

File No. 19098

Item No. 5

SUNSHINE ORDINANCE TASK FORCE
AGENDA PACKET CONTENTS LIST

Complaint Committee

Date: December 17, 2019

☒	Petition/Complaint	Page: <u>252</u>
☐	Memorandum - Deputy City Attorney	Page: <u>254</u>
☐	Petitioner/Complainant Supporting Documents	Page: <u>264</u>
☐	Respondent's Response	Page: <u>418</u>
☐	Public Correspondence	Page: <u> </u>
☐	Order of Determination	Page: <u> </u>
☐	Minutes	Page: <u> </u>
☐	Administrator's Report	Page: <u> </u>
☐	No Attachments	

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Completed by: C. Leger Date 12/12/19

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

Leger, Cheryl (BOS)

From: Google Forms <sfbdsupvrs@gmail.com>
Sent: Friday, September 13, 2019 12:50 AM
To: SOTF, (BOS)
Subject: New Response Complaint Form

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

Your form has a new entry.

Here are the results.

**Complaint
against which
Department or
Commission**

Police Department

**Name of
individual
contacted at
Department or
Commission**

Police Chief William Scott, Sgt. Michael Andraychak, and Custodian Does 1–20

**Alleged
Violation**

Public Records

**Sunshine
Ordinance
Section:**

SFAC 67.21, 67.26, 67.27, Gov Code 6253 and 6253.9

**Please
describe**

See linked complaint:
https://cdn.muckrock.com/outbound_request_attachments/94383620Anonymous/76435/76435-Petition-20190912-ex.pdf, incorporated by reference herein.

alleged
violation

Name Anonymous

Email 76435-93915115@requests.muckrock.com

If anonymous,
please let us
know how to
contact you. 76435-93915115@requests.muckrock.com
Thank you.

Sent via [Google Forms Email](#)

CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

PEDER J. V. THOREEN
Deputy City Attorney

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Email: Peder.Thoreen@sfcityattty.org

**MEMORANDUM
PRIVILEGED AND CONFIDENTIAL**

TO: Sunshine Ordinance Task Force
FROM: Peder J. V. Thoreen
Deputy City Attorney
DATE: October 11, 2019
RE: Complaint No. 19098: Anonymous v. San Francisco Police Department, Chief William Scott, and Sgt. Michael Andraychak

COMPLAINT

An anonymous complainant ("Complainant") alleges that the San Francisco Police Department, Chief William Scott, and Sgt. Michael Andraychak (collectively, "Respondents"), violated the Sunshine Ordinance and the California Public Records Act ("CPRA") by failing to respond to Complainant's requests in a timely and complete manner.

COMPLAINANT FILES COMPLAINT

On September 9, 2019, Complainant filed this complaint with the Task Force, alleging that Respondents violated Administrative Code sections 67.21, 67.26, and 67.27, and CPRA sections 6253 and 6253.9.

JURISDICTION

Respondents are subject to the Sunshine Ordinance and CPRA. Respondents do not dispute jurisdiction.

APPLICABLE STATUTORY SECTION(S)

Section 67 of the San Francisco Administrative Code:

- Section 67.21 governs responses to a public records request in general.
- Section 67.26 provides that withholding of public records shall be kept to a minimum.
- Section 67.27 sets forth requirements for justifying the withholding of information.

Cal. Government Code (CPRA)

- Section 6253 sets forth the general requirements for the production of records.
- Section 6253.9 governs the formats in which documents should be produced.

APPLICABLE CASE LAW

- *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608 (holding that when a city employee uses a personal account to communicate about public business, the writings may be subject to disclosure under the CPRA)

**MEMORANDUM
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TO: Sunshine Ordinance Task Force
DATE: October 11, 2019
PAGE: 2
RE: Complaint No. 19098: Anonymous v. San Francisco Police Department, Chief William Scott, and Sgt. Michael Andraychak

BACKGROUND

On July 2, 2019, Complainant requested from the San Francisco Police Department numerous categories of documents from a variety of individuals, generally recently received or sent work-related emails or text messages, whether on City or personal email accounts.

After invoking an extension of the deadline to respond, Respondents provided documents to Complainant on a rolling basis. Some of those documents were redacted for, *inter alia*, constitutional privacy concerns and the fact that some communications related to open investigations. Additionally, on the advice of the City Attorney's Office, Respondents declined to disclose "documents (including metadata) ... as doing so would, 'jeopardize or compromise the security or the original document or its data system,'" and could result in the release of confidential or privileged information. Furthermore, Respondents informed Complainant that it would provide documents in pdf format to "ensure[] the security and integrity of the original record." On September 3, 2019, Respondents informed Complainant that they had found no responsive documents on personal devices, but would provide sms/text messages from Police Department cell phones. It appears that the last document production took place on September 10, 2019.

