



# The Police Commission

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## CITY AND COUNTY OF SAN FRANCISCO

September 22, 2017

At the Police Commission meeting of Wednesday, September 20, 2017, the following resolution was adopted:

### **RESOLUTION 17-49**

### **DECISION NOT TO WAIVE THE ATTORNEY-CLIENT PRIVILEGE FOR AUDIO OR VIDEO RECORDINGS OF POLICE COMMISSION CLOSED SESSIONS OF ATTORNEY-CLIENT COMMUNICATIONS FROM JANUARY 1<sup>ST</sup> TO MAY 31, 2015**

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WHEREAS, on June 19, 2017, the Police Commission Office was in receipt of an immediate disclosure request for copies of, or access to, audio or video recordings of all commission closed door sessions from January 1 through May 31, 2015;

WHEREAS, on July 5, 2017, the Police Commission Office responded to said immediate disclosure request declining to release audio or video recordings of commission closed door sessions from January 1 through May 31, 2015 stating that confidential information acquired in any closed session may not be disclosed unless the body that held the closed session (in this case, the Police Commission) votes to disclose the information, Cal. Govt. Code § 594963(a);

WHEREAS, on July 18, 2017, the Police Commission Office received notice of a complaint filed with the Sunshine Ordinance Task Force stating that the Department failed to provide complainant with responsive records for his request of public files that should be available because of local sunshine laws;

WHEREAS, on August 15, 2017, Police Commission staff attended a hearing by the Education, Outreach, and Training Committee of the Sunshine Ordinance Task Force in regards to above-mentioned complaint where the Task Force recommended to complainant that he requests the Police Commission place an item on its agenda for a vote whether to waive the attorney-client privilege for audio or video recordings of Police Commission closed sessions of attorney-client communications from January 1<sup>st</sup> to May 31, 2015;

WHEREAS, on September 20, 2017, the Police Commission voted whether to waive the attorney-client privilege for audio or video recordings of Police Commission closed sessions of attorney-client communications from January 1<sup>st</sup> to May 31, 2015; therefore, be it

L. JULIUS M. TURMAN  
President

THOMAS MAZZUCCO  
Vice President

DR. JOE MARSHALL  
Commissioner

PETRA DeJESUS  
Commissioner

SONIA MELARA  
Commissioner

BILL ONG HING  
Commissioner

ROBERT M. HIRSCH  
Commissioner

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Sergeant Rachael Kilshaw  
Secretary

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RESOLVED, that the Police Commission voted not to waive the attorney-client privilege for audio or video recordings of Police Commission closed sessions of attorney-client communications from January 1<sup>st</sup> to May 31, 2015.

AYES: Commissioners Mazzucco, Marshall, DeJesus, Melara  
NAYS: Commissioner Hing  
ABSENT: Commissioners Turman, Hirsch

Very truly yours,



Sergeant Rachael Kilshaw  
Secretary  
Police Commission

cc: M. Petrelis