

Date: August 26, 2008

Item No. 4
File No. 08027

SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST*

- Complaint by: Crossman v. Mayor's Office**
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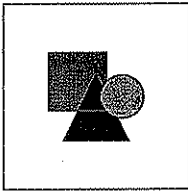
Completed by: Frank Darby

Date: August 20, 2008

***This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

** The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.



DENNIS J. HERRERA
City Attorney

ERNEST H. LLORENTE
Deputy City Attorney

DIRECT DIAL: (415) 554-4236
E-MAIL: ernest.llorente@sfgov.org

MEMORANDUM

July 14, 2008

KIMO CROSSMAN v. MAYOR'S OFFICE OF CRIMINAL JUSTICE (08027)

COMPLAINT

THE COMPLAINANT ALLEGES THE FOLLOWING FACTS:

On April 8, 2008, Kimo Crossman made an on-line Immediate Disclosure Request ("IDR") to Kevin Ryan, the head of the Mayor's Office of Criminal Justice and requested all documents including e-mail related to the recently reported dispute over federal grant money for border crime prosecutions. When, he did not receive a response, he resubmitted his IDR on April 11th and May 12th 2008. As of the date of the filing of the complaint, Kimo Crossman states that he has not received a response to his IDR's.

COMPLAINANT FILES COMPLAINT:

On May 20, 2008, Kimo Crossman filed a complaint against the MOCJ and alleged that the MOCJ violated section 67.21 of the Sunshine Ordinance for its failure to respond to the public records requests.

JURISDICTION

Based on the allegations of the complaint and the sections of the Ordinance stated below, the Task Force has jurisdiction to hear this matter. In addition the parties in this case do not contest jurisdiction.

APPLICABLE STATUTORY SECTIONS

1. Sunshine Ordinance, San Francisco Administrative Code Section 67.1 addresses Findings and Purpose.
2. Sunshine Ordinance, San Francisco Administrative Code Section 67.21 addresses general requests for public documents including records in electronic format.
3. Sunshine Ordinance, San Francisco Administrative Code Section 67.25 addresses Immediate Disclosure Requests.
4. Sunshine Ordinance, San Francisco Administrative Code Section. 67.26 deals

Memorandum

with withholding kept to a minimum.

- 5. Sunshine Ordinance, San Francisco Administrative Code Section. 67.27 deals with justification for withholding.
- 6. California Public Records Act, Government Code Section 6253 deals with public records open to inspection; agency duties and time limits. California Public Records Act, Government Code Section 6255 deals with justification for withholding of records.
- 7. California Constitution, Article I, Section 3 addresses Assembly, petition, open meetings.

APPLICABLE CASE LAW:

ISSUES TO BE DETERMINED

1. FACTUAL ISSUES

A. Uncontested Facts:

- **Kimo Crossman made several Immediate Disclosure requests for records from the MOCJ**
- **Kimo Crossman did not receive a response from the MOCJ.**

B. Contested facts/ Facts in dispute:

The Task Force must determine what facts are true.

i. Relevant facts in dispute:

Whether the MOCJ has a basis for its non compliance to the IDR.

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS;

LEGAL ISSUES/LEGAL DETERMINATIONS;

- **Were sections of the Sunshine Ordinance (Section 67.21), Brown Act, Public Records Act, and/or California Constitution Article I, Section three violated?**
- **Was there an exception to the Sunshine Ordinance, under State, Federal, or case law?**

CONCLUSION

Memorandum

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THAT THE ALLEGED VIOLATIONS TO BE **TRUE OR NOT TRUE.**

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THE CALIFORNIA CONSTITUTION AS AMENDED BY PROPOSITION 59 IN 2004 PROVIDES FOR OPENNESS IN GOVERNMENT.

Article I Section 3 provides:

- a) The people have the right to instruct their representative, petition government for redress of grievances, and assemble freely to consult for the common good.
- b)(1) The people have the right of access to information concerning the conduct of the people's business, and therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.
 - 2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.
 - 3) Nothing in this subdivision supersedes or modifies the right of privacy guaranteed by Section 1 or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.
 - 4) Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided by Section 7.
 - 5) This subdivision does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings or public bodies that is in effect on the effective date of this subdivision, including, but not limited to, any statute protecting the confidentiality of law enforcement and prosecution records.
 - 6) Nothing in this subdivision repeals, nullifies, supersedes, or modifies protections for the confidentiality of proceedings and records of the Legislature, the Members of the Legislature, and its employees, committee, and caucuses provided by Section 7 of Article IV, state law, or legislative rules adopted in furtherance of those provisions: nor does it affect the scope of permitted discovery in judicial or administrative proceedings regarding deliberations of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses.

