

Date March 7, 2012

Item No. 9 & 10
File No. 11097

SUNSHINE ORDINANCE TASK FORCE
AGENDA PACKET CONTENTS LIST

ITEMS

- | | | |
|--------------------------|-------------------------------------|-----------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Complaint submittal |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Correspondence |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Respondent's Response |
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OTHER

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Completed by: Andrea Ausberry Date March 1, 2012
Completed by: _____ Date _____

*An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document is in the file.



RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2011 DEC 14 AM 11:18

SUNSHINE ORDINANCE TASK FORCE
1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102
Tel. (415) 554-7724; Fax (415) 554-7854
<http://www.sfgov.org/sunshine>

SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission SF Police ~~XXXXXX~~ SF Police chief

Name of individual contacted at Department or Commission KADAO YAMAGUCHI

- Alleged violation public records access
- Alleged violation of public meeting. Date of meeting _____

Sunshine Ordinance Section _____
(If known, please cite specific provision(s) being violated)

Please describe alleged violation. Use additional paper if needed. Please attach any relevant documentation supporting your complaint.

REFUSES TO PROVIDE INFORMATION

As per the officers statement I did provide enough information so I could receive the information

- Do you want a public hearing before the Sunshine Ordinance Task Force? yes no
- Do you also want a pre-hearing conference before the Complaint Committee? yes no

(Optional)¹
Name Charles Pitts Address _____

Telephone No. _____ E-Mail Address _____

Date _____ Signature _____

I request confidentiality of my personal information. yes no

¹ NOTICE: PERSONAL INFORMATION THAT YOU PROVIDE MAY BE SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE, EXCEPT WHEN CONFIDENTIALITY IS SPECIFICALLY REQUESTED. YOU MAY LIST YOUR BUSINESS/OFFICE ADDRESS, TELEPHONE NUMBER AND E-MAIL ADDRESS IN LIEU OF YOUR HOME ADDRESS OR OTHER PERSONAL CONTACT INFORMATION. Complainants can be anonymous as long as the complainant provides a reliable means of contact with the SOTF (Phone number, fax number, or e-mail address).

Re: Sunshine Complaint Received: #11097_Ch Charles Pitts v Police Department

Tadao Yamaguchi

to:

SOTF

01/18/2012 11:45 AM

Cc:

Chief Suhr, Lyn Tomioka, Greg McEachern, Robert Yick

Show Details

Dear Mr. Chris Rustom - Sunshine Ordinance Task Force

In response to your email sent 17, January 2012. I am a Sergeant of Police, currently assigned to the Office of the Chief of Staff, 850 Bryant Street Room 525, Hall of Justice, San Francisco Police Department. I am not assigned to nor work at the SFPD Records Room, 850 Bryant Street Room 475.

I regard to this matter; an unidentified African American male come to the SFPD Office of the Chief of Staff and demanded, in a very uncooperative manner, a police report. I directed this man to the police records room, Room 475, and informed him that he will need to fill out a report request form with his signature. The man refused, left his papers on the front counter and walked out of the office, saying out loud "you've been reserved". I followed the man to the 5th floor elevators and tried to direct him to room 475 again and return this papers. The man refused his papers and took the down elevator. I examined the papers and after finding an email address I emailed him with a report request form as well as asking the man to contact the records room.

In accordance with SFPD Department General Order 3.16 II C (order attached) I, in my current position, can not release ANY police reports. SFPD police reports can requested by completing "*Request for Police Report*" form (attached) which must be sign by the person requesting the report, with a "I declare this statement to be true and correct" clause attached.

Please forward the attached SFPD Report Request Form to anyone who wants a SFPD incident report and return it to **San Francisco Police Department, Thomas J. Cahill Hall of Justice, Report Management Section, 850 Bryant Street Room 475, San Francisco, CA. 94103-4603**. Please note that the person requesting the report will have to sign the form.

Please provide me with your direction in this matter so that I can notify my chain of command and comply with their orders.

I am very sorry that I could not immediately comply with your order.