In letters dated September 12 and 13, 2019, Complainant raised a series of complaints, some of which appear to overlap:

- That the initial responses from Respondents were allegedly untimely, as they were due on July 12, 2019, but were not provided until July 15, 2019.¹
- That, as of July 26, 2019, Respondents failed to "'determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and ... promptly notify the person making the request of the determination and the reasons therefor.'" (Quoting Gov't Code §6253(c)). But Complainant concedes that Respondents may have since complied with this requirement.
- That Respondents were required to produce documents in original, .msg, or .eml format, and failed to do so. Complainant notes that "Respondents do appear to have used searchable or text PDFs, but did not provide .eml, .msg, or the original format...."
- That the "[d]isclosed email records lack the original color, hyperlinks, images, metadata, email addresses, and other parts of records. In addition, at least in the case of Cmdr Daryl Fong, the actual emails requested were not disclosed."
- That "[g]eneral redaction justifications are insufficient. They must be made with particularity pointing out which redactions match to which justifications."²
- That Respondents withheld disclosable metadata, and had failed to justify such withholding.

¹ Respondents contend that the request, "while dated July 2, 2019, was 'created' by the SFPD Legal Division on July 15, 2019...." It is unclear what this means.

² On at least some of the documents produced, there are citations to statutes, apparently to justify the redactions or withholdings associated with that particular document.

**MEMORANDUM
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TO: Sunshine Ordinance Task Force
DATE: October 11, 2019
PAGE: 3
RE: Complaint No. 19098: Anonymous v. San Francisco Police Department, Chief William Scott, and Sgt. Michael Andraychak

- That Respondents unlawfully withheld certain city employee email addresses, “in at least the emails of Sutton, Tiffany (POL), Stevenson, David (POL), McEachern, Greg (POL), Francisco Da Costa, and others....”
- That Respondents withheld disclosable “hyperlinks in the messages and attachments,” in emails that were disclosed.
- That Respondents’ search of personal devices did not satisfy the scope required by the law.
- That Respondents failed to disclose “names of email headers,” without justification.
- That Respondents failed to disclose 116 “values of email headers in the messages.”
- That Respondents failed to provide the identity of the sender and recipient of every text message that was produced.
- That Respondents failed to adequately justify all redactions in the text messages that were produced.

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS

- What does it mean that the request was “created” on July 15, 2019, and how does that affect Complainant’s timeliness complaint?
- With respect to security and privilege concerns regarding metadata, can the relevant information be produced in part, and otherwise redacted?

LEGAL ISSUES/LEGAL DETERMINATIONS

- Did Respondents violate the Sunshine Ordinance or the CPRA by failing to provide a timely and complete response to Complainant’s document requests?

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

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

* * *

**MEMORANDUM
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TO: Sunshine Ordinance Task ForceSunshine Ordinance Task Force
DATE: October 11, 2019
PAGE: 4
RE: Complaint No. 19098: Anonymous v. San Francisco Police Department, Chief William Scott, and Sgt. Michael Andraychak

**CHAPTER 67, SAN FRANCISCO ADMINISTRATIVE CODE (SUNSHINE
ORDINANCE)**

**SEC. 67.21. PROCESS FOR GAINING ACCESS TO PUBLIC RECORDS;
ADMINISTRATIVE APPEALS**

(a) Every person having custody of any public record or public information, as defined herein, (hereinafter referred to as a custodian of a public record) 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.

(d) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b), the person making the request may petition the supervisor of records for a determination whether the record requested is public. The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination by the supervisor of records that the record is public, the supervisor of records shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the supervisor of records shall notify the district attorney or the attorney general who shall take whatever measures she or he deems necessary and appropriate to insure compliance with the provisions of this ordinance.

(e) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b) above or if a petition is denied or not acted on by the supervisor of public records, the person making the request may petition the Sunshine Task Force for a determination whether the record requested is public. The Sunshine Task Force shall inform the petitioner, as soon as possible and within 2 days after its next meeting but in no case later than 45 days from

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TO: Sunshine Ordinance Task Force
DATE: October 11, 2019
PAGE: 5
RE: Complaint No. 19098: Anonymous v. San Francisco Police Department, Chief William Scott, and Sgt. Michael Andraychak

when a petition in writing is received, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination that the record is public, the Sunshine Task Force shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the Sunshine Task Force shall notify the district attorney or the attorney general who may take whatever measures she or he deems necessary to insure compliance with the provisions of this ordinance. The Board of Supervisors and the City Attorney's office shall provide sufficient staff and resources to allow the Sunshine Task Force to fulfill its duties under this provision. Where requested by the petition, the Sunshine Task Force may conduct a public hearing concerning the records request denial. An authorized representative of the custodian of the public records requested shall attend any hearing and explain the basis for its decision to withhold the records requested.

(f) The administrative remedy provided under this article shall in no way limit the availability of other administrative remedies provided to any person with respect to any officer or employee of any agency, executive office, department or board; nor shall the administrative remedy provided by this section in any way limit the availability of judicial remedies otherwise available to any person requesting a public record. If a custodian of a public record refuses or fails to comply with the request of any person for inspection or copy of a public record or with an administrative order under this section, the superior court shall have jurisdiction to order compliance.

(g) In any court proceeding pursuant to this article there shall be a presumption that the record sought is public, and the burden shall be upon the custodian to prove with specificity the exemption which applies.

