File No. 21011 Item No. 8

SUNSHINE ORDINANCE TASK FORCE
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Sunshine Ordinance Task Force Date: June 1, 2022

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OTHER

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Completed by: C. Leger **Date** 5/26/22

* An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file on a disk

Sunshine Ordinance Task Force
Complaint Summary

File No. 21011

Electronic Frontier Foundation v. Police Department

Date filed with SOTF: 01/25/21

Contact information (Complainant information listed first):
Electronic Frontier Foundation; Saira Hussain (saira@eff.org); Beryl Lipton (beryl.lipton@eff.org) (Complainant)
Lt. Lynn Reilly (lynn.reilly@sfgov.org); The Police Department (Respondents)

File No. 21011: Complaint filed by the Electronic Frontier Foundation against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26 and 67.27(d), by failing to respond to a public records request in a timely and complete manner, failing to keep withholding to a minimum and failing to provide assistance/information regarding alternate sources of information requested.

Administrative Summary if applicable:

Complaint Attached.

Petition/Complaint

Leger, Cheryl (BOS)

From:	Dave Maass <dm@eff.org>
Sent:	Monday, January 25, 2021 10:59 AM
To:	Leger, Cheryl (BOS)
Cc:	SOTF, (BOS); saira@eff.org
Subject:	Sunshine Ordinance Complaint
Attachments:	Facial recognition tech used to build SFPD gun case, despite city ban - SFChronicle.com.pdf; P21342_-_2020.12.23_sfpd_response.pdf; P21342_-_2021.01.06 _sfpd_response.pdf; P021342-121420_Message_History.pdf; SFPD CPRA - FR - EFF 12-14-2020 .pdf; EFF - SFPD SUNSHINE COMPLAINT.pdf

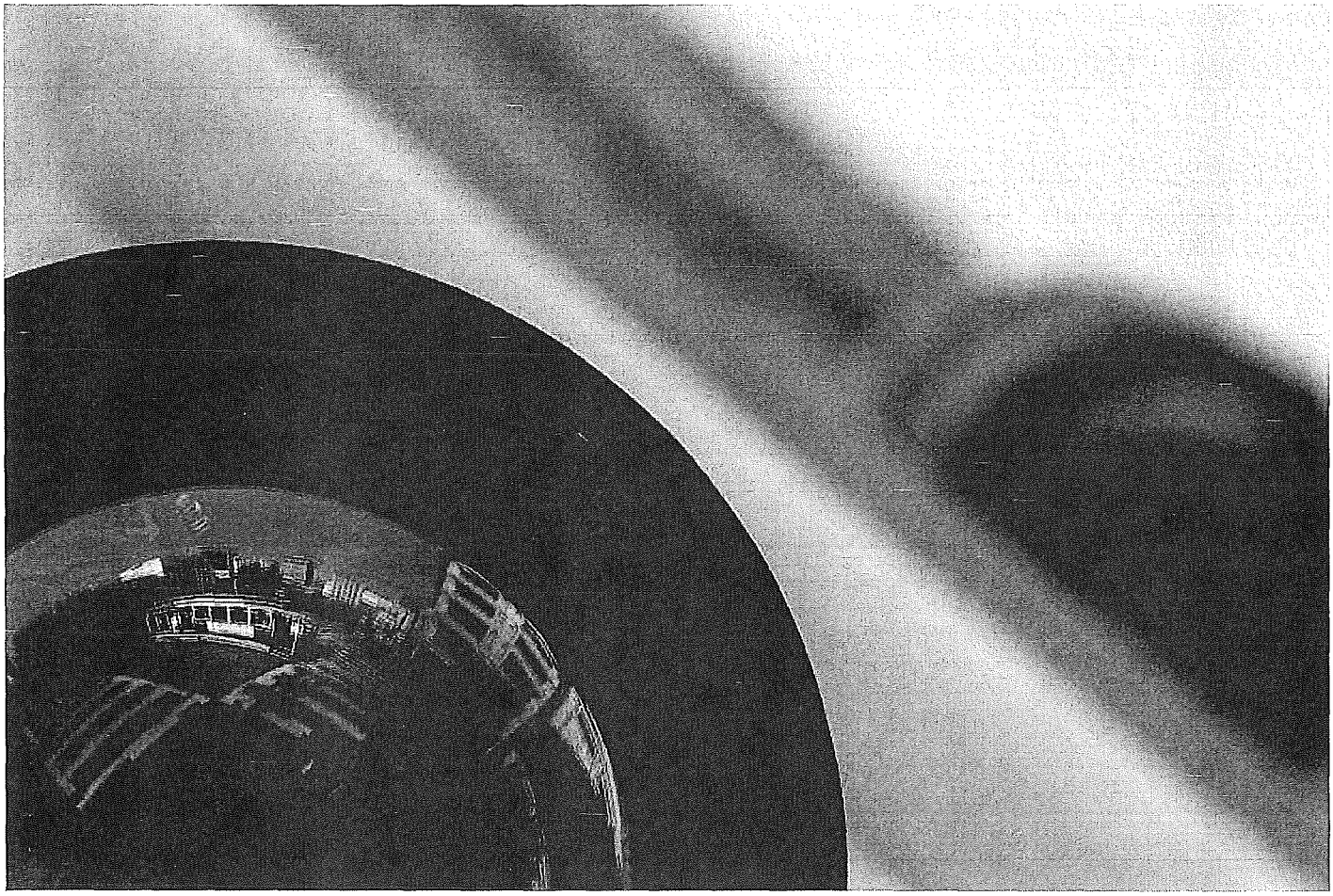
Please find attached a Sunshine Ordinance Public Complaint along with supporting documentation. I would appreciate it if you could confirm receipt.

Dave

--
Dave Maass
Director of Investigations
Electronic Frontier Foundation
Phone: +1 415-436-9333 x151
Email: dm@eff.org
Twitter: @maassive

despite city ban

Megan Cassidy
Sep. 24, 2020 | Updated: Sep. 24, 2020 9:35 p.m.



A cable car is reflected in a CCTV camera mounted along Powell Street in San Francisco.
Photo: Paul Kuroda / Special to The Chronicle

San Francisco police investigators may have circumvented the city's ban on facial recognition technology by building a gun case, in part, on facial recognition software used by another law enforcement agency, according to interviews and documents obtained by The Chronicle.

The revelation has raised serious questions among city officials about whether the Police Department bypassed a city law intended to curb the use of certain surveillance

facial recognition.

Lee Hepner, a legislative aide to Supervisor Aaron Peskin, who authored the ban, said Peskin was "troubled by what appears to be a violation of the ordinance we passed last year." When the ordinance took effect in May 2019, only the city's port and airport — which are federally regulated — were exempted from the ban.

"We're going to be looking into this with the city attorney's office, and we'll be taking every necessary step to ensure the city ordinance is complied with," Hepner said.

The case involves an alleged illegal gun discharge earlier this month, according to the suspect's defense attorney, Ean Vizzi. Evidence of the use of facial recognition technology came to light this week when Vizzi received information through the discovery process.

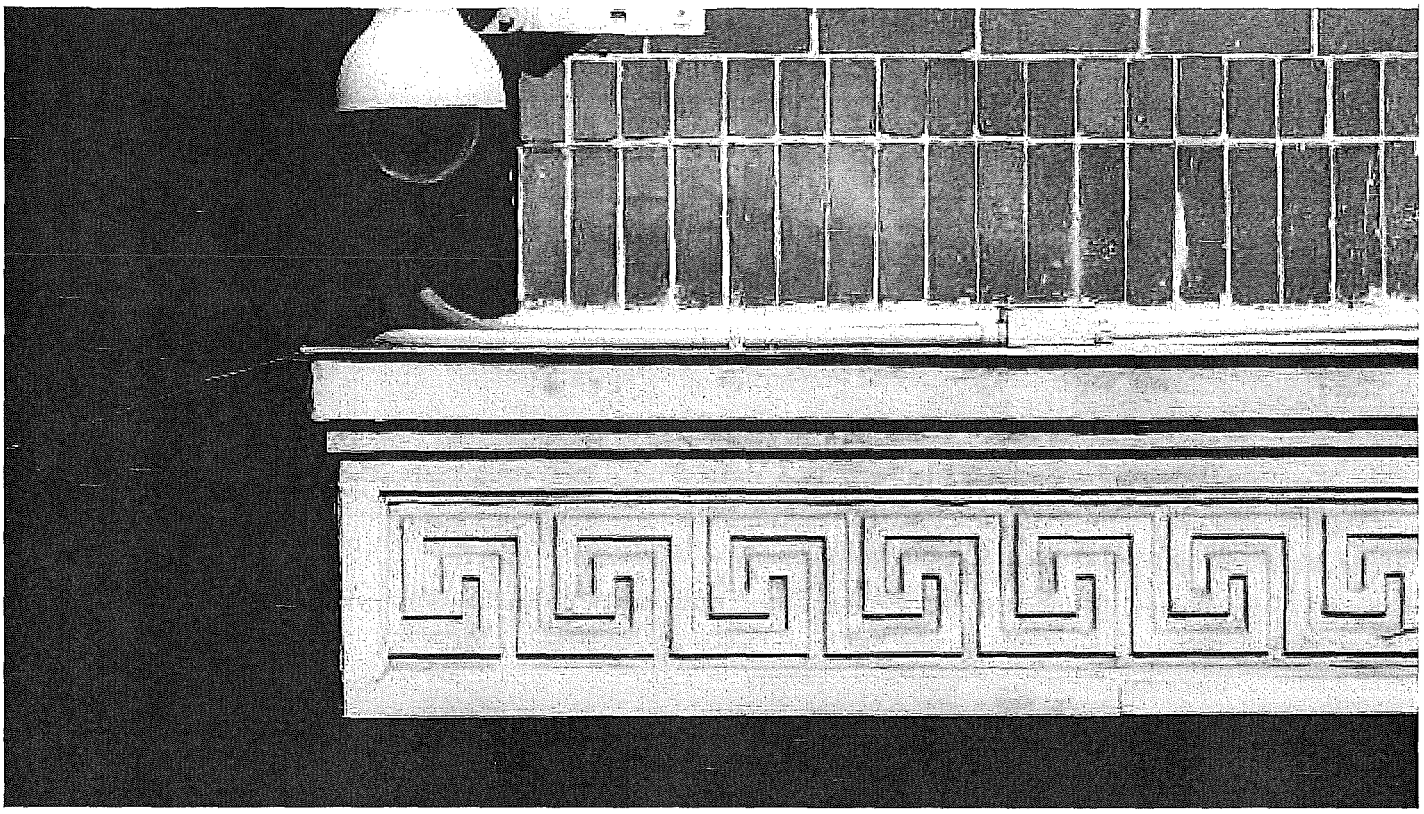
San Francisco police Sgt. Michael Andraychak said a photo taken from a San Francisco surveillance camera was used in a crime alert bulletin that asked neighboring agencies for assistance locating the suspect.

NCRIC, which uses facial recognition technology, ran the photo through its software, produced a match from its database and sent it to San Francisco police, Andraychak said.

"We didn't use or request NCRIC," Andraychak said. "They did this on their own."

Andraychak said, however, that officers had already identified the suspect through other means before receiving the NCRIC results.

Andraychak said it's common for officers from San Francisco and other local agencies to send out crime alert bulletins. He could not provide information about how frequently responses to those bulletins included facial recognition software results from other agencies since the ban on such technology last year.



A camera mounted across Union Square on Geary Street in San Francisco.
Photo: Paul Kuroda / Special to The Chronicle

The documents in the discovery materials provided to Vizzi included three pages of records or slides suggesting the use of facial recognition in the case: The first appears to be a cover page titled "Facial Recognition Results," and below, "San Francisco Police Dept.," the case number and "assault with firearm investigation."

The document or slide goes on to say that NCRIC's system compares suspect photographs against more than 500,000 photographs in databases "used by law enforcement agencies in San Mateo County."

Another page or slide contains what appears to be a still of the suspect from a surveillance video, next to a mug shot of the defendant. In copies provided to The Chronicle, faces were redacted on both photos.

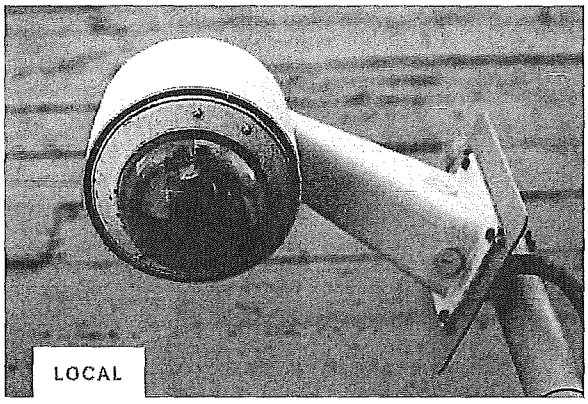
In an interview with The Chronicle, Vizzi said he has handled numerous criminal cases in which officers have been able to personally identify a suspect from photos or

surveillance videos. ... (I thought) there has to be something else going on there," he said. "Lo and behold in this case, I see there's something going on there."

Vizzi said the alleged gun discharge incident occurred Sept. 9, the photographs were matched on Sept. 10 and his client was arrested Sept. 11.

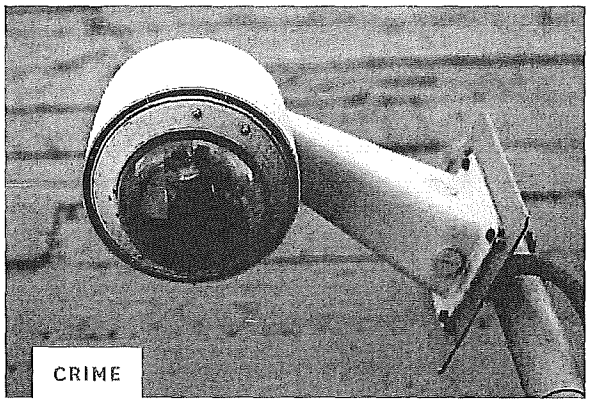
Facial recognition has been credited for leading police across the country to wanted suspects.

Related Stories



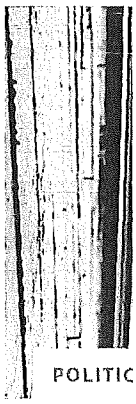
BY SARAH RAVANI

Oakland bans use of facial recognition technology, citing bias...



