



The Law Offices of
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February 12, 2010

Ronald L. Davis
Chief of Police
City of East Palo Alto
T: 650-853-3160

VIA EMAIL AND FEDEX

Re: Detective Roderick Tuason's Facebook Comments

Chief Davis,

I write on behalf of The Calguns Foundation, Inc. The Calguns Foundation (CGF) is a non-profit organization incorporated under the laws of California with its principal place of business in Redwood City, California. The purposes of CGF include supporting the California firearms community by promoting education for all stakeholders about California and federal firearm laws, rights and privileges, and protecting the civil rights of California gun owners. CGF represents these members and supporters, which include citizens of East Palo Alto.

As you are now aware, Detective Roderick Tuason of the East Palo Alto Police Department recently made comments on a Facebook page regarding citizens within your City who have been exercising their right to carry firearms openly and unloaded, in accordance with all laws. In that post, Detective Tuason suggested such persons exercising their Second Amendment rights in the City of East Palo Alto should be "proned out" and shot in the back if they moved, stating:

"Sounds like you had someone practicing their 2nd amendment rights last night! Should've pulled the AR out and prone them all out! And if one of them made a furtive movement...2 weeks off!!!"

This, at its simplest, is political hate speech towards the community to which Detective Tuason is duty-bound to protect. It is an abhorrent and vile insight into the mindset of one East Palo Alto's own detectives regarding on-duty activities. It is chilling to contemplate what could happen if Detective Tuason encountered citizens exercising their fundamental civil rights to openly carry in a lawful manner within the City of East Palo Alto, as one Redwood City man did on January 28th. Like the allegations of corruption that left the East Palo Alto Police Department with a tarnished reputation just a few months ago, this vivid and graphic imagery of police misconduct will be hard to dispel.

As the Chief of Police, you know it is your duty to serve and protect. You have stated it is the City's goal to dramatically reduce crime, *fear*, and disorder through continuous professional development training and problem solving, working closely with the community, and that you also hold your organization accountable for providing exemplary services to the citizens of East Palo Alto.

This action of this single Detective within the department has had the opposite effect. Now, not only does the community fear the criminals, they fear law enforcement as well. Justifiably so, if exercising their rights might result in being shot in the back by their own law enforcement. Now, every shooting will be scrutinized by lawyers and the community, causing law enforcement to second-guess themselves. This places both themselves and the persons they are bound to protect in greater peril. Clearly, something is lacking in the training and education provided to this officer.

We assume that the statements are not the official, unofficial, systemic, or even condoned position of the East Palo Alto Police Department. Nevertheless, we understand that the City is struggling to attract qualified, educated, and well-trained law enforcement to the community, given the more favorable compensation packages available in surrounding cities and the area's high cost of living.

To that end, The Calguns Foundation, on behalf of its East Palo Alto members, requests an official apology from the East Palo Alto Police Department for the conduct of its own detective regarding on-duty activities. We demand that your department update their training procedures and policies to include training on the lawfulness of the open carry of firearms in California, training on how to properly and lawfully deal with the burgeoning citizenry that will continue to exercise their civil rights in East Palo Alto, as well as other firearms-related issues. Should immediate voluntary corrective training not be implemented, every available course of action will be used to address this infirmity.

To facilitate corrective action in light of the current budgeting issues faced by the City, The Calguns Foundation is willing to furnish its own resources, which include the use of trained law enforcement officers, experienced firearms rights attorneys, training materials, and guides to the City free of charge. The Chairman of The Calguns Foundation, Inc., Mr. Gene Hoffman, is willing to meet with you to further discuss the details of the proposed assistance.

Please contact me at your earliest possible convenience to discuss the resolution of the matter at hand and any voluntary action that is or will be taken in light of the foregoing.

Sincerely,

DAVIS & ASSOCIATES



JASON DAVIS

cc: East Palo Alto City Attorney