
From: John E. Colby
Sent: Tuesday, August 31, 2010 6:50 PM
To: City Clerk
Cc: Mark Stivers; Thomas Clark; Adam Spickler; David Howe; Marc Buller; Mike Louie; The Office of Mayor Chuck Reed; District1; District2; District3; District4; District5; Oliverio, Pierluigi; District7; Herrera, Rose; Chirco, Judy; Office of Councilmember Nancy Pyle; Julie Copeland; Sandra Gonzales; Sean Webby; David Lee; msc@metacruz.com; Michael Collier; Amy Chance; Gretchen White; 4listens@kron4.com
Subject: Request appeals process for California Public Records Act (CPRA) request submitted to the SJPD

August 31, 2010

Office of the City Clerk
200 East Santa Clara Street
San Jose, CA 95113
tel. 408.535.1260

via email to: cityclerk@sanjoseca.gov
cc: California Attorney General's Office Public Inquiry Unit, via facsimile
cc: mark.stivers@sen.ca.gov
cc: Thomas.Clark@asm.ca.gov
cc: Adam.Spickler@asm.ca.gov
cc: DHowe@da.sccgov.org
cc: MBuller@da.sccgov.org
cc: MLouie@da.sccgov.org
cc: mayoremail@sanjoseca.gov
cc: district1@sanjoseca.gov
cc: District2@sanjoseca.gov
cc: district3@sanjoseca.gov
cc: district4@sanjoseca.gov
cc: district5@sanjoseca.gov
cc: pierluigi.oliverio@sanjoseca.gov
cc: district7@sanjoseca.gov
cc: rose.herrera@sanjoseca.gov
cc: judy.chirco@sanjoseca.gov
cc: district10@sanjoseca.gov
cc: jcopeland@santacruzsentinel.com
cc: sgonzales@mercurynews.com
cc: swebby@mercurynews.com
cc: davidlee@kionrightnow.com
cc: msc@metacruz.com
cc: mcollier@sfchronicle.com
cc: achance@sacbee.com
cc: white@kpix.cbs.com
cc: 4listens@kron4.com

re: Request appeals process for California Public Records Act (CPRA) request submitted to the SJPD

Dear City Clerk:

I believe that Sergeant Mills, possibly advised by Senior Deputy City Attorney Carl Mitchell, has incorrectly dismissed my requests for non-exempt public records regarding Ms. Robin Jansen, whose matter of her active arrest warrant held by the San Jose Police Department (SJPD) has been reported to the Office of the Independent Police Auditor. This afternoon, Diana Doolan of their office took audio recorded testimony from me, to take to SJPD internal affairs for investigation.

I intend to dispute Sergeant Mills dismissal of my request for responsive records under the CPRA. Please advise me how I may appeal his negative findings of no responsive records to my request (shown in the email correspondence below).

Thank you for assisting me with this matter.

Sincerely yours,
John E. Colby, Ph.D.

Begin forwarded message:

From: "Mills, Fred" <FRED.MILLS@sanjoseca.gov>
Date: August 31, 2010 2:36:04 PM PDT
To: "John E. Colby" <
Cc: "Sims, Thomas" <
Subject: Department Response to CPRA request regarding Robin Mary Jansen

Dear Mr. Colby:

The Public Records Act requires disclosure of "contemporaneous police activity" under California Government Code Section 6254(f)(1). The Department's standard of contemporaneous police activity is its revolving 90 day arrest activity log. The records you seek are from January 1, 2001 through August 26, 2010, which from January 1, 2001 to May 26, 2010 is outside of the Department's standard of contemporaneous police activity. Therefore, the Department is denying your request for copies of the specific records during those specified dates. The Department has no records responsive to your requests below from May 26, 2010 to August 26, 2010. If you wish to do so, you may appeal the response to your request with the City Council Rules and Open Government Committee. For information, contact the Office of the City Clerk by calling (408) 535-1260 or by writing to cityclerk@sanjoseca.gov.

Fred Mills
 San Jose Police Dept.
 Office of the Chief
 Research and Development Unit
fred.mills@sanjoseca.gov
 (408) 277-5229

From: John E. Colby |
Sent: Monday, August 30, 2010 10:11 PM
To: Mills, Fred
Cc: Mark Stivers; Thomas Clark; Adam Spickler; Julie Copeland; Sandra Gonzales; Sean Webby; David Lee; msc@metcruz.com; Michael Collier; Amy Chance; Gretchen White; 4listens@kron4.com
Subject: Discussion of my CPRA request regarding Robin Mary Jansen vial email

August 30, 2010

Fred Mills
 Public Records Coordinator
 San Jose Police Department
 Office of the Chief
 Research and Development Unit
 Tel: 408.277.5229

via email to:

cc: California Attorney General's Office Public Inquiry Unit, via facsimile
 cc: mark.stivers@sen.ca.gov
 cc: Thomas.Clark@asm.ca.gov
 cc: Adam.Spickler@asm.ca.gov
 cc: jcopeland@santacruzsentinel.com
 cc: sgonzales@mercurynews.com

cc: swebby@mercurynews.com
cc: davidlee@kionrightnow.com
cc: msc@metcruz.com
cc: mcollier@sfchronicle.com
cc: achance@sacbee.com
cc: white@kpix.cbs.com
cc: 4listens@kron4.com

re: Discussion of my CPRA request regarding Robin Mary Jansen vial email

Dear PRA Coordinator Mills:

Since you are carbon copying my communications to you to your city attorney's office and the Santa Clara County Office of the District Attorney has discussed my CPRA request to them by email, I believe email is the most appropriate medium for us to discuss my California Public Records Act request to your agency.

