

Folsom Police Department
46 Natoma Street,
Folsom, CA 95630
December 7, 2009

RE: California Public Records Act
Government Code § 6250-6276.48

In accordance with the California Public Records Act, I hereby request the following:

1. Any memo, inter office memo, briefing memo, communiqué, training memo, information memo, document, directive, policy statement, policy clarification, or policy change indicating information relating to citizens recording their own traffic stop, generated in either November or December of 2009.
2. Any memo, inter office memo, briefing memo, communiqué, training memo, information memo, document, directive, policy statement, policy clarification, or policy change relating to Folsom PD enforcement guidelines for alleged motorcycle helmet violations.

I am requesting the above information under the California Public Records Act, Government Code section 6250- 6276.48. I understand monetary charges are limited to cost of duplication, so if there is a charge for this information, advise me of that cost. Please respond with in 10 business days after receipt of this request.

Thank you.

Mark Temple

XXXX XXXXXXX Way
Ora XXXXX, CA 956XX

CITY OF FOLSOM
POLICE DEPARTMENT
46 Natoma Street
Folsom, California 95630



December 15, 2009

Mark Temple

0 [redacted] Way
Or [redacted] le, CA 9 [redacted]

Re: California Public Records Act Request for Records

Dear Sir:

Your request for records under the Public Records Act has been forwarded to me for response. This request, dated December 7, 2009, was received by the Folsom Police Department on December 8, 2009. This letter is in fulfillment of §6253(c) of the Government Code by providing you with the City's determination as to whether disclosable public records exist in response to your request within 10 days of that request.

You have requested copies of all records concerning Folsom Police Department's policies, directives, interoffice memos, briefing memos, and training memos relating to citizens recording their own traffic stop and also to enforcement guidelines for motorcycle helmet violations (see item 1 and 2 of your letter).

The City is required to produce all existing documents responsive to a document request under the Public Records Act that are not designated as privileged by Government Code Section 6254, or are otherwise exempt from production under the Act. After reviewing our agency's records, it has been determined that we have two electronic memos that are responsive to your request. These emails are dated November 13, 2009 and December 3, 2009 drafted by Sgt. Emery and sent to various Folsom Police Department personnel. A copy of these transactions is attached.

Should you have any questions, please feel free to contact me at (916) 355-7236.

Sincerely,

A handwritten signature in cursive script that reads "Carole O'Callaghan".

Carole O'Callaghan
Records Supervisor

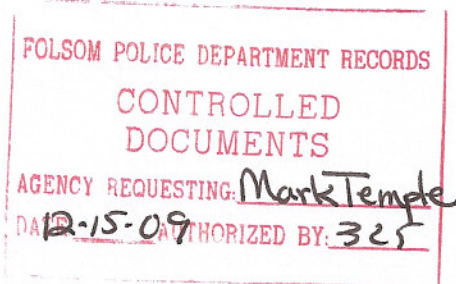
Office: (916) 355-7236

Fax: (916) 985-6812

Carole O'Callaghan

From: Chris Emery**Sent:** Thursday, December 03, 2009 8:02 PM**To:** FPD Supervisors; FPD Traffic; FPD Patrol; FPD Detectives Email; FPD Dispatch**Subject:** Tape recording of traffic stops

I received a citizen complaint regarding a traffic stop here in Folsom. The RP stated during the stop he began to record the conversation between himself and the officer who stopped him. A second officer arrived on scene and noticed the RP was recording the conversation and told him it was illegal for the RP to record the contact and if the RP continued to record the incident he would be arrested. The RP felt the officer was wrong and could have violated his 4th amendment rights by forcing him to stop recording the incident. I wanted everyone to know it is **NOT** illegal for violators to tape record officers during traffic stops as the conversation can not be considered "confidential" (PC 632) in that setting. I confirmed this with the District Attorney's office. This is the first time I have ever had this issue arise but wanted everyone to know the law and the DA's take on the issue.



Carole O'Callaghan

From: Chris Emery
Sent: Tuesday, December 15, 2009 12:42 PM
To: Carole O'Callaghan
Subject: FW: Motorcycle Helmet Citations

From: Chris Emery
Sent: Friday, November 13, 2009 5:43 PM
To: FPD Patrol; FPD Supervisors; FPD Traffic; FPD Detectives Email
Subject: Motorcycle Helmet Citations

The California Highway Patrol has suspended issuing citations to motorcycle riders who are wearing home-made (small) helmets. An apparent loop hole was found in the helmet law and lawsuits have been filed against the CHP as well as some of their officers. The CHP has determined there is no way to develop probable cause to stop these motorists (based on the helmet violation) as there is no way of determining whether or not the helmet passes DOT standards. Stopping of these motorcyclists solely for the helmet law violation would be a violation of the rider's fourth amendment rights. Long story short, it is my recommendation that the Folsom Police Department not stop/cite motorcyclists for wearing what appear to be non-compliant motorcycle helmets until the court case(s) against the CHP have been settled. Please continue to cite any and all motorcyclists you see riding **without** a helmet.

