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File No. 65320.00006

July 31, 2019

VIA ELECTRONIC MAIL ONLY
BRIANHEWS@CERRITOSNEWS.NET

Brian Hews
Editor and Publisher
Cerritos Community Newspaper
Hews Media Group
PO Box 788
Artesia, CA 90701

Re: Public Records Act Request for Video Surveillance Record

Dear Mr. Hews:

As you know, our office serves as interim City Attorney for the City of Hawaiian Gardens (“City”). In a letter dated July 19, 2019, we explained that the City was processing your Public Records Act (“PRA”) request for the following:

“[V]ideo footage from City Hall cameras that overlook the area where we drop LCCN papers, City Hall reception...[and] footage from those [recreation center] cameras...from Friday June 14 to Tuesday June 18, 2019.”

We also explained in that letter that the City would send you an update by July 31, 2019 with respect to the above-referenced request. Accordingly, the purpose of this letter is to update you on the City’s search for records responsive to your request.

After a diligent search and inquiry, the City has discovered that, due to inadvertence in its internal procedures and practices, the requested video footage is no longer available. Below is an explanation of the events that transpired leading to the unintentional loss of the requested video footage, as well as a description of steps the City is taking in response.

On Friday, June 21, you sent an email to the City Clerk’s office in which you indicated you had sent text messages on June 19th to the City Manager requesting surveillance video footage of both City Hall and the Recreation Center for the dates of June 14 through 18, 2019—*i.e.*, five days’ worth of surveillance video at two different locations, which the City estimated to be approximately 120 hours of footage. On Tuesday, June 25 and again on Thursday, June 27, the City Clerk’s office contacted you to assist in narrowing the breadth of your request so that



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the City could better and more quickly identify responsive records. We understand you did not acquiesce to the City Clerk's request.

At the same time, the City Clerk's office began to process your original request and contacted the City's IT staff for assistance with the records search and production. On Monday, July 1, however, the City's IT staff determined that extracting the requested video footage required the City to purchase an external hard drive due to the size of the video files. Following the Fourth of July holiday, on Friday, July 5, the City Clerk's office sent you a letter, requesting an additional fourteen (14) days to extract and review the video footage for responsive records. Also on Friday, July 5, the City Clerk's office approved purchase of the external hard drive.

However, it was thereafter discovered that the requested video footage was no longer available, because it was automatically overwritten by the default settings of the City's surveillance camera system. The automatic overwrite feature of the City's surveillance camera system is based on the amount of video that is recorded, not a pre-defined time period. As a result, because the City's surveillance cameras are motion-activated, the exact time frame of when particular footage will be overwritten is difficult to estimate.

In response to the accidental loss of the video footage, the City is taking the following actions:

1. The City is in the process of engaging a third-party IT expert to attempt to recover the requested video.
2. The City will maintain an external hard drive(s) that will be exclusively available for purposes of saving video surveillance footage in response to any future PRA request.
3. The City is reviewing its internal policies, procedures, and best practices with respect to the processing of PRA requests, particularly as they may relate to requests for video recordings.

We will keep you apprised as we attempt to recover the video. Please let us know if you have any questions.

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Sincerely,



Megan K. Garibaldi
of BEST BEST & KRIEGER LLP

cc: City Clerk
City Manager