Thank you for directing questions to me via email.

Sincerely yours,
John E. Colby, Ph.D.

Begin forwarded message:

From: "Mills, Fred" <FRED.MILLS@sanjoseca.gov>
Date: August 27, 2010 10:31:41 AM PDT
To: "John E. Colby" <
Cc: "Sims, Thomas" <THOMAS.SIMS@sanjoseca.gov>, "Mitchell, Carl" <Carl.Mitchell@sanjoseca.gov>
Subject: RE: Communications between San Jose Police Department (SJPD) and other agencies about Robin Jansen

Dear Mr. Colby:

I would like to speak to you about your Public Records Act request below. I left a voice mail message for you on 8-26-10 at 9:00 A.M. Please call me at the phone number below between 7:00 AM and 5 PM Tuesday through Friday so we may discuss your request in further detail.

Thank you,

Fred Mills
San Jose Police Dept.
Office of the Chief
Research and Development Unit
fred.mills@sanjoseca.gov
(408) 277-5229

From: John E. Colby
Sent: Thursday, August 26, 2010 1:57 AM
To: Mills, Fred
Cc: Julie Copeland; Sandra Gonzales; Sean Webby; David Lee; msc@metcruz.com; Michael Collier; Amy Chance; Gretchen White; 4listens@kron4.com
Subject: Communications between San Jose Police Department (SJPD) and other agencies about Robin Jansen

August 26, 2010

Fred Mills
Public Records Coordinator
San Jose Police Department
Office of the Chief
Research and Development Unit
Tel: 408.277.5229

via email to: fred.mills@sanjoseca.gov
cc: jcopeland@santacruzsentinel.com
cc: sgonzales@mercurynews.com
cc: swebby@mercurynews.com
cc: davidlee@kionrightnow.com
cc: msc@metcruz.com
cc: mcollier@sfchronicle.com
cc: achance@sacbee.com
cc: white@kpix.cbs.com
cc: 4listens@kron4.com

re: Communications between San Jose Police Department (SJPD) and other agencies about Robin Jansen

Dear PRA Coordinator Mills:

I am writing to submit a public records request pursuant to C.C.S. 6253(c) of the California Public Records Act. I would like copies of the following records:

1. All written and electronic communications — including email and teletype — between the SJPD, the Santa Clara County Office of the District Attorney, the Santa Cruz Office of the District Attorney and the Santa Cruz Police Department (SCPD) about, pertaining to, or containing any personal identifiers for Ms. Robin Mary Jansen who resides
2. All interagency written and electronic communications — including email and teletype — between the SJPD and other government agencies about, pertaining to, or containing any personal identifiers for Ms. Robin Mary Jansen
3. All personal notes by SJPD employees or appointees, meeting notes by SJPD employees or appointees, minutes of meetings by SJPD employees or appointees, SJPD memorandum, written summaries, analyses and any reports by SJPD employees or appointees, in addition to all written and electronic interagency communications — including email and teletype — between SJPD employees or appointees and staff of other agencies which refer to the aforementioned communications in (1) and (2), between January 1, 2001 and today, August 26, 2010.
4. All personal notes by SJPD employees or appointees, meeting notes by SJPD employees or appointees, minutes of meetings by SJPD employees or appointees, SJPD memorandum, written summaries, analyses and any reports by SJPD employees or appointees about verbal interagency communications between SJPD employees or appointees and staff of other agencies which are about,

pertain to, or contain personal identifiers for Ms. Robin Mary Jansen who resides at

5. All personal notes by SJPD employees or appointees, meeting notes by SJPD employees or appointees, minutes of meetings by SJPD employees or appointees, SJPD memorandum, written summaries, analyses and any reports by SJPD employees or appointees about verbal intra-agency communications which are about, pertain to, or contain personal identifiers for Ms. Robin Mary Jansen who resides at

6. All personal notes by SJPD employees or appointees, meeting notes by SJPD employees or appointees, minutes of meetings by SJPD employees or appointees, SJPD memorandum, written summaries, analyses and any reports by SJPD employees or appointees which are about, pertain to, or contain personal identifiers for Ms. Robin Mary Jansen who resides

If these documents are available in an electronic format such as Portable Document Format (PDF), MS Word Document (DOC), Rich Text Format (RTF) or plain electronic text (TXT), then I ask that they be provided to me in one of those forms, preferably PDF.

I am willing to pay a fee of up to \$100 for this request. If you estimate the cost of completing this request will exceed that amount, please contact me first before completing it, so that I may narrow my request.

If any of these requests would incur special search fees, please contact me first with a fee estimate, so that I may narrow my request.

If you have any questions about this request, please contact me. Thank you for processing my public records request.

Sincerely yours,
John E. Colby, Ph.D.