

Stephen Downing

152 LaVerne Ave
Long Beach, CA 90803
Phone: 310 650 1488
E-Mail: Steve@Sonarnetworks.com

February 26, 2019

Public Safety Committee
Long Beach City Council

HAND DELIVERED

Dear Honorable Members of the Public Safety Committee:

The City Charter states, "The City Attorney is the sole and exclusive legal ADVISOR of the City with reference to all of the functions, powers and duties under the Charter, State and Federal Law." The operative word is ADVISOR - not ARBITRATOR.

On Feb. 11 I received the attached letter from the City Attorney's office in response to public records requests under the authority of Senate Bill 1421 that mandates the release of certain police personnel records.

The letter obfuscates the actions of the Attorney General and misleads the public as to the AG's actions stating "The City is following the Attorney General's direction and will not disclose any records related to incidents that pre-date January 1, 2019, at this time."

The AG did not provide any guidance or direction to any City in this regard. The City Attorney merely created a restrictive policy out of whole cloth.

If Mr. Parkin believes this to be a proper course of action for our City, his Chartered duty is to request authorization from the City Council to bring legal action - thus allowing Council debate on the issue as well as public input.

The POA president was quoted in a local newspaper saying that the City Attorney took this action so that if the law is not upheld the City would not have to "Claw back the records." I have to ask, how does the POA know anything about the creation of this improper policy - unless this was the result of discussions surrounding the probability of the union suing the city and the policy statement was the result of those discussions.

I ask this committee to conduct an investigation into this insult upon the City Charter and Council Authority and to also determine the extent to which the City Attorney consulted with the POA in the engineering of this unilateral policy position.

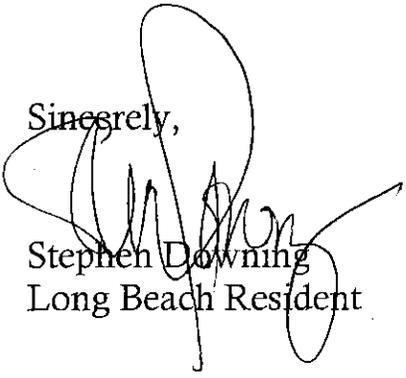
I also recommend that this committee investigate the City Attorney's violation of the Council Authorization given in the matter of Thomas Gonzales V. City of Long Beach.

The Council authorized an additional \$200,000 for litigation expenses incurred only though trial and post-trial motions following the jury verdict - which were in favor of the plaintiff following 12 years of litigation.

The City Attorney's contracted law firm made those post-trial motions - and lost. The expenditure of taxpayer funds should have ended there - but again - the City Attorney snubbed the authority of the Council and exceeded the limits placed upon him by filing an appeal to the jury verdict.

All of this should be investigated - and reported to the public.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Stephen Downing', is written over the typed name and title.

Stephen Downing
Long Beach Resident

Attachment:

Letter from City Attorney RE California Public Records Act Request: Senate Bill 1421

CC: Suzie Price, Chair – Al Austin, Member, Daryl Supernaw, Member; City Files



OFFICE OF THE CITY ATTORNEY

333 W. Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664
Telephone: (562) 570-2200
Facsimile: (562) 436-1579
E-Mail: Taylor.Anderson@longbeach.gov

PRINCIPAL DEPUTIES

Gary J. Anderson
Charles M. Gale
Anne C. Lattime
Howard D. Russell

CHARLES PARKIN
City Attorney

MICHAEL J. MAIS
Assistant City Attorney

DEPUTIES

David R. Albers
C. Geoffrey Allred
Taylor M. Anderson
Richard F. Anthony
William R. Baerg
Sarah E. Green
Monica J. Kilalta
Nicholas J. Masero
Dawn A. McIntosh
Lauren E. Misajon
Matthew M. Peters
Kátrina R. Pickett
Arturo D. Sanchez
Chelsea N. Trotter
Todd Vigus
Amy R. Webber
Erin M. Weesner-McKinley
Theodore B. Zinger

February 11, 2019

VIA ELECTRONIC SERVICE

Stephen Downing
Stephen.BeachComber@Gmail.com
562-433-4043

RE: California Public Records Act Request: Senate Bill 1421

Dear Mr. Downing:

After your request for records pursuant to Senate Bill 1421 (SB 1421) was submitted to the City of Long Beach (the City), tracked as PRA # C003349-020519, the California Attorney General's Office released guidance related to the retroactive application of SB 1421. The Attorney General will not disclose any records for incidents that pre-date January 1, 2019, until the legal question of the retroactive application of SB 1421 is resolved by the courts because the public interest in accessing these records is clearly outweighed by the public's interest in protecting privacy rights. (Gov. Code § 6255(a)). The City is following the Attorney General's direction and will not disclose any records related to incidents that pre-date January 1, 2019, at this time.

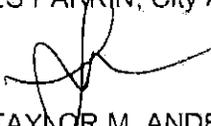
Until the legal question of the retroactive application of Senate Bill 1421 is resolved by the courts, the City will preserve your Public Records Act request, tracked as PRA # C003349-020519, and all potentially responsive records related to incidents that pre-date January 1, 2019.

Should you have any questions regarding this letter, please feel free to contact me at 562-570-2200, taylor.anderson@longbeach.gov, or through the City's GovQA portal.

Regards,

CHARLES PARKIN, City Attorney

By:


TAYLOR M. ANDERSON
Deputy City Attorney