



April 5, 2018

David O Livingston, Sheriff
Contra Costa County Office of the Sheriff
651 Pine Street, 7th Floor
Martinez, CA 94553

Re: Public Records Act Request

Sheriff Livingston:

This letter constitutes our request under the California Public Records Act for:

1. All incident reports, investigation reports and other documents relating to the drowning death of Ben Curry at the San Ramon Valley High School on May 8, 2018.
2. Information regarding the calls for assistance/incident report, such as the 911 tapes and dispatch printouts, required under 6254(f)(2), relating to the drowning death of Ben Curry at San Ramon Valley High School on May 8, 2018.
3. Body-worn camera video from the responding Danville Police Department officer, Kyle Rhoton, from the time he was dispatched to the San Ramon Valley High School pool until the end of the school day, May 8, 2018.
4. Copies of all correspondence, including emails and memos, between representatives of the Danville Police Department ("Department") and the San Ramon Valley Unified School District, Aaron Becker, the San Ramon Valley Education Association, the Curry family and their attorneys during the period of May 8, 2018, and today's date.

Please note that under the Better Government Ordinance adopted by Contra Costa County, when the investigation is complete, investigatory records are to be disclosed. Below is the language for the relevant section of the ordinance 25-4.404:

(d) Law Enforcement Information.

(1) The district attorney and sheriff are encouraged to cooperate with the press and other members of the public in allowing access to local records pertaining to investigations, arrests and other law enforcement activity. However, no provision of this division is intended to abrogate or interfere with the constitutional and statutory power and duties of the district attorney and sheriff as interpreted under Government Code Section 25303, or other applicable state law or judicial decisions.

(2) Local records pertaining to any investigation, arrest or other law enforcement activity shall be disclosed to the public after the district attorney or court determines that a prosecution will not be sought against the subject involved or the statute of limitations for filing charges has expired, whichever occurs first. Notwithstanding the occurrence of any such event, individual items of information in the following categories may be segregated and withheld if, on the particular facts, the public interest in nondisclosure clearly outweighs the public interest in disclosure:

In accordance with the law, please inform us within ten days of any documents you intend to withhold. If this request is denied in whole or part, please provide a list of the documents you are not providing and the exception you are asserting in withholding them.

The San Ramon Valley community is concerned with the safety and well-being of the students in the SVUSD. Therefore, we ask that as you are preparing a response to this request, be aware that despite the existence of an exemption, it is not mandatory to withhold information unless disclosure is prohibited by law. (*Cal Gov't Code § 6254 "Nothing in this section*

prevents any agency from opening its records concerning the administration of the agency to public inspection, unless disclosure is otherwise prohibited by law.”)

In the interest of transparency, the Contra Costa County Office of the Sheriff should release these records. Therefore, invoking exemptions not required by state or federal law to exclude documents requested will be considered a willful and knowing lack of transparency and attempt to keep information from the press and public.

Thank you for your assistance.

Regards,

A handwritten signature in cursive script that reads "Gina Channell". The signature is written in black ink on a white background.

Gina Channell
Publisher