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8 And
9 American Civil Liberties Union
10 of Northern California

FILED
Superior Court of California
County of San Francisco

OCT 14 2016

CLERK OF THE COURT
BY: [Signature] Deputy Clerk

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10 SUPERIOR COURT OF CALIFORNIA
11 CITY AND COUNTY OF SAN FRANCISCO

12 American Civil Liberties Union,
13 American Civil Liberties Union of Northern
14 California,

15 Petitioners,

16 v.

17 California Department of Corrections and
18 Rehabilitation,

19 Respondent.

) Case No. CPF-16-515083

) ~~Proposed~~ [Signature]
) Order on Petitioner's Motion for a
) Writ of Mandate

) Date: October 14, 2016
) Time: 2:00pm
) Judge: Hon. Joseph M. Quinn
) Department: 302
) Reservation Number: 08241013-05

) Trial date: None set
) Date filed: June 7, 2016

1 The Motion for a Writ of Mandate of Petitioner American Civil Liberties Union of Northern
2 California (ACLU-NC) came on regularly for hearing on October 13, 2016. Neither ACLU-NC nor
3 Respondent California Department of Corrections and Rehabilitation (CDCR) has requested oral
4 argument on the Court's tentative ruling, which shall become the Court's order.
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6 As stated in the Court's tentative ruling:

7 The motion is GRANTED IN PART AND DENIED IN PART.

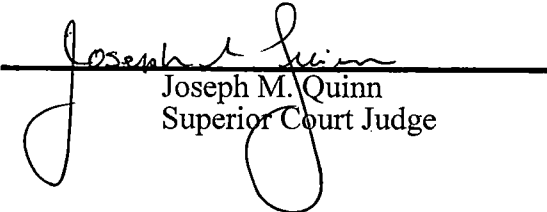
8 ACLU-NC's request for a peremptory writ requiring disclosure of the juvenile LWOP inmates'
9 race and sex is granted; CDCR has not shown that this specific information is excluded from
10 disclosure by Government Code section 6254, subdivisions ^{JMP}(c), (f) or (k), CDCR has not shown that
11 disclosure would violate the inmates' privacy interest, and the fact that CDCR has not included race or
12 sex as inmate information that can be released by an employee is not controlling on the issue of
13 disclosure under the CPRA (see 15 C.C.R. § 3621.2) nor is it particularly relevant to ACLU-NC's
14 CPRA request. ACLU-NC has withdrawn its request for a peremptory writ as to the inmates' dates of
15 birth because CDCR disclosed inmate numbers and, therefore, ACLU-NC no longer needs dates of
16 birth to identify inmates.
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18 ACLU-NC's request for a peremptory writ under Code Civil Procedure section 526a
19 prohibiting CDCR from requiring any requester to go through the CDCR's research review process in
20 order to obtain records or information that is subject to release under the CPRA is denied. Such broad
21 relief is not supported by the record, which includes the ACLU's request, which has been granted
22 without compliance with the research review process, and one other request where CDCR required the
23 requester to comply with the research review process. Bell's testimony regarding what a CDCR
24 employee said in an email does not establish a rule, pattern or practice, especially since the subject
25 communication antedates CDCR's decision to reconsider whether the ACLU's CPRA request was
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1 subject to the research protocol. (See Bell Dec. 10.) In sum, the record does not establish an “illegal
2 expenditure” or “waste” that the court can legitimately address by way of the requested peremptory
3 writ. (See Code Civ. Proc., § 526a.) A peremptory writ as to the ACLU’s request is denied because
4 CDCR produced all data requested by the ACLU in its May 20, 2015 CPRA request.

5 *ACLU-NC shall prepare, serve and submit to the court a proposed judgment within / JUDGE*
6 *10 days. (See Cal. Rules of Court, rule 3.1590.)*
IT IS SO ORDERED.

7 Dated: October 14, 2016.

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11 Joseph M. Quinn
12 Superior Court Judge
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