Sincerely

Sergeant Tadao Yamaguchi #1973

San Francisco Police Department

Office of the Chief of Staff

850 Bryant Street

San Francisco, CA. 94103

(415) 553-1551 Work

(415) 734-3613 Desk

tadao.yamaguchi@sfgov.org

CC: Chief of Police, Chief of Staff, Legal Division, Internal Affairs Division

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the sender and destroy all copies of the communication immediately.

-----SOTF/SOTF/SFGOV wrote: -----

To: SFPDLEGAL/SFPD/SFGOV@SFGOV, SFPD.Commission@sfgov.org,
Tadao Yamaguchi/SFPD/SFGOV@SFGOV
From: SOTF/SOTF/SFGOV
Date: 01/17/2012 01:25PM
Cc: Jerry Threet/CTYATT@CTYATT
Subject: Sunshine Complaint Received: #11097_Charles Pitts v Police Department

This e-mail is to confirm that the attached complaint and support documents have been received. The Department is required to submit a response to the alleged charges to the Task Force within five business days on receipt of this notice. Please refer to complaint number #11097 when submitting any information and/or supporting documents pertaining to this complaint.

No hearing date is currently available. You will be notified of the place, date and time of the hearing at a later date.

Attached is the Sunshine Ordinance Task Force's complaint procedures.

(See attached file: 11097_Complaint.pdf) (See attached file: 1_Complaint Procedures_4-28-09_Final.pdf)

Chris Rustom
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689
OFC: (415) 554-7724
FAX: (415) 554-7854
SOTF@sfgov.org

[attachment "1_Complaint Procedures_4-28-09_Final.pdf" removed by Tadao Yamaguchi/SFPD/SFGOV]

[attachment "11097_Complaint.pdf" removed by Tadao Yamaguchi/SFPD/SFGOV]

RELEASE OF POLICE REPORTS

I. POLICY

This order is drafted to comply with the Public Records Act, California Government Code Section 6254, et seq., the San Francisco Sunshine Ordinance, Administrative Code, Chapter 67, and other applicable state and local laws. These statutes embody a policy of releasing information unless release would endanger citizens, law enforcement personnel or a law enforcement investigation, or constitute an unnecessary invasion of privacy. This means that arrest, accident and incident reports must be released unless the disclosure would cause the dangers mentioned in the law. In all cases, the burden is on the Department to justify nondisclosure.

II. PROCEDURES

A. INFORMATION WHICH MAY BE WITHHELD. The Department may withhold nos. 1 - 8 below, except that release shall occur where, upon weighing the public interest for and against disclosure, the public interest favors disclosure. If documents are withheld, the Department must explain in factual terms how the public interest would be harmed. [S.F. Admin. Code § 67.27 (a)]. The information in nos. 9 - 12 shall not be released.

1. Information that would endanger the safety of a person involved in an investigation. (Cal. Gov. Code 6254 (f))
2. Information that would endanger law enforcement personnel. (S.F. Admin. Code, § 67.24 (d))
3. Information that would endanger the successful completion of an investigation, but only when the prospect of enforcement proceedings is concrete and definite. (Cal. Gov. Code 6254 (f))
4. Secret investigative techniques or procedures where, on the facts of the case, the public interest in nondisclosure clearly outweighs the public interest served by disclosure. (S.F. Admin. Code, § 67.24 (d); Cal. Gov. Code § 6255)

