

**Kevin McGrath**  
[REDACTED]  
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July 3, 2008

Kevin B. McGrath  
P.O. Box 1  
Redway, CA 95560  
[REDACTED]

Sheriff Gary Philp  
Undersheriff Mike Downey  
Humboldt County Sheriff's Department  
Records Supervisor  
Records Section/Division  
826 Fourth Street  
Eureka, CA 95501

*Via facsimile and certified U.S. mail*

Re: ***Retaliatory Intimidation*** in response to request to inspect records pursuant to California Public Records Act, Cal. Gov't Code §§ 6250 et. seq.

Dear Sirs/Madams:

On June 23, 2008, my request Pursuant to California Public Records Act, Cal Gov't Code §§ 6250 et. seq. (dated June 16, 2008) was sent via certified mail and also hand delivered to your office(s).

On or about July 1, 2008, I received a letter from Humboldt County Undersheriff Mike Downey, indicating that additional time was needed by the Sheriff's to provide a response to my request, and that the Sheriff's Department "will issue the subject determination on or before July 21, 2008." I expect to receive such determination in the mail by July 21, 2008.

My public records request provides phone contact "to arrange with Kevin McGrath a date and time at which below-described documents can be inspected" and reads "All responses and any other written correspondence pertaining to this request should be addressed to Kevin McGrath at the abovementioned address."


This morning, July 3, 2008, Humboldt County Sheriff Deputy Swithenbank came to my home, inquiring about my public records request. He asked me *why* I made such a request and suggested that I should *instead* speak to the Humboldt County Board of Supervisors. In addition, Officer Swithenbank, in relation to the *content* of my public records request, which specifies "homeless and/or transient people, people sleeping and/or camping outside, and/or people sitting on public sidewalks" made discriminatory remarks to me this morning about such people.

It is my understanding and belief that Officer Swithenbank is not gathering public records, nor does he have any role in the records division. Officer Swithenbank's visit to my home and his particular communications this morning were inappropriate, even *if* he were to have a role in the Sheriff's Department records division or in the gathering of public records pursuant to my request.

Officer Swithenbank's visit was intimidating to me, and was apparently done *only for the purposes* of intimidating me from proceeding with obtaining the records (requested on June 23, 2008) and intimidating me from any further such actions I may choose to take -in particular if my efforts relate to justice for homeless people, and/or those described in the paragraph above.

**Humboldt County Sheriff's Deputy Swithenbank's 'visit' to my home was nothing more than retaliatory intimidation in response to my lawful public records request. This retaliation is improper, unlawful, and unacceptable behavior. My request for public record information does not fall within Deputy Swithenbank's jurisdiction, but rather is a matter for the Records Division as dictated by California Statutes.**

Sincerely,



Kevin McGrath

cc: District Attorney, Paul Gallegos  
County Council  
KMUD News  
Jeffrey Schwartz, Attorney at Law  
Redwood Curtain CopWatch  
Northern California ACLU  
Tracy D. Herrin, Attorney at Law  
Office of Public Defender