OCBOS since your faces and identities are prominently featured. Second, it is beyond comprehension that a professional law enforcement organization would utilize undercover officers with covert identities to do pat down searches at a very public OCBOS meeting. In any balancing a court may undertake should this request result in litigation, the public interest in disclosure of these records greatly outweighs any interest of non-disclosure that has been raised to date. The public has an important interest in knowing that attending OCBOS meetings may result in arbitrary searches and unnecessary surveillance by OCSD, especially when an individual's political views run counter to a member of authority within the OCSD.

If the OCBOS regulates video footage of its board meetings, it may not allow another party, namely the OCSD, "to control the disclosure of information that is otherwise subject to disclosure." Cal. Gov. Code § 6253.3. Additionally, pursuant to Cal. Gov. Code § 6254.5, any exemptions previously claimed by the OCSD have been waived by virtue of the Sheriff's Department allowing OCBOS staff to view the footage from the January 13, 2009 meeting that is currently sought. Further, as far as we know there was no confidentiality agreement between the OCBOS and the Sheriff's Department at the time these disclosures were made. See Cal. Gov. Code § 6254.5(e).

We ask for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make that determination without having to review the records in

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question. We ask that you advise us of any duplication costs and we can forward you the amount ahead of time if necessary.

Please respond in writing if you reject any part of this request or if you intend to give yourself an extension under the CPRA or the LOPRA. Please also respond in writing if the above items are not held by your office, or if you intend to redact any portion of responsive information based on an asserted exemption. Portions you contend are not exempt of course must be provided. Please provide a signed notification citing the legal authorities that you believe apply to any redacted or exempt portion of the requested information.

If we can provide clarification that will help expedite your attention to this request, please contact us at your earliest convenience.

Sincerely,

David W. Wiechert

cc: Orange County Sheriff's Department