DGO 3.16

09/21/94

5. Information regarding the identity of confidential informants. (Cal. Gov. Code 6254 (f), 6255; S.F. Admin. Code, § 67.24 (d))
6. The name of any victim of a sexual assault who specifically requests that it not be disclosed. (Cal. Gov. Code 6254 (f) (2)), DGO 6.16, Sexual Assaults)
7. Medical or other information constituting an unwarranted invasion of privacy. (Cal. Gov. Code 6254 (c); S.F. Admin. Code, § 67.25 (d))
8. The name and address of any person detained pursuant to Welfare and Institutions Code Section 5150 where disclosure would constitute an unwarranted invasion of privacy. (Cal. Gov. Code 6254 (c))
9. The name or address of a juvenile who is a suspect or who has been arrested or detained, or any information which might lead to the identity of a juvenile who is a suspect or who has been arrested or detained may not be released without a court order. (TNG v. Superior Court (1971) 4 C.3d 767).
10. Vehicle collision reports involving death or personal injury except as provided by California Vehicle Code Section 20012 (see DGO 9.02, Vehicle Accidents).
11. Any report regarding child abuse made confidential by Penal Code Sections 11167 and 11167.5, or any report regarding assaultive or abusive conduct made confidential by Penal Code Section 11163.2 (b).
12. The address of any victim of a sexual assault. (Cal. Gov. Code 6254 (f) (2))

B. INFORMATION THAT MUST BE RELEASED

1. DURING THE PENDENCY OF AN INVESTIGATION OR PROSECUTION. The Department retains the discretion to withhold incident reports and other documents during the pendency of an investigation. The following information, however, must be released, so long as release is not prohibited in Section A above.

a. Information that must be released to the public:

- (1) Individual arrested, including name, address, occupation, physical description.
- (2) Facts surrounding arrest, including, but not limited to, time and date of arrest and booking, location of the arrest, amount of bail, location of arrestee or time and manner of release.
- (3) Charges brought, including outstanding warrants and parole or probation holds.
- (4) Time, substance and location of all complaints or requests for assistance and time and nature or response thereto, including, where an incident report has been made, the time, date and location of occurrence, and the time and date of the report.
- (5) Victim's name, age and address, except if victim or victim's address cannot be disclosed as detailed in Section A above.
- (6) Factual circumstances surrounding the crime or incident and a general description of any injuries, property or weapons involved.

b. Additional information that must be released to victims, their authorized representatives, and their insurance carriers:

- (1) Names and addresses of all persons involved in or witnesses other than confidential informants.
- (2) Description of any property involved; date, time and location of incident.

DGO 3.16
09/21/94

(3) Diagrams, statements or the parties involved, statements of all witnesses other than confidential informants.

2. **AFTER THE CASE IS CLOSED.** When the prospect of an enforcement action has been terminated, the Sunshine Ordinance requires complete disclosure, except that it still permits the Department to withhold the following [S.F. Adm. Code, § 67.24 (d)]:

- a. Witnesses names and addresses (alphabetical letters should be substituted), except that state law requires release when this information is requested by a victim, the victim's representative or an insurance carrier that might be liable. (Cal. Gov. Code 6254 (f))
- b. Personal and otherwise private information unrelated to the law enforcement action.
- c. Identity of a confidential source.
- d. Secret investigative technique or procedure.
- e. Information that would endanger law enforcement personnel.

C. PERSONS WHO MAY AUTHORIZE RELEASE. The following persons may authorize the release of police reports but must consult with the Department Legal Division in cases that are not routine:

1. The investigator or the officer-in-charge of the unit assigned the case.
2. The Officer-in-Charge of the Records Section or the officer designated to release reports when the case is not assigned to an investigative unit.
3. The Public Affairs Officer, after consultation with the assigned investigator (when possible).
4. The Operations Center (during non-business hours) after consultation with the assigned investigator or the Public Affairs Officer (when possible).

D. TIMES OF RELEASE

1. **GENERAL PUBLIC.** The general public may request in writing the release of a report during normal business hours 0800 to 1600 hrs. Monday through Friday, holidays excluded or through the mail.
2. **NEWS MEDIA.** The news media may request reports in the same manner as the general public or through the Public Affairs Office. If the Public Affairs Office is closed, the media should make the request at the Operations Center. The release will be made consistent with the ability of the Department to do so without undue disruption of normal procedures.

E. RELEASE AUTHORIZATION. The person who authorizes the release of a report to the public or the news media is responsible for insuring that the items listed in this order are excluded from the report or are not discernible.

F. MEDIA INTERVIEWS. Nothing in this order restricts an officer from providing the public or the news media orally with information on a case in which he/she is involved consistent with this order and DGO 8.09, Media Relations Policy.

