

**SUNSHINE ORDINANCE
TASK FORCE**



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**ORDER OF DETERMINATION
June 15, 2021**

DATE DECISION ISSUED
January 6, 2021

CASE TITLE – Anonymous v. Police Commission
(File No. 19121)

FACTS OF THE CASE

The following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

File No. 19121: Complaint filed by Anonymous against the Police Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b)(k), 67.26 and 67.27, by failing to respond to a public records request in a timely and/or complete manner; failing to comply with the California Public Records Act, failing to keep withholding to a minimum, failing to key redactions by footnote or other clear reference to justification, and failing to cite legal justification for withholding.

HEARING ON THE COMPLAINT

On September 22, 2020, the Compliance and Amendments Committee acting in its capacity to hear petitions/complaints heard the matter.

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous stated that the Custodian requested additional time to respond to the Immediate Disclosure Request and that documents would be provided on a rolling basis. Anonymous stated that justification for redactions were either not provided or were incorrect.

Sgt. Stacy Youngblood (Police Commission) (Respondent), provided a summary of the department's position. Sgt. Youngblood stated that he agreed with the Petitioner and that some of the records were over redacted. Sgt. Youngblood stated that he went through training and that an index was provided.

Action: Moved by Member Wolfe, seconded by Member Hyland, to find jurisdiction, that the requested records are public and to refer the matter to the SOTF for hearing.

The motion PASSED by the following vote:

Ayes: 3 - Wolfe, Hyland, LaHood

Noes: 0 - None

On January 6, 2021, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous stated that on September 9, 2019, he made an Immediate Disclosure Request to the Police Commission for records related to Public Defender Jeff Adachi's death and the raid on Bryan Carmody. Anonymous stated that at the time Respondents withheld documents. Anonymous stated that at the Compliance and Amendments Committee the Chair said the Respondent did not key all of their redactions per 67.26. Anonymous contends that Administrative Code 67.27 states that the Police Commission should provide justification for redactions. Anonymous stated that he did not receive copies of the requested email records since Respondents provided copies of forwarded emails instead, which lack some information from the original record.

Sgt. Stacy Youngblood (Police Commission) (Respondent), that he had nothing to state and referenced the written response.

The SOTF recognized that the Police Commission has changed its process to identify problems with their records request processes and provided a solution.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that the Police Commission violated Administrative Code (Sunshine Ordinance), Sections 67.21, 67.21(b), 67.26 and 67.27.

DECISION AND ORDER OF DETERMINATIONS

Action: On January 6, 2021, moved by Member LaHood, second by Member Schmidt, to find a violation of Administrative Code, Sections 67.21, 67.21(b), 67.26 and 67.27, by the Police Commission for failing to provide responsive records, failing to provide a copy of the original records, failing to keep withholding to a minimum, failing to key redactions and failing to include written justification for withholding.

The motion PASSED by the following vote:

Ayes: 7 - LaHood, Schmidt, Yankee, Wong, Hyland, Hinze, Wolfe
Noes: 0 - None

A handwritten signature in blue ink, appearing to read 'Bruce Wolfe', enclosed within a hand-drawn oval.

Bruce Wolfe, Chair
Sunshine Ordinance Task Force

cc. Anonymous (Petitioner/Complainant)
The Police Commission (Respondent)