



JOHN McMAHON, SHERIFF-CORONER



August 24, 2016

The CalGuns Foundation  
Attn: Brandon Combs  
c/o Stephen Duvernay  
4212 N. Freeway Blvd., Suite 6  
Sacramento, CA 95834

Via E-mail and US Mail  
[steve@benbrooklawgroup.com](mailto:steve@benbrooklawgroup.com)

Re: Public Records Act request – *CalGuns Foundation Reference No. 2016-CCW-1*

Dear Mr. Combs:

This is a follow up to the correspondence dated August 12, 2016. The San Bernardino County Sheriff's Department ("Department") has completed its review of the Public Records Act request, wherein you seek: various documents regarding policies and practices pertaining to local Concealed Carry Weapon ("CCW") permit, also referred to as License To Carry ("LTC") permit, under Cal. Penal Code Section 26150, *et seq.* The Department addresses your itemized request as follows:

1. Any and all records that constitute, relate to, or refer to your and the San Bernardino County Sheriff's Department's current policies and practices for LTC applications and licenses currently in effect, including both published and internal records.

The Department has located two (2) pages of the Department Manual, which may be responsive to your request. Duplication costs have been waived.

2. Any and all records that constitute, relate to, or refer to any local carry license or identification instrument, the date that any local carry license or identification instrument was placed into use or service by you and/or the San Bernardino County Sheriff's Department, and the legal authority(s) under which such local license or identification instrument was issued.

Please find enclosed a blank *License To Carry Concealed Pistol, Revolver or Other Firearm Within the State of California*, which is issued by the Department to approved CCW applicants. Duplication costs have been waived.

3. Any and all records that constitute, relate, or refer to tables, lists, figures, statistics, or reports on approved LTC license holders, denied license applications, approved amended licenses, denied license amendments, or revoked licenses generated and/or maintained by you, any former Sheriff or acting Sheriff, and/or the San Bernardino County Sheriff's Department.

From January 1, 2014 to July 27, 2016 there were: 71 revoked CCW licenses; 327 denied CCW applications; and 5,138 approved CCW applications. The Department does not track statistical information on modified permits.

4. For the period of January 1, 2014 to July 27, 2016: A copy of every LTC issued by you, any former Sheriff or acting Sheriff, and/or the San Bernardino County Sheriff's Department, whether an initial license or renewed

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license, of every type. A copy of the active licensees' California DOJ standard license form as well as any local San Bernardino County Sheriff's Department license form, identification instrument, and attachment/addendum, if any.

The records you request contain private information. Government Code section 6255(a) authorizes denial of a Public Records Act request, when "the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record." While, in certain situations, records can be redacted to protect exempt and private material, this is not required when the public and confidential material are so tightly interwoven as to be "inextricably intertwined" (*Northern California Police Practices Project v. Craig* (1979) 90 Cal.App.3d 116), or when redaction would leave the records so bereft of substantive information relevant to the requestor's purpose that the benefit to him or her would be "marginal and speculative." (*American Civil Liberties Union Foundation of Northern California Inc. v. Deukmejian, supra* at 440.) Additionally, even a clearly framed request for non-exempt material may be denied if compiling or preparing those records would be unduly burdensome. (*See Id.; California First Amendment Coalition v. Superior Court* (1998) 67 Cal.App.4th 159, 166.)

In this case, complying with your request would impose a substantial burden on the Department. Every record must be reviewed individually and redacted. (*See* 62 Ops.Cal. Atty. Gen. 595, 601 (1979); *CBS, Inc. v. Block, supra*, 42 Cal. 3d at p.655.) As noted previously, the Department has issued over 5,000 LTCs during the time frame at issue. The substantial burden of complying with this request is not in the public's interest.

Additionally, redaction of information such as date of birth, signature, thumbprint, and physical description, would leave the records bereft of information. Instead, the Department is supplying a list of CCW/LTC holders. This includes the disclosable information contained in the records you have requested.

Without waiving any objections, exemptions or privileges relating to your requests, the Department has nonetheless made a good faith effort to identify records and information which may be relevant to your request. Please find enclosed:

- A list of current CCW holders and their respective expiration date;
- Two (2) page Application Instructions;
- One (1) page Notarized Authorization to Release Information;
- One (1) page Employment History Form;
- One (1) page Residence History Form;
- One (1) page Verification of Concealed Weapon(s) form;
- One (1) page Domestic Violence Disclosure Statement;
- One (1) page Not for Work Statement;
- Two (2) page Pre-Background Interview form;
- One (1) page Request for Live Scan Service form

Duplication costs have been waived. If you have any questions or would like to discuss this matter further, please contact me.

Sincerely,



MILES A. KOWALSKI

General Legal Counsel

San Bernardino County Sheriff's Department