ETHICS COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

In the Matter of Charges Against

ROSS MIRKARIMI,

Sheriff, City and County of San Francisco.

**ORDER RE: SHERIFF'S REQUEST FOR PROTECTIVE ORDER**

On May 15, 2010, the Sheriff requested that the Ethics Commission issue a protective order relating to what the Sheriff identified as "a video made by Ivory Madison of Eliana Lopez." Specifically, the Sheriff requested that the Commission "issue a protective order as soon as possible to prevent the City Attorney from disclosing this video to anyone other than the members of the Ethics Commission in closed session."

It is the Commission's understanding that (1) on April 23, 2012, the City and County of San Francisco sought an order from the San Francisco Superior Court seeking release of the video to the City for copying; (2) on May 10, 2012, "Ms. L" filed papers in which she sought, in part, "a protective order such that the City not be permitted to publish, play, or publicly disseminate the video unless and until the Ethics Commission has ruled on the admissibility of the videotape in the Commission's proceedings, and makes its findings thereon"; and (3) on May 15, 2012, the Superior Court granted the City's request and did not impose the restrictions sought by "Ms. L."

In its May 16, 2012 submission to the Ethics Commission, the City Attorney's Office indicated that it does not intend to disclose the video publicly for at least 10 business days pursuant to San Francisco Administrative Code Section 67.25(b).

In light of the legal action already proceeding in the courts relating to whether the video can be publicly disclosed outside of Ethics Commission proceedings, the Commission hereby declines to exercise any jurisdiction it may have to rule on that issue. Accordingly, the Sheriff's request for a protective order is denied without prejudice to the Sheriff requesting exclusion of or restrictions on the use of any such video during the Ethics Commission proceedings. Any party with a legal interest in the dissemination or non-dissemination of the video has available legal remedies in the Superior Court and the appellate courts.

IT IS SO ORDERED.

Dated: May 16, 2012

[redacted]

Benedict Y. Hur, Chairperson
San Francisco Ethics Commission