

UNIT ORDER

UNIT
INDEX
NUMBER

22-001

DATE
ISSUED

3/09/2022

DATE
REVISED

SUBJECT:

Legal Division- Fulfillment of Legal Requests from the City Attorney's Office

ISSUED

TO:

Risk Management Office - Legal Division

ISSUED

BY:

**Commander Paul Yep
#95**

Purpose

The SFPD recognizes that the City Attorney's Office (CAT) provides legal counsel and representation under the City's Charter to the City and County of San Francisco, including the SFPD. The SFPD is committed to full cooperation and partnership to support the work of the CAT and will fulfill any and all requests the CAT makes for information related to that work.

Procedure

The SFPD Legal Division receives requests for information, communications, and documents from the CAT on a regular basis, often in connection with litigation filed against the City and County of San Francisco and/or individual officers. Requests for information, communication and documents may include, but are not limited to, the following:

- Investigative Case Files
- Personnel Records
- Communications, including emails and text messages
- Evidence and Property
- General Orders, policies, procedures, practices, manuals, unit orders

The CAT will send all requests for information, communications, and documents to the OIC of the Legal Division (OIC). The request will be sent on CAT letterhead and delivered electronically, via email. Upon receiving the request, the OIC of the Legal Division shall promptly log all requests for information from the CAT and contact the CAT to determine and agree upon a timeframe for the request to be fulfilled depending on the scope, volume and nature of the request(s) and any relevant litigation or other deadlines.

The OIC will gather, or direct personnel to gather, all information responsive to the request. The OIC of the Legal Division shall provide the CAT **complete and full access** to the information requested, including furnishing copies of all documents or other materials contained in the files.

Unit Order, continued:

If the OIC determines that any portion of the information requested may be prohibited, protected, or privileged such that withholding the information would be unlawful, the OIC shall fully document their concerns in a memorandum to the Commanding Officer of the Risk Management Office (RMO) and the CAT, including an index and description of any documents not being produced and their reasons for believing that the information cannot be disclosed to the CAT. The memorandum shall provide specific and articulable facts describing the concerns and be furnished to the Commanding Officer of the Risk Management Office and the CAT within seven days of the CAT's request, unless the urgency of the request dictates a shorter timeframe as determined by the CAT. The following are examples of information that may raise concerns:

- Applicable Court Order that specifically prohibits the release of the requested records
- CORI/CLETS Information that cannot lawfully be tendered or viewed by the CAT
- Juvenile Information that cannot lawfully be tendered or viewed by the CAT

If there are any documents withheld, the Commanding Officer of the Risk Management Office shall act promptly to consult with the Chief Deputy City Attorney, Chief Trial Deputy and/or General Counsel.

In addition to the procedures above, if the OIC of the Legal Division is unable to fulfill any portion of the request from the CAT within the agreed upon timeframe, they shall immediately notify the Commanding Officer of the Risk Management Office stating the reason the request cannot be fulfilled. The Commanding Officer of RMO shall contact the Chief Deputy City Attorney, the Chief Trial Deputy and the Assistant Chief of Staff to discuss the status of any incomplete requests and to determine a remedy and course of action.