

Complaint—ADA David Angel

February 11, 2016

DA Jeffrey Rosen:

My correspondence with ADA David Angel began in late January, 2016, when I contacted the District Attorney's office with a CPRA request for the charges against Cary-Andrew Crittenden, who is currently incarcerated awaiting trial in a Santa Clara County facility. After receiving the generic PC codes under which he is being held, I made further requests in an attempt to ascertain the factual circumstances surrounding Crittenden's incarceration. Pursuant to this, I requested the police report and later, invoking the exact language of "Kusar", a court case which governs the release of information concerning contemporaneous incarcerations, I asked for the "factual circumstances" surrounding Crittenden's arrest and jailing.

County of Los Angeles v. Superior Court (Kusar) (1993) is the relevant court case mandating the release of this information. I have copied here, for your convenience, the relevant section of Kusar:

"Other provisions of this subdivision notwithstanding, state and local law enforcement agencies shall make public the following information, except to the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation:

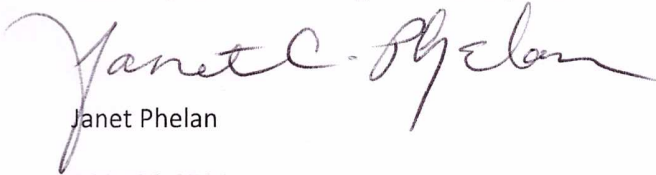
"(1) The full name, current address, and occupation of every individual arrested by the agency, the individual's physical description including date of birth, color of eyes and hair, sex, height and weight, the time and date of arrest, the time and date of booking, the location of the arrest, the factual circumstances surrounding the arrest, the amount of bail set, the time and manner of release or the location where the individual is currently being held, and all charges the individual is being held upon, including any outstanding warrants from other jurisdictions and parole or probation holds.

"(2) Subject to the restrictions imposed by Section 841.5 of the Penal Code, the time, substance, and location of all complaints or requests for assistance received by the agency and the time and nature of the response thereto, including, to the extent the information regarding crimes alleged or committed or any other incident investigated is recorded, the time, date, and location of occurrence, the time and date of the report, the name, age, and current address of the victim,

except that the address of the victim of any crime defined by Section 261, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, or 422.75 of the Penal Code shall not be disclosed, the factual circumstances surrounding the crime or incident, and a general description of any injuries, property, or weapons involved.”

ADA David Angel has consistently ignored the mandates of Kusar and refuses to supply the information requested. I have attached two exhibits containing my correspondence with Angel.

ADA Angel is in gross violation of the mandates of public disclosure. I am entering this complaint and requesting he be disciplined and educated as to his responsibilities as a public servant. In addition, I am demanding that the requested information be released.

A handwritten signature in cursive script that reads "Janet C. Phelan". The signature is written in dark ink and is positioned above the printed name.

Janet Phelan

541 708-3534

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