



JOHN McMAHON, SHERIFF-CORONER



June 8, 2017

Bob Enyart

Via E-mail Only: bob@kgov.com

Re: Public Records Act request – *Toxicology Report for S. Farook*

Dear Mr. Enyart:

The San Bernardino County Sheriff's Department ("Department") has concluded its review of the Public Records Act request, wherein you seek: toxicology information for Syed Rizwan Farook. The Department addresses your request as follows:

As previously indicated in its April 24, 2017 response, the Department reasserts that the autopsy report, coroner investigation, and all other law enforcement records pertaining to the death of Syed R. Farook, are part of an "investigatory file," and are exempt from disclosure. Government Code section 6254(f) exempts from Public Records Act disclosure "any investigatory or security files compiled...for correctional, law enforcement, or licensing purposes." These records are exempt from disclosure, whether or not the prospect of enforcement proceedings is concrete and definite (*Haynie v. Superior Court* (2001) 26 Cal. 4th 1061,1069; *Black Panther Party v. Kehoe* (1974) 42 Cal.App.3d 645,654; *Younger v. Berkeley City Council* (1st Dist. 1975) 45 Cal.App.3d 825,833; *American Civil Liberties Union Foundation v. Deukmejian* (1982) 32 Cal. 3d 440), and remain protected from disclosure, even after an investigation has concluded. (*Williams v. Superior Court* (1993) 5 Cal. 4th 337, 355-362.) The reason for this law enforcement investigation exemption are obvious; the exemption protects witnesses, victims, and investigators, secures evidence and investigative techniques, encourages candor, recognizes the rawness of sensitivity of information in criminal investigation, and in effect makes such investigations possible. (See *Dixon v. Superior Court* (3d Dist. 2009) 170 Cal.App.4th 1271,1276; see also *Haynie v. Superior Court*, supra, 26 Cal. 4th pp.1070-1071; *Rackauckas v. Superior Court* (2002) 104 Cal.App.4th 169, 175-177; *Williams v. Superior Court*, supra, 5 Cal. 4th at pp. 354-355.)

Government Code section 6255(a) also authorizes denial of a Public Records Act request when "the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record." In this case, interest served by not disclosing clearly outweigh the public interest in disclosure.

For the reasons outlined above, your request is respectfully denied. If you have any questions or concerns, or would like to discuss this matter further, please contact me.

Sincerely,

MILES A. KOWALSKI

General Legal Counsel

San Bernardino County Sheriff's Department

MAK/ct

From: Bob Enyart
To: [Wyatt, Courtney](#)
Cc: [Torres, Cesia](#)
Subject: Re: Public Records Act request – Autopsy Report for S. Farook & T. Malik
Date: Thursday, May 25, 2017 3:11:14 PM
Attachments: [image001.png](#)

Ms. Wyatt, thank you for your reply. The Manchester, England terrorist attack is what brought me back to your email. I would like to let the county know what the public interest is, from our Denver radio news perspective, in someday seeing Farook's autopsy. We've just added Manchester's Salman Abedi (as we had previously added the Boston Bomber Dzhokhar Tsarnaev and the Chattanooga terrorist Muhammad Abdulazeez) to our list at kgov.com/cannabis-terror-and-high-profile-crime. That list includes the following heavy cannabis users:

- Ferguson's suicide-by-cop Michael Brown
- Aurora theater murderer James Holmes
- Boston Bomber Dzhokhar Tsarnaev
- Miami cannibal Rudy Eugene (no bath salts, just pot)
- Heavy cannabis user victim Trayvon Martin
- Baltimore's Freddie Gray
- Manchester's terrorist Salman Abedi
- Vegas Strip murderer Lakeisha Holloway
- Planned Parenthood shooter Robert Lewis Dear
- Infamous murderer Jodi Arias
- Chattanooga's terrorist Muhammad Abdulazeez
- Tuscon massacre mass murderer James Loughner, and many more.

We have reason to believe that Syed Rizwan Farook was a heavy cannabis user and we believe that terrorist organizations are using drugs to desensitize younger men who go on to murder the innocent including sometimes through suicide attacks. So even if the attackers' autopsies cannot be released, if ever an opportunity arises for the county to make a public statement regarding whether Farook had THC in his system.

Thank you for your consideration.

- Bob Enyart
1-800-8Enyart
KGOV.com - RealScienceRadio.com - rsr.org

On Mon, Apr 24, 2017 at 9:17 AM, Wyatt, Courtney <cwyatt@sbcscd.org> wrote:

Good morning Ms. Enyart,

Please see attached.

Thank you,

Courtney Wyatt

Office Specialist to Miles Kowalski, General Legal Counsel

San Bernardino County Sheriff's Department

Sheriff's Executive Staff

[\(909\) 387-3403](tel:(909)387-3403)

