



ORDER OF DETERMINATION
July 2, 2014

DATE THE DECISION ISSUED
June 24, 2014

CASE TITLE – CRAIG GOLD V. CHIEF GREG SUHR, SAN FRANCISCO POLICE DEPARTMENT (File No. 14026)

FACTS OF THE CASE

Craig Gold (Complainant) made a complaint alleging that Chief Greg Suhr, San Francisco Police Department (Respondent), violated provisions of the Sunshine Ordinance by failing to adequately respond to a request for public records dated December 3, 2013.

COMPLAINT FILED

On March 6, 2014, Mr. Gold filed a complaint against Chief Greg Suhr, San Francisco Police Department, alleging that the San Francisco Police Department failed to adequately respond to his request for public records.

HEARING ON THE COMPLAINT

On June 24, 2014, Mr. Gold appeared before the Task Force and presented his claim. Lieutenant Chris Woon, San Francisco Police Department (Respondent), presented the department's defense.

The issue in the case was whether the Police Department violated Sunshine Ordinance Section 67.21 and California Government Code Section 6250.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented, the Task Force finds the testimony of Mr. Gold to be persuasive and finds Sunshine Ordinance Section 67.21(b)(c) to be applicable to this case. The Task Forces does not find the testimony provided by Lieutenant Woon, San Francisco Police Department, persuasive to this case.

DECISION AND ORDER OF DETERMINATION

The Task Force finds Chief Greg Suhr, San Francisco Police Department, in violation of Sunshine Ordinance Section 67.21(b)(c) for failing to adequately respond to a request for public records in a timely manner and failing to provide assistance in identifying the existence, form and nature of any record or information that may exist.

The Police Department is ordered to work with Mr. Gold and release any additional information/documents relevant to the matter within 5 business days of the issuance of this Order and appear before the Compliance and Amendments Committee on July 15, 2014. It is further requested that the Police Department review and amend their policies to account for the possibility that public records requests may, in certain circumstances, be submitted in the form of questions.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on June 24, 2014, by the following vote: (Washburn/Pipfel)

Violation of Sunshine Ordinance Section 67.21(b):

Ayes: 10 – Rumold, Winston, Wolf, Washburn, Pipfel, Hepner, David, Hyland, Oka, Fischer

Noes: 0 – None

Violation of Sunshine Ordinance Section 67.21(c):

Ayes: 9 – Rumold, Winston, Wolf, Washburn, Pipfel, Hepner, Hyland, Oka, Fischer

Noes: 1 – David

A handwritten signature in black ink, appearing to read "L. E. Fischer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Louise Fischer, Vice-Chair
Sunshine Ordinance Task Force

c: Nicholas Colla, Deputy City Attorney
Craig Gold, Complainant
Lieutenant Chris Woon, Police Department
Briseida Banuelos, Police Department
Chief Greg Suhr, Police Department