

File No. 211035

Committee Item No. _____

Board Item No. 61

COMMITTEE/BOARD OF SUPERVISORS

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Date: _____

Board of Supervisors Meeting

Date: October 5, 2021

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- Open Forum Op Ed - 9/25/21 _____
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Prepared by: Lisa Lew

Date: October 1, 2021

Prepared by: _____

Date: _____

1 [Urging the San Francisco Superior Court to Implement a Transparent Criminal Records
2 Request System Online and Condemning the Unprofessional Behavior of the Public
3 Information Officer]

4 **Resolution urging the San Francisco Superior Court to expedite implementation of a**
5 **transparent criminal records request system by ensuring that requester access,**
6 **method of payment and all files are available online like other jurisdictions, responding**
7 **to press requests for information in a timely and professional manner; and**
8 **condemning the unprofessional behavior of the Public Information Officer.**
9

10 WHEREAS, The federal government operates an online search engine, PACER, which
11 provides “instantaneous access to more than 1 billion documents filed at all federal courts”;
12 and

13 WHEREAS, Other California counties, such as Alameda County, also provide
14 instantaneous and user-friendly online access to court records, as well as online payment
15 options; and

16 WHEREAS, The San Francisco Superior Court have been trying to update the courts’
17 ancient Unix computer systems for the past 20 years; and

18 WHEREAS, A recent Open Forum opinion editorial by freelance journalist, Anna Tong,
19 published in the San Francisco Chronicle and on file with the Clerk of the Board of
20 Supervisors in File No. 211035, which is hereby declared to be a part of this Resolution as if
21 set forth fully herein, detailed the byzantine process and restrictive requirements members of
22 the press must undergo to obtain a criminal record, which border on an attempt to discourage
23 the press from obtaining information of merit to the public; and

24 WHEREAS, The same September 25, 2021 opinion editorial detailed in alarming detail
25 the unprofessional and obstructionist behavior of the San Francisco Supervisor Court Public

1 Information Officer, Ken Garcia, in clear violation of the employee protocols of public
2 employees; now, therefore, be it

3 RESOLVED, That the San Francisco Board of Supervisors urges the San Francisco
4 Superior Court to expedite implementation of a transparent criminal records request system
5 by ensuring that requester access, method of payment and all files are available online like
6 other jurisdictions; and, be it

7 FURTHER RESOLVED, That the San Francisco Board of Supervisors urges the San
8 Francisco Superior Court to respond to press requests for information in a timely and
9 professional manner; and, be it

10 FURTHER RESOLVED, That the San Francisco Board of Supervisors condemns the
11 unprofessional behavior of the San Francisco Superior Court Public Information Officer.

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Think Chesa Boudin is letting criminals roam free? You have no idea, because SF's court records are a mess

Anna Tong
Sep. 25, 2021
Facebook Twitter Email
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District Attorney Chesa Boudin at San Francisco’s Hall of Justice in May.

Santiago Mejia/The Chronicle

San Francisco’s criminal justice system is under an international spotlight. Our district attorney, Chesa Boudin, has been the subject of dueling profiles in [New York Magazine](#) and the [New Yorker](#). Our shoplifting issues have been covered ad nauseam in outlets from the Wall Street Journal to CNN. Yet despite all the attention, nobody seems to know much about what is actually happening in our criminal courts.

Is Boudin letting dangerous criminals back on the streets, or is he unfairly maligned? We often have no idea.

San Francisco’s criminal justice system is a black box. And a major reason why is because our criminal records request system is shamefully inadequate. We are the tech capital of the world, yet our system is stuck in a pre-internet time warp.

For example, a reporter I work with has been following an incident where a man chased a couple with a kitchen knife in broad daylight. The anti-Boudin crowd latched on to the man’s “long and violent record,” insinuating that it was Boudin’s fault the man was free and that the attack was allowed to happen. My colleague, however, received a tip that the D.A. had tried to charge a felony, but it was the judge who actually tossed the case. Because of the court’s impenetrable record system, it took almost a month to confirm who the judge was. Meanwhile, the news cycle has moved on.

In order to hold Boudin and other elected officials accountable — or to laud them — we need to demand that the San Francisco Superior Court do a better job making records accessible in reality, not just in name.

Somebody jaded might say: “Well, that’s just how it is with government institutions — they make it hard.” I would tell those people to go across the bay to Alameda County, or look at the federal court filing system, or look at what other San Francisco departments have done during COVID.

I am a freelance journalist, and if I'm researching a criminal case in Alameda County, I can go online and request records with the click of a button, and pay for them with my credit card. In a few days, the requested documents will arrive at my house by mail. I can also walk into a courthouse and electronically view most case filings from 8:30 a.m. to 3:30 p.m. during the week.