BY SARAH RAVANI

Oakland committee approves ban on facial recognition surveillance



BY TRISH

San Fr facial

But the technology has come under increased scrutiny from privacy advocates and others, many who fear a profound erosion of civil liberties. Facial recognition software and related technologies have been blamed for inaccuracies, particularly in attempting to identify minorities.

Oakland imposed its own ban on the technology shortly after San Francisco, citing bias concerns.

The database does not use driver's license photos or any other types of photos, Sena said.

Sena said he couldn't provide information on specific agencies or cases, but said an employee runs facial recognition searches from bulletins "quite often, (when) someone needs quick response."

Boudin said in order to successfully prosecute cases, his office needs to "rely on the integrity of the investigations and the evidence that we are presented."

"San Francisco prohibits the use of facial recognition software, with very narrow exceptions," he said. "We cannot rely on evidence gathered in violation of that law."

San Francisco Police Commissioner John Hamasaki said he will request that Police Department officials investigate to determine the scope of the problem, address any misconduct and ensure the violation won't happen again.

"While identifying suspects is an important law enforcement concern, bending or breaking the rules to do so puts the entire investigation and prosecution in jeopardy," he said. "Police cannot simply choose which laws to follow (and) which to ignore and still retain credibility with the communities they serve."

Megan Cassidy is a San Francisco Chronicle staff writer. Email: megan.cassidy@sfchronicle.com Twitter: @meganrcassidy

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P021342-121420 - Public Records Request

Message History (4)

On 1/6/2021 3:10:26 PM, San Francisco Police Records Portal wrote:

Subject: Public Records Request :: P021342-121420
Body:
January 06, 2021

Via email dm@eff.org

Dave Maass
815 Eddy St
San Francisco, CA 94109

RE: Public Records Request, dated December 14, 2020, Reference # P021342-121420

Dear Dave Maass:

In response to your request, please see attached document.

If you have any questions, please contact Briseida Walton at 415-837-7180.

Thank you for your attention.

Sincerely,

Lieutenant R. Andrew Cox #287
Officer in Charge
Risk Management - Legal Division

On 12/23/2020 2:21:32 PM, San Francisco Police Records Portal wrote:

Subject: Public Records Request :: P021342-121420
Body:
December 23, 2020

Via email dm@eff.org

Dave Maass
815 Eddy St
San Francisco, CA 94109

RE: Public Records Request, dated December 14, 2020, Reference # P021342-121420

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Sincerely,

Lieutenant R. Andrew Cox #287
Officer in Charge
Risk Management - Legal Division

On 12/14/2020 9:46:31 AM, San Francisco Police Records Portal wrote:

Dear Dave Maass:

Thank you for your interest in public records of the San Francisco Police Department ("SFPD").

The San Francisco Police Department ("SFPD") received your request, dated December 14, 2020 and given the reference number **P021342-121420** for tracking purposes.

Record(s) Requested: *See attachment*

Your request is being forwarded to the appropriate department(s) for processing and you will be notified once the request is complete.

You can monitor request progress at the link below. Thank you for using the San Francisco Public Records Center.

San Francisco Police Department

To monitor the progress or update this request please log into the SFPD Public Records Center.

On 12/14/2020 9:46:30 AM, Dave Maass wrote:

Request was created by customer

P021342-121420 - Public Records Request

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Risk Management - Legal Division

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San Francisco Police Department

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On 12/14/2020 9:46:30 AM, Dave Maass wrote:

Request was created by customer

CITY AND COUNTY OF SAN FRANCISCO
POLICE DEPARTMENT
HEADQUARTERS
1245 3RD Street
San Francisco, California 94158

LONDON N. BREED
MAYOR

WILLIAM SCOTT
CHIEF OF POLICE

December 23, 2020

Via email dm@eff.org

Dave Maass
815 Eddy St
San Francisco, CA 94109

RE: Public Records Request, dated December 14, 2020, Reference # P021342-121420

Dear Dave Maass:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated December 14, 2020.

You requested, "To Whom It May Concern,

This letter constitutes a request under the California Public Records Act (CPRA) and the San Francisco Sunshine Ordinance from the Electronic Frontier Foundation (EFF). We are seeking records related to the San Francisco Police Department (SFPD), the Northern California Regional Intelligence Center (NCRIC), and the use of facial recognition (FR) technology.

On September 24, 2020, the San Francisco Chronicle reported that SFPD had circulated a bulletin containing an image from a surveillance camera, that NCRIC processed this photograph through its FR system, and provided the FR results to SFPD.1 Due to the nationwide debate over FR technology and regulations restricting its use in San Francisco, this report generated significant public interest. Accordingly, EFF seeks records related to this specific incident, as well as records related to other occasions when SFPD has received information generated by the use of facial recognition technology by NCRIC or other agencies.

EFF requests the following records:

1. Any and all records related to the use of facial recognition and other activity related to the case referenced in the September 24, 2020 San Francisco Chronicle report, including but not limited to:

a. Any internal communications, including but not limited to emails, between any SFPD official;

b. Any internal communications, including but not limited to emails, between SFPD officials and NCRIC;

c. Any internal communications, including but not limited to emails, between SFPD, San Francisco County Sheriff, and the San Francisco County District Attorney's Office;

d. All crime alert bulletins associated with the case referenced in the September 24, 2020 San Francisco Chronicle report;

e. All communications with the press, members of the Board of Supervisors or other external parties;

f. All evidence custody logs and related chain-of-custody information;

g. All documents provided to Ean Vizzi as referenced in the San Francisco Chronicle article.

2. All correspondence between SFPD and NCRIC related to face recognition or photograph databases, received between January 1, 2017 and December 14, 2020;

2. All correspondence between SFPD and other public or private entities related to face recognition or photograph databases, received between June 1, 2019 and December 14, 2020;

3. All requests for assistance in identifying suspects based on photographic or video evidence sent to NCRIC or other public or private entities since June 1, 2019 and associated responses;

4. All active data sharing agreements, memoranda of understanding, or other contractual documents establishing a relationship between NCRIC and SFPD.

In addition, we request the custodian of records within 7 days provide a written statement as to the existent, quantity, form and nature of records related to the subject of facial recognition and NCRIC, and in addition, related to the case referenced in the San Francisco Chronicle report.

With regards to the specified records, we ask that you please respond to this request within 10 days either by providing all the requested records or by providing a written response setting forth the legal authority on which you rely in withholding or redacting any document, as well as stating when documents will be made available. We request the documents be provided as they become available on a rolling basis."

SFPD is invoking 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. Once it has been determined whether the information you request is available, we will advise you within 14 days but no later than by January 6, 2021.

If you have any questions, please contact Briseida Walton at 415-837-7180.

Thank you for your courtesy in this regard.

Sincerely,

Lt. R. Andrew Cox #287
Officer in Charge
Risk Management - Legal Division

ELECTRONIC FRONTIER FOUNDATION

Via Online Portal

December 14, 2020

San Francisco Police Department
1245 3rd Street
San Francisco, CA 94158

RE: Sunshine Ordinance/California Public Records Act Request

To Whom It May Concern,

This letter constitutes a request under the California Public Records Act (CPRA) and the San Francisco Sunshine Ordinance from the Electronic Frontier Foundation (EFF). We are seeking records related to the San Francisco Police Department (SFPD), the Northern California Regional Intelligence Center (NCRIC), and the use of facial recognition (FR) technology.

On September 24, 2020, the San Francisco Chronicle reported that SFPD had circulated a bulletin containing an image from a surveillance camera, that NCRIC processed this photograph through its FR system, and provided the FR results to SFPD.[1] Due to the nationwide debate over FR technology and regulations restricting its use in San Francisco, this report generated significant public interest. Accordingly, EFF seeks records related to this specific incident, as well as records related to other occasions when SFPD has received information generated by the use of facial recognition technology by NCRIC or other agencies.

EFF requests the following records:

1. Any and all records related to the use of facial recognition and other activity related to the case referenced in the September 24, 2020 San Francisco Chronicle report, including but not limited to:

a. Any internal communications, including but not limited to emails, between any SFPD official;

[1] Megan Cassidy, Facial recognition tech used to build SFPD gun case, despite city ban, S.F. Chronicle, https://www.sfchronicle.com/bayarea/article/Facial-recognition-tech-used-to-build-SFPD-gun-15595796.php (Sep. 24, 2020).

b. Any internal communications, including but not limited to emails, between SFPD officials and NCRIC;

c. Any internal communications, including but not limited to emails, between SFPD, San Francisco County Sheriff, and the San Francisco County District Attorney's Office;

d. All crime alert bulletins associated with the case referenced in the September 24, 2020 San Francisco Chronicle report;

e. All communications with the press, members of the Board of Supervisors or other external parties;

f. All evidence custody logs and related chain-of-custody information;

g. All documents provided to Ean Vizzi as referenced in the San Francisco Chronicle article.[2]

2. All correspondence between SFPD and NCRIC related to face recognition or photograph databases, received between January 1, 2017 and December 14, 2020;

2. All correspondence between SFPD and other public or private entities related to face recognition or photograph databases, received between June 1, 2019 and December 14, 2020;

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4. All active data sharing agreements, memoranda of understanding, or other contractual documents establishing a relationship between NCRIC and SFPD.

---

[2] From the San Francisco Chronicle article:

The documents in the discovery materials provided to Vizzi included three pages of records or slides suggesting the use of facial recognition in the case: The first appears to be a cover page titled "Facial Recognition Results," and below, "San Francisco Police Dept.," the case number and "assault with firearm investigation."

The document or slide goes on to say that NCRIC's system compares suspect photographs against more than 500,000 photographs in databases "used by law enforcement agencies in San Mateo County."

Another page or slide contains what appears to be a still of the suspect from a surveillance video, next to a mug shot of the defendant. In copies provided to The Chronicle, faces were redacted on both photos.

In addition, we request the custodian of records within 7 days provide a written statement as to the existent, quantity, form and nature of records related to the subject of facial recognition and NCRIC, and in addition, related to the case referenced in the San Francisco Chronicle report.

With regards to the specified records, we ask that you please respond to this request within 10 days either by providing all the requested records or by providing a written response setting forth the legal authority on which you rely in withholding or redacting any document, as well as stating when documents will be made available. We request the documents be provided as they become available on a rolling basis.

Because EFF is a nonprofit organization that makes all information it receives through San Francisco Sunshine Ordinance, California Public Records Act, and Freedom of Information Act requests available to the public, we ask that you waive any fees. We also request that any records maintained in electronic format be provided in that same format (such as CSV or XLS file), to avoid copying costs. However, should you be unable to do so, EFF will reimburse you for the direct costs of copying these records (if you elect to charge for copying) plus postage. If you anticipate that these costs will exceed $25.00, or that the time needed to copy the records will delay their release, please contact me so that I can arrange to inspect the documents or decide which documents I wish to have copied. Otherwise, please copy and send them as soon as possible, and we will promptly pay the required costs.

Thank you for your consideration of this request. If you have any questions or concerns, or if I can provide any clarification that will help identify responsive documents or focus this request, please do not hesitate to contact me at (415) 436-9333 x141 or dm@eff.org. You may also mail correspondence to the Electronic Frontier Foundation, 815 Eddy St. San Francisco, CA, 94109.

Sincerely,

Dave Maass
Senior Investigative Researcher
Electronic Frontier Foundation

CITY AND COUNTY OF SAN FRANCISCO
POLICE DEPARTMENT
HEADQUARTERS
1245 3RD Street
San Francisco, California 94158

LONDON N. BREED
MAYOR

WILLIAM SCOTT
CHIEF OF POLICE

January 6, 2021

Via email dm@eff.org

Dave Maass
815 Eddy St
San Francisco, CA 94109

RE: Public Records Request, dated December 14, 2020, Reference # P021342-121420

Dear Dave Maass:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated December 14, 2020.

On December 23, 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.

You requested, "To Whom It May Concern,

This letter constitutes a request under the California Public Records Act (CPRA) and the San Francisco Sunshine Ordinance from the Electronic Frontier Foundation (EFF). We are seeking records related to the San Francisco Police Department (SFPD), the Northern California Regional Intelligence Center (NCRIC), and the use of facial recognition (FR) technology.

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b. Any internal communications, including but not limited to emails, between SFPD officials and NCRIC;

c. Any internal communications, including but not limited to emails, between SFPD, San Francisco County Sheriff, and the San Francisco County District Attorney's Office;

d. All crime alert bulletins associated with the case referenced in the September 24, 2020 San Francisco Chronicle report;

e. All communications with the press, members of the Board of Supervisors or other external parties;

f. All evidence custody logs and related chain-of-custody information;

g. All documents provided to Ean Vizzi as referenced in the San Francisco Chronicle article."

Response:

SFPD has identified records that are responsive to requests: 1. a through d, f and g but are not subject to disclosure under Cal. Government Code § 6254(f).

As for part e, below is the statement that SFPD Media Relations issued in response to this request.

"The investigator in this case published a crime alert/bulletin seeking law enforcement assistance in identifying the suspect of an aggravated assault with a gun. Members of SFPD saw the crime bulletin, recognized the suspect and notified the investigator.

Distribution of crime bulletins is a standard form of investigative follow up. Crime bulletins are distributed to many law enforcement agencies, via email. The NCRIC received that crime bulletin and processed the image and provided SFPD with a possible suspect identity. The name provided by NCRIC matched the name provided to the investigator by SFPD members. SFPD did not request the use of facial recognition technology by any agency. It is important to note that this type of "identification" serves as an additional lead. Investigators also take further steps which are intended to either confirm or discount that preliminary identification."

2. Both questions 2 through 4 are consolidated. You requested, "All correspondence between SFPD and NCRIC related to face recognition or photograph databases, received between January 1, 2017 and December 14, 2020;

2. All correspondence between SFPD and other public or private entities related to face recognition or photograph databases, received between June 1, 2019 and December 14, 2020;

3. All requests for assistance in identifying suspects based on photographic or video evidence sent to NCRIC or other public or private entities since June 1, 2019 and associated responses;

4. All active data sharing agreements, memoranda of understanding, or other contractual documents establishing a relationship between NCRIC and SFPD."

Response to both questions 2 through 4:

SFPD was unable to locate responsive records for these requests.

If you have any questions, please contact Briseida Walton at 415-837-7180.

Thank you for your courtesy in this regard.

Sincerely,

Lt. R. Andrew Cox #287
Risk Management - Legal Division

ELECTRONIC FRONTIER FOUNDATION

VIA EMAIL

January 25, 2021

RE: Sunshine Ordinance Complaint

To Whom It May Concern,

This letter serves as a public complaint from the Electronic Frontier Foundation with the Sunshine Ordinance Task Force related to a request for records filed with the San Francisco Police Department.

