

OFFICE OF THE
COLUSA COUNTY COUNSEL
1213 Market Street
Colusa, California 95932
Main: (530) 458-8227



Marcos A. Kropf
County Counsel
mkropf@countyofcolusa.org

Jennifer K. Sutton
Senior Deputy County Counsel
jsutton@countyofcolusa.org

May 21, 2018

Via Email: ikysel@ACLUSoCal.org

Ian Kysel, Staff Attorney
ACLU, Southern California
1851 E. First Street, Suite 450
Santa Ana, CA 92705

RE: California Public Records – Behavior Management - Youth Facilities

Dear Mr. Kysel:

This letter is in response to your California Public Records Act request dated May 9, 2018 which was emailed to the Chief Probation Officer for the County of Colusa, Bill Fenton. Your request seeks several categories, and subcategories of records generally related to behavior management in youth facilities operated by the Colusa County Probation Department.

The California Public Records Act only requires the County make available for inspection public “records” in the county’s possession, not otherwise exempted from disclosure. The County is not required to create a new record or compile a record from other sources or records. Accordingly, to the extent your request seeks responses to questions, general information, or would otherwise require us to create a new record, we have no response. Furthermore, juvenile case information is confidential and exempt from disclosure under the California Welfare and Institutions Code. Accordingly, to the extent you are seeking records that can in any way be derived from a confidential juvenile case file, we are not producing those records. Furthermore, many of the records you may seek such as internal investigations, investigative material or other related items are exempt from disclosure under California Government Code section 6254(c), 6254(f) and related penal code and evidence code provisions regarding the confidentiality of peace officer records exempt from disclosure under 6254(k). Moreover, in light of the broad scope of your request the public interest served by not disclosing outweighs the public interest if any in disclosure. (See Cal. Gov. Code § 6255).

In any case, the County of Colusa does not operate any facilities as the term is defined in your request. Rather, the County is a member of a joint powers authority, (JPA) an entity separate from the County, which operates a facility related to your request. The JPA is the Tri-County Regional Juvenile Rehabilitation Facility. This facility is operated and administered by Yuba County for the JPA. Accordingly, we do not in any case have any records responsive to your request.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Marcos Kropf', written in a cursive style.

Marcos Kropf
County Counsel