

Date: Sept. 14, 2010

Item No. 5

File No. 10046

**SUNSHINE ORDINANCE TASK FORCE**  
**COMPLAINT COMMITTEE**  
**AGENDA PACKET CONTENTS LIST\***

- ~ Determination of jurisdiction on complaint filed by Joseph Victor
- Lagana against the Police Department
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Completed by: Chris Rustom

Date: Sept. 9, 2010

**\*This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

\*\* The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.



DENNIS J. HERRERA  
City Attorney

JANA CLARK  
Deputy City Attorney

Direct Dial: (415) 554-3968  
Email: jana.clark@sfgov.org

**MEMORANDUM  
PRIVILEGED AND CONFIDENTIAL**

TO: Sunshine Ordinance Task Force  
FROM: Jana Clark  
Deputy City Attorney  
DATE: September 7, 2010  
RE: *10046 Joseph Victor Laguna v. San Francisco Police Department*

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**Background**

Complainant Joseph Victor Laguna alleges that the San Francisco Police Department violated the Ordinance by failing to respond to his request for CAD (Computer Assisted Dispatch) records pertaining to his June 13, 2008 arrest.

**Complaint**

On August 24, 2010, Complainant filed a complaint with the Task Force alleging a public records violation.

**Discussion and Analysis**

The Police Department is a charter department under the Ordinance. The Task Force therefore has jurisdiction to hear the complaint against the Department.



<complaints@sfgov.org>  
08/24/2010 06:15 PM

To <sotf@sfgov.org>  
cc  
bcc  
Subject Sunshine Complaint

To:sotf@sfgov.orgEmail:complaints@sfgov.orgDEPARTMENT:SFPD and City Attorney's Office

CONTACTED:Filed out form and submitted to SFPD. Andrew Gschwind Deputy City Attorney

PUBLIC\_RECORDS\_VIOLATION:Yes

PUBLIC\_MEETING\_VIOLATION:No

MEETING\_DATE:n/a

SECTIONS\_VIOLATED:General public records

DESCRIPTION:I have been asking for the CAD (Computer Assisted Dispatch) records involved in my case for sometime now.e I have even filed a request with the SFPD records bureau almost 2 years ago and the only person to ever hand over a single document was Deputy City Attorney Andrew Gschwind. He has been pretty cordial but still says I need to make a documents request. This is public information and I asked for ALL Documents related to ALL arrest naming myself, Joseph Victor Lagana (Birthdate 3/20/1984) The records in question that are the most important involved myself and Officers Larry Bertrand and Cadenazzi (The arresting officers) and the date the arrest occurred is June 13th 2008. I received the Police reports, however no CAD transcripts to this day. I had two contacts with Larry Bertrand also should be noted...

HEARING:Yes

PRE-HEARING:Yes

DATE:8/24/2010

NAME:JOSEPH VICTOR LAGANA

ADDRESS [REDACTED] WILLOW ST.

CITY:ALAMEDA

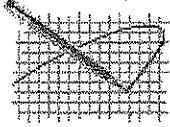
ZIP:94501

PHONE [REDACTED]

CONTACT\_EMAIL [REDACTED]@gmail.com

ANONYMOUS:Telephone is best [REDACTED] my cell [REDACTED] gf phone [REDACTED]

CONFIDENTIALITY\_REQUESTED:Yes



Simon  
Silverman/SFPD/SFGOV  
08/30/2010 11:59 AM

To SOTF@sfgov.org  
cc  
bcc

Subject Complaint 10046

History: This message has been forwarded.

Dear Mr. Rustom,

I am representing the San Francisco Police Department regarding SOTF complaint 10046.

The complainant, Mr. Joseph Victor Lagana, asserts that he has not received computer aided dispatch (CAD) records from the SFPD. However, the SFPD is not the custodian of CAD records. Computer aided dispatch records are held by the Department of Emergency Management. These records are listed in the Department of Emergency Management's index in the City's Index of Records, but they are not listed in the Police Department's index.

Therefore, the Police Department is improperly named as a respondent in this complaint.

Furthermore, the SFPD has no record of any public records request for CAD information made by Mr. Lagana.

Please advise if the Police Department must still attend the pre-hearing conference scheduled for Tuesday 9-14-2010.

Thank you,

Lt. Simon Silverman #1543  
Commanding Officer  
Legal Division  
San Francisco Police Department  
PH: 415-553-7929  
FAX: 415-553-7307



Joseph Lagana  
<calidjtsunami@gmail.com>  
08/31/2010 08:08 PM

To sotf@sfgov.org  
cc  
bcc

Subject Re: Fw: Complaint 10046

No I do not wish to withdraw my complaint. I have been dealing with the Deputy City Attorney of San Francisco for the last 2 years. This hearing needs to go forward. They City as a whole has been denying me due process to public information.

I refrain from filing a complaint against OEM because they been denying me this until I recently found out they maintain the records. The SFPD and Deputy City Attorney Andrew Gschwind has been withholding evidence purposely (C.A.D. records).

See CGC-08-475803 Superior Court case (Currently Active)

See 4:08-CV-03392-CW U.S. District Court Case (On Remand)

-Joseph Lagana

[calidjtsunami@gmail.com](mailto:calidjtsunami@gmail.com)

408-510-0673

On Mon, Aug 30, 2010 at 3:34 PM, <[sotf@sfgov.org](mailto:sotf@sfgov.org)> wrote:

Mr. Joseph Victor Lagana,

I am forwarding the response I received from the Police Department. If you agree, I would withdraw the complaint and file a new one against the Office of Emergency Management.

However, please be aware that the Task Force was told in a similar case earlier this year that the Office of Emergency Management's Emergency Communications Division receives over 1 million calls per year and it does not have the capacity to individually identify each request for information.

Chris Rustom