Please find enumerated blow the information requested to the Sunshine Ordinance Task Force Public Complaint Procedures.

1. Short and concise description of the facts.

On December 14, 2020, the Electronic Frontier Foundation (EFF) requested several different types of records from the San Francisco Police Department (SFPD) following a September 24, 2020 news article in the *San Francisco Chronicle* about face recognition (attached). This included a variety of communications, including intra-agency and inter-agency discussions and communications with the Northern California Regional Intelligence Center (NCRIC), the Board of Supervisors, and the press. EFF also sought records related to crime bulletins and chain of custody for the case that was the subject of the *Chronicle* article. In addition, EFF sought data sharing agreements and other documents that could shine light on how SFPD seeks help in identifying people in photographs or on video.

In all, we sought 11 categories of documents (note that due to a formatting error, the number system is off in the original request). In response, SFPD only provided us with one document: an email statement sent to reporters. In some cases, SFPD cited California Government Code § 6254(f) to withhold records without any attempt to segregate releasable material. In other cases, SFPD

815 Eddy Street, San Francisco, CA 94109 USA **phone** +1.415.436.9333 **fax** +1.415.436.9993 **email** info@eff.org **eff.org**

simply said it could not locate records, such as documents that establish the formal relationship between SFPD and the regional fusion center, NCRIC.

We believe that SFPD has responsive and releasable records in its possession that it has failed to provide.

2. The name of the Department where the request was submitted – as well as any individual working at the agency who the request involves.

Lt. R. Andrew Cox #287
San Francisco Police Department
Risk Management - Legal Division

3. A description of how the action or inaction violates the Sunshine Ordinance.

California Public Records Act
Cal. Government Code § 6253
SFPD did not provide responsive records.

Sunshine Ordinance

a) Sec. 67.21

SFPD did not produce records or conduct an adequate search to collect records.

b) Sec. 67.26 - Withholding Kept to a Minimum

SFPD did not redact/segregate exempted information and instead withheld the documents in full.

c) Sec. 67.27(d)

SFPD did not "inform the requester of the nature and extent of the nonexempt information and suggest alternative sources for the information requested, if available."

4. Supporting documentation, if applicable, such as a copy of the request to the department and or any response from the department.

See attached.

Should you have further questions, please email both Director of Investigations Dave Maass (dm@eff.org) and Staff Attorney Saira Hussain (saira@eff.org). You can also leave a voice mail at 415-436-9333 x151. We do not recommend sending correspondence via regular post, since our office is currently closed due to COVID-19.

Best regards,

Dave Maass
Director of Investigations

Saira Hussain
Staff Attorney

Petitioner's Supporting Documents

Leger, Cheryl (BOS)

From: Dave Maass <dm@eff.org>
Sent: Tuesday, January 26, 2021 11:34 AM
To: SOTF, (BOS)
Subject: Re: Sunshine Ordinance Complaint

Hi Cheryl,

You should send emails and notices to me (dm@eff.org) and Saira Hussain (saira@eff.org).

However, for the title of the complaint, it would be ideal to have it as Electronic Frontier Foundation v. SFPD.

On 1/26/21 10:25 AM, SOTF, (BOS) wrote:
> The complaint can be filed by a company name, however I need an email address to send materials and notices to and an email of the person most knowledgeable who will make the appearances before the Committees. Thank you.
>
> Cheryl Leger
> Assistant Clerk, Board of Supervisors
> Cheryl.Leger@sfgov.org
> Tel: 415-554-7724
> Fax: 415-554-5163
> https://avanan.url-protection.com/v1/url?o=www.sfbos.org&g=Y2I0NzM3ZTV
> lMjdhNTBkMw==&h=MDYyYTU3NjllNTRhY2ZhYmNlN2ZjMWE2NmQwYWVjODY2ZmFmYjI5OG
> YwODg2YTViMTQ2NGQ2NDM4NzRmMzBhZg==&p=YXAzOnNmZHQyOmF2YW5hbjpvZmZpY2UzN
> jVfZW1haWxzX2VtYWlsOmU0NjM4MmYyNWE0MWJmMjk5ZDVmNmU1MjRlNzc2MTdiOnYx
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> -----Original Message-----
> From: Dave Maass <dm@eff.org>
> Sent: Monday, January 25, 2021 5:34 PM
> To: SOTF, (BOS) <sotf@sfgov.org>
> Subject: Re: Sunshine Ordinance Complaint

>
> Thank you.
>
> Quick question: Does the party need to by name, or can it be the organization I work for?
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> On 1/25/21 4:48 PM, SOTF, (BOS) wrote:
>> Mr. Maass: Your complaint number is 21011 (Maass v. Police Dept.)
>>
>> Cheryl Leger
>> Assistant Clerk, Board of Supervisors Cheryl.Leger@sfgov.org
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>> R
>> hMzg0ODFmNg==&h=YjVjYWM4NTE5NmRkNWI2NGQ1YmViYWEzZWI3MzgyYTNiOTQwODFjZ
>> G
>> NmNzg4NjE1ZTA0M2M5NGUzNDNmOWFhNw==&p=YXAzOnNmZHQyOmF2YW5hbjpvZmZpY2Uz
>> N jVfZW1haWxzX2VtYWlsOjBiNzMyMmZmN2RkNGI4YjcwOTJiNThjY2RiMTNjZTc2OnYx
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>> -----Original Message-----
>> From: Dave Maass <dm@eff.org>
>> Sent: Monday, January 25, 2021 10:59 AM
>> To: Leger, Cheryl (BOS) <cheryl.leger@sfgov.org>
>> Cc: SOTF, (BOS) <sotf@sfgov.org>; saira@eff.org
>> Subject: Sunshine Ordinance Complaint
>>
>>
>> This message is from outside the City email system. Do not open links or attachments from untrusted sources.
>>
>>
>>
>> Please find attached a Sunshine Ordinance Public Complaint along with supporting documentation. I would appreciate it if you could confirm receipt.
>>

>> Dave
>>
>> --
>> Dave Maass
>> Director of Investigations
>> Electronic Frontier Foundation
>> Phone: +1 415-436-9333 x151
>> Email: dm@eff.org
>> Twitter: @maassive
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Leger, Cheryl (BOS)

From: Dave Maass <dm@eff.org>
Sent: Tuesday, February 23, 2021 9:23 AM
To: SOTF, (BOS)
Subject: Re: Sunshine Ordinance Complaint

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Date: Tuesday, January 26, 2021 at 11:33 AM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: Re: Sunshine Ordinance Complaint

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However, for the title of the complaint, it would be ideal to have it as Electronic Frontier Foundation v. SFPD.

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Director of Investigations
Electronic Frontier Foundation
Phone: +1 415-436-9333 x151
Email: dm@eff.org
Twitter: @maassive

Leger, Cheryl (BOS)

From:	Anonymous Records Requester <arecordsrequestor@protonmail.com>
Sent:	Monday, June 14, 2021 1:17 PM
To:	SOTF, (BOS); Bruce Wolfe (Chair, SOTF, SF)
Cc:	Pera, Arran (POL); beryl.lipton@eff.org; Scott, William (POL)
Subject:	Complaint 21011 EFF vs SFPD re: Facial Recognition - Public correspondence
Attachments:	signature.asc

Dear Chair and Members of SOTF,
as public correspondence

This is public correspondence in File 21011 being heard tomorrow. I am not a party to the complaint, and nothing herein is legal advice.

SFPD has engaged in numerous violations in this request about facial recognition records. I write because SFPD's violations here are repeating violations that they have engaged in previously against me - even though SFPD, apparently falsely, told you that they had learned their lesson, and thus evidence a willful failure by SFPD's department head Chief Scott to implement the Sunshine Ordinance, constituting official misconduct under SF Admin Code 67.34. You may recall in SOTF 19097 *Anonymous v SFPD* (senior staff email communications), SOTF 19124 *Anonymous v SFPD* (SB 1421 police personnel records), and in SOTF 19128 *Anonymous v Rodriguez, et al.* (Bryan Carmody computer forensics records), you ruled that SFPD had violated the minimum withholding, written justification, and keyed redaction requirements of Admin Code 67.26 and 67.27 (among various other violations as well).

67.26 Violation 1 - In this case, until *after* EFF filed a complaint, SFPD withheld certain records in full; only after the complaint did SFPD partially release via redaction responsive records. Delay of disclosure often effectively achieves the City's purpose even if they later realize they will be unable to get away with full withholding. In a similar case, SFPD fully withheld records of its agreements with the FBI regarding gang task forces from me; as soon as I filed a complaint, they changed their mind. This is a pattern and an intentional strategy SFPD (and other City agencies) take -- withholding everything by default and only performing the exemption review required by SFAC 67.26 after complaints -- because the City can count on the vast majority of requesters not bothering to file a complaint and thus getting away with withholding more than the minimum exempt info. (Which is exactly why I file complaints for *each and every violation* - to forcibly break the City's assumptions in their risk-benefit analysis that results in withhold-by-default and force them to reconsider their strategy of ignoring the full requirements of the Ordinance for all requesters).

67.26 Violation 2 - SFPD, even in their response to the complaint, failed to key their redactions. They do not indicate which redactions are under CLETS vs the open investigation exemption.

67.27 Violation - SFPD, in their response to the complaint, added a new written justification not present in their original response to EFF to withhold records. *Changing their story* is a violation as you have held in my cases. But the new justification that they have provided remains inadequate. They cite Evidence Code 1040 for the proposition that *all* "official information" (information acquired in confidence by a public employee not otherwise known publicly) is privileged. This is **false**, and is widely used by the City as the new "catch all" exemption. The mere fact that information is "official information" does not make it exempt from disclosure. Only two specific subsets of "official information" are exempt from disclosure in EC 1040(b)(1) (which exempts official information whose disclosure is prohibited by state and federal law) and 1040(b)(2) (a balancing test in the interests of justice). **SFPD must specify which of those two distinct exemptions is used.** And they must prove to SOTF (if using this balancing test) how disclosure harms the interests of justice. If they cannot prove this, SOTF must order the remaining information disclosed.

Because SFPD has demonstrated a pattern of violating these provisions of the Ordinance, even after you have found them in violation, SOTF should question SFPD about *why* they did not comply both in their initial response to EFF's request and in their complaint reply to determine whether Chief Scott's is willfully failing to implement the Sunshine Ordinance.

Regards,

Anonymous
Twitter @journo_anon

IMPORTANT:
1. If you are a public official: I intend that these communications all be disclosable public records, and I will not hold in confidence any of your messages, notwithstanding any notices to the contrary.
2. If you are NOT a public official: This communication is confidential and may contain unpublished information or confidential source information, protected by the California Shield Law, Evidence Code sec. 1070. I am a member of the electronic media and regularly publish information about the conduct of public officials.
3. I am not a lawyer. Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever.
4. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender.

Sent with ProtonMail Secure Email.

Leger, Cheryl (BOS)

From: Dave Maass <dm@eff.org>
Sent: Monday, January 24, 2022 4:30 PM
To: SOTF, (BOS)
Subject: Re: Sunshine Ordinance Complaint

Thank you so much for the update. When I was a task force member, the back log was long...and that was before covid messed everything up.

Just please let me know if you hear anything. I'm back from leave and can be the primary point of contact.

Dave Maass
Director of Investigations
Electronic Frontier Foundation
dm@eff.org

From: SOTF, (BOS) <sotf@sfgov.org>
Sent: Monday, January 24, 2022 4:09 PM
To: Dave Maass <dm@eff.org>
Subject: RE: Sunshine Ordinance Complaint

Mr. Maass: You may be aware, the SOTF has a backlog of cases yet to be heard. I am hoping to schedule you case soon. Thank you.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Cheryl.Leger@sfgov.org
Tel: 415-554-7724
Fax: 415-554-5163
https://avanan.url-protection.com/v1/url?o=www.sfbos.org&g=ZmYxZjQxMTViOGZkZmM0NA==&h=NGQxY2ViYTcxYjFiZWUzMmJiNWY5YmRlZmY5MTgyNWRmMWI4OGJjYmUzODA1MmIzYTBlYTllYzIxMWJmYmMxYw==&p=YXAzOnNmZHQyOmE6bzphMjgwOTZiM2UwYTNkOTc1ZGVlOGE3N2ZlOTNhNTI5Yjp2MTp0Ok4=

From: Dave Maass <dm@eff.org>
Sent: Monday, January 24, 2022 1:43 PM
To: SOTF, (BOS) <sotf@sfgov.org>; Saira Hussain <saira@eff.org>; Beryl Lipton <beryl@eff.org>
Subject: Re: Sunshine Ordinance Complaint

Hello Cheryl,

We communicated last year about my Sunshine complaint against SFPD before I left on parental leave. My colleague Beryl Lipton took my place at the committee hearing.

I'd like to check with you on the status of this complaint. Is it likely to come before the full task force soon?

Thanks!

Dave Maass

Dave Maass
Director of Investigations
Electronic Frontier Foundation
dm@eff.org

From: SOTF, (BOS) <sotf@sfgov.org>
Sent: Thursday, April 29, 2021 3:58 PM
To: Dave Maass <dm@eff.org>
Subject: RE: Sunshine Ordinance Complaint

Noted.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Cheryl.Leger@sfgov.org
Tel: 415-554-7724
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From: Dave Maass <dm@eff.org>
Sent: Thursday, April 29, 2021 3:17 PM
To: SOTF, (BOS) <sotf@sfgov.org>; Beryl Lipton <beryl.lipton@eff.org>; Saira Hussain <saira@eff.org>
Subject: Re: Sunshine Ordinance Complaint

Hi Cheryl,

I'm just writing to confirm that Beryl Lipton (beryl.lipton@eff.org) and Saira Hussain (saira@eff.org) will be the points of contact on this complaint starting tomorrow. I will be back in October.

Dave

From: SOTF, (BOS) <sotf@sfgov.org>
Date: Tuesday, April 20, 2021 at 3:19 PM
To: Dave Maass <dm@eff.org>
Subject: RE: Sunshine Ordinance Complaint

The Complaint will be assigned to a SOTF Committee before being heard before the Task Force.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Cheryl.Leger@sfgov.org
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Fax: 415-554-5163
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From: Dave Maass <dm@eff.org>
Sent: Tuesday, April 20, 2021 3:15 PM
To: SOTF, (BOS) <sotf@sfgov.org>; Beryl Lipton <beryl.lipton@eff.org>; Saira Hussain <saira@eff.org>
Subject: Re: Sunshine Ordinance Complaint

Hi Cheryl,

EFF would like to proceed along the normal schedule lines. However, could you please add Beryl Lipton (beryl.lipton@eff.org) to all correspondence? She will be substituting for me while I'm away May-October.