(h) On at least an annual basis, and as otherwise requested by the Sunshine Ordinance Task Force, the supervisor of public records shall prepare a tally and report of every petition brought before it for access to records since the time of its last tally and report. The report shall at least identify for each petition the record or records sought, the custodian of those records, the ruling of the supervisor of public records, whether any ruling was overturned by a court and whether orders given to custodians of public records were followed. The report shall also summarize any court actions during that period regarding petitions the Supervisor has decided. At the request of the Sunshine Ordinance Task Force, the report shall also include copies of all rulings made by the supervisor of public records and all opinions issued.

(i) The San Francisco City Attorney's office shall act to protect and secure the rights of the people of San Francisco to access public information and public meetings and shall not act as legal counsel for any city employee or any person having custody of any public record for purposes of denying access to the public. The City Attorney may publish legal opinions in response to a request from any person as to whether a record or information is public. All communications with the City Attorney's Office with regard to this ordinance, including petitions, requests for opinion, and opinions shall be public records.

**MEMORANDUM
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TO: Sunshine Ordinance Task Force
DATE: October 11, 2019
PAGE: 6
RE: Complaint No. 19098: Anonymous v. San Francisco Police Department, Chief William Scott, and Sgt. Michael Andraychak

(j) Notwithstanding the provisions of this section, the City Attorney may defend the City or a City Employee in litigation under this ordinance that is actually filed in court to any extent required by the City Charter or California Law.

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

SEC. 67.26. WITHHOLDING KEPT TO A MINIMUM.

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.

SEC. 67.27. JUSTIFICATION OF WITHHOLDING.

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 or elsewhere.

**MEMORANDUM
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TO: Sunshine Ordinance Task ForceSunshine Ordinance Task Force
DATE: October 11, 2019
PAGE: 7
RE: Complaint No. 19098: Anonymous v. San Francisco Police Department, Chief William Scott, and Sgt. Michael Andraychak

(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.

CALIFORNIA GOVERNMENT CODE (CPRA)

SEC. 6253.

(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 record 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 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 therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

**MEMORANDUM
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TO: Sunshine Ordinance Task Force
DATE: October 11, 2019
PAGE: 8
RE: Complaint No. 19098: Anonymous v. San Francisco Police Department, Chief William Scott, and Sgt. Michael Andraychak

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

(4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

(d) Nothing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial.

(e) Except as otherwise prohibited by law, a state or local agency may adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in this chapter.

(f) In addition to maintaining public records for public inspection during the office hours of the public agency, a public agency may comply with subdivision (a) by posting any public record on its Internet Web site and, in response to a request for a public record posted on the Internet Web site, directing a member of the public to the location on the Internet Web site where the public record is posted. However, if after the public agency directs a member of the public to the Internet Web site, the member of the public requesting the public record requests a copy of the public record due to an inability to access or reproduce the public record from the Internet Web site, the public agency shall promptly provide a copy of the public record pursuant to subdivision (b).

SEC. 6253.9.

(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 an 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

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TO: Sunshine Ordinance Task Force
DATE: October 11, 2019
PAGE: 9
RE: Complaint No. 19098: Anonymous v. San Francisco Police Department, Chief William Scott, and Sgt. Michael Andraychak

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 otherwiseregularly 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.
- (e) Nothing in this section shall be construed to permit an agency to make information available only in an 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.

**Sunshine Ordinance Task Force
Complaint Summary**

File No. 19098

Anonymous v. Police Department

Date filed with SOTF: 9/9/2019

Contacts information (Complainant information listed first):

Anonymous (76435-93915115@requests.muckrock.com); (Complainant)

Kathryn Waaland (kathryn.waaland@sfgov.org) (Police Department) (Respondent)

File No. 19098: Complaint filed by Anonymous against Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26 and 67.27, by failing to respond to a public records request in a timely and/or complete manner.

Administrative Summary if applicable:

Complaint Attached.

Complainant/Petitioners Documents Submission

IN THE SAN FRANCISCO
SUNSHINE ORDINANCE TASK FORCE

Anonymous

v.

Chief William Scott, Sgt. Michael Andraychak,
San Francisco Police Department

Update

Dec. 10, 2019

SOTF No.

19098

STATUS OF COMPLAINT as of Dec 10¹

On Sept 13, I alleged Respondents violated SFAC 67.21, 67.26, 67.27, Gov Code (CPRA) 6253, and 6353.9 in failing to respond correctly to a July 2 request for various electronic communications. On Sept 23, Respondents formally responded to SOTF. Due to the numerous subsequent communications, disclosures, and negotiations, for clarity I am updating the status of the complaint herein. Note that the alleged sections in this restated complaint remain only SFAC 67.21, 67.26, 67.27, Gov Code (CPRA) 6253 and 6353.9.

PROCEDURAL REQUESTS TO THE DEC. 17 COMMITTEE

1. If the SOTF wishes to delay hearing of metadata (and related) issues, I ask you to divide allegations numbered #A3, #A6, #A7, #A11, and #A12 regarding email metadata, headers, and the .EML/.MSG electronic formats into a new case number so that this case 19098 may continue.
2. Please ask Respondents to send the remainder of their supplemental responses/records made after the date of complaint to SOTF for inclusion in the file so we can discuss examples at the full hearing as needed.

UPDATED TIMELINE AS OF DEC. 6, 2019

Date	Party	Facts (and some ² of the Allegations in bold)
July 2	Anon.	Emailed records request for certain emails, text messages, instant messages, and other communications (in electronic formats and with metadata, and

¹ Respondent Does 1-20 are dismissed.