Memorandum**ATTACHED STATUTORY SECTIONS FROM CHAPTER 67 OF THE SAN
FRANCISCO ADMINISTRATIVE CODE (THE SUNSHINE ORDINANCE)
UNLESS OTHERWISE SPECIFIED**

Section 67.1 addresses Findings and Purpose

The Board of Supervisors and the People of the City and County of San Francisco find and declare:

- (a) Government's duty is to serve the public, reaching its decisions in full view of the public.
- (b) Elected officials, commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The people do not cede to these entities the right to decide what the people should know about the operations of local government.
- (c) Although California has a long tradition of laws designed to protect the public's access to the workings of government, every generation of governmental leaders includes officials who feel more comfortable conducting public business away from the scrutiny of those who elect and employ them. New approaches to government constantly offer public officials additional ways to hide the making of public policy from the public. As government evolves, so must the laws designed to ensure that the process remains visible.
- (d) The right of the people to know what their government and those acting on behalf of their government are doing is fundamental to democracy, and with very few exceptions, that right supersedes any other policy interest government officials may use to prevent public access to information. Only in rare and unusual circumstances does the public benefit from allowing the business of government to be conducted in secret, and those circumstances should be carefully and narrowly defined to prevent public officials from abusing their authority.
- (e) Public officials who attempt to conduct the public's business in secret should be held accountable for their actions. Only a strong Open Government and Sunshine Ordinance, enforced by a strong Sunshine Ordinance Task Force can protect the public's interest in open government.
- (f) The people of San Francisco enact these amendments to assure that the people of the City remain in control of the government they have created.
- (g) Private entities and individuals and employees and officials of the City and County of San Francisco have rights to privacy that must be respected. However, when a person or entity is before a policy body or passive meeting body, that person, and the public, has the right to an open and public process.

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Section 67.21 addresses general requests for public documents.

This section provides:

a.) Every person having custody of any public record or public information, as defined herein, ... shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.

b.) A custodian of a public record shall as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.

c.) A custodian of a public record shall assist a requester in identifying the existence, form, and nature of any records or information maintained by, available to, or in the custody of the custodian, whether or not the contents of those records are exempt from disclosure and shall, when requested to do so, provide in writing within seven days following receipt of a request, a statement as to the existence, quantity, form and nature of records relating to a particular subject or questions with enough specificity to enable a requester to identify records in order to make a request under (b). A custodian of any public record, when not in possession of the record requested, shall assist a requester in directing a request to the proper office or staff person.

...

k.) Release of documentary public information, whether for inspection of the original or by providing a copy, shall be governed by the California Public Records Act Government Code Section 6250 et seq.) in particulars not addressed by this ordinance and in accordance with the enhanced disclosure requirement provided in this ordinance.

l.) Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to or easily generated by the department, its officers or employees, including disk, tape, printout or monitor at a charge no greater than the cost of the media on which it is duplicated. Inspection of documentary public information on a computer monitor need not be allowed where the information sought is necessarily and unseparably intertwined with information not subject to disclosure under this ordinance. Nothing in this section shall require a department to program or reprogram a computer to respond to a request for

Memorandum

information or to release information where the release of that information would violate a licensing agreement or copyright law.

Section 67.25 provides:

- a.) Notwithstanding the 10-day period for response to a request permitted in Government Code Section 6256 and in this Article, a written request for information described in any category of non-exempt public information shall be satisfied no later than the close of business on the day following the day of the request. This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted. Maximum deadlines provided in this article are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request.
- b.) If the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with another interested department warrants an extension of 10 days as provided in Government Code Section 6456.1, the requestor shall be notified as required by the close of business on the business day following the request.
- c.) The person seeking the information need not state his or her reason for making the request or the use to which the information will be put, and requesters shall not be routinely asked to make such a disclosure. Where a record being requested contains information most of which is exempt from disclosure under the California Public Records Act and this article, however, the City Attorney or custodian of the record may inform the requester of the nature and extent of the non-exempt information and inquire as to the requester's purpose for seeking it, in order to suggest alternative sources for the information which may involve less redaction or to otherwise prepare a response to the request.
- d.) Notwithstanding any provisions of California Law or this ordinance, in response to a request for information describing any category of non-exempt public information, when so requested, the City and County shall produce any and all responsive public records as soon as reasonably possible on an incremental or "rolling" basis such that responsive records are produced as soon as possible by the end of the same business day that they are reviewed and collected. This section is intended to prohibit the withholding of public records that are responsive to a records request until all potentially responsive documents have been reviewed and collected.

