



## **ORDER OF DETERMINATION**

January 2, 2013

### **DATE THE DECISION ISSUED**

December 5, 2012

RAY HARTZ, JR. v. CHIEF SUHR, POLICE DEPARTMENT (CASE NO. 12018)

### **FACTS OF THE CASE**

Complainant Ray Hartz Jr., ("Complainant") alleges that San Francisco Police Department Chief Greg Suhr ("Respondent") violated the Sunshine Ordinance by failing to adequately respond to Mr. Hartz's Immediate Disclosure Request ("IDR") for all public records related to Police Incident Report #120098278.

### **COMPLAINT FILED**

On March 16, 2012, Mr. Hartz filed a complaint with the Task Force alleging multiple violations of the Sunshine Ordinance.

### **HEARING ON THE COMPLAINT**

On December 5, 2012, Complainant, Mr. Hartz, appeared before the Task Force and presented his claim. Respondent, Sergeant Richard Goss, San Francisco Police Department presented the Police Department's defense.

The issue in the case is whether the Police Department violated Sections 67.21, 67.25, 67.26 and 67.27 of the Ordinance and/or Section 6253 of the California Public Records Act.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Based on the testimony and evidence presented, the Task Force finds the testimony of Mr. Hartz to be persuasive and finds that Section 67.25(a) to be applicable in this case. The Task Force does not find the testimony provided by Sergeant Goss, Police Department persuasive to this case.

### **DECISION AND ORDER OF DETERMINATION**

The Task Force finds that San Francisco Police Department Chief Greg Suhr violated Section 67.25(a) of the Sunshine Ordinance for failing to timely respond to Mr. Hartz's Immediate Disclosure Request for all public records related to Police Incident Report No. 120098278. The Police Department shall appear before the Education, Outreach and Training Committee on February 14, 2013.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on December 5, 2012, by the following vote: (Knee /Washburn)

Ayes: Knee, Manneh, Washburn, Pilpel, Hyland, Oka, Fischer

Noes: Sims, Grant

Excused: David



Kitt Grant, Chair  
Sunshine Ordinance Task Force

c: Jerry Threet, Deputy City Attorney  
Ray Hartz, Jr., Complainant  
Chief Greg Suhr, Respondent  
Sergeant Richard Goss, Respondent