² Allegations listed in the timeline are non-exclusive examples; they are not exhaustive. Allegations are fully listed in parts A, B, and C below. Section numbers without a name are in SF Admin Code.

July 2 (cont.)		with personal property searches) of the SFPD senior leadership. Rolling responses requested. Partial Native Email: From nobody Tue Jul 2 03:02:22 2019 Content-Type: multipart/mixed; boundary="=====8443228908772817962==" MIME-Version: 1.0 Subject: California Public Records Act Request: Email and Electronic Communications Audit (SFPD) From: 76435-93915115@requests.muckrock.com To: sfpdmediarelations@sfgov.org Date: Tue, 02 Jul 2019 07:02:22 -0000 Message-ID: <20190702070222.2686.52851@c82f7b7e-0b82-4517-9c55-8bffc96dec8.prvt.dyno.rt.heroku.com> -----8443228908772817962== Content-Type: multipart/alternative; boundary="=====2088498062960899733==" MIME-Version: 1.0 -----2088498062960899733== Content-Type: text/plain; charset="utf-8" MIME-Version: 1.0 Content-Transfer-Encoding: 7bit San Francisco Police Department PRA Office 1245 3rd Street SF, CA 94158 July 2, 2019 RE: Email and Electronic Communications Audit To Whom It May Concern: ** NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the ...
July 12	Anon.	Sent 10-day auto-reminder email to same email address. 67.21 (Untimely) - 10-day Response was due, but not received. An extension must be asserted within 10 days.

July 12 (cont.)		From nobody Fri Jul 12 05:00:47 2019 Content-Type: multipart/alternative; boundary="=====8848370342403425148==" MIME-Version: 1.0 Subject: RE: California Public Records Act Request: Email and Electronic Communications Audit (SFPD) From: 76435-93915115@requests.muckrock.com To: sfpdmediarelations@sfgov.org Date: Fri, 12 Jul 2019 09:00:47 -0000 Message-ID: <20190712090047.4692.60632@76bde4e6-e011-4e6b-be2e-9b2c144efa07.prvt.dyno.rt.heroku.com> -----8848370342403425148== Content-Type: text/plain; charset="utf-8" MIME-Version: 1.0 Content-Transfer-Encoding: 7bit San Francisco Police Department PRA Office 1245 3rd Street SF, CA 94158 July 12, 2019 This is a follow up to a previous request: To Whom It May Concern: I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on July 2, 2019. Please let me know when I can expect to receive a response. Thanks for your help, and let me know if further clarification is needed. ...
July 15	SFPD	First response/acknowledgment. Supposed extension asserted until Aug 8. Sgt Andraychak states (emphasis mine): "The San Francisco Police Department (SFPD) received your Public Records Act request, dated July 15, 2019, on July 15, 2019. ... Although SFPD has 10 calendar days to respond to your request, we are invoking an additional 14 day extension of time to respond to your request pursuant to Government Code section 6253(c) because of the need to search, collect, review, and consult with another department. Once it has been determined whether or not the information you request is responsive and subject to disclosure we will advise you as soon practicable but no later than August 8, 2019." 67.21 (Untimely) - adding 10-day and 14-day extensions means the extended deadline is July 26, not Aug 8. No email from me was ever dated July 15 - there were July 2 and July 12 pre-opening-of-business-day emails. CPRA §6253(c) - "<u>No notice shall specify a date</u> that would result in an extension for more than 14 days."
July 26	---	CPRA Govt Code §6253(c) requires within 10-days (plus 14-day extension) that SFPD must "determine whether the request, in whole or in part, seeks

		copies of disclosable public records in the possession of the agency and ... promptly notify the person making the request of the determination and the reasons therefor”
Aug 5	SFPD	I received two <i>apparently completely empty</i> followup emails from SFPD’s automated records portal: "San Francisco Police Records Portal <sanfranciscopd@mycusthelp.net>". SFPD claims in its response that these emails supposedly notified me of the withholding of metadata and justifications thereof, and also gave the (late) formal GC §6253(c) determination. I had never received the supposed bodies of these responses until the SFPD put them in its Sept 23 formal response, which I got from SOTF Clerk further later. Example: From: San Francisco Police Department 08/05/2019  Subject: Public Records Request :: P008260-071519  From: San Francisco Police Department 08/05/2019  Subject: Public Records Request :: P008260-071519  Even if you take SFPD’s assertion as true (which I dispute), Aug 5 is still after the July 26 extended due date.
Aug 26	SFPD	55 days after request, first records disclosed, with redactions. Generic Justification: “Some redaction was done in accordance with Cal Constitution Article 1, Privacy and Gov Code 6254(f) open investigation/intelligence/ security file information.” 67.26 (No clear reference) - Each redaction must be “keyed by footnote or other clear reference to the appropriate justification.” They did not do this.
Aug 29	SFPD	Email Disclosure set #2 with redactions, again with various generic justifications 67.26 (No clear reference, see above)
Aug 31	SFPD	Email Disclosure set #3 with redactions, again with various generic justifications 67.26 (No clear reference, see above)
Sep 1	Anon.	Follow-up for status, asking whether <i>City of San Jose</i> searches of personal property were conducted.
Sep 3	SFPD	Status report provided. Indicated no personal records found as of that time.
Sep 12	Anon.	Another follow-up. Reminded SFPD of their SFAC 67.26 obligations. I asked for the required determination of whether SFPD possesses any responsive records AND whether they had withheld any records in full.
Sep 13	Anon.	Filed SOTF complaint 19098, and Sup. of Records petition. I alleged SFAC 67.21, 67.26, 67.27, Gov Code (CPRA) 6253 and 6253.9.

