

January 17, 2023

**VIA EMAIL**

**Highspeed8@aol.com**

Michele Monda  
3 Hillhaven Ranch Way  
Laguna Beach, CA 92651

**Re: *City of Laguna Beach – Response to CPRA Request***  
**Client-Matter: LA008/039**

Dear Ms. Monda:

You are receiving this letter because the City of Laguna Beach (“City”) received and reviewed your request for records under the California Public Records Act (“CPRA”) (Gov. Code, §§ 7920.005, et seq.). This letter is sent on the authority of Gavin Curran, Assistant City Manager and Chief Financial Officer. The City received your request for records on December 22, 2022 (hereinafter “request”). Your request seeks the following documents from the City:

1. Any and all recordings made by the body camera worn by Officer Gregg and/or any other LBPDP employees during or relating to the above-described incident.
2. Any and all LBPDP call logs, radio transmissions and dispatch's radio transmissions relating to the incident.
3. Any and all records, including voice recordings, phone logs, notes, billing or other written or electronic records of any and all conversations (conducted either in person, by wireless or land-wire telephone or by any other means) between CM Dupuis, Police Chief Jeff Calvert and/or Officer Gregg on or about the time of the incident and/or related in any way to the incident.
4. Any and all additional records in the possession of the City’s Police Department, the City Manager or any other City agency, entity, employee or official discussing or relating to the incident.
5. Any and all records evidencing any warnings received by CP Dupuis from either the LBPDP or anyone else prior to this incident relating to her cellphone use while driving.
6. Any records relating to the animal control incident of January 7, 2022 involving CM Dupuis created by or in the possession of any City agency or employee.

7. “[T]he time, substance, and location of all complaints or requests for assistance received by the” LBPB relating to the incident “and the time and nature of the response thereto, including, to the extent the information regarding crimes alleged or committed or any other incident investigated is recorded, the time, date, and location of occurrence, the time and date of the report, the name and age of the victim, the factual circumstances surrounding the crime or incident, and a general description of any injuries, property, or weapons involved.”

Please note that the City is only required to provide records in an electronic format if responsive and non-exempt records are kept in an electronic format. If a record does not exist in electronic format, the City is not required to produce an electronic version of the record and the City is also not required to create or compile records. (Gov. Code, § 7922.580, subs. (a); Gov. Code § 7920.530.)

The City objects to the request and reserves its right to deny the request, not produce records and/or redact portions of records insofar as the request seeks records exempt from disclosure under:

- 1) Government Code section 7927.500, as “[p]reliminary drafts, notes, or interagency or intraagency memoranda that are not retained by the public agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure.”
- 2) Government Code section 7927.200, subsections (a) and (b), as “[r]ecords pertaining to pending litigation to which the public agency is a party, until the pending litigation or claim has been finally adjudicated or otherwise settled” or to claims made “pursuant to Division 3.6 (commencing with Section 810), until the pending litigation or claim has been finally adjudicated or otherwise settled.”
- 3) Government Code section 7927.700, as “medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.”
- 4) Government Code section 7927.705, as “records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege,” because the records are protected by the official information privilege, the deliberative process privilege, attorney-client privilege, the attorney work product doctrine, Penal Code 832.7 and 832.8, and/or Article I, Section 1, of the California Constitution.
- 5) Government Code section 7923.600, as “records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, the Office of Emergency Services and any state or local police agency, or any investigatory or security files compiled by any other state or local police agency,

Ms. Michele Monda

City of Laguna Beach – Response to CPRA Request January 17, 2023

Page 3

or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes.”

- 6) Government Code section 7922.000, because on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

In addition, the City preserves its right to raise any other objection or privilege applicable to any part of the request or deny your request and/or not produce records based on applicable objections or privileges. Without waiving these objections, the City responds to your request as follows: the City reviewed its files and will be producing non-exempt documents in its custody and control that are responsive to this request. Some redaction will be required. The City estimates it will make records available by January 30, 2023. If you have any questions or concerns about this response, please contact me.

Very truly yours,

LIEBERT CASSIDY WHITMORE

/s/ Victor D. Gonzalez

VG

cc: J. Scott Tiedemann