



LONDON N. BREED
MAYOR

CITY AND COUNTY OF SAN FRANCISCO
POLICE DEPARTMENT
HEADQUARTERS
1245 3RD Street
San Francisco, California 94158



WILLIAM SCOTT
CHIEF OF POLICE

May 26, 2023

Via email 94464-83040317@requests.muckrock.com

RE: Public Records Request, dated June 5, 2020, Reference #P012174-060520

Dear Anonymous,

The San Francisco Police Department (SFPD) received your Public Records Act request, dated June 5, 2020. This response is specific to body camera only.

1. All bodycam footage from (inclusive) May 30 to June 4, 2020 of any incident of police use of force including but not limited to:

- (a) use of a firearm,*
- (b) use of a baton or body weapon,*
- (c) use of tasers/less lethal weapons,*
- (d) use of bean bags,*
- (e) use of tear gas,*
- (f) any other use of force that resulted in any injury to any person other than a peace officer.*

And

4. All bodycam footage from (inclusive) May 30 to June 4, 2020 of any of the incidents queried in request 3 above.

You narrowed request #1 as follows:

Request 1 here is narrowed to the following (please prioritize (a) and (b) over request 4 and the other here - they are the most urgent):

- a. 200335459*
- b. June 2, 2020 footage of Ofc McHale #1458 has a bad case number "20032913" which appears to be a typo missing a number, which states a 31 yo White Female was injured.*
- c. 200337643*
- d. 200330982*
- e. 200337091*
- f. 200339699*
- g. 200333760*
- h. 200339887*
- i. 200337524*
- j. 200337483*
- k. 200327735*
- l. 200330330*
- m. 200330261*
- n. 200828385*
- o. 200328460*

p. 200330352

q. 200328012

Please be advised that CLETS (California Law Enforcement Telecommunications Systems) data, along with victim and witness private information has been redacted pursuant to Cal. Gov't. Code §6254(f) and Penal Code §11105 et. seq., Cal. Gov't. Code §6254(c), §6254(k) and Cal. Evidence Code §1040.

Listed below is/are a link(s) to view the Body Worn Camera Video(s) related to Incident #200339887. Referenced next to the link(s) is/are Officer Name(s), Date(s) Recorded, Time Frame Video(s) Recorded, and Redactions made.

The link(s) will expire in thirty (30) calendar days. If you do not view or download the video within the allotted timeframe, the link will automatically expire, and you will need to resubmit your request.

[\[Click here to download\]](#)

Officer Name	Date	Time Video Recorded	SFPD Incident #	CAD#	File Size
Rodrigo Labson	6/4/20	11:03 PM	200339887	201563567	173.2 MB
7	00:00:09 - 00:00:17				
7	00:00:28 - 00:00:44				
7	00:00:44 - 00:00:49				
7	00:00:49 - 00:00:55				
7	00:00:55 - 00:00:57				
7	00:00:58 - 00:01:00				
7	00:01:19 - 00:01:42				
7	00:01:20 - 00:01:42				
7	00:01:46 - 00:01:47				
7	00:01:52 - 00:02:02				
7	00:02:44 - 00:02:53				
7	00:03:27 - 00:03:28				
7	00:03:33 - 00:03:40				
7	00:03:42 - 00:03:47				
7	00:03:42 - 00:03:47				
7	00:03:43 - 00:03:47				
7	00:03:48 - 00:03:49				
7	00:03:49 - 00:03:50				
7	00:03:57 - 00:03:59				
7	00:04:00 - 00:04:27				
7	00:04:04 - 00:04:05				
7	00:04:06 - 00:04:09				
7	00:04:26 - 00:04:28				
7	00:04:29 - 00:04:29				
7	00:04:29 - 00:04:33				