Also, do you know whether this complaint will be assigned to a committee prior to a hearing before the full task force?

Dave

From: SOTF, (BOS) <sotf@sfgov.org>
Date: Tuesday, April 20, 2021 at 11:03 AM
To: Dave Maass <dm@eff.org>
Subject: RE: Sunshine Ordinance Complaint

Sure, I can make a note of that in your file. Do you want me to do that?

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Sent: Tuesday, April 20, 2021 10:48 AM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: Re: Sunshine Ordinance Complaint

Hi Cheryl,

I'm going to discuss with our team today.

Question: If we requested, could we push hearings until October? I need to check with the team, but it'd be good to know if it's an option.

Dave

From: SOTF, (BOS) <sotf@sfgov.org>
Date: Tuesday, April 20, 2021 at 10:41 AM
To: Dave Maass <dm@eff.org>
Subject: RE: Sunshine Ordinance Complaint

It might be August or September. At this point I cannot speculate. We have a backlog of 2020 cases that need to be heard before yours due to the restrictions the pandemic put on the SOTF. Please make certain that you have provided everything you want the SOTF to review before I schedule a hearing. It is always best to get a jump start. I will send you the Police Dept.'s response so that you can prepare a written rebuttal if you think necessary. Any materials for the hearings will need to be provided when I send out a Notice of Appearance. Thank you.

Cheryl Leger
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Sent: Monday, April 19, 2021 1:27 PM
To: SOTF, (BOS) <sotf@sfgov.org>; Saira Hussain <saira@eff.org>
Subject: Re: Sunshine Ordinance Complaint

Hi Cheryl,

Dave Maass and Saira Hussain here from the Electronic Frontier Foundation. I wanted to check in on the status of our Sunshine Ordinance complaint.

I will be going on leave for five months starting in May and so I'd like to make arrangements for how our organization will handle the complaint when I'm gone.

Could you please give me a sense of when the next hearing might be on the complaint? I imagine you all may be a bit behind due to the pandemic.

Dave

From: Dave Maass <dm@eff.org>
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To: SOTF, (BOS) <sotf@sfgov.org>
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> Sent: Monday, January 25, 2021 5:34 PM
> To: SOTF, (BOS) <sotf@sfgov.org>
> Subject: Re: Sunshine Ordinance Complaint
>
> Thank you.
>
> Quick question: Does the party need to by name, or can it be the organization I work for?
>
> On 1/25/21 4:48 PM, SOTF, (BOS) wrote:
>> Mr. Maass: Your complaint number is 21011 (Maass v. Police Dept.)
>>
>> Cheryl Leger
>> Assistant Clerk, Board of Supervisors
>> Cheryl.Leger@sfgov.org
>> Tel: 415-554-7724
>> Fax: 415-554-5163
>> https://avanan.url-protection.com/v1/url?o=www.sfbos.org&g=MTFjNDE5NGR
>> hMzg0ODFmNg==&h=YjVjYWM4NTE5NmRkNWI2NGQ1YmViYWEzZWI3MzgyYTNiOTQwODFjZG
>> NmNzg4NjE1ZTA0M2M5NGUzNDNmOWFhNw==&p=YXAzOnNmZHQyOmF2YW5hbjpvZmZpY2UzN
>> jVfZW1haWxzX2VtYWlsOjBiNzMyMmZmN2RkNGI4YjcwOTJiNThjY2RiMTNjZTc2OnYx
>>
>> Click here to complete a Board of Supervisors Customer Service Satisfaction form.
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>>
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>>
>>
>> -----Original Message-----
>> From: Dave Maass <dm@eff.org>
>> Sent: Monday, January 25, 2021 10:59 AM
>> To: Leger, Cheryl (BOS) <cheryl.leger@sfgov.org>
>> Cc: SOTF, (BOS) <sotf@sfgov.org>; saira@eff.org
>> Subject: Sunshine Ordinance Complaint
>>
>>
>> This message is from outside the City email system. Do not open links or attachments from untrusted sources.
>>
>>
>>

>> Please find attached a Sunshine Ordinance Public Complaint along with supporting documentation. I would appreciate it if you could confirm receipt.
>>
>> Dave
>>
>> --
>> Dave Maass
>> Director of Investigations
>> Electronic Frontier Foundation
>> Phone: +1 415-436-9333 x151
>> Email: dm@eff.org
>> Twitter: @maassive
>>
> --
> Dave Maass
> Director of Investigations
> Electronic Frontier Foundation
> Phone: +1 415-436-9333 x151
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> Twitter: @maassive
>
>
--
Dave Maass
Director of Investigations
Electronic Frontier Foundation
Phone: +1 415-436-9333 x151
Email: dm@eff.org
Twitter: @maassive

Leger, Cheryl (BOS)

From:	SOTF, (BOS)
Sent:	Friday, May 20, 2022 4:08 PM
To:	saira@eff.org; beryl.lipton@eff.org; Reilly, Lynn (POL)
Cc:	Young, Victor (BOS)
Subject:	SOTF - Notice of Appearance, June 1, 2022 - Sunshine Ordinance Task Force; 4:00 PM; Remote Meeting
Attachments:	SOTF - Complaint Procedure 2019-10-02 FINAL.pdf

Good Afternoon:

You are receiving this notice because you are named as a Complainant or Respondent in the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee. ***Please confirm your attendance with the Sunshine Task Force Administrator for this hearing.***

Date: June 1, 2022

Location: Remote Meeting

Time: 4:00 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Complaints:

> **File No. 21011:** Complaint filed by the Electronic Frontier Foundation against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26 and 67.27(d), by failing to respond to a public records request in a timely and complete manner, failing to keep withholding to a minimum and failing to provide assistance/information regarding alternate sources of information requested. .

For inclusion in the agenda packet, supplemental/supporting documents must be received by ***5:00 pm, May 26, 2022.***

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724

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Leger, Cheryl (BOS)

From: Dave Maass <dm@eff.org>
Sent: Thursday, April 29, 2021 3:17 PM
To: SOTF, (BOS); Beryl Lipton; Saira Hussain
Subject: Re: Sunshine Ordinance Complaint

Hi Cheryl,

I'm just writing to confirm that Beryl Lipton (beryl.lipton@eff.org) and Saira Hussain (saira@eff.org) will be the points of contact on this complaint starting tomorrow. I will be back in October.

Dave

From: SOTF, (BOS) <sotf@sfgov.org>
Date: Tuesday, April 20, 2021 at 3:19 PM
To: Dave Maass <dm@eff.org>
Subject: RE: Sunshine Ordinance Complaint

The Complaint will be assigned to a SOTF Committee before being heard before the Task Force.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Cheryl.Leger@sfgov.org
Tel: 415-554-7724
Fax: 415-554-5163
https://avanan.url-protection.com/v1/url?o=www.sfbos.org&g=MjA0OTM2YjQwYzM3MjJlMg==&h=MGZmYmQwMDhiMzQ4YzFiN2MyZTdiOGYyMzhiNTFkMmJiN2MwNWE0NzUyY2NiMGFiMTY1ZjJiOGFiNDUwY2ZkZg==&p=YXAzOnNmZHQyOmF2YW5hbjpvOjc1MDM1YjVmZjBkZDMzMzNmNjVkOGZlMDI4NzJjMGNmOnYx

From: Dave Maass <dm@eff.org>
Sent: Tuesday, April 20, 2021 3:15 PM
To: SOTF, (BOS) <sotf@sfgov.org>; Beryl Lipton <beryl.lipton@eff.org>; Saira Hussain <saira@eff.org>
Subject: Re: Sunshine Ordinance Complaint

Hi Cheryl,

EFF would like to proceed along the normal schedule lines. However, could you please add Beryl Lipton (beryl.lipton@eff.org) to all correspondence? She will be substituting for me while I'm away May-October.

Also, do you know whether this complaint will be assigned to a committee prior to a hearing before the full task force?

Dave

From: SOTF, (BOS) <sotf@sfgov.org>
Date: Tuesday, April 20, 2021 at 11:03 AM
To: Dave Maass <dm@eff.org>
Subject: RE: Sunshine Ordinance Complaint

Sure, I can make a note of that in your file. Do you want me to do that?

Cheryl Leger
Assistant Clerk, Board of Supervisors
Cheryl.Leger@sfgov.org
Tel: 415-554-7724
Fax: 415-554-5163
https://avanan.url-protection.com/v1/url?o=www.sfbos.org&g=MzQ3NjBkNmFiNGI1MzYyOQ==&h=MTczNmU0YWM5ZjM4ODI4YjQxOGJjZWZiOWFiMmI1MTg1NjMyODRhYTI1MTFhYjlmNDg2MzA3YjA2MGMyN2RjNA==&p=YXAzOnNmZHQyOmF2YW5hbjpvOmJiNDFlNTg5ZWFmZmM5MGJjMzA5ZTY1MTZmYTE4ZjRjOnYx

From: Dave Maass <dm@eff.org>
Sent: Tuesday, April 20, 2021 10:48 AM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: Re: Sunshine Ordinance Complaint

Hi Cheryl,

I'm going to discuss with our team today.

Question: If we requested, could we push hearings until October? I need to check with the team, but it'd be good to know if it's an option.

Dave

From: SOTF, (BOS) <sotf@sfgov.org>
Date: Tuesday, April 20, 2021 at 10:41 AM
To: Dave Maass <dm@eff.org>
Subject: RE: Sunshine Ordinance Complaint

It might be August or September. At this point I cannot speculate. We have a backlog of 2020 cases that need to be heard before yours due to the restrictions the pandemic put on the SOTF. Please make certain that you have provided everything you want the SOTF to review before I schedule a hearing. It is always best to get a jump start. I will send you the Police Dept.'s response so that you can prepare a written rebuttal if you think necessary. Any materials for the hearings will need to be provided when I send out a Notice of Appearance. Thank you.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Cheryl.Leger@sfgov.org
Tel: 415-554-7724
Fax: 415-554-5163
https://avanan.url-protection.com/v1/url?o=www.sfbos.org&g=MmJiYTM5MzQ4ZGY5Nzg2Zg==&h=M2I1MzJlMmRhZjJlYmY3OTUwOGEzZDExYTUwMTUzMmFlNGY3NDYyOWU1NDEwNGZjYjhhZjkwMmQzYWYzODdjZA==&p=YXAzOnNmZHQyOmF2YW5hbjpvOjgzY2FkNDVkMWE3ZGYyNGJmYzllYTRlNmE4NTY3ZmEwOnYx


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From: Dave Maass <dm@eff.org>
Sent: Monday, April 19, 2021 1:27 PM
To: SOTF, (BOS) <sotf@sfgov.org>; Saira Hussain <saira@eff.org>
Subject: Re: Sunshine Ordinance Complaint

Hi Cheryl,

Dave Maass and Saira Hussain here from the Electronic Frontier Foundation. I wanted to check in on the status of our Sunshine Ordinance complaint.

I will be going on leave for five months starting in May and so I'd like to make arrangements for how our organization will handle the complaint when I'm gone.

Could you please give me a sense of when the next hearing might be on the complaint? I imagine you all may be a bit behind due to the pandemic.

Dave

From: Dave Maass <dm@eff.org>
Date: Tuesday, February 23, 2021 at 9:22 AM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: Re: Sunshine Ordinance Complaint

Hi Cheryl, I just wanted to check that everything is in order. I imagine it may take awhile to process and get hearings.

From: Dave Maass <dm@eff.org>
Date: Tuesday, January 26, 2021 at 11:33 AM
To: SOTF, (BOS) <sotf@sfgov.org>
Subject: Re: Sunshine Ordinance Complaint

Hi Cheryl,

You should send emails and notices to me (dm@eff.org) and Saira Hussain (saira@eff.org).

However, for the title of the complaint, it would be ideal to have it as Electronic Frontier Foundation v. SFPD.

On 1/26/21 10:25 AM, SOTF, (BOS) wrote:
> The complaint can be filed by a company name, however I need an email address to send materials and notices to and an email of the person most knowledgeable who will make the appearances before the Committees. Thank you.
>
> Cheryl Leger
> Assistant Clerk, Board of Supervisors
> Cheryl.Leger@sfgov.org
> Tel: 415-554-7724
> Fax: 415-554-5163
> www.sfbos.org
>
> Click here to complete a Board of Supervisors Customer Service Satisfaction form.
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> -----Original Message-----
> From: Dave Maass <dm@eff.org>
> Sent: Monday, January 25, 2021 5:34 PM
> To: SOTF, (BOS) <sotf@sfgov.org>
> Subject: Re: Sunshine Ordinance Complaint
>
> Thank you.
>
> Quick question: Does the party need to by name, or can it be the organization I work for?
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> On 1/25/21 4:48 PM, SOTF, (BOS) wrote:
>> Mr. Maass: Your complaint number is 21011 (Maass v. Police Dept.)
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>> Cheryl Leger
>> Assistant Clerk, Board of Supervisors
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>> https://avanan.url-protection.com/v1/url?o=www.sfbos.org&g=MTFjNDE5NGR
>> hMzg0ODFmNg==&h=YjVjYWM4NTE5NmRkNWI2NGQ1YmViYWEzZWI3MzgyYTNiOTQwODFjZG
>> NmNzg4NjE1ZTA0M2M5NGUzNDNmOWFhNw==&p=YXAzOnNmZHQyOmF2YW5hbjpvZmZpY2UzN
>> jVfZW1haWxzX2VtYWlsOjBiNzMyMmZmN2RkNGI4YjcwOTJiNThjY2RiMTNjZTc2OnYx
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>>
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>>
>> -----Original Message-----
>> From: Dave Maass <dm@eff.org>
>> Sent: Monday, January 25, 2021 10:59 AM
>> To: Leger, Cheryl (BOS) <cheryl.leger@sfgov.org>
>> Cc: SOTF, (BOS) <sotf@sfgov.org>; saira@eff.org
>> Subject: Sunshine Ordinance Complaint
>>
>>
>> This message is from outside the City email system. Do not open links or attachments from untrusted sources.
>>

>>
>>
>> Please find attached a Sunshine Ordinance Public Complaint along with supporting documentation. I would appreciate it if you could confirm receipt.
>>
>> Dave
>>
>> --
>> Dave Maass
>> Director of Investigations
>> Electronic Frontier Foundation
>> Phone: +1 415-436-9333 x151
>> Email: dm@eff.org
>> Twitter: @maassive
>>
> --
> Dave Maass
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> Twitter: @maassive
>
>
--
Dave Maass
Director of Investigations
Electronic Frontier Foundation
Phone: +1 415-436-9333 x151
Email: dm@eff.org
Twitter: @maassive

Respondent's Response

Leger, Cheryl (BOS)

From:	Walton, Briseida (POL)
Sent:	Friday, March 19, 2021 3:20 PM
To:	SOTF, (BOS); Cox, Andrew (POL)
Subject:	FW: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 21011
Attachments:	SOTF File No. 21011 - sfpd response.pdf

Good afternoon,

In response to:
File No. 21011: Complaint filed by the Electronic Frontier Foundation against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26 and 67.27(d), by failing to respond to a public records request in a timely and complete manner, failing to keep withholding to a minimum and failing to provide assistance/information regarding alternate sources of information requested,
please see attached documents. Thank you.

