

DPA Compliance with SB 1421 ruling in SOTF 19144

From: Anonymous Records Requester

arecordsrequestor@protonmail.com > 

To: Paul Henderson (Exec Director, DPA, SF) +4

Director Henderson, Sara Maunder, and DPA:
public communication to Police Commission for visibility

Earlier tonight, SOTF ruled 10-1 that you violated the following laws in your response to the omnibus SB1421 requests:

- Admin Code 67.27 for failing to justify withholding of information in writing
- Admin Code 67.26 for failing to key all redactions by footnote or other clear reference to the specific justification
- Admin Code 67.24(i) for impermissible balancing test (use of Penal Code 832.7(b)(6))
- Gov Code 6253(d) for failing to state name and title of all persons who denied access

As you may know, an SOTF ruling of violation is then sent to the Compliance committee for a hearing that verifies that the agency has fully complied with SOTF's order of determination, so I assume it would happen in next month's Compliance. We expect your full compliance with the SOTF's rulings.

However, given the volume of records, I understand that correcting the records will take some time, **so please promptly inform me, in a signed writing, of a plan, with timelines for rolling response, to correct each of these violations for all prior released SB 1421 records.** If you are not willing to comply, we will ask at the Compliance hearing that SOTF find all managerial employees involved in these production in willful violation of the Sunshine Ordinance, which constitutes official misconduct (Admin Code 67.34), and further to refer the department head Mr. Henderson for an official misconduct hearing before the Ethics Commission (Admin Code 67.34).

Furthermore, if DPA continues to violate any of these rules for any *new* productions to the SB1421 requests after tonight, we will also immediately ask the Compliance Chair to agendize a hearing to find you in willful violation of the Sunshine Ordinance.

You will receive a separate email about video.

Regards,

Anonymous
Twitter [@journo_anon](#)

IMPORTANT:

1. If you are a public official: I intend that these communications all be disclosable public records, and I will not hold in confidence any of your messages, notwithstanding any notices to the contrary.
2. If you are NOT a public official: This communication is confidential and may contain unpublished information or confidential source information, protected by the California Shield Law, Evidence Code sec. 1070. I am a member of the electronic media and regularly publish information about the conduct of public officials.
3. I am not a lawyer. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect,

consequential, or any other damages whatsoever.

4. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender.

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