If I want to research federal court filings, it's even easier: I can do everything from home. The PACER website provides "instantaneous access to more than 1 billion documents filed at all federal courts."

Other city departments had no trouble moving online during COVID. For instance, the Department of Building Inspection increased the types of projects and permits that allowed online submissions.

San Francisco Superior Court's criminal records request system, on the other hand, became even more byzantine during COVID.

San Francisco refuses to accept any criminal records requests by any method except paper. You can send a request via snail mail. If you want to ensure they get your request, or if your request is time-sensitive, you must drop it off in person. You can't pay for your records request online, so to avoid going back to the courthouse to pick up your documents, you must include a *blank check* with the request, and a stamped, self-addressed envelope.

Walk-ins are no longer permitted during COVID. To view a docket, you must first submit your request in writing, by either snail mail or a trip to the courthouse. Then, in a time frame that varies and can take up to a week, somebody from the records division calls you, and you make an appointment to come in to view the docket. At your appointment, you have only 30 minutes to look at the docket that can be hundreds of pages long. After that, you will be kicked out, even though relatively few people appear to make these appointments each day.

If you want to know what happened at specific hearings, you will need to either pay for a court reporter transcript, which costs about \$30-\$50 per hearing, or you will need to pay \$25 and head back to court to pick up ... a CD-ROM. The last time Apple made a Mac with a CD-ROM drive was 2012, nearly 10 years ago. I couldn't find a computer with a CD-ROM drive, so I had to borrow a friend's old car to play the CD-ROM.

About Opinion

Guest opinions in Open Forum and Insight are produced by writers with expertise, personal experience or original insights on a subject of interest to our readers. Their views do not necessarily reflect the opinion of The Chronicle editorial board, which is committed to providing a diversity of ideas to our readership.

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Journalists like me aren't the only ones who need easy access to records. Crime victims and people who are accused of crimes, many of whom have inflexible jobs, or don't have a car, or don't have money to request expensive CD-ROMs, need them, too. This equity problem is especially bad in criminal court because crime too often targets the poor.

The terrible criminal court records "user experience" even extends to the court's public relations. When I emailed to ask when reporters would be able to walk in to request dockets, public relations officer Ken Garcia emailed me back: "It's a ridiculous question to ask right now. I was only a journalist for 35 years, but I think anyone should know better given the circumstances."

I replied that if COVID safety were truly a priority, the court should consider conducting its business online, rather than requiring that I return paper documents.

He never responded to my email.

That won't cut it. San Francisco voters have consistently demanded criminal justice reform at the ballot box. To determine if this voter will be met, we need transparency. Having open courtrooms is not enough. Our court needs to bring its records request system out of the dark age.

Anna Tong is a freelance reporter.

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Written By

Anna Tong

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Top of the News

- [Jim Cortez \(left\) gets his dog Beau checked on by Dr. Stefanie Thielemann at the SPCA Veterinary Hospital, Wednesday, Sept. 22, 2021, in San Francisco, Calif. Cortez waited hours to be seen. A severe shortage of veterinarians and nurses and a high demand for their services has created challenges for the industry in the Bay Area.](#)
[Pet lovers, clinics face vet shortage as industry struggles](#)
Pet owners across the region say they are frustrated and concerned about a worsening shortage of available pet care providers, especially in time-sensitive emergencies.
By Andres Picon
- [Chef Bruno Chemel garnishes a dish of Le Jaune D' Őuf FumŽ with smoked Jidori Farm egg yolk, cauliflower and Iberico ham with dehydrated kale at their Michelin two-starred BaumŽ in Palo Alto, Calif. on Tuesday, June 19, 2018.](#)
[Palo Alto's BaumŽ lost two Michelin stars. Its chef wants you to know...](#)
By Elena Kadvany
- [\(From left\) Justin Tanner, Dimitrios Mainos and Lauren Marigliano work at UC Davis' Oakville vineyard. California vineyards can still make great wine even with limited water...](#)
By Tara Duggan
- [Depression in young adulthood might increase risk for cognitive impairment in old age, a new UCSF study has found.](#)
[Risk of dementia 73% higher for people with symptoms in early adulthood](#)
By Danielle Echeverria
- [Zainab Ramahi stands outside of her new apartment in Oakland, Calif., on Tuesday, Sept. 28, 2021. Ramahi graduated from UC Berkeley, where she experienced incidents of anti-Islamic bias. Many Muslims in the United States experience Islamophobia, and Muslim women bear the brunt of the hate, according to a new](#)

[study from the Othering and Belonging Institute at UC Berkeley.](#)

[Berkeley institute: Islamophobia is shockingly common](#)

By Deepa Fernandes

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

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