Sep 13	SFPD	Text messages disclosed in a text-database-style format 67.27 (Must justify withholding using a law/case) - Some redactions had no legal justification at all, example: "2911489198 6456681656 7/14/19 0:21 AT&T Message 0 ""I know XXXX well. Thx. Please let me know when confirmed. """)) 67.27 (Must justify using a law/case) - For unknown reasons, the identity of the parties sending/receiving the text messages was withheld.
Sep 17	SOTF	Formal notice to SFPD re: my complaint.
Sep 23	SFPD	Formal response to SOTF re: my complaint.
Sep 28	SFPD	Accepts requirement to giving footnotes/references to justification for each redaction Nov 14, and starts producing them going forward
Nov 14	SFPD	Certain hyperlinks and attachments previously withheld now provided. 67.26 - Certain images like logos and footers in emails they are apparently technologically simply unable to provide. Not sure why.
Sep 28 thru Dec 4	SFPD	Further disclosures, now with footnotes to justifications (drawn on with pencil or pen on electronic records). All of these documents appear to have been printed and scanned multiple times, sometimes to the point of incomprehensibility. 67.26, 67.27 - Non-metadata information like color/full quality images is still being withheld without justification.

A. EXAMPLES OF VIOLATIONS OCCURRING PRIOR TO TIME OF INITIAL COMPLAINT

The following are examples of violations that occurred prior to the time of the initial complaint. The allegation numbers match the numbers in my original complaint, prefixed with "A," and now with examples.

- A.1. **SFAC 67.21(b), untimely response** - First response was on July 15, past the 10-day deadline after July 2 request. First record was provided on August 26, which is 55 days after July 2.
- A.2. **SFAC 67.21(k), Gov Code 6253(c)** requires within 10-days (plus 14-day extension) that SFPD must "determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and ... promptly notify the person making the request of the determination and the reasons therefor." This was due on or before July 26 (10 + 14 days after July 2). Respondents provided this determination either on Aug 5 (from their records, but not mine) OR Sept. 3 (from my records) - either way, this is untimely.
- A.3. **SFAC 67.21(l) and/or Gov Code 6253.9(a)** - the request stated:

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. For the chat apps, a screenshot or print-out is acceptable.

If you use PDF, use properly redacted searchable or text pdfs. Please don't use image PDFs to make it harder to analyze the records.

Neither the original electronic format, nor the "easily generated" .EML or .MSG formats were provided. (Please note that some records have been provided in text PDF, but others are clearly printed/scanned. It is not known why these discrepancies exist.)

- A.4. **SFAC 67.21(k), Gov Code 6253(b)**; failed to disclose exact copies:
 - A.4.1. Disclosed records lack the originals' colors, hyperlinks, images (sometimes images are provided but with very low quality), ~~metadata~~ (moved to A.7), email addresses, and other parts of records. It is unknown why they were produced in such a fashion.
 - A.4.2. Cmdr Daryl Fong did not disclose copies of his emails. Instead for each responsive email he forwarded that email to someone else, and then copied those forwards which alters the email. It is unknown why this was done - most of the other custodians produced the emails themselves. To be clear, this is not *just* an alteration of the metadata, but also alters the printed or "face" of the record, and is thus not an "exact copy."
- A.5. **SFAC 67.26** - every withholding/redaction must be "keyed by footnote or other clear reference to the appropriate justification." Please note also that **all** withholding must be justified, so every piece of information withheld in A.4 is also a 67.26 violation. (Some justification was later provided)
- A.6. **SFAC 67.27** - the withholding of the original electronic formats, or .eml, or .msg was not justified.
- A.7. **SFAC 67.26** - all email metadata was withheld, **SFAC 67.27** without justification
- A.8. **SFAC 67.26/67.27** - city employee email addresses were withheld within certain messages were withheld. No justification.
- A.9. **SFAC 67.26/67.27** - hyperlinks in messages / attachments were withheld without justification. (some were later provided)
- A.10. **SFAC 67.21(k), incorporating CPRA, as interpreted judicially in City of San Jose v Superior Court (2017)**; and must provide all records on personal accounts/devices that are "about the conduct of public business," which are public records — Sgt. Andraychak

requested custodians turn over only a subset of all records deemed public under *City of San Jose v Superior Court* (2017). Andraychak told custodians: "If you do not use your personal email and/or mobile phone for work purposes, you would not have any responsive documents for items 2 and 3 below. " and "IF you do not use any of these accounts for work related purposes, please reply to that effect." That is not what the precedent requires; instead the Supreme Court held "when a city employee uses a personal account to communicate about the conduct of public business, the writings may be subject to disclosure under the California Public Records Act (CPRA or Act)." (emphasis mine) Communications about the conduct of public business is a wider universe of records than what Andraychak requested. Some custodians may not use their accounts for "work purposes" or "work related purposes" but may have still have communications "about the conduct of public business." The custodians must be instructed to search for all such records, and provide a determination of whether or not such records exist, whether or not they are exempt. For example, a custodian may not personally use their phone for work purposes, but a coworker may still send to their personal phone a text message about the conduct of public business. Such recipient must still search for and disclose such record.

