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SHERIFF

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PROCEDURES FOR HANDLING CIVIL LITIGATION RELATED MATTERS

The Civil Litigation Unit receives, tracks and handles responses to California Public Records Act (“CPRA”) requests. The Civil Litigation and Risk Management Coordinator (“Coordinator”) 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 7920 et seq.”
- “Government Code 7920”
- “Freedom of Information Act”
- “FOIA”
- “Open Records Act”
- “Open Records Laws”
- “Sunshine Law”

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) shall be forwarded to the Civil Litigation Unit immediately.

Whenever possible, requesters or individuals inquiring how to make a CPRA request should be directed to the Civil Litigation Unit or to the KCSO public records requests platform (JustFOIA). The public records requests platform can be reached by navigating to the KCSO website (kernsheriff.org) and clicking on the Public Records icon.

Additionally, the public can be directed to the CPRA request form on the KCSO website under Forms & Applications. Requesters can also email a CPRA request to cprarequests@kernsheriff.org

The response time for a CPRA is 10 calendar days. All CPRAs must be “received” stamped (or receipt otherwise noted) and then personally delivered, scanned and

emailed, or forwarded by email to the Civil Litigation Unit 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 Civil Litigation Unit immediately or re-directed as indicated above.

The Civil Litigation Unit 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

REQUESTS FOR INFORMATION:

The KCSO is not required to respond to requests for information unless the decision is made (by the appropriate area Commander) to provide information. However, the KCSO can respond to an information request with an existing record if there is a record that contains the requested information. The KCSO is not required to create a record to fulfill a request.

When an information request comes it should be handled in the same manner as outlined above regarding records requests. The Coordinator will determine whether there are existing responsive records and defer to the appropriate area Commander to decide whether information should be given.

If information is provided to the public it becomes a record and must be maintained for any future request. The Civil Litigation Unit will store the request and response as outlined above.

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.

¹A 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.

PROCEDURE FOR CIVIL LITIGATION (LAWSUIT) RELATED MATTERS:

All civil litigation matters should be forwarded to the Coordinator. At times County Counsel or private attorneys may reach out to KCSO employees directly for information or records related to a litigated matter. If the employee elects to handle such a request, the request and the response, should at a minimum, be copied to the Coordinator.

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