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Section 67.26 provides:

No record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or of some other statute. Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released, and keyed by footnote or other clear reference to the appropriate justification for withholding required by section 67.27 of this article. This work shall be done personally by the attorney or other staff member conducting the exemption review. The work of responding to a public-records request and preparing documents for disclosure shall be considered part of the regular work duties of any city employee, and no fee shall be charged to the requester to cover the personnel costs of responding to a records request.

Section 67.27 provides:

Any withholding of information shall be justified in writing, as follows:

- a.) A withholding under a specific permissive exemption in the California Public Records Act, or elsewhere, which permissive exemption is not forbidden to be asserted by this ordinance, shall cite that authority.
- b.) A withholding on the basis that disclosure is prohibited by law shall cite the specific statutory authority in the Public Records Act of elsewhere.
- c.) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any specific statutory or case law, or any other public agency's litigation experience, supporting that position.
- d.) When a record being requested contains information, most of which is exempt from disclosure under the California Public Records Act and this Article, the custodian shall inform the requester of the nature and extent of the nonexempt information and suggest alternative sources for the information requested, if available.

The California Constitution as Amended by Proposition 59 in 2004 provides for openness in government.

Article I Section 3 provides:

- a) The people have the right to instruct their representative, petition government for redress of grievances, and assemble freely to consult for the common good.

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- b)(1) The people have the right of access to information concerning the conduct of the people's business, and therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.
- 2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protect by the limitation and the need for protecting that interest.
- 3) Nothing in this subdivision supersedes or modifies the right of privacy guaranteed by Section 1 or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.
- 4) Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided by Section 7.
- 5) This subdivision does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings or public bodies that is in effect on the effective date of this subdivision, including, but not limited to, any statute protecting the confidentiality of law enforcement and prosecution records.
- 6) Nothing in this subdivision repeals, nullifies, supersedes, or modifies protections for the confidentiality of proceedings and records of the Legislature, the Members of the Legislature, and its employees, committee, and caucuses provided by Section 7 of Article IV, state law, or legislative rules adopted in furtherance of those provisions: nor does it affect the scope of permitted discovery in judicial or administrative proceedings regarding deliberations of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses.

The California Public Records Act is located in the state Government Code Sections 6250 et seq. All statutory references, unless stated otherwise, are to the Government Code.

Section 6253 provides.

- a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the records after deletion of the portions that are exempted by law.
- b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that

Memorandum

reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

c) Each agency, upon a request for a copy of records, shall within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefore....

Section 6253.9 provides:

a) Unless otherwise prohibited by law, any agency that has information that constitutes an identifiable public record not exempt from disclosure pursuant to this chapter that is in an electronic format shall make that information available in an electronic format when requested by any person and, when applicable, shall comply with the following:

(1) The agency shall make the information available in any electronic format in which it holds the information.

(2) Each agency shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies. The cost of duplication shall be limited to the direct cost of producing a copy of a record in any electronic format.

b) Notwithstanding paragraph (2) of subdivision (a), the requester shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record when either of the following applies:

(1) In order to comply with the provisions of subdivision a.), the public agency would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals.

(2) The request would require data compilation, extraction, or programming to produce the record.

c) Nothing in this section shall be construed to require the public agency to reconstruct a record in an electronic format if the agency no longer has the record available in an electronic format.

d) If the request is for information in other than electronic format, and the information also is in electronic format, the agency may inform the requester that the information is available in electronic format.

Memorandum

- e. Nothing in this section shall be construed to permit an agency to make information available only in electronic format.
- f) Nothing in this section shall be construed to require the public agency to release an electronic record in the electronic form in which it is held by the agency if its release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.
- g) Nothing in this section shall be construed to permit public access to records held by any agency to which access is otherwise restricted by statute.

