



CONTRA COSTA COUNTY OFFICE OF THE SHERIFF

DAVID O. LIVINGSTON

SHERIFF - CORONER

VIA EMAIL

April 22, 2019

Ms. Gina Channell
Danville-San Ramon Weekly
5506 Sunol Blvd. #100
Pleasanton, CA 94566
gchannell@embarcaderomediagroup.com

Re: Your Public Records Act Request

Dear Ms. Channell:

I am responding to your email received April 15, 2019, in which you make a renewed request pursuant to the California Public Records Act (Gov't. Code § 6250 *et seq.*).

Your request seeks a wide variety of investigatory records relating to the drowning death of Ben Curry on May 8, 2018 at San Ramon Valley High School in Danville, California.

We note that this is your third request for essentially the same information. Your first request, dated October 25, 2018, was answered on November 16, 2018. Your second request, dated December 29, 2018, was answered on December 28, 2018. In both cases, we advised you that pursuant to the investigate exemption found in the Gov't. Code at §6254(f), the requested records would not be made public.

You have now written a third time, essentially making the same request. This time, you are coupling your request with a threat of litigation: "We were advised by our attorney to submit another request for documents pertaining to the death of Ben Curry before pursuing legal remedies." Of course, doing so is your absolute right, but I can assure you that we are very familiar with the legal requirements set

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forth in the Public Records Act and that we scrupulously observe these requirements. We did not deny you the requested records cavalierly or capriciously. As stated, it was determined by us that such records would not be publicly released as they comprised "Records of ... investigations conducted by... any state or local police agency," and were thus specifically exempted from release under the Public Records Act (Gov't. Code §6254(f)).

Rather than once again reciting the entirety of our responses to your first and second requests, we will incorporate those responses here by reference. We have determined to treat your third request as a request for reconsideration. Upon reconsideration, we observe that with one minor exception, your request is essentially the same as previously made and that you have provided no new arguments as to why our determination should be changed. We have reviewed our previous responses and find them appropriate. Accordingly, the requested records, less one exception as discussed in the next paragraph, will not be made available.

In your third request, you have made one additional request, which is a request for a "Calls for Service" log pursuant to Gov't. Code §6254(f)(2). You are entitled to this log, and we are attaching it to this response.

Sincerely yours,

A handwritten signature in blue ink that reads "D.S. Kahane". The signature is written in a cursive, flowing style.

Dennis S. Kahane
Special Assistant to the Sheriff