



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

October 13, 2023

Via email 107044-96726911@requests.muckrock.com

Requester Requester
MuckRock News DEPT MR 107044 411A Highland Ave
Somerville, MA 02144

RE: Public Records Request, dated January 20, 2021, Reference # P024422-012021

Dear Requester:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated January 20, 2021.

You requested, *"To Whom It May Concern:*

Pursuant to the California Public Records Act, I hereby request the following records:

Records sufficient to show the names, star numbers, respective dates, and the type of time off of all police officers and/or employees who requested any personal time off, vacation days, personal days, furlough days, or any other time off for the dates of, on, or between Jan 1, 2021 and January 8, 2021 AS WELL AS the dates of, on, or between Jan 1, 2020 and January 8, 2020.

Ideally, please provide the records in an excel spreadsheet.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes."

On January 29, SFPD invoked the extension of time to respond to your request pursuant to Government Code section 6253(c) because of the need to consult with another division of the agency.

On February 4, 2021, responded to your public records request, as follows:

Responsive records are included in this correspondence. Please note, the excel spreadsheets contain the names of members who did not work during some portion of the time period requested of January 1, 2021 through January 8, 2021 and January 1, 2020 through January 8, 2020. The responsive records do not specify the reason why the employee was not at work due to privacy. The California Constitution includes an individual right to privacy. Both state and local law recognize as a general principle that the right to personal privacy sometimes precludes disclosure of public records or information contained in those records. Cal. Govt. Code §§ 6250, 6254(c); Cal. Const., Art. I, §§ 1, 3(b); Admin. Code §67.1(g); Admin. Code Chapter 12M; and specifically for officers Cal. Penal Code 832.7 and 832.8. This may include, but is not limited to regularly scheduled days off, floating holidays, compensatory time off, sick time, parental release, and various types of leaves such as

medical and disability all in accordance with the applicable Memorandum of Understanding with the City and County of San Francisco and the respective bargaining unit.

On September 26, 2023, SFPD received your follow-up email, as follows:

“To Whom It May Concern: I'm following up on the following California Public Records Act request, copied below, and originally submitted on Jan. 20, 2021. You had previously indicated that it would be completed on Feb. 12, 2021. I wanted to check on the status of my request, and to see if there was a new estimated completion date. You had assigned it reference number #P024422-012021. Thanks for your help, and let me know if further clarification is needed.”

On the same date, in response to your email, SFPD provided you with the production of February 4, 2021, as it appeared you did not receive the production.

On September 27, 2023, SFPD received your additional follow-up email, as follows:

“Hi Officer Toomey and the SFPD Legal Division; These records are incomplete, and are therefore not responsive to the request that was made. They do not contain the specific dates each individual requested off during the time frame in question. This is information that is of course part of the record; individuals request specific days off. The request was for "Records sufficient to show the names, star numbers, respective dates, and the type of time off of all police officers and/or employees who requested any personal time off, vacation days, personal days, furlough days, or any other time off for the dates of, on, or between Jan 1, 2021 and January 8, 2021 AS WELL AS the dates of, on, or between Jan 1, 2020 and January 8, 2020." The phrase "respective dates" is precise, and specifies that the request is for records indicating the specific dates -- for example (but not limited to), "January 2-5" -- that each officer/employee requested off during Jan 1-Jan 8, 2020, inclusive. This spreadsheet, which as you point out is an exact copy of the last response you sent, shows only that the officer / employee did not work, as the SFPD response letter put it, "during some portion of the time period requested." I respectfully request that the records be provided with the "respective dates" each individual took off included. I do understand, as the response letter explained, that "the type of time off" is not public information and I thank you for the explanation. I look forward to receiving these records, which were requested under the California Public Records Act and the Sunshine Ordinance on January 20, 2021. Thank you!”

SFPD Response

SFPD declines to release the records you are seeking under 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. These are peace officer personnel records that will not be released without a court order. California Penal Code §§ 832.7(a) and 832.8.

Thank you for your courtesy in this regard.

Sincerely,

Acting Lieutenant Walter Ware # 66
Risk Management - Legal Division