



ORDER OF DETERMINATION  
August 5, 2014

DATE THE DECISION ISSUED  
July 22, 2014

CASE TITLE – EMMANUEL KOURKOULOS V. DEPUTY CHIEF LYN TOMIOKA, SAN FRANCISCO  
POLICE DEPARTMENT (File No. 14043)

*FACTS OF THE CASE*

Emmanuel Kourkoulos (Complainant) made a complaint alleging that Deputy Chief Lyn Tomioka, San Francisco Police Department (Respondent), violated provisions of the Sunshine Ordinance by failing to adequately respond to a request for information.

*COMPLAINT FILED*

On April 24, 2014, Mr. Kourkoulos filed a complaint against the Deputy Chief Lyn Tamioka, San Francisco Police Department, alleging failure to adequately respond to a request for information in a timely manner.

*HEARING ON THE COMPLAINT*

On July 22, 2014, Mr. Kourkoulos appeared before the Task Force and presented his claim. Sgt. Anthony Pedroza, San Francisco Police Department (Respondent), presented the Police Department's defense.

The issue in the case was whether the San Francisco 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. Kourkoulos to be persuasive and finds Sunshine Ordinance Sections 67.24(g) and 67.27(d) to be applicable to this case.

*DECISION AND ORDER OF DETERMINATION*

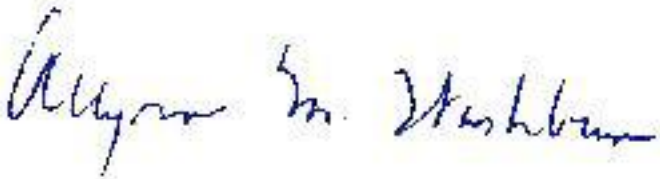
The Task Force finds Deputy Chief Lyn Tomioka, San Francisco Police Department, in violation of Sunshine Ordinance Sections 67.24(g) (The City may not assert California Public Records Action Section 6255 or any similar provisions as the basis for withholding any documents) and 67.27(d) failure to provide the requester an explanation of the nature and extent of the exempt information and suggest alternative sources for the information if available.

It is requested that Deputy Chief Lyn Tomioka, San Francisco Police Department, appear before the Education, Outreach and Training Committee, on a date to be determined, to discuss the Police Department's policy regarding public access to police incident reports and policy regarding the content of responses provided to the public when records are withheld (provision of reason why documents are withheld and possible alternatives to obtaining withheld documents).

The Task Force requests that Deputy City Attorney Colla provide additional information regarding applicable laws and policies pertaining to the withholding of public records by protective agencies and how various protective agencies interpret them.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on July 22, 2014, by the following vote: (Pilpel/Winston)

Ayes: 7 – Rumold, Winston, Pilpel, Hepner, Oka, Hyland, Washburn  
Noes: 2 – David, Fischer  
Absent: 1 – Wolf

A handwritten signature in blue ink that reads "Allyson M. Washburn". The signature is written in a cursive style.

Allyson Washburn, Chair  
Sunshine Ordinance Task Force

c: Nicholas Colla, Deputy City Attorney  
Deputy Chief, Lyn Tomioka, San Francisco Police Department  
Sgt. Anthony Pedroza, San Francisco Police Department  
Briseida Banuelos, San Francisco Police Department  
Emmanuel Kourkoulos, Complainant