



Kern County

SHERIFF

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Procedures for Handling Civil Litigation Related Matters

The Civil Litigation Coordinator (“Coordinator”) receives, tracks and responds to California Public Records Act (“CPRA”) requests and communicates with County Counsel, as the need arises, regarding appropriate disclosures and possible exemptions or other matters concerning the response to a public records act request. It is important to note that once any record is given to a member of the public any future exemption from disclosure of that record has been waived. A CPRA request can typically be identified by the verbiage in the document / correspondence. Some examples of what may appear in a CPRA request are as follows:

- “California Public Records Act”
- “CPRA”
- “Government Code 6250 et seq.”
- “Government Code 6254”
- “Freedom of Information Act”
- “FOIA”
- “Open Records Act”
- “Open Records Laws”

PROCEDURE FOR CPRA REQUESTS:

All CPRA requests received at any KCSO facility or by any employee, in any fashion (i.e., mail, fax, email, telephone, verbal) will be forwarded to the Coordinator immediately. Whenever possible, requesters or individuals inquiring how to make a CPRA request should be directed to the “CPRA Request Form” located on the Kern County Sheriff’s Office website, provided with the CPRA request email address (cprarequests@kernsheriff.org), or provided with a copy of the request form (available in the Forms Library on SheriffNet) . The response time for a CPRA is 10 calendar days. A CPRA must be “received” stamped (or receipt otherwise noted), personally delivered, scanned and emailed, or forwarded by email to the Coordinator the same day it is received. If same day delivery or transmission is impracticable, the CPRA will be forwarded to the Coordinator, as noted above, as soon as possible. Telephone callers making requests for records shall be referred and/or transferred to the Coordinator immediately or re-directed as indicated above.

The Coordinator will:

- Receive CPRA requests
- Log the CPRA in the Civil Litigation Tracker

- Transmit the CPRA to the Unit(s) with the responsive documents
 - Include a “due date” in advance of the actual response date
 - Track the status
 - Follow up with the Unit(s) with responsive records as appropriate
 - Communicate with Command staff and County Counsel as needed
- Prepare and send the response to the CPRA
- Maintain / archive the response

PROCEDURE FOR HANDLING DEMANDS FOR PRESERVATION OF EVIDENCE:

Demands for Preservation of Evidence¹ (“POE”) will be “received” stamped and routed immediately to the Civil Litigation Coordinator by either personal delivery or email. The Coordinator will log the Demand for POE in the Civil Litigation Tracker and then transmit the document to the Commander of each Division. The Commander will ensure that any responsive “evidence” is stored appropriately, and forwarded to the Coordinator for storage and/or preparation for litigation. The Coordinator will update the tracker with relevant information.

PROCEDURE FOR CIVIL LITIGATION (LAWSUIT) RELATED MATTERS:

At times County Counsel or private attorneys may reach out to KCSO employees directly for information or records related to a litigated matter. All civil litigation related matters should be forwarded to the Coordinator for documentation and dissemination to the appropriate channels.

Direct any questions regarding CPRAs, POEs or Civil Litigation matters to the Civil Litigation Coordinator, MaryClaire Walsh, by telephone 661-391-7518 or email at walshm@kernsheriff.org

CPRA Request Form:

<http://sharepoint/FormsLibrary/Forms%20Library/CPRA%20Request%20Form%20PDF%20Interactive.pdf>

¹ A Demand or Request for Preservation of Evidence is a communication (typically in the form of a letter or legal document) that requests an entity preserve and maintain any evidence (i.e., documents, recordings, photos, physical items, etc.) in its possession. Typically, such a request or demand is submitted in preparation for litigation that may or may not involve the entity.