

**SUNSHINE ORDINANCE
TASK FORCE**



City Hall
1 Dr Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TTD/TTY No. (415) 554-5227

**ORDER OF DETERMINATION
July 18, 2018**

DATE ISSUED
June 6, 2018

CASE TITLE – Magick Altman against the Police Commission
(File No. 17131)

FACTS OF THE CASE

The following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

Complaint filed by Magick Altman against the Police Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.5, 67.7-1, 67.15 and 67.34, by willfully failing to make meetings open to the public, creating barriers to attendance and failing to allow public comment and to provide adequate public notice.

HEARING ON THE COMPLAINT

On February 27, 2018, the Complaint Committee (Committee) acting in its capacity to hear petitions/complaints heard the matter and referred it to the SOTF for hearing.

Magick Altman (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Altman stated that the Police Commission recessed the meeting, changed meeting rooms and did not inform the public of the change of meeting rooms. Ms. Altman stated that members of the public were provided conflicting information regard the meeting room. Ms. Altman stated that access to City Hall was locked down or stopped for an undetermined period of time which prevented access to the public meeting. Ms. Altman alleged that Police Commissioners had discussions during the recess. Ms. Altman stated that Chief William Scott was allowed additional time to speak while members of the public had the microphone cut off at two minutes.

Sgt. Rachel Kilshaw, Police Commission (Respondent), provided a summary of the department's position. Sgt. Kilshaw stated that the Police Commission recessed their meeting for approximately one hour due to the disorderly conduct of the audience. Sgt. Kilshaw stated that access to City Hall was not allowed for approximately 15 minutes but access to City Hall was allowed well before the

Police Commission reconvened. Sgt. Kilshaw stated that the Sheriff's Department made the decision to stop access to City Hall at their sole discretion with no input from the Police Commission. Sgt. Kilshaw stated that their City Attorney representative advised the Police Commission to move the meeting from Room 250 (Legislative Chamber) to Room 400 as the members of the public in the Chamber would not come to order or allow the meeting to continue. Sgt. Kilshaw stated that notices of the hearing room change were posted outside the meeting room and that the Sheriff's Deputies announced the room change but acknowledged that the Police Commission did not make an announcement themselves. Sgt. Kilshaw stated that Chief William Scott was an invited guest speaker and is therefore not subject to time limitations applied to public commenters. Sgt. Kilshaw stated that all members of the public were allowed to speak for two minutes. Sgt. Kilshaw stated that members of the public could view the meeting in the overflow room if parties could not enter the meeting room. A question and answer period occurred. Parties were provided an opportunity for rebuttal.

The Committee requested that the Police Commission provide witnesses or statements regarding the time City Hall access was closed and who made the decision. Information regarding the policy or procedures to changing rooms mid meeting was also requested. The Committee requested the Petitioner to provide witnesses or statements regarding the experiences of the public, their lack of accurate information and inability to enter City Hall.

The Committee reviewed the proposed violations and suggested that the following Administrative Code Sections to be applicable to the complaint:

67.15(b) – An opportunity for each member of the public to address the body shall be provide.

67.15(c) – Public Comment time limits shall be applied uniformly to members of the public.

67.15(e) – Any agenda changes or continuance shall be announced by the presiding officer of a policy body as soon as the change becomes known to such presiding officer.

On June 6, 2018, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Magick Altman (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Altman stated that members of the public were not given equal time to speak. Ms. Altman said the Police Commission recessed the meeting, changed meeting rooms and did not advise the public of the new meeting location. Ms. Altman also stated that members of the public who were outside City Hall were not permitted admission to the building. Raphael Becauze, Alexander Post, Gilbert Bernstein, Jeremey Miller, Victor Picazo and Karen Fleishman provided a summary of their experiences at the

November 3, 2017, Police Commission meeting and spoke in support of the Petitioner.

Sgt. Rachel Killshaw, Police Department (Respondent), provided a summary of the department's position. Sgt. Killshaw stated that the Police Commission and the Sherriff's Department have provided written statements and documents responsive to the SOTF's requests. Sgt. Killshaw also stated that the Sherriff's Department was responsible for the decision to close access to City Hall, not the Police Commission. Sgt. Killshaw stated that staff from the Police Commission posted a notice of changed of meeting room on the door to inform the public of the change of venue. There were no speakers who spoke in support of the Respondent.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

The SOTF opined that the Police Commission could have done more to inform the public of the meeting room change due to the confusion of the situation.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented the SOTF found that the Police Commission violated Administrative Code (Sunshine Ordinance), Sections 67.15(b), (c) and (e).

ORDER OF DETERMINATION

Member Tesfai, seconded by Member Hinze, moved to find that the Police Commission violated Administrative Code, Sections 67.15(b), (c) and (e), by failing to allow members of the public to directly address the Police Commission, failing to uniformly apply time limits for public comment and failure to announce changes to the agenda/change of meeting location as they became known.

The motion PASSED by the following vote:

Ayes: 7 – J. Wolf, Tesfai, Cannata, Fischer, Hinze, Hyland and B. Wolfe
Noes: 0 – None



Bruce Wolfe, Chair
Sunshine Ordinance Task Force

- c. Magick Altman (Petitioner/Complainant)
Sgt. Rachel Killshaw, Police Commission (Respondent)