G. COMPUTER DATA. See DGO 10.08, Use of Computers.

-REQUEST FOR POLICE REPORT

IT IS MANDATORY TO HAVE A SELF ADDRESSED LEGAL SIZE STAMPED ENVELOPE FOR YOUR REPORT TO BE PROCESSED.

Mail Request To: San Francisco Police Department
Report Management Section
850 Bryant Street, Room 475
San Francisco, CA 94103-4603

Name: _____

Address: _____

City, State, Zip: _____

-----fold here-----

Contact Phone: (____) _____

SF Police Report #: _____

Name of Party Listed in Report: _____

Date of Birth: Month ____ /Day ____ /Year ____

Your Interest In This Incident: _____

Type of Incident: _____

Date/Time of Occurrence: _____

Location of Occurrence: _____

Vehicle Involved: (License Plate Number / State) _____

I declare this statement to be true and correct:

Signature

Date

Note: VEHICLE ACCIDENT REPORTS ARE ONLY PREPARED FOR HIT & RUN, DRUNK DRIVING AND PERSONAL INJURY CASES. All request for copies of police reports will be handled in the order they are received and will be delivered to requester by return mail ONLY. Some reports are restricted and/or inaccessible.

Requestor ID/DL: _____

RMS Signoff _____

Date: _____

Re: Sunshine Complaint Received: #11097_Ch Charles Pitts v Police Department

Tadao Yamaguchi

to:

SOTF

01/18/2012 11:55 AM

Cc:

Chief Suhr, Lyn Tomioka, Greg McEachern, Robert Yick

Show Details

History: This message has been replied to.

2 Attachments



report request form.pdf DGO 3.16 PD Reports.pdf

Dear Chris Rustom - Sunshine Ordinance Task Force

I apologize my reply email to you did not have the attachments I referred to.

Sincerely

Sergeant Tadao Yamaguchi #1973

San Francisco Police Department

Office of the Chief of Staff

850 Bryant Street

San Francisco, CA. 94103

(415) 553-1551 Work

(415) 734-3613 Desk

tadao.yamaguchi@sfgov.org

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[attachment "11097_Complaint.pdf" removed by Tadao Yamaguchi/SFPD/SFGOV]

Sunshine Complaint 11097

Tadao Yamaguchi

to:

SOTF

02/01/2012 09:39 AM

Cc:

Greg McEachern, Robert Yick, Chief Suhr, Lyn Tomioka

Show Details

History: This message has been replied to.

Sunshine Ordinance Task Force

City Hall, Rm. 244, San Francisco, CA 94102

sotf@sfgov.org, (415) 554-7724, fax: (415) 554-7854

Dear Mr. Rustom,

Any more information or update on my Sunshine complaint #11097? Will I still be needed to testify, if so I must officially notify my legal division and the City Attorney, for representation.

Sincerely

Tad

cc:

SFPD Legal

SFPD IAD

Chief

Chief of Staff

Sergeant Tadao Yamaguchi #1973

San Francisco Police Department

Office of the Chief of Staff

850 Bryant Street

San Francisco, CA. 94103

(415) 553-1551 Work

(415) 734-3613 Desk

tadao.yamaguchi@sfgov.org

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Re: #11097_Charles Pitts v Police Department
CHARLES PITTS

to:
sotf
01/18/2012 08:50 PM
Show Details

with the chp complaint
believe the complaint is i did not get a response
i believe gail will not show up to the hearing
i don't want any other violations
other then me not getting a response

the complaint with the police department is i
asked for information and the officer refuses
to give me the 3 police reports i asked for

--- On Wed, 1/18/12, sotf@sfgov.org <sotf@sfgov.org> wrote:

From: sotf@sfgov.org <sotf@sfgov.org>
Subject: #11097_Charles Pitts v Police Department
To:
Date: Wednesday, January 18, 2012, 4:12 PM

Mr. Charles Pitts,

Chair Johnson wants you to provide the Task Force with the section of the Ordinance you believe has been violated.