7	00:04:34 - 00:04:35
7	00:04:39 - 00:04:46
7	00:04:43 - 00:04:44
7	00:04:46 - 00:04:46
7	00:04:46 - 00:04:47
7	00:04:49 - 00:04:51
7	00:04:51 - 00:04:52
7	00:04:56 - 00:04:56
7	00:05:17 - 00:05:17
7	00:05:18 - 00:05:20
7	00:05:19 - 00:05:57
7	00:05:47 - 00:05:57
7	00:05:59 - 00:06:00
7	00:05:59 - 00:06:02
7	00:06:02 - 00:06:04
7	00:06:06 - 00:06:31
7	00:06:31 - 00:06:42
7	00:06:44 - 00:09:22
7	00:09:23 - 00:09:30
7	00:09:34 - 00:09:38
7	00:09:41 - 00:09:43
7	00:10:36 - 00:11:31
7	00:11:39 - 00:11:44
7	00:11:48 - 00:11:56
7	00:12:00 - 00:12:08
7	00:12:10 - 00:12:13
7	00:12:18 - 00:12:20
7	00:12:22 - 00:12:25
7	00:12:29 - 00:12:45
7	00:12:41 - 00:12:42
7	00:12:49 - 00:13:09
7	00:13:19 - 00:13:21
7	00:13:22 - 00:13:24
7	00:13:32 - 00:13:55
7	00:13:36 - 00:13:37
7	00:13:39 - 00:13:40
7	00:13:57 - 00:13:57
7	00:14:29 - 00:14:49
7	00:14:42 - 00:14:46
7	00:14:54 - 00:15:40
7	00:15:12 - 00:15:37

7	00:15:42 - 00:15:47	
7	00:15:48 - 00:15:51	
7	00:16:25 - 00:17:06	
7	00:16:42 - 00:16:50	
7	00:16:51 - 00:17:07	
7	00:17:29 - 00:17:33	
7	00:17:34 - 00:17:55	
7	00:17:36 - 00:18:12	
7	00:17:59 - 00:17:59	
7	00:18:02 - 00:18:03	
7	00:18:04 - 00:19:24	
7	00:18:51 - 00:18:54	

Redaction #	Exemption
1	California Penal Code § 832.7(b)(5)(A) – personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
2	California Penal Code § 832.7(b)(5)(B) – to preserve the anonymity of complainants and witnesses.
3	California Penal Code § 832.7(b)(5)(C) – to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
4	California Penal Code § 832.7(b)(5)(D) – disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
5	California Penal Code § 832.7(a) - except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
6	California Penal Code § 832.7(b)(7) - personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure of the information.
7	California Penal Code §§ 11076, 11105 (b) and California Law Enforcement Telecommunications System Policies, Practices and Procedures and Statutes, Section 1.6.4, Confidentiality of Information from the CLETS – Only authorized law enforcement, criminal justice personnel or their lawfully authorized designees may use a CLETS terminal or have access to information derived from CLETS. Any information from the CLETS is confidential and for official use only. https://oag.ca.gov/sites/default/files/clets-ppp%2012-2019.pdf
8	California Penal Code §§ 13300(b) – Criminal offender record information (CORI) shall be disseminated, whether directly or through any intermediary, only to such agencies as are, or may subsequently be, authorized to such records by statute.
9	California Government Code § 7927.500, which exempts from disclosure preliminary drafts, notes or interagency or intra-agency memoranda, applies where a document is the “recommendation of the author.”

10	California Government Code § 7923.600, which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies.
11	California Code of Civil Procedure § 129 – photographs of the body, or any portion of the body, of a deceased person, taken by or for the coroner at the scene of death or in the course of a postmortem examination or autopsy.
12	California Government Code §§ 7927.700, 7927.705, and 7930.100 of the Public Records Act; and Article I, sec. 1 of the California Constitution because disclosure of this information would constitute an unwarranted invasion of privacy.
13	California Welfare & Institutions Code § 5328 - confidential mental health records.
14	California Welfare & Institutions Code § 827, California Government Code § 6254(k) - juvenile records.
15	California Government Code §§ 7927.705, 7930.110, Evidence Code § 954 - attorney-client privilege.
16	California Evidence Code 1040(b)(2) – A public entity has a privilege to refuse to disclose official information because there is a necessity for preserving the confidentiality of the information that outweighs the necessity for disclosure in the interest of justice.
17	California Penal Code § 832.7(g) – This section does not affect the discovery or disclosure of information contain in a peace or custodial officer’s personnel file pursuant to Section 1043 of the Evidence Code.
18	California Penal Code § 832.7(h) – This section does not supersede or affect the criminal discovery process outlined in Chapter 10 (commencing with Section 1054) of Title 6 of Part 2, or the admissibility of personnel records pursuant to subdivision (a), which codifies the court decision in <i>Pitchess v. Superior Court</i> (1974) 11 Cal.3d 531

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney’s website, the law recognizes that when there is a conflict between a department’s performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests.

Under this rule and given the SFPD’s other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless, we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. We intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by Friday, June 9, 2023.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

Sincerely,

Lieutenant Christopher Beauchamp #561
Officer in Charge
Risk Management - Legal Division