



**Judicial
Watch**[®]
*Because no one
is above the law!*

November 7, 2020

VIA CERTIFIED MAIL

Brooke Jenkins, District Attorney
San Francisco District Attorney's Office
350 Rhode Island Street
North Building, Suite 400N
San Francisco, CA 94103

Re: **California Public Records Act Request**

Dear Ms. Jenkins:

On or about Friday, October 28, 2022, San Francisco Police Officers responded to an emergency 911 call about an incident at the home of Paul Pelosi and his wife Nancy Pelosi, Speaker of the U.S. House of Representatives, involving David Wayne DePape, who was subsequently arrested in connection with the incident.

On November 5, 2022, *The Epoch Times* reported that public records requests connected with the alleged attack on Paul Pelosi were being denied. The online report stated, "The Epoch Times and other news media also have been denied other commonly released records in the Pelosi-DePape case. San Francisco's top prosecutor confirmed Nov. 3 she was refusing to release a recording of Pelosi's 911 call and officers' body camera footage."

https://www.theepochtimes.com/mkt_app/police-refuse-to-release-mugshot-of-pelosi-hammer-attack-suspect_4840231.html?utm_source=andshare



San Francisco Police Chief William Scott speaks to reporters about the attack on Paul Pelosi, in San Francisco, Calif., on Oct. 28, 2022. (Justin Sullivan/Getty Images)

PREMIUM CRIME AND INCIDENTS

Police Refuse to Release Mugshot of Pelosi Hammer Attack Suspect

By Justin Sullivan
November 5, 2022 Updated November 8, 2022

Print

The Pelosi 911 incident as presented to the public by California law enforcement officials does not indicate and/or explain that the 911 call and/or officers' body camera footage is exempt from public disclosure under California public records law.

Judicial Watch, Inc. (JW) hereby requests that the San Francisco District Attorney's Office ("SFDAO") produce the following records pursuant to the California Public Records Act ("CPRA"), *Cal. Gov't. Code §§ 6250, et seq.*:

Except as otherwise stated, the time frame for the requested records is October 28, 2022, to November 7, 2022.

1. All records of communications – including emails and text messages – between the SFDAO and the San Francisco Police Department ("SFPD") concerning the aforementioned refusal to release records to the Epoch Times and other news media concerning the Pelosi-DePape incident including, but not limited to, recording(s) of Paul Pelosi's alleged 911 call and SFPD officers' body camera footage.
2. All records including, but not limited to, witness statements, police reports, citations, evidence invoices, booking sheets, charging/probable cause statements, initial appearance information, and/or property invoices concerning the aforementioned Pelosi-DePape incident, including the law enforcement contact, detention, deportation, and/or arrest of David Wayne DePape.
3. All records of communications – including emails and text messages – between SFDAO, SFPD, U.S. Department of Justice, U.S. Federal Bureau of Investigation, U.S. Capitol Police, and U.S. Department of Homeland Security and/or its components, including but not limited to, U.S. Citizenship and Immigration Services, U.S. Immigration, U.S. Customs and Border Protection, and U.S. Immigration and Customs Enforcement, concerning Paul Pelosi and/or David Wayne DePape.
4. All SFDAO video/audio recordings, 911 calls, officer body camera footage, booking information and photographs of the aforementioned contact, detention, and arrest of David Wayne DePape.
5. All records of individuals and their identities who were present at the Pelosi home when the SFPD arrived there in response to the aforementioned alleged 911 call.
6. All records concerning the aforementioned Pelosi-DePape incident.
7. All records concerning the aforementioned Pelosi-DePape incident during the period from November 7, 2022 to the date of your final response to this records request.

Please be advised of the following:

Within ten (10) days of receipt of this request, you are required to determine whether the request, in whole or in part, seeks copies of disclosable public records in your possession and to notify us promptly of your determination and the reasons therefore. *See Cal. Gov't. Code §*

6253(c).

Except with respect to records exempt from disclosure by express provision of law, you are also required to make the requested records promptly available up on payment of any fees covering direct costs of duplication or any applicable statutory fees. *See Cal. Gov't. Code § 6253(b).*

Any reasonably segregable portion of a record otherwise exempt from disclosure is required to be made available after deletion of the portions that are exempted by law. *See Cal. Gov't. Code § 6253(a).*


Please produce all responsive records in an electronic format (.pdf is preferred) if convenient. We also are willing to accept a "rolling production" of responsive records if it will speed up the production process.

Judicial Watch also requests a waiver of any direct costs of duplication and any statutory fees. *See Cal. Gov't Code § 6253(b) and (e); see also North County Parents Org. v Dept. of Educ.*, 23 Cal. App. 4th 144, 148, (1994) (agencies have discretionary authority under the CPRA to waive fee for duplicating public records as doing so permits greater access to records). Judicial Watch is a representative of the news media and our news media status has been confirmed in court rulings. *See e.g., Judicial Watch, Inc. v. U.S. Dep't of Defense*, 2006 U.S. District LEXIS 44003, *1 (D.D.C. June 28, 2006); *Judicial Watch, Inc. v. U.S. Dep't of Justice*, 133 F. Supp. 2d 52 (D.D.C. 2000). Also, disclosure of the information is in the public interest since disclosure will undoubtedly shed light on the operations or activities of government. Disclosure also is likely to contribute significantly to the public understanding of those operations or activities, because, among other reasons, Judicial Watch intends to disseminate both the records and its findings to a reasonably broad audience of persons interested in the subject via its regular distribution channels. As a tax-exempt, 501(c)(3) non-profit corporation, we do not seek the requested records for any commercial use nor for our own primary benefit. Rather, we intend to use the requested records as part of our on-going investigative journalism and public education efforts to promote integrity, transparency, and accountability in government and fidelity to the rule of law.

In the event our request for a waiver of duplication costs or statutory fees is denied, Judicial Watch agrees to pay up to \$200 in duplication costs. We request that you contact us before any such costs are incurred so that we may prioritize duplication efforts.

If you do not understand this request or any portion hereof, or if you feel you require clarification of this request in whole or in part, please contact me immediately at (602) 510-7875 or [mspencer@judicialwatch.org](mailto:m Spencer@judicialwatch.org).

Sincerely,



MARK SPENCER
Southwest Projects Coordinator
Judicial Watch, Inc.