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June 2, 2016

Elizabeth Maland  
City Clerk  
202 C Street  
San Diego, CA 92101  
[cityclerk@sandiego.gov](mailto:cityclerk@sandiego.gov)

VIA FIRST CLASS U.S. MAIL AND E-MAIL

RE: Request for Public Records Concerning SDPD Actions at Donald Trump Protest

Dear Ms. Maland:

I am writing on behalf of the American Civil Liberties Union of San Diego & Imperial Counties (“ACLU-SDIC”) concerning documents related to the San Diego Police Department’s (“SDPD”) actions at the protest against the Donald Trump Rally in downtown San Diego on May 27, 2016.

Under the California Public Records Act (CPRA), Govt. Code §§ 6250 – 6277; *see also* Cal. Const. Art. I, § 3(b), I request copies of records containing, describing, or related to the following information concerning the May 27<sup>th</sup> protests:

1. Enumeration of the specific law enforcement agencies and special units that were dispatched to the protests or who otherwise participated in responding to the protests;
2. The number of law enforcement officers who were dispatched to the protests or who otherwise participated in responding to the protests;
3. The amount of money that was spent on law enforcement response to the protests;
4. Sources of private funding, if any, for the law enforcement response to the protests;
5. The number of people who were arrested by the law enforcement officers who were responding to the protests, and the specific offenses they were charged with, if any;
6. The number of people who were otherwise detained by the law enforcement officers who were responding to the protests, if any;

7. The number of these arrestees who are minors, if any, and the offenses they were charged with, if any;
8. Complaints filed regarding the conduct of any law enforcement officers;
9. The criteria that were used to determine and declare that there was an “unlawful assembly” (or multiple “unlawful assemblies” in various locations) and the process or protocol used to approve that determination;
10. Video of the protests and arrests taken from law enforcement officers’ body cameras or vehicle dash cameras;
11. Enumeration of the specific law enforcement agencies and special units that were dispatched to the neighborhood of Barrio Logan at approximately 4:20pm on May 27<sup>th</sup>, 2016;
12. The number of law enforcement officers who were dispatched to Barrio Logan at approximately 4:20pm on May 27<sup>th</sup>, 2016;
13. The reasons for the decision to deploy a large contingent of law enforcement officers to Barrio Logan at approximately 4:20pm on May 27<sup>th</sup>, 2016;
14. The number of people who were arrested by law enforcement officers who were dispatched to Barrio Logan at approximately 4:20pm on May 27<sup>th</sup>, 2016, and the specific offenses they were charged with, if any;
15. The number of these arrestees who are minors, if any, and the offenses they were charged with, if any;
16. The protocol used by SDPD to prepare for public protest;
17. The protocol used by SDPD to determine the circumstances under which barriers separating groups of protestors and counter-protestors are removed during an ongoing protest;
18. Deliberations, if any, regarding the reasons that SDPD failed to act to keep pro-Trump and anti-Trump contingents separated once rally attendees began to exit the Convention Center;
19. Who decided to remove separation barriers before the crowds had dispersed and why;
20. What efforts, if any, were made to keep supporters and detractors separated and safe after crowds began exiting the Convention Center;
21. What efforts, if any, were made to disperse the crowds before an unlawful assembly was declared;

22. How many times, if any, and where, was an unlawful assembly warning announced before law enforcement officers started to arrest or otherwise detain protestors;
23. Whether SDPD's actions on May 27<sup>th</sup>, 2016 deviated from standard SDPD protest protocol in any way;
24. The protocol used to determine when law enforcement agencies deploy using riot gear and/or tanks or tank-like vehicles;
25. Whether plainclothes officers were used to infiltrate groups of people and protestors gathered at Chicano Park, downtown San Diego, or the Gaslamp Quarter during or before the protests;
26. Efforts, if any, by the Mayor's Office, Chief Zimmerman, or anyone else in the SDPD to reach out to local civic leaders prior to deploying police in riot gear, tanks, or tank-like vehicles in residential area.

To the extent any documents requested above are under seal by court order, please provide copies of any such sealing orders.

When a person requests records by describing their content, rather than asking for specific documents by name, an agency must "search for records based on criteria set forth in the search request." *California First Amendment Coalition v. Superior Court*, 67 Cal.App.4th 159, 165-66 (1998). The CPRA applies to all documents in the City's possession or control, regardless of who authored or prepared them, including emails, video and audiotapes, and other electronic records. Govt. Code § 6252(e). Please provide records maintained in electronic format in that same format. Govt. Code § 6253.9.

This request may reach records in the possession or control of the SDPD, the Mayor's Office, or other offices or departments in City government. I leave it to your office to coordinate the response without unnecessary duplication.

I appreciate that this is a broad request, and I would be happy to work with the City if necessary to ensure that we receive the information we seek in a timely manner, and that City staff do not spend excess time locating and reviewing duplicative or non-responsive records.

The requested documents do not appear to fall within any privilege or exemption from disclosure. I have attempted to exclude privileged communications, attorney work product, and documents subject to seal by court order. However, to the extent the requests inadvertently capture such matters, please produce "[a]ny reasonably segregable portion" of responsive records "after deletion of the portions that are exempted by law." Govt. Code § 6253(a).

Please respond to this request within ten days, either by providing all the requested records or by providing a written response setting forth the legal authority on which you rely in withholding or redacting any document and stating when the documents will be made available. Govt. Code §§ 6253(c), 6255. If necessary, please specify a future date by which you will respond to the request, or state whether there are no responsive records to any portion of this request.

I understand this request may capture a large number of records, and I am willing to work with the County on a reasonable timeline for production of responsive documents, including rolling production as may be appropriate.

Because ACLU-SDIC is a nonprofit civil rights organization, I ask that you waive any applicable fees. However, if you are unable to do so, the ACLU-SDIC will cover fees allowed by law such as direct copy costs.

Please contact me at (619) 398-4193 or [jmarkovitz@aclusandiego.org](mailto:jmarkovitz@aclusandiego.org) if you have any questions. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Jonathan Markovitz".

Jonathan Markovitz  
Staff Attorney