

Date: June 14, 2011

Item No. 5

File No. 11015

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Larry Littlejohn against the Sheriff's Department**
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Completed by: Chris Rustom

Date: June 10, 2011

***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.

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION
June 6, 2011

DATE THE DECISION ISSUED
May 18, 2011

LARRY LITTLEJOHN V SHERIFF'S DEPARTMENT (CASE NO. 11015)

FACTS OF THE CASE

Complainant Larry Littlejohn alleges that the San Francisco Sheriff's Department ("Sheriff" or "Department") and several of its staff members failed to provide public records and information responsive to his August 9, 2005, public records request.

COMPLAINT FILED

On March 9, 2011, Mr. Littlejohn filed a complaint against the Department.

HEARING ON THE COMPLAINT

On May 18, 2011, Mr. Littlejohn presented his case to the Task Force. The Respondent was not present and no one in the audience presented facts or evidence in support of the Respondent. Freya Horne, an assistant legal counsel in the Department, emailed the Task Force to say that she could not attend the meeting because of a previous commitment scheduled at the same time. She was in the audience section of the room at the start of the meeting but later left.

Mr. Littlejohn told the Task Force that he sat through the Task Force's entire meeting of April 26, 2011, which had to be adjourned before his case could be called. He said he was 76 years old and had risen to the rank of sergeant in the Sheriff's Department. He wanted the Task Force to ask Ms. Horne what the commitment was and wanted to know what was more important than attending a meeting required by the Charter. He said the department works in shifts and besides uniformed staff there were administrative personnel at 850 Bryant Street who could fill in for Ms. Horne. She could have briefed a staff person on the issue, he said. The Sheriff, he said, could have also sent somebody in her place. He said Ms. Horne did not respond in writing to the points brought up in DCA Jerry Threet's instructional letter. Mr. Littlejohn said his complaint stems from being denied access to the jail census several times. He said to leave money for an inmate to be able to make a phone call, one goes to the money/property window and hanging on the wall is the jail census, which is computer generated three or four times a day and lists the names of all the inmates in the County jail on that day by name, age, date of birth, race and charge.

The first time it happened was when a friend asked him to put down \$10 on the books for a person held at San Bruno jail. Since he did not know the last name, he asked to see the census to identify the person. He was told that the new policy was not to make the document public even though the Supervisor of Records in the City Attorney's Office has said otherwise. He wanted the Task Force to order the Sheriff to make the document public and available to anybody who asks for it.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the evidence presented, the Task Force finds that Mr. Littlejohn's 2005 request did not go "stale," and therefore remains valid and enforceable. The Task Force said because the Supervisor of Records has stated that the Sheriff may withhold the names of particular inmates where disclosure of such information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation, the record could be released with necessary redactions.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the Sheriff's Department violated California Public Records Act 6254(f)(1) for failure to make public the location of individuals in custody, Sunshine Ordinance Section 67.21(b) for failure to respond to the request in a timely manner, and Section 67.21(e) for not sending a knowledgeable representative to the meeting.

The agency shall release the records requested within 5 business days of the issuance of this Order and shall appear before the Compliance and Amendments Committee on June 14, 2011.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on May 18, 2011, by the following vote: (Johnson/Wolfe)

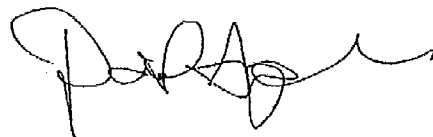
Ayes: Snyder, Manneh, Washburn, Wolfe, Costa, Johnson, Knee

Absent: Cauthen

Excused: Knoebber, Chan, West.



Richard A. Knee, Chair
Sunshine Ordinance Task Force



David Snyder, Member, Seat #1*
Sunshine Ordinance Task Force

c: Larry Littlejohn, Complainant
Freya Horne, Respondent
Jerry Threet, Deputy City Attorney

*Sunshine Ordinance Task Force Seat #1 is a voting seat held by an attorney specializing in sunshine law.