

DOUGLAS T. SLOAN, City Attorney  
CITY OF FRESNO  
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Attorneys for the CITY OF FRESNO

RE:

**RECORDS REGARDING  
FEDERAL LAW ENFORCEMENT  
AGENCY AGREEMENTS**

**RESPONSE TO PUBLIC RECORDS  
ACT REQUEST FOR DOCUMENTS  
(Govt. Code §6250, et seq.)**

The City of Fresno (City) responds to a request pursuant to the California Public Records Act (Gov. Code §6250, et seq.) by the Aaron Swartz Day Police Surveillance Project, regarding **various records pertaining to federal law enforcement agency agreements from January 1, 2015, to January 10, 2019**, as follows:

**Request No. 1 – Copies of all executed agreements with the following federal law enforcement agencies, if any: Homeland Security Investigations, Federal Bureau of Investigation, US Marshalls, Drug Enforcement Administration, Alcohol, Tobacco and Firearms, Joint Terrorism Task Force, Northern California Regional Intelligence Center (NCRIC), San Diego Law Enforcement Coordination Center, Orange County Intelligence Assessment Center, Los Angeles Joint Regional Intelligence Center, and Central California Intelligence Center:** The City objects to this request to the extent: (a) it seeks documents and information containing proprietary and confidential information (Gov. Code, § 6254(k)); and (b) it seeks documents or information that discloses the names of individuals who are involved in confidential or undercover operations. (Gov. Code, § 6255; *Commission on Peace Officer Standards and Training v. Superior Court* (Los Angeles Times) (2007) 42 Cal.4th 278, 301.)

1 The City further objects to this request to the extent: (a) it seeks disclosure of documents not  
2 required to be disclosed under the investigatory records exemption. (Gov. Code, § 6254(f); *Williams*  
3 *v. Superior Court* (1993) 5 Cal.4th 337; *Haynie v. Superior Court* (2001) 26 Cal.4th 1061); and (b)  
4 it seeks disclosure of documents and information that are protected by the third party right to  
5 privacy. (Gov. Code § 6254(k).)

6 Without waiving these objections, the City's Police Department produces potentially  
7 responsive documents, with privileged information and/or records redacted, attached as Exhibit A.

8 **Request No. 2 – Any documents or correspondence during the period encompassing**  
9 **this request regarding possible or planned agreements with the aforementioned federal law**  
10 **enforcement agencies:** After a diligent search and reasonable inquiry of the City's records, the City  
11 did not locate any potentially responsive documents for this request. Please note the City is still  
12 searching for potentially responsive email records. If any potentially responsive email records exist,  
13 the City will provide a supplemental response.

14 **Request No. 3 – Any existing or proposed internal protocols, training documents, data-**  
15 **sharing agreements, data storage procedures and prohibited activities governing such**  
16 **agreements or joint activities:** The City objects to this request to the extent: (a) it seeks documents  
17 and information containing proprietary and confidential information (Gov. Code, § 6254(k)); and  
18 (b) it seeks documents or information that discloses the names of individuals who are involved in  
19 confidential or undercover operations. (Gov. Code, § 6255; *Commission on Peace Officer*  
20 *Standards and Training v. Superior Court* (Los Angeles Times) (2007) 42 Cal.4th 278, 301.)

21 The City further objects to this request to the extent: (a) it seeks disclosure of documents not  
22 required to be disclosed under the investigatory records exemption. (Gov. Code, § 6254(f); *Williams*  
23 *v. Superior Court* (1993) 5 Cal.4th 337; *Haynie v. Superior Court* (2001) 26 Cal.4th 1061); and (b)  
24 it seeks disclosure of documents and information that are protected by the third party right to  
25 privacy. (Gov. Code § 6254(k).)

26 Without waiving these objections, the City's Police Department produces potentially  
27 responsive documents, with privileged information and/or records redacted, attached as Exhibit A.

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1           **Request No. 4 – Any current or past litigation involving or referencing [the City's**  
2 **Police Department] involving joint activities with the above-mentioned federal law**  
3 **enforcement agencies:** After a diligent search and reasonable inquiry of the City's records, the City  
4 did not locate any potentially responsive documents for this request.

5           DATED: February 11, 2019.

Respectfully submitted,

6           DOUGLAS T. SLOAN  
7           City Attorney

8           By: 

9           FRANCINE M. KANNE  
10           Chief Assistant City Attorney  
11           Attorneys for CITY OF FRESNO

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**PROOF OF SERVICE**  
CCP §§ 1011, 1013, 1013a, 2015.5  
FRCP 5(b)

STATE OF CALIFORNIA, COUNTY OF FRESNO

I am employed in the County of Fresno, State of California. I am over the age of 18 and not a party to the within action; my business address is 2600 Fresno Street, Fresno, CA 93721-3602.

On February 11, 2019, I served the document described as **RESPONSE TO PUBLIC RECORDS ACT REQUEST FOR DOCUMENTS** on the interested parties in this action ☐ by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list: ☒ by placing ☐ the original ☒ a true copy thereof enclosed in sealed envelopes addressed as follows:

Aaron Swartz Day Police Surveillance Project  
MuckRock News  
DEPT MR 66887  
411A Highland Ave  
Somerville, MA 02144-2516  
Email: [66887-19331014@requests.muckrock.com](mailto:66887-19331014@requests.muckrock.com)

☐ BY MAIL ☐ I deposited such envelope in the mail at Fresno, California. The envelope was mailed with postage thereon fully prepaid.

☐ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Fresno, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ (BY PERSONAL SERVICE) I caused such envelope to be hand delivered.

☐ (BY FAX) I caused the above-referenced document to be transmitted by fax to the addressee(s) at the fax number(s) shown.

☐ (BY OVERNIGHT COURIER) I caused the above-referenced envelope(s) to be delivered to an overnight courier service for delivery to the addressee(s).

☒ (BY ELECTRONIC MAIL) I caused the above-referenced document to be transmitted by electronic mail (e-mail) to the addressee(s) at the e-mail(s) shown.

Executed on February 11, 2019, at Fresno, California.

☒ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

  
Kimberly Hernandez

RESPONSE TO PUBLIC RECORDS ACT REQUEST