

**From:** Anonymous  
**To:** [SFPD Commission \(POL\)](#)  
**Cc:** [Peskin, Aaron \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Fewer, Sandra \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Brown, Vallie \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Ronen, Hillary; SOTF \(BOS\)](#); [Board of Supervisors \(BOS\)](#); [Rosenstein, Diana \(DPA\)](#); [Henderson, Paul \(DPA\)](#)  
**Subject:** Please ensure strict compliance with Sunshine Ordinance in SB 1421 public records Disclosures - re: Commission Dec 4 Hearing Public Comment, Items 3 and 4  
**Date:** Tuesday, December 3, 2019 2:23:40 PM  
**Attachments:** [signature.asc](#)

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Honorable Members of the Police Commission,  
[cc: Board of Supervisors, Sunshine Ordinance Task Force, DPA]

Please ensure that your own Commission, and both the DPA and SFPD under your supervision, are not permitted to make any exemptions or delays in disclosures of SB 1421 police misconduct records, other than those permitted by the CPRA and Penal Code, and not further prohibited by the stronger local Sunshine Ordinance. If you create and enforce internal policies in practice that refuse or delay access to any lawfully public records, it is likely that more journalists, activists, and good government organizations, including myself, would have to appeal your and your subordinate agencies' records responses.

I write to you to today to ensure that your agencies properly redact records. As you may know, SF Admin Code 67.26 requires you to provide a "clear reference" like a footnote to a justification for each and every redaction or withholding, and 67.27 requires that justification be either an appropriate law or court case. While some City agencies do comply with these requirements without fuss, many disclosures we have received from SFPD lacked such justifications. My petitions have caused both the SFPD and other agencies to redo such disclosures in the past that did not comply with the Sunshine Ordinance. Those were generally smaller records responses. **Due to the volume of records involved in past SB 1421 investigations, the amount of duplicate labor if the Sunshine Ordinance is not followed correctly will be substantial, so I urge you to please ensure your agencies do it right the first time.**

The Public Defender's presentation already discusses some of the non-statutory exceptions and delay DPA/SFPD has proposed that must be rejected by your Commission.  
We have already written to you regarding the inappropriate use of the public interest balancing test, which is prohibited in San Francisco:  
<https://sfgov.org/policecommission/sites/default/files/Documents/PoliceCommission/Anonymous%20email%20112119.pdf>

Please order DPA, SFPD, and your own staff to follow strictly all of the provisions of the CPRA and the Sunshine Ordinance.

I apologize that I cannot make this comment in person as I have a hearing before the Sunshine Ordinance Task Force at essentially the same time.

***NOTE: Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be public records.***

Sincerely,

Anonymous