

Date: Sept. 22, 2009

Item No. 6

File No. 08056

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- January 6, 2009, OD: Anonymous v Police Department**
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Completed by: Chris Rustom

Date: Sept. 16, 2009

***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

January 26, 2009

DATE THE DECISION ISSUED

January 6, 2009

ANONYMOUS v. SFPD (08056)

FACTS OF THE CASE

Anonymous person checked the City's website and looked for the index of records for the San Francisco Police Department ("SFPD"). The website did not have a listing for the SFPD.

COMPLAINT FILED

On December 4, 2008, Anonymous filed a Sunshine Ordinance Complaint against the SFPD for failure to comply with Section 67.29 of the Ordinance.

HEARING ON THE COMPLAINT

On January 6, 2009, Anonymous appeared before the Task Force and presented his case. Respondent Agency was represented by Sgt. Jack Hart.

The issue in the case is whether the Department violated Sec. 67.29 of the Ordinance requiring the City and County to prepare a public records index that identifies the types of information and documents maintained by City and County departments, agencies, boards, commissions, and elected officers.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented the Task Force finds that the Department violated 67.29 by failing to provide the City Administrator with an Index of Records for the Police Department's records. The Task Force notes that the Police Department has, since the Complaint was filed, provided a partial Index of Records to the City Administrator and is working to finalize the Index in order to comply with 67.29.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the agency violated Sec. 67.29 of the Sunshine Ordinance. The

ORDER OF DETERMINATION

matter was referred to the Education, Outreach and Training Committee and placed at the chair's discretion.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on January 6, 2009, by the following vote: (Knee / Goldman)

Ayes: Craven, Knee Cauthen, Washburn, Knoebber, Johnson, Chu, Goldman

Recused: Chan

Excused: Williams



Kristin Murphy Chu, Chair
Sunshine Ordinance Task Force

c: Ernie Llorente, Deputy City Attorney
Anonymous
Sgt. Jack Hart

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