



ELECTRONIC MONITORING OF YOUTH IN THE CALIFORNIA JUVENILE JUSTICE SYSTEM

SAMPLE PUBLIC RECORDS ACT REQUEST

This is a sample of the Public Records Act requests the Samuelson Law, Technology & Public Policy Clinic at UC Berkeley Law School and the East Bay Community Law Center submitted to each county in California. It accompanies a report released by the Samuelson Clinic and EBCLC analyzing juvenile electronic monitoring programs in California's 58 counties. That report can be found here: <https://www.law.berkeley.edu/experiential/clinics/samuelson-law-technology-public-policy-clinic/electronic-monitoring-youth-california-justice-system/>.

SAMPLE PUBLIC RECORDS ACT REQUEST

VIA EMAIL

Re: Public Records Act Request

Dear Chief Probation Officer,

Pursuant to the California Public Records Act, we are writing on behalf of UC Berkeley Law School's Samuelson Law, Technology & Public Policy Clinic to request a copy of the records detailed below. We are researching how probation departments in California use electronic monitoring for juveniles on probation. To that end, we request the following records:

1. Electronic Monitoring Vendor Contracts:

All current contracts between the county and vendors providing electronic monitoring equipment and software.

2. Electronic Monitoring Probationer Contracts:

All electronic monitoring-related contracts between the county and juvenile probationers. These contracts contain the terms and conditions to which juveniles must consent.

3. Electronic Monitoring Program Policies:

All policies and guidelines for the county's administration of the electronic monitoring program. This includes but is not limited to information relating to program entry, a probation officer's caseload, supervision standards, guidelines for issuing and responding to violations, guidelines for damaged or malfunctioning equipment, and program completion standards.

Please note that the Public Records Act allows a member of the public to request records by describing their content, rather than asking for specific documents by name; an agency that receives such a request must "search for records based on criteria set forth in the search request."¹ This request applies to all records in your agency's possession, including documents created by a member of another government agency or a member of the public.² If specific portions of any documents are exempt from disclosure, please provide the non-exempt portions.³ Please provide entire documents, even if only parts of them are responsive to this request. If you maintain records or data in electronic format, please provide them in that same format (locked

¹ *California First Amendment Coalition v. Superior Court*, 67 Cal.App.4th 159, 165-66 (1998).

² *See California State University v. Superior Court*, 90 Cal. App. 4th 810, 824-25 (1999).

³ Gov't. Code § 6253(a).

versions are acceptable) to avoid copying costs.⁴ If you are unable to reproduce electronic records in electronic form, please provide a reason for doing so.

We request that you waive copying fees because we have limited resources, and the information requested will be used in the public interest to further the public's understanding of the local juvenile justice system. None of the information obtained will be sold or distributed for profit. If you are unable to waive the copying fees, and you anticipate that these costs will exceed \$50, or that the time needed to copy the records will delay their release, please contact us so that we can arrange to inspect the document or decide which documents we wish to have copied. Otherwise, please copy and send them as soon as possible.

Please respond to this request within ten (10) days, either by providing all the requested records or by providing a written response setting forth the legal authority for withholding or redacting any document and stating when the documents will be made available.⁵ If you require any clarification in identifying responsive documents or focusing this request,⁶ please contact _____. Please send all records responsive to this request to _____.

Thank you for your time and attention to this matter.

Sincerely,

The Samuelson Law, Technology & Public Policy Clinic

⁴ Gov't. Code § 6253.9.

⁵ Gov't. Code §§ 6253(c), 6255.

⁶ Gov't. Code § 6253.1.