Section 6255 provides:

- a) The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.
- b) A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing.



<complaints@sfgov.org>
05/21/2008 11:22 AM

To <sof@sfgov.org>
cc
bcc
Subject Sunshine Complaint

History This message has been forwarded

Submitted on: 5/21/2008 11:22:25 AM

Department: Mayor's Office of Criminal Justice

Contacted: Kevin Ryan

Public_Records_Violation: Yes

Public_Meeting_Violation: No

Meeting_Date:

Section(s)_Violated: 67.21

Description: I requested records from Kevin Ryan - MOCJ on the disputed DA Federal grant- He has not responded in any way to this request.

Hearing: Yes

Date: 5/20/08

Name: Kimo Crossman

Address:

City:

Zip:

Phone:

Email: kimo@webnetic.net

Anonymous:



"Kimo Crossman "
<kimo@webnetic.net>
05/20/2008 10:31 PM

To <kevin.ryan@sfgov.org>, "SOTF" <sotf@sfgov.org>
<ProSF@yahoo.com>, <SFSMxian@gmail.com>, "Christian
cc Holmer" <mail@csrsf.com>, <home@prosf.org>, "Allen
Grossman" <grossman356@mac.com>
bcc
Subject SOTF COMPLAINT -Mayor's Office of Justice DA Harris
Federal grant investigation

Submitted on: 5/20/08

Department: Mayor's Office of Criminal Justice

Contacted: Kevin Ryan

Public_Records_Violation: Yes

Public_Meeting_Violation: No

Meeting_Date:

Section(s)_Violated: 67.21

Description: SOTF CLERK – please include the emails below as evidence.. I requested records from Kevin Ryan - MOCJ on the disputed DA Federal grant- He has not responded in any way to this request.

Hearing: Yes

Date: 5/20/08

Name: Kimo Crossman

Address:

City:

Zip:

Phone:

Email: kimo@webnetic.net

Anonymous:

From: Kimo Crossman [mailto:kimo@webnetic.net]

Sent: Thursday, May 15, 2008 12:52 PM

To: 'kevin.ryan@sfgov.org'
Cc: 'ProSF@yahoo.com'; 'SFSMxian@gmail.com'; 'Christian Holmer'; 'home@prosf.org'
Subject: RE: OVERDUE: Immediate Disclosure Request - DA Harris Federal grant investigation
Importance: High

From: Kimo Crossman [mailto:kimo@webnetic.net]
Sent: Monday, May 12, 2008 2:34 PM
To: 'kevin.ryan@sfgov.org'
Cc: 'ProSF@yahoo.com'; 'SFSMxian@gmail.com'; 'Christian Holmer'; 'home@prosf.org'
Subject: OVERDUE: Immediate Disclosure Request - DA Harris Federal grant investigation
Importance: High

From: Kimo Crossman [mailto:kimo@webnetic.net]
Sent: Friday, April 11, 2008 1:43 PM
To: 'kevin.ryan@sfgov.org'
Subject: OVERDUE: Immediate Disclosure Request - DA Harris Federal grant investigation

From: Kimo Crossman [mailto:kimo@webnetic.net]
Sent: Tuesday, April 08, 2008 7:58 AM
To: 'kevin.ryan@sfgov.org'
Subject: Immediate Disclosure Request - DA Harris Federal grant investigation

Immediate Disclosure Request

Mr. Ryan:

Please provide all documents including email related to the recently reported dispute over federal grant money for border crime prosecutions. Please be reminded that based on prior precedent with the Ed Jew case and other matters, the active investigation files of the City Attorney and other departments are not exempt from disclosure.

Please provide information by email to kimo@webnetic.net on a daily incremental basis per 67.25D and please scan to email any paper-only documents per 67.21-1, 6729-2 & BOS Motion M06-134. For files larger than 5MB, please send a link with a free service like www.yousentit.com or upload file to city website for download. Please provide files in their native file format whenever possible and which are text searchable as required under 6253.9., 67.21 (L), 67.21-1. Please consider waiving all partial withholding exemptions for the public interest and minimally redact & key with express permissive exemptions and specific facts and balancing tests justified for each redaction per 67.26, 67.27 and applicable case law.