Why this matters, consider this hypothetical:

A commanding officer never uses their personal email for work purposes, but a subordinate, uncomfortable with informing the CO on work email, informs the CO on personal email about some mismanagement at the department. This email is a public record and must be disclosed.

If asked to search pursuant to the whole scope of *San Jose*, we would get this email. But pursuant to Sgt. Andraychak's search terms, we would not get this email.

- A.11. 67.26/67.27 - Withheld Email header names without justification
- A.12. 67.26/67.27 - Withheld Email header values without justification

C. EXAMPLES OF CONTINUED VIOLATIONS THRU DEC 10

The following³ are new examples (not exhaustive) of the alleged failures to completely respond (SFAC 67.21), non-minimal withholding (SFAC 67.26), withholding/redaction without clear reference to justification (SFAC 67.26), failing to provide a statutory/case law exemption that is not prohibited in the City (SFAC 67.27), or failure to provide exact copies (SFAC 67.21(k), GC 6253(b)) in Respondents' latest disclosures.

- C.1. The sender/receiver names of text messages has not been disclosed. This is information you can see on the "face" of the text message.
- C.2. Due to the extreme degradation of records through the repeated printing/scanning process used, I also allege **all** records provided are not exact copies.
- C.3. Numerous **City** or **government** phone numbers are partially or completely redacted under "Privacy, Cal Constitution, Art I; SF Admin Code, 67.1(g)" - all are challenged. This information is not in fact exempt under the law cited. Examples:

John Sanchez
Forensic Services Director
San Francisco Police Department
*Direct: 415-[REDACTED] ~ *

R.KHAN #6359
Supervisor
Criminal Identification Bureau. Rm. 475
SF Police Department.
850 Bryant Street, SF, Ca. 94103
Office: (415) 553-1416
*Direct: (415) 553-[REDACTED] ~ *
Fax: (415) 553-1316
email-Rahoof.khan@sfgov.org

Officer Samuel Fung #42
San Francisco Police Department
CSI - Multimedia Evidence Unit
415-553-1[REDACTED] (work) ~ \
415-589[REDACTED] (work cell) ~ \

San Francisco, CA 94158
patrick.n.leung@sfgov.org
415-837-7[REDACTED] (work) ~ \
415-[REDACTED] ~ \

- C.4. Cdr_Lazar_CED_1.pdf
 - C.4.1. page 12 - an unintelligible B/W copy of a photo of an incident provided by one city employee to another (therefore information has been withheld, and also not an exact copy)
 - C.4.2. page 22, bottom of last email cut off after "Thank you," (unjustified withholding)
 - C.4.3. page 19, bottom of last email cut off after "Thank you," (unjustified withholding)
- C.5. Dir_Forensic_Snchz_IN1.pdf

³ The Supervisor of Records is requested to treat these items as a further SFAC 67.21(d) petition for written determinations whether the records or any parts thereof withheld are public.

C.5.1. page 2, the name of a person is redacted in the body yet is disclosed in the subject

Mr. Gordon

5 This is just for your information. 5 [REDACTED] was working on the book desk, Darcy and Joanne are working in Print Room. At approximately 1150hours Darcy walked to the book desk and saw 5 [REDACTED] crying. Darcy came to me and informed me. I approached [REDACTED] and noticed an uncontrollable crying but [REDACTED] would not let me know as to what the problem was. I asked 5 [REDACTED] if she wanted to go home and she just shook her head indication "Yes". I have sent her home. 5
Enjoy your vacation. 5

C.5.2. Page 3, named attachment withheld / no justification

From: Fung, Samuel (POL)
To: Sanchez, John (POL)
Subject: Re: Printer replacement request
Date: Friday, July 12, 2019 12:56:43 PM
Attachments: Printer replacement memo approved.pdf

C.5.3. Page 11, named attachment withheld / no justification

From: Heather Conner
To: Sanchez, John (POL)
Subject: RE: A Request
Date: Monday, July 15, 2019 7:39:08 AM
Attachments: 8651127 (1).docx

C.5.4. Page 25 has fully redacted a message about some contract issue under SFAC 67.24(e)(1) and SFAC 67.21(a)(1). The sole potential exemption in 67.24(e)(1) is "a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract or other benefit until and unless that person or organization is awarded the contract or benefit." The sole potential exemption in 67.24(a)(1) is "the recommendation of the author" only under the circumstance when the "document is not normally kept on file *and would otherwise be disposed of*," furthermore, "its factual content is not exempt." Respondent misconstrues these exemptions to be all information about contracts not rewarded and all recommendations of authors - that is not true. Only the minimal portions of this page that fall under the above categories may be redacted.

