



LONDON BREED
MAYOR

CITY AND COUNTY OF SAN FRANCISCO
Department of Police Accountability
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SAN FRANCISCO, CA 94103



PAUL DAVID HENDERSON
EXECUTIVE DIRECTOR

Public Records Release

The Department of Police Accountability (“DPA”) is producing records in response to a public records request made under California Penal Code § 832.7. The responsive records in this production include documents related to SF DPA Case No. 0097-18. The case files are available to view or download on <https://sfdpa.nextrequest.com/requests/20-2> in a folder labeled “Delgado Duarte 0097-18.”

As a preliminary matter, some of the above referenced files contain allegations of misconduct that are not subject to disclosure. Penal Code § 832.7 requires that peace officer personnel files be confidential except for four categories: (1) officer involved shootings, (2) uses of force that cause great bodily harm, (3) sustained findings of sexual assault, or (4) sustained findings of dishonesty. If a file therefore qualifies for disclosure under one of those four categories but also contains additional, unrelated misconduct, the unrelated conduct remains confidential pursuant to Penal Code § 832.7 and is redacted.

The DPA has redacted the files to protect the personal information of suspects, witnesses, and victims pursuant to Penal Code § 832.7 as follows:

- To remove 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. Penal Code § 832.7 § (b)(5)(A),
- To preserve the anonymity of complainants and witnesses. *Id.* at (b)(5)(B); and
- 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. *Id.* at (b)(5)(C)

The DPA also redacted criminal offender record information and information derived from the California Law Enforcement Telecommunications System. *See* Penal Code §§ 11105, 11145, 13100 et seq. The DPA also redacted any materials protected from disclosure by the attorney client privilege and the attorney work product privilege. The DPA also redacted a document and an officer interview that pertains to an investigation that is not disclosable under Penal Code 832.7.

The DPA has redacted graphic photographs of decedent, Mr. Delgado Duarte. The DPA has concluded that the privacy of Mr. Delgado Duarte’s family outweighs the public’s interest in seeing graphic photographs. If you obtain a notarized release from Mr. Delgado Duarte’s parents to release the photographs, we will do so.

The DPA has not provided a log or “key” for the above described redactions as it would be unduly burdensome. Each file contains a substantial number of redactions, most of which are names, telephone numbers, or other self-explanatory identifying information. If you would like more information about a specific redaction, the DPA invites you to meet and confer. Please contact dpa.legal@sfgov.org and identify the page, line, and identifying context for the redaction you wish to challenge. The DPA will then provide a written explanation for each redaction at issue.

Please also note that the DPA has elected to produce transcripts in lieu of audio recordings. The DPA has taken this approach because redacting and producing audio files is time consuming and expensive. If you remain interested in certain recorded materials after reviewing the transcripts, please identify the materials and the DPA will provide you with a cost sheet for reproducing the recordings. You may then select which recordings you would like produced.