SOTF/SOTF/SFGOV

06/16/2008 11:31 AM

To kimo@webnetic.net, Angela Calvillo/BOS/SFGOV@SFGOV,
Alexis Thompson/CTYATT@CTYATT, Paula
Jesson/CTYATT@CTYATT, Kevin
cc
Kristin@Chu.com; Ernest.llorente@sfgov.org;
elc@Irolaw.com
Subject Notice: Continuation of all SOTF complaints filed by Kimo
Crossman

This is to inform you that per the request of the complainant Kimo Crossman, and pursuant to Section B(8) or the SOTF Complaint Procedures, the following complaints are continued to the July 22, 2008, meeting of the Sunshine Ordinance Task Force. Your attendance is not required at next week's (6-24-08) meeting as previously scheduled.

- #08022_Kimo Crossman v Clerk of the Board, SOTF Administrator
- #08025_Kimo Crossman v City Attorney's Office
- #08026_Kimo Crossman v City Attorney's Office
- #08027_Kimo Crossman v Office of Criminal Justice
- #08028_Kimo Crossman v City Attorney's Office

Frank Darby, Administrator
Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689
SOTF@SFGov.org
OFC: (415) 554-7724
FAX: (415) 554-7854

Complete a SOTF Customer Satisfaction Survey by clicking the link below.
http://www.sfgov.org/site/sunshine_form.asp?id=34307

----- Forwarded by SOTF/SOTF/SFGOV on 06/16/2008 11:05 AM -----



"Kimo Crossman"
<kimo@webnetic.net>
06/15/2008 10:16 PM

To "SOTF" <sotf@sfgov.org>
cc "Allen Grossman" <grossman356@mac.com>, "Kristin
Murphy Chu" <kristin@chu.com>
Subject Continuation of all SOTF complaints filed by Kimo Crossman

SOTF Admin

Please put on hold or continuation all pending SOTF Complaints – I have some other matters and cannot give my full attention to them. I agree to waive the 45 day rule.



Joe Arellano/MAYOR/SFGOV

07/15/2008 03:14 PM

To SOTF/SOTF/SFGOV@SFGOV, Frank
Darby/BOS/SFGOV@SFGOV

cc

bcc

Subject RE: Complaint No. 08027 (Kimo Crossman v. Mayor's Office
of Criminal Justice)



SOTF Letter RE SWBPI 7.15.08.PDF

Joe Arellano
Deputy Communications Director/Liaison to Latino Media
Mayor's Office of Communications
1 Dr. Carlton B. Goodlett Place, Room 291
San Francisco, CA 94102
415.554.6608 Direct
415.554.6131 Main
415.554-4058 Fax
Joe.Arellano@sfgov.org

Office of the Mayor
City & County of San Francisco



Gavin Newsom
Mayor

Joe Arellano
Deputy Communications Director

July 15, 2008

Honorable Members
Sunshine Ordinance Task Force
c/o Frank Darby, Jr., Administrator
Room 244, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Complaint No. 08027 (Kimo Crossman v. Mayor's Office of Criminal Justice)

Dear Honorable Task Force Members:

For the reasons set forth in this letter, the complaint should be dismissed because the San Francisco City Attorney's Office is coordinating the response to public records requests for records relating to the federal grant for border crime prosecutions and has notified Mr. Crossman that it has done so for all relevant departments, including this office.

On April 8, 2008, Kimo Crossman made a public records request to this office for "all documents including email related to the recently reported dispute over federal grant money for border crime prosecutions."

On April 24, 2008, Matt Dorsey of the City Attorney's Office sent an email to Mr. Crossman acknowledging Mr. Crossman's requests for records from various City departments, including the Mayor's Office of Criminal Justice. Mr. Dorsey's email noted that the City Attorney's Office had already made available to Mr. Crossman (and others who had requested records on this matter) key documents related to the City's participation in the federal border crimes prosecution grant program by posting them on the City Attorney's web site.

Mr. Dorsey's message also provided additional records responsive to Mr. Crossman's request.

Finally, Mr. Dorsey's message informed Mr. Crossman that:

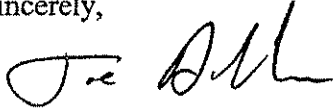
"Because San Francisco's participation in the [border crime prosecutions grant program] involved several different City agencies, the City Attorney's Office will be working in conjunction with the District Attorney's Office and other involved agencies to provide coordinated responses to requests for records related to [the program]."

