



PLACER COUNTY COUNSEL

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June 27, 2013

Omar Figueroa
Law Offices of Omar Figueroa
7770 Healdsburg Avenue, Suite A
Sebastapol, CA 95472-3352

Re: Public Records Act Request - Medical Marijuana

Dear Mr. Figueroa:

This letter is in response to two Public Records Act requests. The first, received on or about June 18, 2013, was received by the Placer County District Attorney's Office ("DA"). The second, received June 27, 2013, was directed to the Placer County Sheriff's Office ("PCSO"). Both of these requests have been made pursuant to the California Public Records Act ("PRA"). This response is intended to address both requests.

These requests, which are virtually identical to those received one year ago, seek all documents generally related to medical marijuana, specified California statutes, and patients, caregivers, clubs, dispensaries, collectives, cooperatives, delivery services, and/or stores.

While your requests are broad in terms of the types of documents you seek, the requests were also limited in that they were directed at specific County Departments. Since the requests were directed to the PCSO and the DA, we are interpreting these requests to be limited to documents only in the custody of those offices, and not in the custody of any other administrative division of Placer County. Please advise if your requests were intended to reach to other county departments other than the PCSO and the DA.

As an initial matter, your CPRA requests were written quite broadly, so much so that it is difficult to determine the types of records you seek. However, based on the general language in your requests, we are interpreting them to seek PCSO/DA policies, procedures, and training materials relating to medical marijuana, and investigatory materials pertaining to medical marijuana seizures.

Placer County District Attorney's Office Records

The Placer County DA has informed this office that they do not have any documents responsive to your request that are not otherwise exempt from disclosure pursuant to the objections provided above.

Placer County Sheriff's Office Records

As to records requested from the PCSO, your request seeks records that are not subject to disclosure under Government Code 6254(f). [law enforcement complaint, investigatory, intelligence, or security files] and 6255, and also as follows:

First, to the extent the CPRA request seeks training materials from individual officers, such materials are either maintained by the individual officers or are located in their personnel files, making them exempt from disclosure under Government Code section 6254(f), incorporating Evidence Code section 1043, and Penal Code sections 832.7 and 832.8.

Second, to the extent that your request seeks documents that pertain to investigations involving medical marijuana, these documents are not disclosable for a number of reasons:

- These records are exempt from disclosure under Government Code § 6254(f). However, to the extent that you seek information relating to a particular and identifiable arrest, this information is releasable pursuant to the provisions of Government Code § 6254(f)(1). (See *County of Los Angeles v. Superior Court (Kusar)* 18 Cal.App.4th 588, 599; 89 Ops. Cal. Atty. Gen 204 (2006).) If this is the information you seek, a daily list of inmates and arrests are provided to the public on the County's website at the bottom of the following web page: <http://www.placer.ca.gov/Departments/Sheriff.aspx#InmateInfo>.
- The documents you seek are not subject to disclosure under Penal Code 13300, *et seq.* [local summary criminal history information] and Government Code §6254(k) (See also *Westbrook v. County of Los Angeles* (1994) 27 Cal. App. 4th 157; 89 Ops. Cal. Atty. Gen. 204 (2006).)
- To the extent your request seeks information pertaining to patients and caregivers, such records are not subject to release pursuant to Article I, Section 1 of the California Constitution. Such information is exempt from disclosure pursuant to a CPRA request under Government Code § 6254(k).
- Finally, locating specific investigations involving medical marijuana would require gathering and reviewing each and every investigatory file, or conversely, creating new summaries of such records. Accordingly, the burden of producing the requested records clearly outweighs any demonstrated need for them, making them exempt pursuant to Government Code § 6255, as well as the provisions of Evidence Code § 1040 (incorporated into the CPRA under Government Code § 6254(k)). (See also *American Civil Liberties Union v. Deukmejian* (1982) 32 Cal.3d 440.)

Omar Figureroa
Re: Public Records Act Request - Medical Marijuana
June 27, 2013
Page 3

Despite these objections, various documents were located that are responsive to your request. The documents maintained by the PCSO are the same documents that you requested and received last year; no new documents were identified by the PCSO. If you wish to receive copies of these documents, copy charges total \$15.50 (Placer County Code Section 2,116.030 sets cost at \$.50 for the first page of any document, \$.25 for each additional page of same document).

Please remit a check payable to the Placer County Sheriff in the amount of \$15.50 to our office at the address above, and the records you request will be made promptly available. Should you have any questions, please feel free to contact me at the number or address above.

Very truly yours,

PLACER COUNTY COUNSEL'S OFFICE

By: 
BRIAN WIRTZ
Attorney at Law

BRW/jl

cc: Placer County Sheriff's Office
Placer County District Attorney's Office