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October 25, 2012

Via Electronic and U.S. Mail

San Francisco Bay Area Independent Media Center
2940 16th St Ste 216
San Francisco, California, 94103
sfbay@indymedia.org

Re: DEMAND FOR IMMEDIATE REMOVAL OF PEACE OFFICERS' INFORMATION FROM ELECTRONIC SITE

Dear Site Administrator:

Your website, www.indybay.org, contains personal identifying information about one or more peace officers employed by the City of Vallejo. This letter serves as an immediate written demand that you remove any and all information pertaining to public safety officers employed by the City of Vallejo from your organization's website, including but not limited to the information found at the following URL: http://www.indybay.org/newsitems/2012/10/02/18722876.php. You must also remove any of the aforementioned information from any other physical or electronic site which you maintain or administer, or over which you exercise control. This demand is made pursuant to Government Code Section 6254.21, which states in relevant part:

> No person, business, or association shall publicly post or publicly display on the Internet the home address or telephone number of any elected or appointed official if that official has made a written demand of that person, business, or association to not disclose his or her home address or telephone number. (Gov. Code § 6254.21(c)(1)(A)).[1]

Posting the personal identifying information on a public website such as indybay.org represents a grave risk to the safety of these peace officers and their families. Under California Government Code Section 6254.21 and Penal Code Section 146, a person who posts the home address or telephone number of a peace officer on the internet may be subject to misdemeanor and/or felony criminal charges should injury result to said peace officer or a member of his or her family. *See* Gov. Code § 6254.21(b), Pen. Code § 146(e).

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[1] City of Vallejo Police Officers are considered elected or appointed officials for purposes of this statute. (*See* Gov. Code §§ 6254.21(b); 6254.24(a)).

Please be aware that the individuals who have contributed the above-linked content on your site have also posted the same information on other websites. These individuals have also posted additional information, including names and photographs of family members and home address, and the peace officer involved has received threats to his life and his family. The RICO Act, 18 U.S.C. § 1961-1964, considers distributing this sort of information in this manner to be a terrorist threat against public officials. The individuals involved in disseminating peace officer personal information will face serious repercussions. Should further private information show up on your website, and not be promptly removed, your organization may face civil and criminal liability.

Under Government Code Section 6254.21, you must comply with this demand to remove the identified information within 48 hours. (Gov. Code § 6254.21(c)(1)(D)(i)). Furthermore, your duty to remove this information is ongoing. You must continue to ensure that this information is not re-posted on the same Internet Web site, subsidiary site or any other Web site maintained by you or your organization. You must disable any ability to access this information from any site maintained by you or your organization.

Please advise me of your compliance with this demand within 48 hours of your receipt of this notice. Should you fail to remove the identified information in a timely manner, I may be forced to file an action for injunctive relief with the court and seek fines of up to $1,000.00 as well as associated costs and attorney's fees, pursuant to California Government Code Section 6254.21(c)(1)(E)(2).

Yours truly,

MASTAGNI, HOLSTEDT, AMICK, MILLER & JOHNSEN

DAVID E. MASTAGNI
Attorney at Law

DEM/kaw