

**SUNSHINE ORDINANCE  
TASK FORCE**



City Hall  
1 Dr Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. (415) 554-7724  
Fax No. (415) 554-7854  
TTD/TTY No. (415) 554-5227

**ORDER OF DETERMINATION**  
June 15, 2021

**DATE DECISION ISSUED**  
April 7, 2021

**CASE TITLE - Anonymous v. Chief William Scott and Lt. R. Andrew Cox**  
File No. 19124

**FACTS OF THE CASE**

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

**File No. 19124:** Complaint filed by Anonymous against Chief William Scott and Lt. R. Andrew Cox and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, 67.26, 67.27, by failing to provide assistance, by failing to provide a timely or complete response to a records request, by failing to provide rolling responses, by failing to keep withhold to the minimal portion of public records, and by failing to provide written justification for withholding.

**HEARING ON THE COMPLAINT**

On December 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 nothing was produced until he filed a complaint. Anonymous stated that the response was not provided timely and was unlawful. Anonymous noted that the Police Department has accepted responsibility and usually provides a log of redactions however, he has no idea why redactions were made. Anonymous noted that the Police Department needs to give clear references.

Lt. R. Andrew Cox (Police Department) (Respondent), provided a summary of the department's position. Lt. Cox stated that this case is over a year old. Lt. Cox stated that the Police Department took responsibility and that this is an old case which the Petitioner had sent to an old email. Lt. Cox noted that they did not respond timely to the request as an IDR and accepts responsibility. Lt. Cox addressed the redactions as early in the process, the department experienced

many growing pains and with the SB1421 unit and the correct redactions will be issued to the Petitioner.

Action: Moved by Member Wolfe, seconded by Member Wong, to find that the SOTF has jurisdiction, find 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, Wong, LaHood

Noes: 0 - None

The Committee referred the matter to the SOTF. On April 7, 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 Police Department procedures of redacting and producing **SB 1421** documents were incorrect. Anonymous stated that released police misconduct records should redact with appropriated justification. Anonymous stated that they were only concerned with violation of Section 67.26.

Lt. Pera (Police Department) (Respondent), provided a summary of the department's position. Lt. Pera stated the department acknowledged that the response was not timely but that an extension of time was needed due to the complexity and volume of the request. Lt. Pera provided a timeline of the department's response and stated that redacted documents will be provided on a rolling basis due to staff time availability.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

Action: Moved by Member Stein, seconded by Member Frazier, to find that Chief William Scott, Lt. R. Andrew Cox and the Police Department violated Administrative Code, Section 67.26, by failing to key by footnote or other clear reference for the appropriate justification for withholdings.

Chair Wolfe requested the Compliance and Amendments Committee monitor compliance and requested the Police Department to notify the SOTF of when changes to the Police Department Policy occurs to comply with the new state law (Senate Bill 1421).

## FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented, the SOTF found that Chief William Scott, Lt. R. Andrew Cox and the Police Department violated Administrative Code (Sunshine Ordinance), Section 67.26.

## DECISION AND ORDER OF DETERMINATIONS

On April 7, 2021, Member Stein, seconded by Member Frazier, moved to find that Chief William Scott, Lt. R. Andrew Cox and the Police Department violated Administrative Code, Section 67.26, by failing to key by footnote or other clear reference for the appropriate justification for withholdings.

Chair Wolfe requested the Compliance and Amendments Committee monitor compliance and requested the Police Department to notify the SOTF of when changes to the Police Department Policy occurs to comply with the new state law (Senate Bill 1421).

The motion PASSED by the following vote:

Ayes: 11 - Stein, Frazier, Forsley, Padmanabhan, Neighbors, Hyland,  
Schmidt, Wong, Yankee, LaHood, Wolfe

Noes: 0 - None



Bruce Wolfe, Chair  
Sunshine Ordinance Task Force

cc. Anonymous (Petitioner/Complainant)  
Chief William Scott, Lt. R. Andrew Cox and the Police Department  
(Respondents)