

August 10, 2020

Dennis Herrera  
Attn. General Government Team  
City Attorney/Supervisor of Records  
City Hall, Room 234  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
*Via email to [supervisor.records@sfcityatty.org](mailto:supervisor.records@sfcityatty.org)*

Supervisor of Records,

Re: Records Request #P011115-022420 <sup>1</sup>

This is a new SFAC 67.21(d) petition for a determination that some or all withheld portions of records described below are public and an associated order for their disclosure by the Police Commission (“Agency”). It is cumulative to any other filed petitions.

1. Withholding in entirety of at least 34 closed session audio records related to SB 1421-disclosable events. These withholdings have been justified either by PC 832.7 or PC 832.7(a). Yet, PC 832.7(b) makes disclosable all records “relating to the report, investigation, or findings of ... An incident involving the discharge of a firearm at a person by a peace officer or custodial officer,” “notwithstanding subdivision (a).” The discussion by the commission of the decision whether or not to return officers to duty is in fact “relat[ed] to the report, investigation, or finding.” Any discussion of other closed session topics should instead be minimally redacted from the audio recording or additional documents currently withheld in entirety (SFAC 67.26).

A representative example follows:

Officers Walter Contreras and Zahid Khan (OIS 2009-0001):  
· January 14, 2009 Police Commission public agenda which includes closed session item 8b – Chief’s performance evaluation of their decision on whether or not return the officers to duty following an Officer Involved Shooting.  
Per CA Penal Code section 832.7(a). the Commission is declining to release the audio recording and the additional documents related to the closed session items or both meetings as they relate to an uninvolved officer’s personnel record. Those records may be releasable through the Pitchess process.

Yours,

Anonymous

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<sup>1</sup><https://www.muckrock.com/foi/san-francisco-141/police-misconduct-records-sb-1421-becerra-v-superior-court-immediate-disclosure-request-sf-police-commission-88550/>