Sincerely,

Briseida Walton
San Francisco Police Department | Legal Division
1245 3rd Street
San Francisco, CA 94158
Desk: 415.837.7180
Email: briseida.walton@sfgov.org

From: SOTF, (BOS)
Sent: Sunday, March 14, 2021 4:41 PM
To: Cox, Andrew (POL)
Subject: FW: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 21011

Sorry Andy. Sometimes my computer does not include attachments. I don't know why, but I have reattached the Complaint. Thank you.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Cheryl.Leger@sfgov.org
Tel: 415-554-7724
Fax: 415-554-5163
www.sfbos.org

From: SOTF, (BOS)
Sent: Sunday, March 14, 2021 4:27 PM
To: Cox, Andrew (POL) <r.andrew.cox@sfgov.org>
Cc: Dave Maass <dm@eff.org>; saira@eff.org
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 21011

Good Afternoon:

The Police Department has been named as a Respondent in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the attached complaint/request within five business days.

The Respondent is required to submit a written response to the allegations including any and all supporting documents, recordings, electronic media, etc., to the Task Force within five (5) business days of receipt of this notice. This is your opportunity to provide a full explanation to allow the Task Force to be fully informed in considering your response prior its meeting.

Please include the following information in your response if applicable:

1. List all relevant records with descriptions that have been provided pursuant to the Complainant request.
2. Date the relevant records were provided to the Complainant.
3. Description of the method used, along with any relevant search terms used, to search for the relevant records.
4. Statement/declaration that all relevant documents have been provided, does not exist, or has been excluded.
5. Copy of the original request for records (if applicable).

Please refer to the File Number when submitting any new information and/or supporting documents pertaining to this complaint.

The Complainant alleges:
Complaint Attached.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724

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CITY AND COUNTY OF SAN FRANCISCO
POLICE DEPARTMENT
HEADQUARTERS
1245 3RD Street
San Francisco, California 94158

LONDON N. BREED
MAYOR

WILLIAM SCOTT
CHIEF OF POLICE

March 19, 2021

Via email sotf@sfgov.org

Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102

Re: Complaint No. 21011 - filed by the Electric Frontier Foundation against the Police Department

Dear Sunshine Ordinance Task Force:

The San Francisco Police Department (SFPD) is in receipt of the Complaint filed by the Electronic Frontier Foundation with the Sunshine Ordinance Task Force (SOTF) alleging that SFPD violated Administrative Code (Sunshine Ordinance), Sections 67 .21, 67.26 and 67.27(d), by failing to respond to a public records request in a timely and complete manner, failing to keep withholding to a minimum and failing to provide assistance/information regarding alternate sources of information requested. We have re-evaluated the documents and we agreed to supplement our production and have provided some additional redacted documents.

"EFF requested the following for request 1:

1. Any and all records related to the use of facial recognition and other activity related to the case referenced in the September 24, 2020 San Francisco Chronicle report, including but not limited to:

a. Any internal communications, including but not limited to emails, between any SFPD official;

b. Any internal communications, including but not limited to emails, between SFPD officials and NCRIC;

c. Any internal communications, including but not limited to emails, between SFPD, San Francisco County Sheriff, and the San Francisco County District Attorney's Office;

d. All crime alert bulletins associated with the case referenced in the September 24, 2020 San Francisco Chronicle report;

e. All communications with the press, members of the Board of Supervisors or other external parties;

f. All evidence custody logs and related chain-of-custody information;

g. All documents provided to Ean Vizzi as referenced in the San Francisco Chronicle article."

SFPD Response:

SFPD has identified the following documents for requests 1. a through d, f and g: the chronological report of investigation, portions of crime bulletins, email responses from outside agencies regarding the crime bulletin, including photographs and communication from NCRIC regarding possible suspect, containing protected CLETS information. Upon re-evaluation, SFPD determined to disclose portions of the crime bulletins and related emails. SFPD's supplemental response has been produced to the requester. Please note, redactions have been made in these materials under Government Code § 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies. In addition, redactions have been made of CLETS information (California Law Enforcement Telecommunications Systems) under Penal Code § 11105 et. seq. Furthermore, SFPD stands by its determination and maintains its position and declines to release the chronological report of investigation under Government Code § 6254(f) as intelligence information and portions of the investigative files that reflects the analysis or conclusions of the investigating officer. We also decline to disclose information received from the Northern California Regional Intelligence Center (NCRIC) under Evidence Code §1040. This information is official privilege within the meaning of the statute and we decline to disclose the information.

As for SFPD's response to part e of the request, we produced the below statement that was previously released by SFPD's Media Relations Unit.

"The investigator in this case published a crime alert/bulletin seeking law enforcement assistance in identifying the suspect of an aggravated assault with a gun. Members of SFPD saw the crime bulletin, recognized the suspect and notified the investigator.

Distribution of crime bulletins is a standard form of investigative follow up. Crime bulletins are distributed to many law enforcement agencies, via email. The Northern California Regional Intelligence Center (NCRIC) received that crime bulletin and processed the image and provided SFPD with a possible suspect identity. The name provided by NCRIC matched the name provided to the investigator by SFPD members. SFPD did not request the use of facial recognition technology by any agency. It is important to note that this type of "identification" serves as an additional lead. Investigators also take further steps which are intended to either confirm or discount that preliminary identification."

As for responses to both questions 2 through 4, SFPD was unable to locate documents responsive to these requests.

Finally, SFPD submits the following supporting documents to the Sunshine Ordinance Taskforce for your consideration:

1) SFPD supplemental response to Reference # P021342-121420, dated March 19, 2021
2) SFPD response to Reference # P021342-121420, dated January 6, 2021

Thank you for your courtesy in this regard.

Sincerely,

Lt. R. Andrew Cox #287
Risk Management - Legal Division

CITY AND COUNTY OF SAN FRANCISCO
POLICE DEPARTMENT
HEADQUARTERS
1245 3RD Street
San Francisco, California 94158

LONDON N. BREED
MAYOR

WILLIAM SCOTT
CHIEF OF POLICE

March 19, 2021

Via email dm@eff.org

Dave Maass
815 Eddy St
San Francisco, CA 94109

RE: Public Records Request, dated December 14, 2020, Reference # P021342-121420

Dear Dave Maass:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated December 14, 2020.

On December 23, 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 January 6, SFPD responded to your request as follows:

You requested, "To Whom It May Concern,

This letter constitutes a request under the California Public Records Act (CPRA) and the San Francisco Sunshine Ordinance from the Electronic Frontier Foundation (EFF). We are seeking records related to the San Francisco Police Department (SFPD), the Northern California Regional Intelligence Center (NCRIC), and the use of facial recognition (FR) technology.

On September 24, 2020, the San Francisco Chronicle reported that SFPD had circulated a bulletin containing an image from a surveillance camera, that NCRIC processed this photograph through its FR system, and provided the FR results to SFPD.1 Due to the nationwide debate over FR technology and regulations restricting its use in San Francisco, this report generated significant public interest. Accordingly, EFF seeks records related to this specific incident, as well as records related to other occasions when SFPD has received information generated by the use of facial recognition technology by NCRIC or other agencies.

EFF requests the following records:

1. Any and all records related to the use of facial recognition and other activity related to the case referenced in the September 24, 2020 San Francisco Chronicle report, including but not limited to:

a. Any internal communications, including but not limited to emails, between any SFPD official;

b. Any internal communications, including but not limited to emails, between SFPD officials and NCRIC;

c. Any internal communications, including but not limited to emails, between SFPD, San Francisco County Sheriff, and the San Francisco County District Attorney's Office;

d. All crime alert bulletins associated with the case referenced in the September 24, 2020 San Francisco Chronicle report;

e. All communications with the press, members of the Board of Supervisors or other external parties;

f. All evidence custody logs and related chain-of-custody information;

g. All documents provided to Ean Vizzi as referenced in the San Francisco Chronicle article."

Response:

SFPD has identified records that are responsive to requests: 1. a through d, f and g but are not subject to disclosure under Cal. Government Code § 6254(f).

As for part e, below is the statement that SFPD Media Relations issued in response to this request.

"The investigator in this case published a crime alert/bulletin seeking law enforcement assistance in identifying the suspect of an aggravated assault with a gun. Members of SFPD saw the crime bulletin, recognized the suspect and notified the investigator.

Distribution of crime bulletins is a standard form of investigative follow up. Crime bulletins are distributed to many law enforcement agencies, via email. The NCRIC received that crime bulletin and processed the image and provided SFPD with a possible suspect identity. The name provided by NCRIC matched the name provided to the investigator by SFPD members. SFPD did not request the use of facial recognition technology by any agency. It is important to note that this type of "identification" serves as an additional lead. Investigators also take further steps which are intended to either confirm or discount that preliminary identification."

2. Both questions 2 through 4 are consolidated. You requested, "All correspondence between SFPD and NCRIC related to face recognition or photograph databases, received between January 1, 2017 and December 14, 2020;

2. All correspondence between SFPD and other public or private entities related to face recognition or photograph databases, received between June 1, 2019 and December 14, 2020;

3. All requests for assistance in identifying suspects based on photographic or video evidence sent to NCRIC or other public or private entities since June 1, 2019 and associated responses;

4. All active data sharing agreements, memoranda of understanding, or other contractual documents establishing a relationship between NCRIC and SFPD."

Response to both questions 2 through 4:

SFPD was unable to locate responsive records for these requests.

On March 14, 2021, SFPD received the Sunshine Ordinance Task Force (SOTF) Complaint EFF filed with the SOTF.

As for the documents SFPD identified and exempted from disclosure under Cal. Government Code § 6254(f), please see supplemental response below.

SFPD has identified the following documents for requests 1. a through d, f and g: the chronological report of investigation, portions of crime bulletins, email responses from outside agencies regarding the crime bulletin, including photographs and communication from NCRIC regarding possible suspect, containing protected CLETS information. Upon re-evaluation, SFPD has determined to disclose portions of the crime bulletins and related emails. Please see attached supplemental production of documents. Please note, redactions have been made in these materials under Government Code § 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies. In addition, redactions have been made of CLETS information (California Law Enforcement Telecommunications Systems) under Penal Code § 11105 et. seq. Furthermore, SFPD stands by its determination and maintains its position and declines to release the chronological report of investigation under Government Code § 6254(f) as intelligence information and portions of the investigative files that reflects the analysis or conclusions of the investigating officer. We also decline to disclose information received from the Northern California Regional Intelligence Center (NCRIC) under Evidence Code §1040. This information is official privilege within the meaning of the statute and we decline to disclose the information.

As for both questions 2 through 4, SFPD was unable to locate documents responsive to these requests.

If you have any questions, please contact Briseida Walton at 415-837-7180.

Thank you for your courtesy in this regard.

Sincerely,

Lt. R. Andrew Cox #287
Risk Management - Legal Division

ARMED & DANGEROUS: AGGRAVATED ASSAULT w/GUN

Cha, Kenneth (POL) <kenneth.cha@sfgov.org>

Wed 9/9/2020 10:23 PM

To: SFPD-Everyone-Sworn <SFPD.Everyone.Sworn@sfgov.org>
Cc: Luk, Raymond (POL) <Raymond.Luk@sfgov.org>

4 attachments (8 MB)

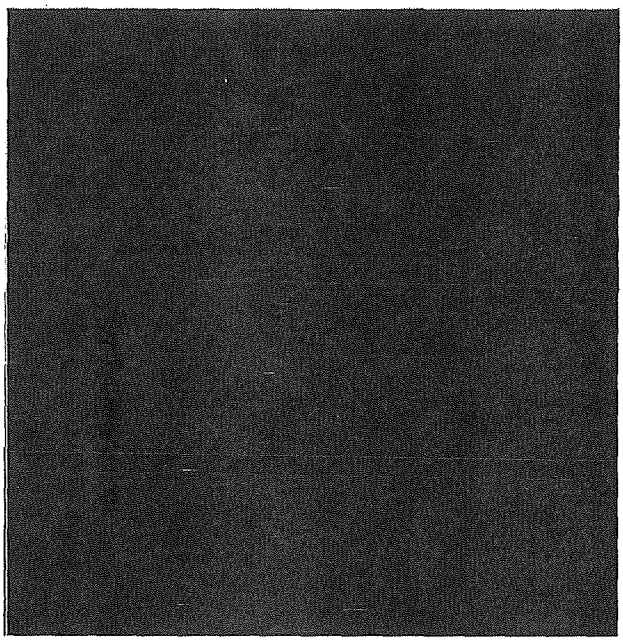
~apbnet00~50~90e5e694-8c51-4552-964d-ec6908a1b671~Email.pdf; Shooting 200539247.mp4; Suspect.JPG; Suspect1.JPG;

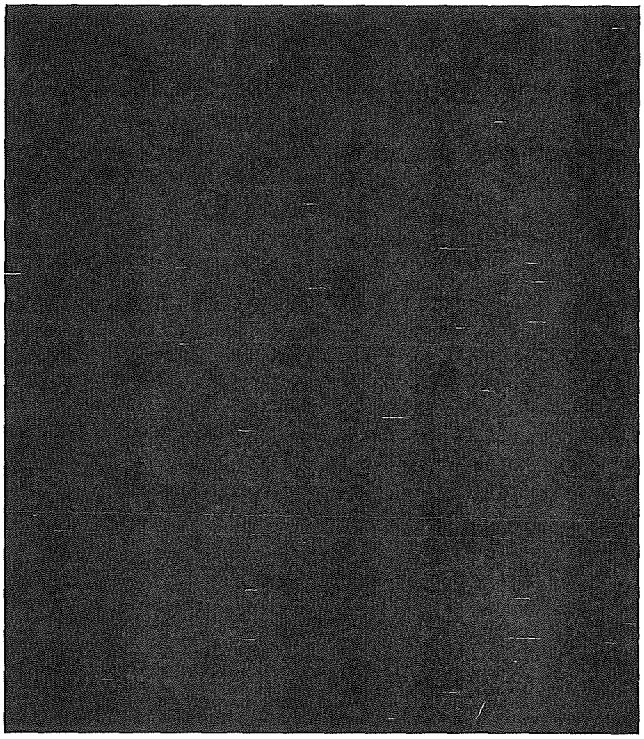
SFPD Sworn,

Please see attached Crime Bulletin and Video (Do not disseminate video. SFPD Sworn only).