C.6. DC_AIR_ALI_SENT_Redacted.pdf

C.6.1. Page 12, 15 - unintelligible copy (note that only *part* of the photos were withheld for privacy)

PROPOSED COMPROMISE

I agree to withdraw⁴ all allegations in this complaint 19098 except metadata-related allegations #A3, #A6, #A7, #A11, and #A12, if Respondent Chief Scott states in a letter signed by him, addressed to myself, the Task Force, and cc-ed to the Police Commission, and published as a public record on the SFPD public website, as a communication to the Police Commission, and in an SOTF agenda as a communication to the Task Force, that:

- (1) SFPD admits it violated SF Admin Code (Sunshine Ordinance) 67.21, 67.26, and 67.27 and Gov Code (CPRA) 6253 by: (i) providing an untimely and incomplete response to a records request, (ii) failing to provide exact copies of records, (iii) withholding more than the minimum exempt portions of public records, and (iv) failing to identify by footnote or clear reference a statutory or case law justification for every redaction and withholding; in SOTF Case 19098 regarding emails and other electronic communications of SFPD's leadership, and
- (2) SFPD publishes on its public website an email address to receive public records requests pursuant to SFAC 67.21(b), and
- (3) SFPD commits to disclosing all non-exempt portions of public records, providing exact copies of records, and providing clear reference, such as by footnote, to statutory or case law justification for each and every redaction or withholding, in every response to a public records request, in accordance with the Sunshine Ordinance and California Public Records Act, and will update its training and procedures to reflect these requirements, and
- (3) SFPD shall publish Scott's letter, my complaint, my request, this document, and all (lawfully and correctly redacted) records responsive to this request, on the SFPD public website.

I intend to proceed to the full Task Force and seek an SOTF Order of Determination regarding all of the Respondents' violations in this case, unless Respondents commit, as specified above, to strict compliance with the Sunshine Ordinance going forward. This compromise does not involve the metadata-related allegations #A3, #A6, #A7, #A11, and #A12, as I understand SFPD is not willing at this time to provide the metadata.

Respectfully submitted,

ANONYMOUS

Complainant/Petitioner

⁴ I do not agree to waive any other rights including for future, past, or other pending complaints before SOTF, nor do I waive any other rights whatsoever, including but not limited to rights of appeal before the Supervisor of Records or a court of law for this or any other complaint or records request. The sole offer is that I withdraw the specified allegations of this complaint from SOTF.

EXHIBIT A - Nov 13, Supervisor of Records Petition #2

Supervisor of Records,

** NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

Thank you for your response. There is no Exhibit A, but I will assume it is the same Exhibit A in your other responses. We do not concede any, and will contest all, of your arguments at SOTF and/or Court when the time comes.

However, some of the issues remain pending even under your analysis. You may consider this another 67.21(d) petition for a written determination whether any part of the records described below are public.

Re #4, 8, 9, 12 - If these records were simply produced properly even in PDF format, most of these issues would be solved, as PDFs can easily handle hyperlinks, color, images and formatting. I know the City knows how to produce proper PDFs of emails since most agencies do it, even the Police Commission itself. Unfortunately SFPD did not actually convert to PDF - they printed these electronic records on physical paper and scanned them back in, which destroys much of the information. For example, take a look at pg 27 of the record identified by SFPD as "Cdr_Inv_inbox1" - it is completely unintelligible due to the fact it is printed and scanned, and thus is not an exact copy of even the "screen" visible portion of the email. Disclosing all email copies as converted directly to PDF is completely practicable and must be done to produce additional public parts of the records, including but not limited to the unintelligible images on that pg 27.

Re #4 - You did not respond to the issue re: Cmdr Fong's records. His emails were not even provided, even in the supplemental production (see SFPD supplemental records "Cdr_GG_Fong_out1" and "Cdr_GG_Fong_in1"). Instead each responsive email was forwarded, creating a new record that does not have the same content as the original record. A copy of that forwarded email was then provided to us. This is not an "exact copy" of the responsive records as required under the CPRA for at least the following reasons:

- (1) the forwarded email is a distinct record with a date **after** our request date,
- (2) they are between Fong and Andraychak, but not between the original parties,
- (3) they include additional descriptive comments by Fong in their body, and
- (4) forwarding does not preserve all parts of the original email.

Please disclose a copy of the Fong responsive records, which at this point are still therefore being withheld. We know copies of emails are "practicable" as opposed to copies of forwards of emails, since other custodians provided them (subject to the other caveats throughout the petition).

Re #9, You have asked that I identify the hyperlinks further: I would like every hyperlink in each of the emails that were responsive to this request. They are public parts of these records, and I do not need to list them one by one. You, not I, are required to determine if **any part** of the records are public since of course **I cannot even know** which apparently underlined text may or may not be a hyperlink in the original record. I requested these emails in the original request, and the hyperlinks are parts of the responsive emails. Hyperlink URLs are generally typed in manually by the author of the email thus there can be no doubt that these are "writings" and thus a public record, regardless of the City's legal strategy against metadata. For example, to make a hyperlink you would generally highlight some part of the text, click a menu item to add a hyperlink, and then type in the link URL. I am not asking for the web pages at the

other end of the link, just the link URL itself (the content of the target webpages are not responsive records per my request). If the City just uses proper PDFs this problem should be solved.

