



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: Mayor Chuck Reed

SUBJECT: 911 Tapes- Daniel Pham Case

DATE: October 20, 2009

APPROVED: *Chuck Reed* **DATE:** *10/20/09*

RECOMMENDATION

Per Committee direction on June 3rd 2009, set a Rules Committee hearing on Nov. 4th to approve the request for release of the 911 tapes sought by the Mercury News in connection with the fatal shooting on May 10, 2009.

BACKGROUND

On June 3rd 2009 the Rules and Open Government Committee heard an appeal of a Public Records request denial. The Mercury News had sought the 911 tapes related to the fatal shooting of Daniel Pham. The Committee heard concerns from the District Attorney that the premature release of the tapes could compromise her office's handling of the investigation.

The Committee determined that once the Grand Jury had concluded its investigation, it would be appropriate to release the 911 tapes. As the Grand Jury has completed its investigation of this matter the tapes should now become public. This committee hearing will allow anyone with privacy or other concerns to speak to the committee before the release is approved.