ARMED & DANGEROUS: AGGRAVATED ASSAULT w/GUN

Sent: 2020-09-09 @ 22:16 Case: SFPD 200-539-247 Author: Ofc. Kenny Cha #1206





(S1) UNKNOWN	(S1) UNKNOWN

On 09/07/2020 at approximately 1615 hours, a shooting occurred at Turk St and Hyde St in the City and County of San Francisco.

Video footage shows (S1) UNKNOWN sitting on a milk crate. Victim gets close to (S1) UNKNOWN. (S1) UNKNOWN uses his foot to antagonize Victim. Victim and (S1) UNKNOWN get into an argument. (S1) UNKNOWN pulls a pistol out of his duffel bag pocket, shoots Victim in the leg (with several bystanders around), flees the area and discharges the pistol a second time.

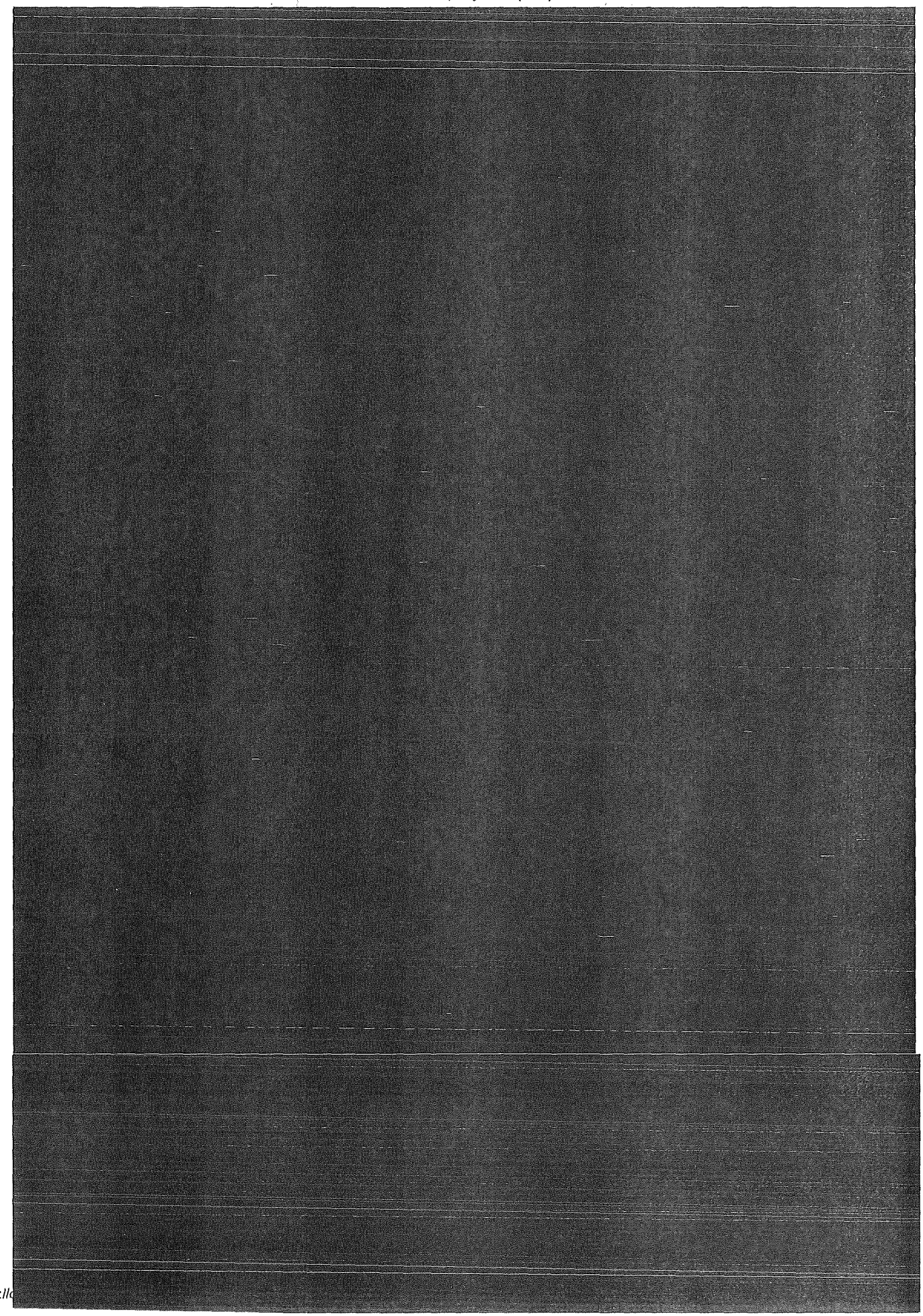
(S1) UNKNOWN - Other male adult, 20s-30s, slim build, approximately 5'8", mustache/goatee. Last seen wearing black beanie, neck gaitor, "Champion" long sleeve shirt, black pants, red trim Nike Jordan's, Adidas backpack, camouflage duffel bag.

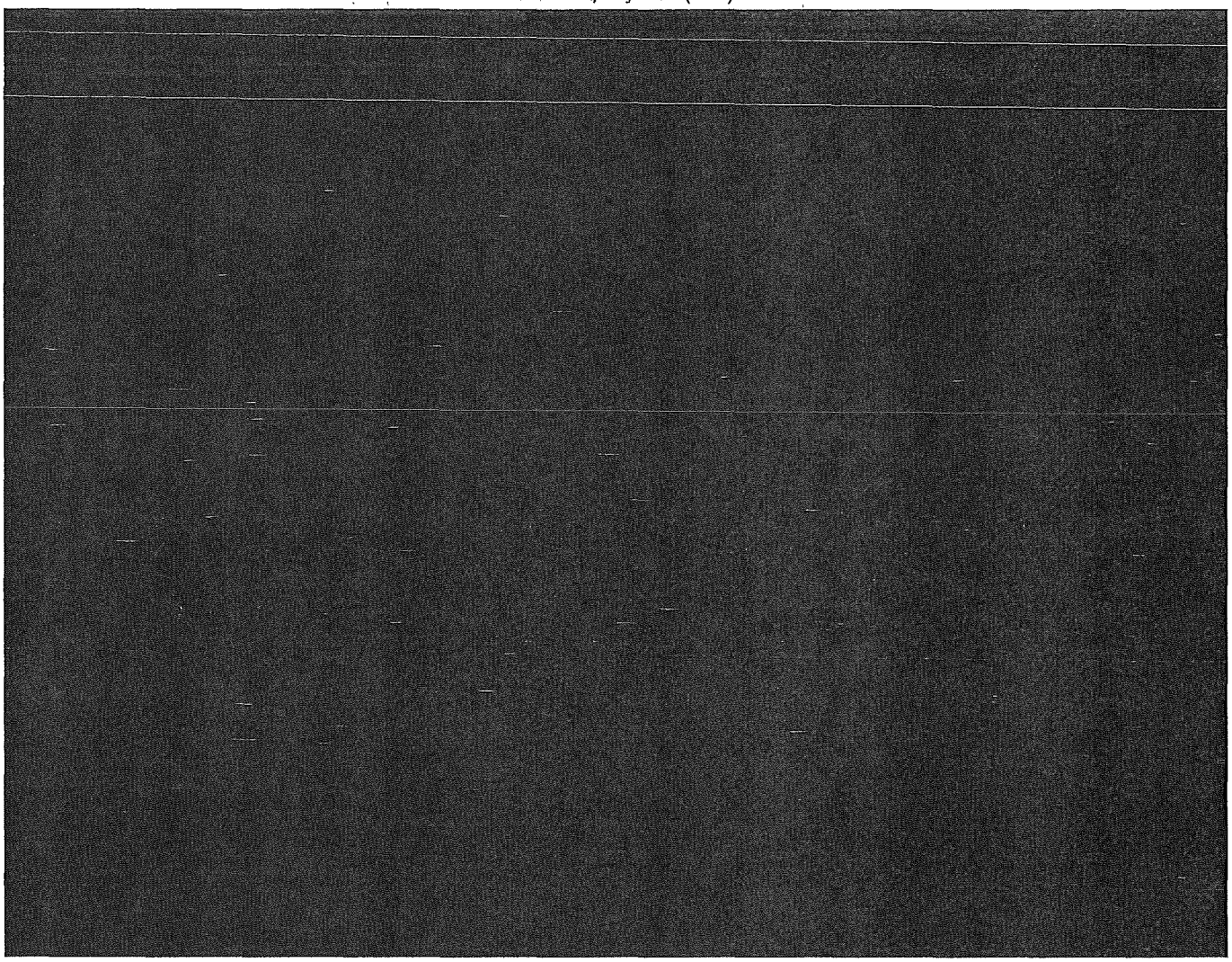
If you can identify (S1) UNKNOWN contact Insp. Ray Luk #1063 with the SFPD Tenderloin SIT at (415.345.7300 / raymond.luk@sfgov.org).

If you see (S1) UNKNOWN use extreme caution as the firearm used is still outstanding.

San Francisco Police Department
(415) 553-1201

This bulletin is CONFIDENTIAL unless designated otherwise within the bulletin. Created with APBnet software vrs. 180330





Ofc. Kenny Cha #1206
SFPD Major Crimes Unit - Robbery Detail
850 Bryant St. #553
San Francisco, CA 94103
Office: 415.553.1201
Desk:415.553.1169
Cell: 415.660.8606

From: ALERT@CriticalReach.Org <ALERT@CriticalReach.Org>
Sent: Wednesday, September 9, 2020 10:17 PM
To: Cha, Kenneth (POL) <kenneth.cha@sfgov.org>
Subject: ARMED & DANGEROUS: AGGRAVATED ASSAULT w/GUN

* * * Officer Safety * * *
Bulletin Headline: ARMED & DANGEROUS: AGGRAVATED ASSAULT w/GUN
Sending Agency: San Francisco Police
Sending Location: CA - San Francisco - San Francisco
Bulletin DateTime: 2020-09-09 @ 22:16
Bulletin Case#: SFPD 200-539-247
Bulletin Author: Ofc. Kenny Cha #1206
Sending User #: 26614
APBnet Version: 180330
Bulletin Author Email Address = kenneth.cha@sfgov.org

The APBnet bulletin is a pdf attachment to this email.

You can Not reply to the bulletin by clicking on your Reply button.

This email was sent to: kenneth.cha@sfgov.org

Fwd: ARMED & DANGEROUS: AGGRAVATED ASSAULT w/GUN

Cubas, Isaias (POL)
Wed 9/9/2020 10:38 PM
To: Luk, Raymond (POL)

Get Outlook for iOS

From: Cubas, Isaias (POL) <isaias.cubas@sfgov.org>
Sent: Wednesday, September 9, 2020 22:29
To: Cha, Kenneth (POL)
Subject: Re: ARMED & DANGEROUS: AGGRAVATED ASSAULT w/GUN

That is [redacted]
I have arrested him . [redacted]
Ofc Cubas #274
Mission Station
[redacted]

Get Outlook for iOS

Cha, Kenneth (POL)
Wed 9/9/2020 10:57 PM
To: Luk, Raymond (POL)

[redacted]

Ofc. Kenny Cha #1206
SFPD Major Crimes Unit - Robbery Detail
850 Bryant St. #553
San Francisco, CA 94103
Office: 415.553.1201
Desk:415.553.1169
Cell: 415.660.8606

From: Cubas, Isaias (POL) <isaias.cubas@sfgov.org>
Sent: Wednesday, September 9, 2020 10:29:14 PM
To: Cha, Kenneth (POL) <kenneth.cha@sfgov.org>
Subject: Re: ARMED & DANGEROUS: AGGRAVATED ASSAULT w/GUN

That is [redacted]
I have arrested him . [redacted]
Ofc Cubas #274
Mission Station
[redacted]

Fwd: ARMED & DANGEROUS: AGGRAVATED ASSAULT w/GUN

Cha, Kenneth (POL)
Thu 9/10/2020 4:42 AM
To: Luk, Raymond (POL)

Ofc. Kenny Cha #1206
SFPD Major Crimes Unit - Robbery Detail
850 Bryant St. #553
San Francisco, CA 94103
Office: 415.553.1201
Desk:415.553.1169
Cell: 415.660.8606

From: Dudley, Daniel (POL) <Daniel.J.Dudley@sfgov.org>
Sent: Wednesday, September 9, 2020 11:23:41 PM
To: Cha, Kenneth (POL) <kenneth.cha@sfgov.org>
Subject: Re: ARMED & DANGEROUS: AGGRAVATED ASSAULT w/GUN

[redacted] Have to pull his info up when I get to work tomorrow.

Get Outlook for iOS

Fwd: ARMED & DANGEROUS: AGGRAVATED ASSAULT w/GUN

Cha, Kenneth (POL)
Thu 9/10/2020 4:42 AM
To: Luk, Raymond (POL)

Ofc. Kenny Cha #1206
SFPD Major Crimes Unit - Robbery Detail
850 Bryant St. #553
San Francisco, CA 94103
Office: 415.553.1201
Desk:415.553.1169
Cell: 415.660.8606

From: Mayo, Michael (POL) <Michael.E.Mayo@sfgov.org>
Sent: Wednesday, September 9, 2020 11:34:16 PM
To: Cha, Kenneth (POL) <kenneth.cha@sfgov.org>
Subject: Re: ARMED & DANGEROUS: AGGRAVATED ASSAULT w/GUN

[redacted]

FW: RE: Trak Flyer-Potential ID photo.