The City Attorney's Office is thus the City department responsible for responding to Mr. Crossman's request for the records in question. The City Attorney's Office has already provided Mr. Crossman with responsive records and is in the process of providing additional responsive records on an ongoing basis.

I enclose copies of Mr. Dorsey's April 24, 2008 email, as well as an email sent July 11, 2008 in which Mr. Dorsey describes the process for providing Mr. Crossman with the records that he seeks.

1 Dr. Carlton B. Goodlett Place, Room 291, San Francisco, California 94102-4641
joe.arellano@sfgov.org • (415) 554-6608

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Arellano". The signature is fluid and cursive, with the first name "Joe" written in a larger, more prominent script than the last name "Arellano".

Joe Arellano
Deputy Communications Director
Office of the Mayor



Matt Dorsey /CTYATT

04/24/2008 02:51 PM

To kimo@webnetic.net

cc

Subject SWBPI Responsive Records

Mr. Crossman:

On April 8 and 9, 2008, you asked the Mayor's Office of Criminal Justice, the District Attorney's Office, the Controller and the City Attorney's Office for "all relevant documents including email related to the recently reported dispute over federal grant money for border crime prosecutions."

Because San Francisco's participation in the SWBPI reimbursement program involved several different City agencies, the City Attorney's Office will be working in conjunction with the District Attorney's Office and other involved agencies to provide coordinated responses to requests for records related to SWBPI. This letter preliminarily responds to your requests for SWBPI-related records.

The City Attorney's Office has made available key documents related to San Francisco's participation in SWBPI on our website: http://www.sfgov.org/site/cityattorney_index.asp.

In addition, attached are the following documents:

- 1) Copies of computer "screen shots" that show the applications San Francisco made for SWBPI reimbursement funds. For some quarters, the screen shots show the amount requested. For other quarters, the screen shots show both the amount requested and the amount that the Office of Justice Programs paid on the request. The SWBPI reimbursement application process did not call for local agencies to submit, as part of the application process, a list of case names or numbers, and San Francisco did not do so.
- 2) A composite list of cases that San Francisco submitted in 2007 to auditors from the Office of the Inspector General (OIG), as part of OIG's audit of San Francisco's participation in the SWBPI program.

The City is continuing the process of gathering and evaluating a large number of documents that may be responsive to your requests for information. We will provide you nonexempt responsive records promptly as they become available.

As always, Kimo, please know I thank you for your interest in civic matters and applaud your engaged citizenship.

Best,
MATT DORSEY

OFFICE OF CITY ATTORNEY DENNIS HERRERA
San Francisco City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102-4682

(415) 554-4662 Direct
(415) 554-4700 Reception
(415) 554-4715 Facsimile
(415) 554-6770 TTY

<http://www.sfgov.org/cityattorney/>



SWBPI-2008-04-24.PDF



Matt Dorsey /CTYATT
07/11/2008 01:55 PM

To kimo@webnetic.net
cc
bcc
Subject SWBPI Response

Dear Kimo,

You made requests of the City Attorney's Office, the Mayor's Office of Criminal Justice, the District Attorney's Office and the Controller for "all relevant documents including email related to the recently reported dispute over federal grant money for border crime prosecutions."

As you have been previously informed, the City Attorney's Office is the point of contact for requests for public records on this topic. Accordingly, we provide this further response on behalf of San Francisco, including the involved Departments.

This office has provided you with numerous key documents relating to San Francisco's participation in the Southwest Border Prosecution Initiative (SWBPI) federal reimbursement program. There remain voluminous additional documents that are related in some fashion to San Francisco's participation over several years in the SWBPI reimbursement program. You have indicated that you wish to inspect additional records "related to the recently reported dispute." Your request is both extremely broad and vague as to the specific records you would like to inspect.

As I originally informed you in my letter to you of Jan. 12, 2006 -- and as I have reiterated many times since -- this office limits to a reasonable amount of time what it spends responding to your public records requests to permit us to perform our duties to the more than 750,000 San Franciscans who aren't Kimo Crossman. Accordingly, we will produce additional records on an incremental basis, making an effort to send at least some records on a weekly basis. If at any time you wish to narrow or prioritize your request, we will adjust our disclosures accordingly. Attached are further disclosures of records "related to" San Francisco's participation in the SWBPI reimbursement program.

As always, Kimo, thank you for your enthusiastic citizenship and your continued interest in City government. I hope you're having a nice summer!

Best,
MATT DORSEY

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