

[External] Public Records Act Request_Parker, Amy_PRA_20231204

CPP Public Records <publicrecords@cpp.edu>

Tue 12/12/2023 2:02 PM

To:Parker, Amy <amyipdev@csu.fullerton.edu>

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| 3801 W. Temple Ave, Pomona, CA 91768

Strategic Enterprise Risk Management

December 12, 2023

RE: Public Records Act Request

Dear Amy Parker,

Cal Poly Pomona received your December 4, 2023, Public Records Act request for the following records:

Copies of all emails and texts to/from sworn officers (including the Chief) of the University Police Department between December 3, 2023 at 5:00 PM, and December 4, 2023 and 4:59 PM.

Cal Poly Pomona has conducted a reasonable search for these records under Government Code §7922.535 and has determined the request calls for documents that are not disclosable under the Public Records Act. Several exemptions apply to police records and a general request for all police communications as noted above cannot be processed. Right of access to information depends on several factors which cannot be adequately assessed for a blanket request. (Cal. Govt. Code §7923.600; Cal. Govt. Code §7927.705; Cal. Penal Code §832.7; Cal. Evid. Code §1043, *et seq*).

- **Balancing Test.** Records where the public interest against disclosure outweighs the public interest in disclosure. Cal. Govt. Code §7922.000.
- **Ongoing Investigation.** Records that are subject to investigations where the process has not fully concluded are exempt from disclosure as the potential harm to privacy interests and interference with an ongoing investigation outweighs the public interest in disclosure. Cal. Govt. Code §§7927.700, 7922.000.
- **Collective bargaining negotiations and strike contingency planning records** are exempt from disclosure. Cal. Govt. Code §7928.405.
- **Deliberative Process.** Records that reflect the deliberative, decision-making process of the Cal Poly Pomona, which often involves multiple individuals, who need to converse about issues candidly. Cal. Govt. Code §7922.000; *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325; *Montrose Chemical Corporation of California v. Train* (D.DC 1982) 491 F.2d 63; *Rogers v. Superior Court*

(1993) 19 Cal. App.4th 469.

- Many records are also exempt under the attorney-client privilege and attorney work product doctrine. Cal. Govt. Code §7927.705; Cal. Evid. Code §950, *et seq.*, Cal. Code Civ. Pro. §2018.030(a).

The determination that records are exempt and will not be disclosed was made by the Records Access Officer at Cal Poly Pomona, Tanya Cohee.

Thank you,

CPP Public Records Request

The Office of Strategic Enterprise Risk Management

Email: publicrecords@cpp.edu

CalPolyPomona

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