

April 8, 2018

Rachelle Sherris-Watt, President

Kensington Police Protection and Community Services District

Via email to: rsherriswatt@kppcsd.org

Dear President Sherris-Watt,

It has come to the attention of several of us in the community that Kensington Chief of Police Rickey Hull recently removed from the custody of the Police Department a box containing the signed initiative petitions supporting an ordinance requiring that any decision to contract out for police services be put to a vote of the Kensington voters. That box was delivered to KPPCSD board member Christopher Deppe, who returned it sometime later.

California Elections Code § 17200 provides that signed initiative petitions – such as those in the box delivered to Director Deppe - shall be preserved until eight months after certification of an election called for in the initiative, or, if the initiative was for any reason not submitted to the voters, eight months after final examination by the election officials. As a matter of law, the signed petitions should have been destroyed no later than June 2010, eight months after the ordinance was adopted by the Board on October 8, 2009. Apparently, that did not happen.

The statute further provides that access to the petitions shall be restricted in accordance with California Government Code § 6253.5. That section provides that district initiative petitions “shall not be deemed to be public records and shall not be open to inspection” except under limited circumstances, none of which appear to be applicable in this matter. **Elections Code § 18650 provides that anyone who “knowingly or willfully permit[s] the list of signatures on an initiative . . . petition to be used for any purpose other than qualification of the initiative. . .” is guilty of a misdemeanor.**

These events indicate a serious violation of state election law and a potential invasion of privacy of the persons who signed the initiative petitions. As such the following issues should be considered and answered by the Board:

1. Who authorized Chief Hull to remove the petitions and deliver them to Director Deppe?
2. Did the Board’s general counsel, or any other lawyer, approve the actions of Chief Hull and Director Deppe before or after the fact?

3. Why and for what purpose did Director Deppe request the petitions?
4. What did Director Deppe do with the petitions? Were they reviewed by anyone else?
5. Were copies made of the petitions and if so, for whom? Have those copies been distributed in any way?
6. Were any of the people, including Director Deppe (and any attorney who was consulted before or after the fact), aware that their actions constituted a crime and/or have they since been so advised?
7. How long were the petitions in the custody of Director Deppe and did he remove any documents from the files?
8. Were the signed petitions returned intact and are they now in the possession of the Police Department?

These apparent violations of state law, even if inadvertent, must be vetted in public so that Kensington citizens are aware of the potential compromise of their privacy rights. Therefore, I request that this letter be included in the packet for the April 12, 2018 Board meeting and that this issue be placed on the agenda for public discussion and comment by the Board. Unfortunately, I am out of town on April 12 but have asked another member of the community to be prepared to discuss these issues.

Sincerely,



Dane R. Gillette

drg818@gmail.com

cc: Eileen Nottoli, Vice-president
Len Welsh, Director
Sylvia Hacaj, Director
Christopher Deppe, Director
Tony Constantouros, General Manager
Lynn Wolter, District Administrator