Chris Rustom
Sunshine Ordinance Task Force
City Hall, Rm. 244, San Francisco, CA 94102
sotf@sfgov.org, (415) 554-7724, fax: (415) 554-7854

Hi, CHARLES Sign Out Newest version of Y! Mail Help

Get Y! on My Phone

Search

Mail Contacts Calendar Notepad What's New? Mobile Mail Options

Check Mail New Get the newest Yahoo! Mail

Public Arrest Records: Online

Previous | Next | Back to Messages Mark as Unread | Print

Delete Reply Forward Spam Move...

- Folders**
- Inbox (15471)**
- Drafts (116)
- Sent
- Spam (2)** [Empty]
- Trash [Empty]
- My Photos
- My Attachments

SFPD

Thursday, December 1, 2011 10:00 PM

From: "Tad.Yamaguchi@sfgov.org" <Tad.Yamaguchi@sfgov.org>

To: |
2 Files (144KB) | Download All



report requ pitts charles

Chat & Mobile Text
I am Offline

Dear Mr. Charles Pitts,

You and your friend came to the Chief's Office on the afternoon of Thursday, December 1, 2011 and dropped off a two page request for three police reports. As I stated to you multiple times the Chief's Office can not give you police reports. You must obtain all police report from Room 475, 4th floor west wing at the Hall of Justice, 850 Bryant Street, the same building you were in. With the limited information and no return address on your papers, which you left on my desk, I can not even fill out a request for police report on your behalf. I urge you to fill out the attached form or follow the instructions on the SFPD 105 form you have to obtain reports.

Sincerely
Tadao Yamaguchi
Sergeant Tadao Yamaguchi #1973
San Francisco Police Department
Office of the Chief of Staff
850 Bryant Street
San Francisco, CA. 94103
(415) 553-1551 Work

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67.25.a

Immediate disclosure request

San Francisco police chief

I am requesting a copy of the following 3
police reports

Cad numbers

111590398

111843484 please note second page

110660286

Charles pitts

community housing partnership

San Francisco Police Department Vice Crimes Detail
REPORTER FOLLOW-UP

Case Number: 111 843 484
 Case numbers are assigned to an investigator based on facts obtained during the initial investigation.

- Company A (Central) 315-2400
- Company B (Southern) 553-1373
- Company C (Bayview) 671-2300
- Company D (Mission) 558-5400
- Company E (Northern) 614-3400
- Company F (Park) 242-3000
- Company G (Richmond) 666-8000
- Company H (Ingleside) 404-4000

- Company I (Taraval) 759-3100
- Company J (Tenderloin) 345-7300
- Company K (Traffic Div.) 553-1245
- Anonymous Tip Line 643-6233
- Criminal Investigations Unit 553-1201
- Domestic Violence Unit 553-9225
- Economic Crimes Unit 553-1521
- Gang Task Force Unit 553-1401
- Hit and Run Unit 553-1641
- Homicide/Anonymous Tip Line 575-4444
- Homicide Unit 553-1145
- Juvenile 558-5500
- Missing Persons Unit 558-5508
- Narcotics Division 553-1426
- Sexual Assault Unit 553-1361
- Special Investigations 553-1133
- Text-a-Tip 847411
- Vice Crimes Detail 553-1427

Complete this form to report responses, and general operation

Your Name: SMALL

Date of Incident: 3/27/11

Incident Narrative (continued)

CONTINUOUS NOISE FROM AP
 1:30 AM T.U. 4:39 AM
 THIS IS RANDOM & CONTINUOUS / THIS NOISE
 HAPPENS IN THE MIDDLE OF THE DAY
 A.S.D.
 POLICE CALLED
 CAD # 110660286

Officer's Name and Star No. SFPD 105 (rev.01/10)

Who was involved?	Relationship to CHP	Badge/Identification #
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____

Action taken: **FOR OFFICE USE ONLY (Indicate receipt at bottom)**

Management Signature _____ Title _____ Date _____

Received By (Print Name) _____ Date _____ Time _____

