

# THE COCHRAN FIRM



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May 3, 2021

## Via Email

LaBravia J. Jenkins, Esquire, Special Prosecutor

Commonwealth's Attorney

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Bernita Tunstall

Freedom of Information Officer

Spotsylvania Sheriff's Department

P.O. Box 124

9119 Dean Ridings Lane

Spotsylvania, VA 22553

## **Re: Virginia Freedom of Information Act Request**

### **Shooting by Deputy in Spotsylvania County on April 21, 2021**

Dear Ms. Jenkins, Mr. Witt, Ms. Fleming, and Ms. Tunstall,

This is a request under The Virginia Freedom of Information Act pursuant to VA Code Ann. § 2.2-3704. We represent the family of Isiah Brown on his behalf, who is currently incapacitated.

The purpose of VFOIA is to afford every opportunity to citizens to witness the operations of government by inspecting and copying any and all public records. VA Code Ann. § 2.2-3700. A "public record" is defined as "writings and recordings that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business." VA Code Ann. § 2.2-3701.

We hereby request that a copy of the following public records be produced forthwith pursuant to the Code of Virginia:

1. All documents in whole related to the April 21, 2021, Spotsylvania County Sheriff's Department police shooting involving Isiah Brown (DOB 10/10/1988) in the 12200 block of West Catharpin Road. This request for public records includes, but not limited to, reports, notes, and memorandums authored by the deputy who shot Isiah Brown, including the initial Incident Report which should not be subject to protection or exclusion given the criminal investigation.
2. All body camera footage, dash camera footage, and video and audio recordings on April 21, 2021, during the hours of 3:00 a.m. – 4:00 a.m. involving Spotsylvania County Sheriff's Department and Isiah Brown (DOB 10/10/1988) in the 12200 block of West Catharpin Road, which has not been released, if any.
3. All body camera footage, dash camera footage, and video and audio recordings related in whole to the Spotsylvania County Sheriff's Department Deputy during the hours of 12:00 a.m. – 3:00 a.m. before, during, and immediately after transporting Isiah Brown to 10229 Catharpin Rd., Spotsylvania VA 22551, on April 21, 2021, before the subject shooting.
4. A full copy of the 911 dispatch center and the police dispatcher's communications with the Spotsylvania County Sheriff's Department Deputy during the hours of 12:00 a.m. - 3:00 a.m. on April 21, 2021, before the subject shooting, including all communications sent to him in written word over the dispatch system to his squad car computer and any responses received from him by the 911 center or anyone else.
5. A full copy of the dispatch center and the police dispatcher's communications to and from the deputy during the hours of 12:00 a.m. - 3:00 a.m. on April 21, 2021, including but not limited to, all recorded information in the computer-aided dispatch (CAD) systems.
6. All documents, notes and memorandums related in whole to the deputy's encounter with Isiah Brown as it relates to Mr. Brown's disabled vehicle. This request includes the request for the complete address the vehicle was located.
7. The full name of the deputy who shot Isiah Brown, his personnel file, and hiring date with Spotsylvania County Sheriff's Department, including the date he graduated from the Academy and if he had been involved in any prior discharges of his weapon, all use of force reports or similar reports concerning or relating to the deputy who shot Isiah Brown. This request includes is prior employment and any relevant training and age.
8. The full name of the police dispatcher who answered Isiah Brown's 911 call at or around 3:00 a.m., her personnel file, and hiring date.

9. A full copy of the dispatch center and the police dispatcher's communications to and from the deputy who shot Isiah Brown between 3:00 a.m. - 4:00 a.m. including, but not limited to, a transcript of all computerized communications transported to the monitor in the deputy's squad car and all recorded information in the computer-aided dispatch (CAD) systems to Spotsylvania County Sheriff's Department systems and databases.
10. An audit trail report of the computer-aided dispatch (CAD) systems and Spotsylvania County Sheriff's Department computerized database systems utilized by the police dispatcher to initiate, receive and communicate information to the deputy during the period of 3:00 a.m. – 3:19 a.m. on April 21, 2021.

All requests for public records made under VFOIA shall be liberally construed and any exemptions from disclosure are to be narrowly construed. VA Code Ann. § 2.2-3700. You must produce the public records within five days of our request. VA Code Ann. § 2.2-3704 (B).

I understand there may be a copying fee for this public record. Please inform me of the cost prior to making the copy so that we can arrange payment.

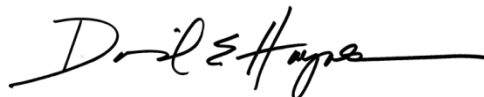
Failure to produce the requested public records is a denial of the request and shall constitute a violation of the Virginia Freedom of Information Act. VA Code Ann. § 2.2-3704 (E). If you choose to deny the request, then you are required to respond in writing and state the statutory exception authorizing the withholding of all or part of the public record and the name and title or position of the person responsible for the denial.

While we understand and appreciate that a criminal investigation is ongoing, our clients as well as the public have an interest in this information. We do not wish to affect the sanctity of your investigation in any way, but there are certain materials requested above that are clearly not protected by the criminal investigation, including the initial Incident report, and information regarding how long the officer has been on the force, as well as the communications from the incident as certain audio and video has been released by your offices.

Thank you for your anticipated cooperation and please call me to discuss if you have any questions or require clarification of our request.

Very truly yours,

**THE COCHRAN FIRM**

A handwritten signature in black ink, appearing to read "David E. Haynes", with a long horizontal flourish extending to the right.

David E. Haynes

cc: Isiah Brown  
Yolanda Brown