

**SUNSHINE ORDINANCE  
TASK FORCE**



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**ORDER OF DETERMINATION**  
June 22, 2016

**DATE DECISION ISSUED**  
April 6, 2016

**CASE TITLE – Charles Pitts v. San Francisco Police Commission (File No. 16005)**

**FACTS OF THE CASE**

On January 14, 2016, Charles Pitts (Complainant) filed a complaint alleging that the Police Commission (Respondent), violated Administrative Code (Sunshine Ordinance), Section 67.25(a) by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

**HEARING ON THE COMPLAINT**

On February 16, 2016, the Compliance and Amendments Committee heard the matter.

Mr. Pitts provided a summary of the complaint and requested the Task Force to find a violation. Silvia Johnson spoke in support of the Complainant. Sgt. Rachel Kilshaw, Police Commission (Respondent), provided a summary of the department's position. Sgt. Kilshaw stated that Mr. Pitts' request was determined not be an Immediate Disclosure Request due to its voluminous nature and applied the 10 day deadline to public records request. In addition, Sgt. Kilshaw stated that the Police Commission was advised by the Office of the City Attorney regarding the Police Commission policy related to processing of Immediate Disclosure Requests. Ann Treboux spoke in support of the Respondent. A question and answer period followed. The Complaint and the Respondent provided rebuttals.

The Committee advised that a response to an Immediate Disclosure Request is required to either inform the requester that additional time is required to respond or to provide the requested records by the end of business on the business day following the request.

Sgt. Kilshaw agreed to work with the Police Commission in order to comply with the advice of the Committee and will notify the authors of Immediate Disclosure request as to the status of the request or provide the requested documents by the end of business on the business day following the request.

On April 6, 2016, the Sunshine Ordinance Task Force reviewed and adopted the recommendation of the Compliant and Amendments Committee.

## FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the Task Force finds that there was a violation of Administrative Code (Sunshine Ordinance), Sections 67.25(a) and (b).

## RECOMMENDATION

The Sunshine Ordinance Task Force accepted the recommendation of the Compliance and Amendments Committee and finds that the Task Force has jurisdiction and that the San Francisco Police Commission violated Administrative Code (Sunshine Ordinance), Sections 67.25(a) and (b), occurred for failure to notify the requester by the close of business on the business day following the request that additional time was needed to responded to the Immediate Disclosure Request.

### **The motion PASSED by the following vote:**

Ayes: 2 - Washburn, Eldon

Noes: 0 - None

Absent: 1 - Haines

A handwritten signature in black ink, appearing to read "Chris Hyland". The signature is stylized with a large, sweeping flourish that loops back under the name.

Chris Hyland, Vice Chair  
Sunshine Ordinance Task Force

- c. Nicholas Colla, Deputy City Attorney  
Charles Pitts, Complainant  
Sgt. Rachel Kilshaw, Police Commission