Elizabeth Mata <emata@smcgov.org>
Thu 9/10/2020 8:30 AM
To: Luk, Raymond (POL) <Raymond.Luk@sfgov.org>

[redacted]

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

I also meant to mention that [redacted]

Thanks
Mata

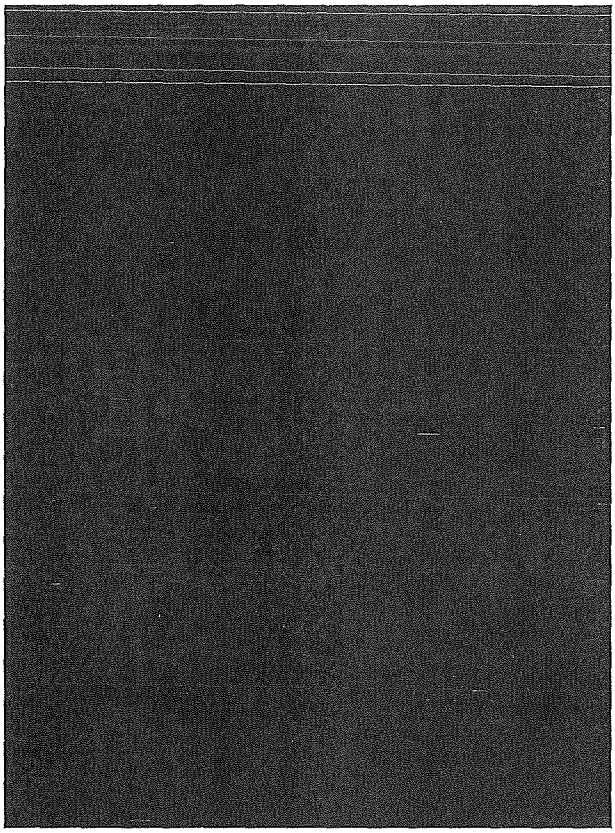
From: Elizabeth Mata
Sent: Thursday, September 10, 2020 8:05 AM
To: raymond.luk@sfgov.org
Subject: RE: Trak Flyer-Potential ID photo.

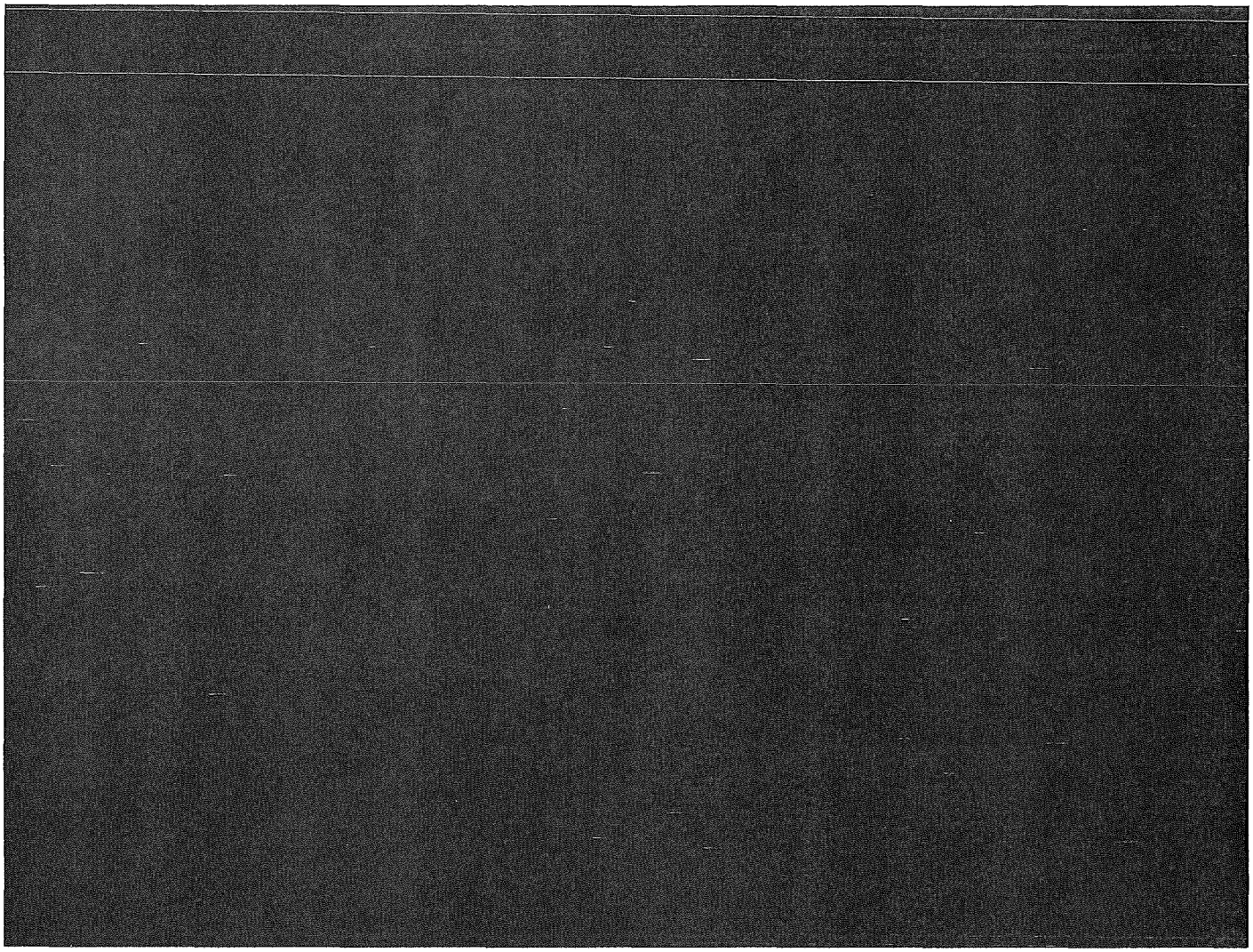
Hello,

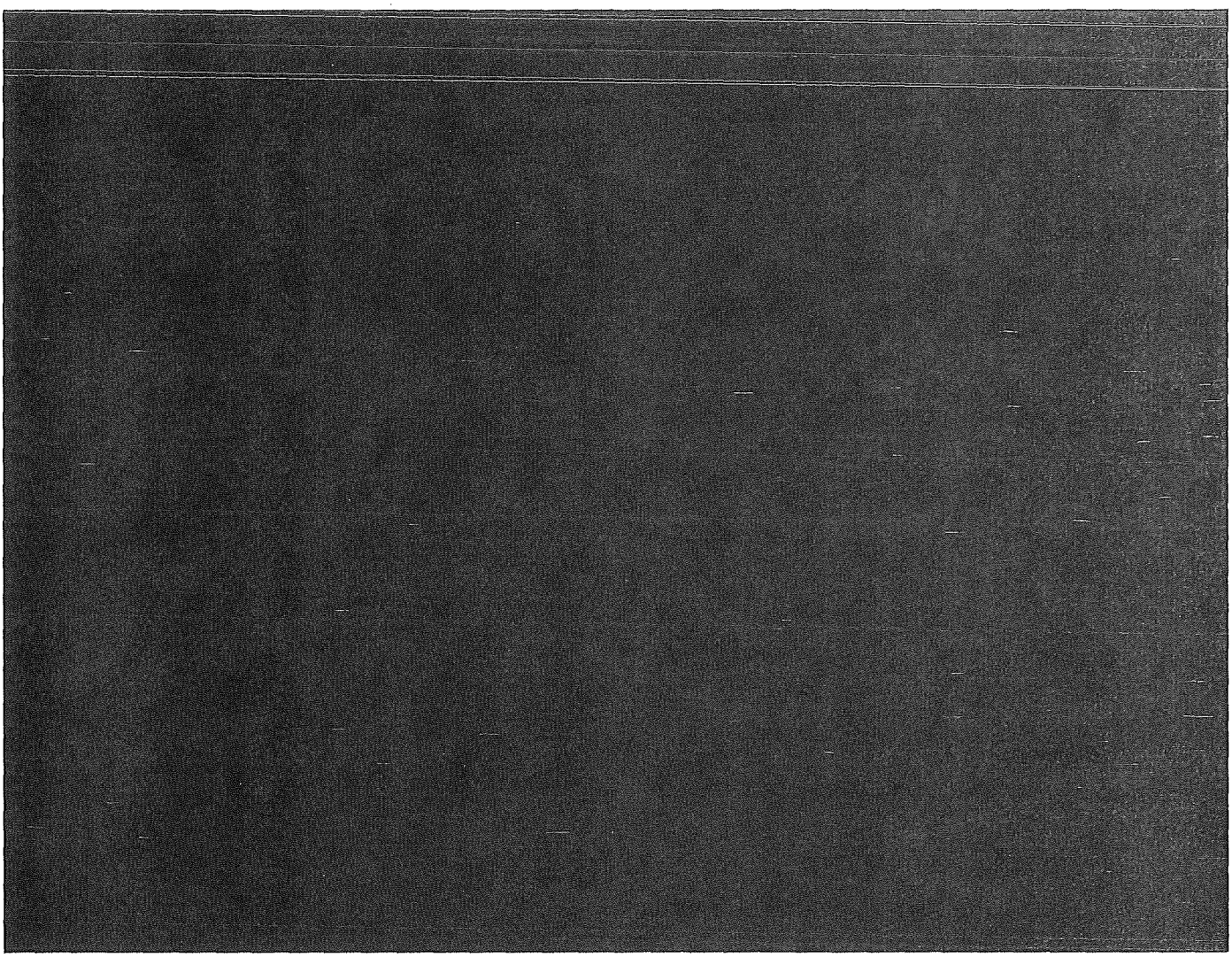
Please see attached photos of potential ID for the 9/9/20 armed and dangerous trak flyer.

Thank you,
Mata

Elizabeth Mata
Deputy Probation Officer III
San Mateo County Probation
Adult Gang Unit
Direct: (650) 363-1947
Fax: (650) 363-4829
emata@smcgov.org







FW: ARMED & DANGEROUS: AGGRAVATED ASSAULT w/GUN

Jason Hutchinson <jhutchinson@ncric.ca.gov>
Thu 9/10/2020 8:48 AM
To: Luk, Raymond (POL) <Raymond.Luk@sfgov.org>

4 attachments (9.14 KB)

[redacted]

Hi Ray,

See attached on a possible match for your suspect.

Jason Hutchinson
Special Investigator
NCRIC Digital Forensic Evidence Lab
Department of Homeland Security US-CERT
jhutchinson@ncric.ca.gov
(571) 387-3971 - Office
[redacted]

Please note the new office phone number. Thanks!

-----Original Message-----
From: ALERT@CriticalReach.Org <ALERT@CriticalReach.Org>
Sent: Wednesday, September 9, 2020 10:18 PM
To: CriticalReach <CriticalReach@ncric.ca.gov>
Subject: ARMED & DANGEROUS: AGGRAVATED ASSAULT w/GUN

* * * Officer Safety * * *
Bulletin Headline: ARMED & DANGEROUS: AGGRAVATED ASSAULT w/GUN
Sending Agency: San Francisco Police
Sending Location: CA - San Francisco - San Francisco
Bulletin DateTime: 2020-09-09 @ 22:16
Bulletin Case#: SFPD 200-539-247
Bulletin Author: Ofc. Kenny Cha #1206
Sending User #: 26614
APBnet Version: 180330
Bulletin Author Email Address = kenneth.cha@sfgov.org

The APBnet bulletin is a pdf attachment to this email.

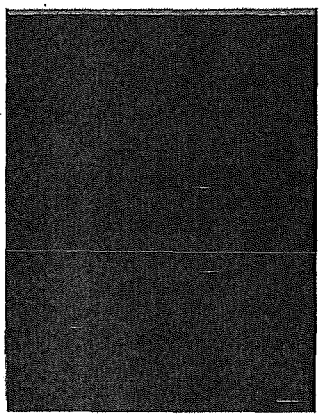
You can Not reply to the bulletin by clicking on your Reply button.

This email was sent to: criticalreach@ncric.org

- -

- -

Cal-Photo: FCN Record Details



[redacted]

CII:

FCN: [redacted]

Image Date: [redacted]

Sex:	[redacted]	Hair:	[redacted]	Eyes:	[redacted]
Race:		Height:		Weight:	
ORI:		County:		Source:	
OCA:		CDC:		FBI ID:	
SSN:		Place of Birth:			
Photo Type:	[redacted]	Photo Sub Type:	[redacted]		

DLs:

DOBs: [redacted]

SMTs:

Aliases: [redacted]

☑ View Full Report

Arrest [redacted]

Arrest Information

Agency	[redacted]
Document #	[redacted]
Document Date	[redacted]
Document Time	[redacted]
Type	[redacted]
Region-Sector-Division-Beat	Unknown-Unknown-Unknown-Unknown
Grid	-
Arrest Date	[redacted]
Arrest Time	[redacted]
Release Time	-::

Crime Types (0)

Source Crime Type	Crime Type

Officer(s) (2)

Badge #	Name	Activity
0869	VILLARREAL, JUVENAL JUSTIN	ROLE: ARRESTING OFFICER
0048	PERENCIN, MATTHEW	ROLE: ARRESTING OFFICER

Related Documents (0)

Agency	Document Type	Document #	Document Date

Related Entities (0)

[redacted]

Entity	Relationship	Entity

People (1)

[redacted]

Roles	Arrested
Sex	Male
Race	[redacted]
Height	
Weight	
Eye Color	
Hair Color	

Organizations (0)

Vehicles (0)

Locations (0)

Address	Roles

Phones (0)

Phone #	Roles

Property (0)

Firearms (0)

Securities (0)

Narrative

No Narratives Available

Charges (4)

Charge/Statute	Description	Count	Level
[redacted]			

Motus Operandi (0)

MO Type	MO Description

Custom Attributes (0)

Attribute Name	Attribute Value

See Alsos (0)

Text	URL

ARMED & DANGEROUS - TRAK Flyer Possible ID

Anthony McKenna <anthony.mckenna@colma.ca.gov>

Thu 9/10/2020 7:39 AM

To: Luk, Raymond (POL) <Raymond.Luk@sfgov.org>

1 attachments (399 KB)

[redacted]

