

Michael L. Farley  
Valerie R. Chrissakis

**FARLEY LAW FIRM**  
1000 WEST MAIN STREET  
VISALIA, CALIFORNIA 93291  
TELEPHONE (559) 738-5975  
FACSIMILE (559) 732-2305

Kari Fike  
Paralegal-Office Manager

Rosie M. Onizaki  
Paralegal

July 12, 2002

Alternate Health Systems

Re: Corcoran Police Department/California Public Records Act Request

Dear Mr.

Your letter dated June 28, 2002 has been directed to this office for handling. This office acts as the City Attorney for the City of Corcoran.

In your request, you have asked for the Corcoran Police Department to disclose to you, "all documents concerning procedures for handling cases related to medical marijuana and/or the California Compassionate Use Act (HSC §11362.5) - including, but not limited to all training bulletins, directives, and/or policy guidelines."

Your request is so vague and overly broad as to be unintelligible. In any event (based upon my interpretation of what I believe it is you are seeking), under California Government Code Section 6254 the documents/records requested by you may be exempt from public disclosure.

In Northern California Police Practices Project v. Craig (1979) 90 Cal. App. 3d 116, the Court exempted from disclosure those materials dealing with security and safety procedures utilized by the State Highway Patrol in performance of its police function; including materials setting forth Department policy and procedures regarding arrests, pursuits, speed enforcement and arrest, handcuffing and search technics. [Citing, California Government Code Section 6254(f).] To the extent you are seeking the disclosure of any material which sets forth the policies and procedures utilized by officers of the Corcoran Police Department when investigating and/or dealing with a potential medical marijuana and/or Health & Safety Code Section 11362.5 violation, I believe the same would be excluded from disclosure under California Government Code Section 6254(f).

Page 2

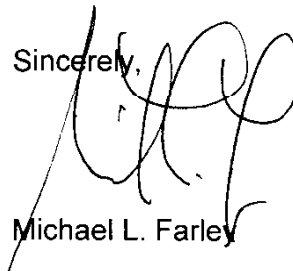
Re: Corcoran Police Department/California Public Records Act Request  
July 12, 2002

California Evidence Code Section 1040(b)(2) also provides that a public entity has a privilege to refuse to disclose official information, where "[d]isclosure of the information is against the public interest because there is a necessity for preserving the confidentiality of the information that outweighs the necessity for disclosure in the interest of justice." Your June 28, 2002 letter fails to set forth any reason for the requested disclosure, stating only that the "materials are going to be disclosed to the public". Without more, the Corcoran Police Department is convinced that non-disclosure of the Department's procedures, if any exist, regarding medical marijuana cases, is justified. Disclosure of materials arguably containing information regarding methods of arrest, search procedures, and other matters, would hamper the ability of Corcoran Police Department personnel to adequately and safely investigate, pursue and successfully complete future and currently pending cases (if any exist) regarding medical marijuana use.

Until such time as the Corcoran Police Department has obtained from you a more specific request for information, my clients will not be releasing any information to you in response to your June 28, 2002 request. Once the Department has received a less broad request, it will be able to more adequately address which, if any, of the documents currently in its possession are properly disclosed under the California Public Records Act.

Thank you for your attention to this matter. I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to be "M. Farley", written over the word "Sincerely,".

Michael L. Farley

cc: Ron Hoggard  
Reuben Shortnacy