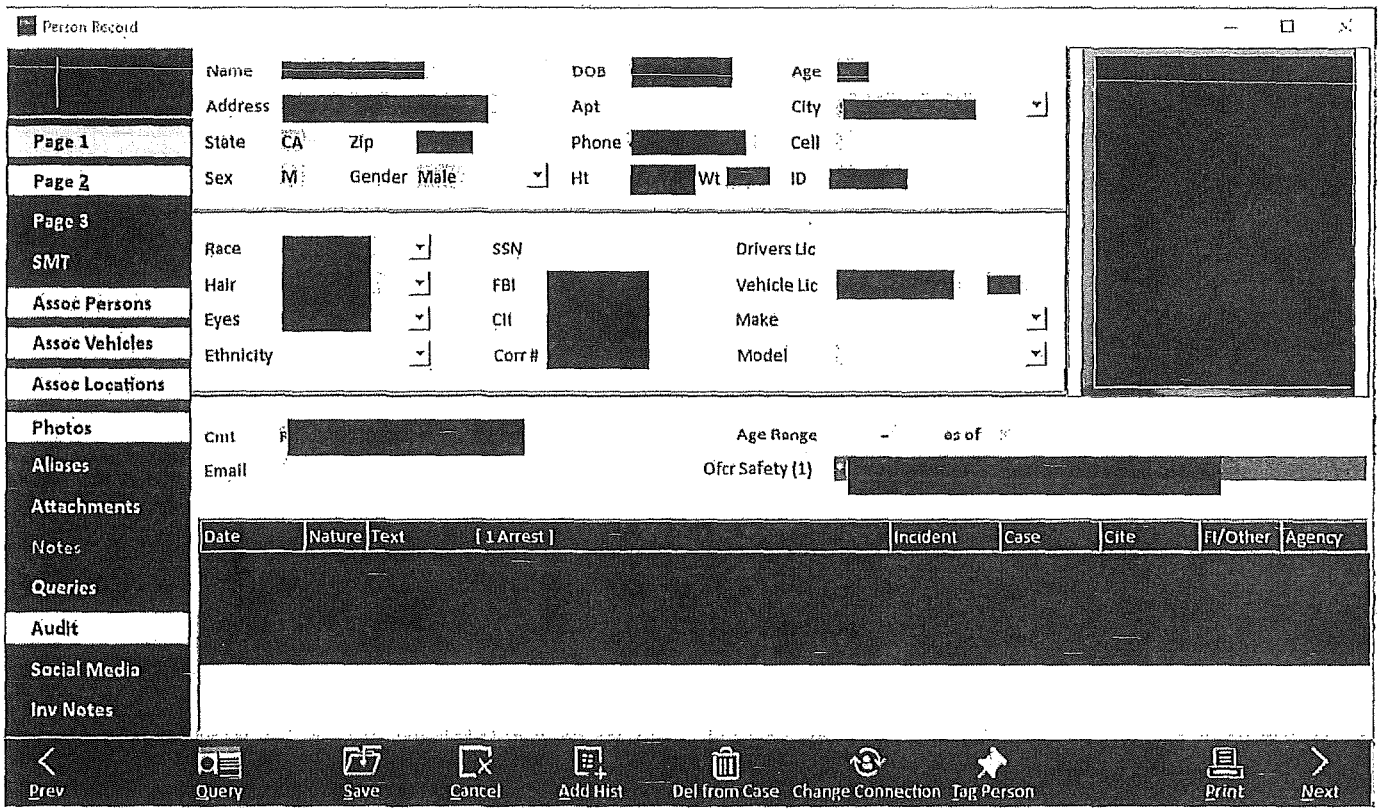
Sgt Luk,

I saw this TRAK Flyer and your Suspect appears very similar to a [redacted] The circumstances with your case sound very similar to his prior arrest history. [redacted] Let me know what you think or if you have any questions.

Thanks,

Anthony McKenna #C39
Police Officer - Town of Colma
1199 El Camino Real, Colma, 94014
Desk: 650 757 8046
[redacted]
Dispatch: 650 997 8321

[redacted]


Person Record
Name
DOB
Age
Address
Apt
City
Page 1
State CA
Zip
Phone
Cell
Page 2
Sex M
Gender Male
Ht
Wt
ID
Page 3
SMT
Race
SSN
Drivers Lic
Assoc Persons
Hair
FBI
Vehicle Lic
Assoc Vehicles
Eyes
CII
Make
Assoc Locations
Ethnicity
Corr #
Model
Photos
Cmt
Age Range
as of
Aliases
Email
Ofcr Safety (1)
Attachments
Notes
Date
Nature
Text
[1 Arrest]
Incident
Case
Cite
FI/Other
Agency
Queries
Audit
Social Media
Inv Notes
Prev
Query
Save
Cancel
Add Hist
Del from Case
Change Connection
Tag Person
Print
Next

CITY AND COUNTY OF SAN FRANCISCO
POLICE DEPARTMENT
HEADQUARTERS
1245 3RD Street
San Francisco, California 94158

LONDON N. BREED
MAYOR

WILLIAM SCOTT
CHIEF OF POLICE

January 6, 2021

Via email dm@eff.org

Dave Maass
815 Eddy St
San Francisco, CA 94109

RE: Public Records Request, dated December 14, 2020, Reference # P021342-121420

Dear Dave Maass:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated December 14, 2020.

On December 23, 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.

You requested, "To Whom It May Concern,

This letter constitutes a request under the California Public Records Act (CPRA) and the San Francisco Sunshine Ordinance from the Electronic Frontier Foundation (EFF). We are seeking records related to the San Francisco Police Department (SFPD), the Northern California Regional Intelligence Center (NCRIC), and the use of facial recognition (FR) technology.

On September 24, 2020, the San Francisco Chronicle reported that SFPD had circulated a bulletin containing an image from a surveillance camera, that NCRIC processed this photograph through its FR system, and provided the FR results to SFPD.1 Due to the nationwide debate over FR technology and regulations restricting its use in San Francisco, this report generated significant public interest. Accordingly, EFF seeks records related to this specific incident, as well as records related to other occasions when SFPD has received information generated by the use of facial recognition technology by NCRIC or other agencies.

EFF requests the following records:

1. Any and all records related to the use of facial recognition and other activity related to the case referenced in the September 24, 2020 San Francisco Chronicle report, including but not limited to:

a. Any internal communications, including but not limited to emails, between any SFPD official;

b. Any internal communications, including but not limited to emails, between SFPD officials and NCRIC;

c. Any internal communications, including but not limited to emails, between SFPD, San Francisco County Sheriff, and the San Francisco County District Attorney's Office;

d. All crime alert bulletins associated with the case referenced in the September 24, 2020 San Francisco Chronicle report;

e. All communications with the press, members of the Board of Supervisors or other external parties;

f. All evidence custody logs and related chain-of-custody information;

g. All documents provided to Ean Vizzi as referenced in the San Francisco Chronicle article."

Response:

SFPD has identified records that are responsive to requests: 1. a through d, f and g but are not subject to disclosure under Cal. Government Code § 6254(f).

As for part e, below is the statement that SFPD Media Relations issued in response to this request.

"The investigator in this case published a crime alert/bulletin seeking law enforcement assistance in identifying the suspect of an aggravated assault with a gun. Members of SFPD saw the crime bulletin, recognized the suspect and notified the investigator.

Distribution of crime bulletins is a standard form of investigative follow up. Crime bulletins are distributed to many law enforcement agencies, via email. The NCRIC received that crime bulletin and processed the image and provided SFPD with a possible suspect identity. The name provided by NCRIC matched the name provided to the investigator by SFPD members. SFPD did not request the use of facial recognition technology by any agency. It is important to note that this type of "identification" serves as an additional lead. Investigators also take further steps which are intended to either confirm or discount that preliminary identification."

2. Both questions 2 through 4 are consolidated. You requested, "All correspondence between SFPD and NCRIC related to face recognition or photograph databases, received between January 1, 2017 and December 14, 2020;

2. All correspondence between SFPD and other public or private entities related to face recognition or photograph databases, received between June 1, 2019 and December 14, 2020;

3. All requests for assistance in identifying suspects based on photographic or video evidence sent to NCRIC or other public or private entities since June 1, 2019 and associated responses;

4. All active data sharing agreements, memoranda of understanding, or other contractual documents establishing a relationship between NCRIC and SFPD."

Response to both questions 2 through 4:

SFPD was unable to locate responsive records for these requests.

If you have any questions, please contact Briseida Walton at 415-837-7180.

Thank you for your courtesy in this regard.

Sincerely,

Lt. R. Andrew Cox #287
Risk Management - Legal Division

Leger, Cheryl (BOS)

From:	SOTF, (BOS)
Sent:	Sunday, March 14, 2021 4:41 PM
To:	Cox, Andrew (POL)
Subject:	FW: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 21011
Attachments:	SOTF - Complaint Procedure 2019-10-02 FINAL.pdf; 21011 Complaint.pdf

Sorry Andy. Sometimes my computer does not include attachments. I don't know why, but I have reattached the Complaint. Thank you.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Cheryl.Leger@sfgov.org
Tel: 415-554-7724
Fax: 415-554-5163
www.sfbos.org

From: SOTF, (BOS)
Sent: Sunday, March 14, 2021 4:27 PM
To: Cox, Andrew (POL) <r.andrew.cox@sfgov.org>
Cc: Dave Maass <dm@eff.org>; saira@eff.org
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 21011

Good Afternoon:

The Police Department has been named as a Respondent in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the attached complaint/request within five business days.

The Respondent is required to submit a written response to the allegations including any and all supporting documents, recordings, electronic media, etc., to the Task Force within five (5) business days of receipt of this notice. This is your opportunity to provide a full explanation to allow the Task Force to be fully informed in considering your response prior its meeting.

Please include the following information in your response if applicable:

1. List all relevant records with descriptions that have been provided pursuant to the Complainant request.
2. Date the relevant records were provided to the Complainant.
3. Description of the method used, along with any relevant search terms used, to search for the relevant records.
4. Statement/declaration that all relevant documents have been provided, does not exist, or has been excluded.
5. Copy of the original request for records (if applicable).

Please refer to the File Number when submitting any new information and/or supporting documents pertaining to this complaint.

The Complainant alleges:
Complaint Attached.

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724


Click here to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Leger, Cheryl (BOS)

From:	SOTF, (BOS)
Sent:	Friday, May 20, 2022 4:08 PM
To:	saira@eff.org; beryl.lipton@eff.org; Reilly, Lynn (POL)
Cc:	Young, Victor (BOS)
Subject:	SOTF - Notice of Appearance, June 1, 2022 - Sunshine Ordinance Task Force; 4:00 PM; Remote Meeting
Attachments:	SOTF - Complaint Procedure 2019-10-02 FINAL.pdf

Good Afternoon:

You are receiving this notice because you are named as a Complainant or Respondent in the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee. ***Please confirm your attendance with the Sunshine Task Force Administrator for this hearing.***

Date: June 1, 2022

Location: Remote Meeting

Time: 4:00 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Complaints:

> **File No. 21011:** Complaint filed by the Electronic Frontier Foundation against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26 and 67.27(d), by failing to respond to a public records request in a timely and complete manner, failing to keep withholding to a minimum and failing to provide assistance/information regarding alternate sources of information requested. .

For inclusion in the agenda packet, supplemental/supporting documents must be received by ***5:00 pm, May 26, 2022.***

Cheryl Leger
Assistant Clerk, Board of Supervisors
Tel: 415-554-7724

Click here to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: *Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

Leger, Cheryl (BOS)

From:	SOTF, (BOS)
To:	Wynship Hillier; Grier, Geoffrey (DPH - Contractor); Celaya, Caroline (MTA); Shaub, Margot (LIB); Stiliyan Bejanski; Ionin, Jonas (CPC); Lynch, Laura (CPC); Pera, Arran (POL); 'saira@eff.org'; 'beryl.lipton@eff.org'; Grier, Geoffrey (DPH - Contractor)
Subject:	SOTF - Complaint Committee of the Sunshine Ordinance Task Force 06/15/21 Meeting - Agenda and Packet Online

Good Afternoon:

The agenda and packet for the of the Complaint Committee of the Sunshine Ordinance Task Force June 15, 2021 5:30 p.m. meeting is online at the following link:

https://sfgov.org/sunshine/sites/default/files/complaint_061521_agenda.pdf

The packet material is linked to each item listed on the agenda marked with an "attachment". Click anywhere on the title of the item to open the link to the pdf of the packet material in question.

Cheryl Leger
Assistant Clerk, Board of Supervisors
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Leger, Cheryl (BOS)

From:	SOTF, (BOS)
Sent:	Friday, May 28, 2021 3:04 PM
To:	'Celaya, Caroline'; Shaub, Margot (LIB); 'Stiliyan Bejanski'; Ionin, Jonas (CPC); 'beryl.lipton@eff.org'; 'saira@eff.org'; Pera, Arran (POL); 'Jarmee'; Ackerman, Kimberly (MTA); Vien, Veronica (DPH); Wynship Hillier
Subject:	SOTF - Complaint Committee: June 15, 2021; 5:30 PM; remote meeting
Attachments:	SOTF - Complaint Procedure 2019-10-02 FINAL.pdf

Good Afternoon:

Notice is hereby given that the Complaint Committee (Committee) of the Sunshine Ordinance Task Force (Task Force) shall hold hearings on complaints listed below to: 1) determine if the Task Force has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the Task Force.

Date: June 15, 2021

Location: Remote Meeting

Time: 5:30 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Complaints:

1. **File No. 21002**: Complaint filed by Anonymous against Gwyneth Borden and the Municipal Transportation Agency, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

2. **File No. 20056:** Complaint filed by Anonymous against City Librarian Michael Lambert for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b)(l) by failing to respond to a records request in a complete and timely manner.

3. **File No. 21008**: Complaint filed by Stiliyan Bejanski against the Planning Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and complete manner.

4. **File No. 21011:** Complaint filed by the Electronic Frontier Foundation against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26 and 67.27(d), by failing to respond to a public records request in a timely and complete manner, failing to keep

withholding to a minimum and failing to provide assistance/information regarding alternate sources of information requested.

5. **File No. 21007**: Complaint filed by Jarmee Thieu against Kimberly Ackerman and the Municipal Transportation Agency, for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, by failing to respond to a public records request in a timely and complete manner.

6. **File No. 21021**: Complaint filed by Wynship Hillier against the Behavioral Health Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.7 and 67.9, by failing to provide meaningful and sufficiently clear agenda descriptions, distribute agenda packets to members of the public, 67.15 by failing to provide an opportunity for public comment on each item on the agenda, and California Public Records Act by failing meeting with quorum and failing to list disability information on the agenda.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure).

For inclusion in the agenda packet, supplemental/supporting documents must be received by ***5:00 pm, June 10, 2021.***

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