Re #4 & 12 - You have argued that the PDF format is an acceptable reason to exclude metadata. However, we recently learned the City *does* produce PDF email public records with metadata in a fully redactable PDF form. So it is possible for SFPD to produce in the PDF format but still produce at least some public metadata. See for example Police Commission records request P008994-091119 for responsive PDF emails with fully accessible email addresses, hyperlinks, email headers, and other metadata. The City must produce directly converted PDFs of the emails which may at least include some additional metadata (including government email addresses).

Re #11 & 12 - you have miscited Gov Code 6253(a) because you have excluded the context of the limitation re: reasonable segregation. Your cited clause limits inspection (in person, during business hours), not copying, of records to reasonable segregable portions. As you know, inspection and receiving a copy are distinct rights the public has with respect to records under the CPRA. Furthermore, the Sunshine Ordinance (SFAC 67.26) requires minimal withholding, not reasonable segregation, regardless. I requested only copies.

Re #13 - Below is an example of a portion of the text message record "Cdr_Pete_Walsh_Risk_Management" (from pg 8 of the supplement).

Any normal user view of a text message would show who sent each of these messages. Was it Walsh or the other party? Who is the other party(ies)? This problem applies to all of the produced text messages. We have the identity of one party, but not the other parties, and we don't know which party sent which of the messages. We need these public part of a record for all disclosed text messages.

Example:

ThreadId	MessageId	Date (UTC)	Network	Message	Type	AttachmentCount	Body
2855834247	6459701350	7/15/19 20:24	AT&T	Message	0		""I have a 130. Come up after to touch base?""
2855834247	6459701483	7/15/19 20:26	AT&T	Message	0		""I have a 2:00. I am free after that ""
2855834247	6459701427	7/15/19 20:26	AT&T	Message	0		""Copy""
2855834247	6459701425	7/15/19 20:26	AT&T	Message	0		""Copy""
2855834247	6459883599	7/15/19 21:51	AT&T	Message	0		""Free?""

Sincerely,
Anonymous

Leger, Cheryl (BOS)

From: 81412-71801448@requests.muckrock.com
Sent: Wednesday, October 23, 2019 1:57 PM
To: SOTF, (BOS)
Subject: RE: California Public Records Act Request #P009438-101619
Attachments: P943820-20responsive201_Calendar_09.30to10.07.19_wC9OAYQ.pdf;
P943820-202019.10.2320sfpd20response_29kcqQg.pdf; request-and-19047-minutes.pdf

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

October 23, 2019

This is a follow up to request number P009438-101619:

REF# SFPD P009438-101619 - NEW SFAC 67.21(e) Complaint/Petition

SOTF,

**** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. ****

Complainant: Anonymous (81412-71801448@requests.muckrock.com)
Respondents: Police Department, Chief of Police William Scott, Lt. R. Andrew Cox #287
Allegations: SFAC 67.21, 67.26, 67.27

(Not related to metadata)

SFPD is withholding calendar entries under Prop G, but Prop G simply cannot exempt any records that already exist but don't fall under Prop G.

SOTF already held in 19047 Anonymous v Mayor London Breed that this is unlawful.

(Please consult the Supervisor of Records' petition response of Sept. 6, and the SOTF ruling against the Mayor in SOTF 19047 Anonymous v Mayor London Breed, et al. regarding these issues.).

Attached is the request, response, responsive records, and the minutes for SOTF 19047 Oct. 2.

Sec 67.29-5 does not exempt any records that are owned, retained, prepared, or used, by the agency. SFPD has no legal authority to delay production of any record, even a Prop G calendar, for any time. All calendar records owned, retained, prepared, or used by the agency must be disclosed, unless exempt. 67.29-5 is not even written as an exemption section - only the exemptions in the CPRA can even apply, the Sunshine Ordinance can only ban exemptions it is not even allowed to create new exemptions.

I want all responsive records, including all Prop G (future or past) and all non-Prop G calendars, whether on government or personal property (City of San Jose v Superior Court), for my request turned over immediately as public records, except with specific redactions and justifications.

The format/metadata of these records is not currently at issue in this petition.

I incorporate by reference all arguments I made in case 19047
(https://sfgov.org/sunshine/sites/default/files/sotf_100219_item7.pdf).

Sincerely,
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 81412-71801448@requests.muckrock.com

Upload documents directly:

[https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAIhurUlivYH6nOIYOjBnljGM0%3A1iNNgw%3A58dn409YtFBbI7-](https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAIhurUlivYH6nOIYOjBnljGM0%3A1iNNgw%3A58dn409YtFBbI7-aJhRSJ1p9nJY&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Fcalendars-and-meetings-immediate-disclosure-request-81412%252F%253Femail%253Dsotf%252540sfgov.org)

[aJhRSJ1p9nJY&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Fcalendars-and-meetings-immediate-disclosure-request-81412%252F%253Femail%253Dsotf%252540sfgov.org](https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAIhurUlivYH6nOIYOjBnljGM0%3A1iNNgw%3A58dn409YtFBbI7-aJhRSJ1p9nJY&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Fcalendars-and-meetings-immediate-disclosure-request-81412%252F%253Femail%253Dsotf%252540sfgov.org)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 81412

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On Oct. 23, 2019:

Subject: RE: California Public Records Act Request #P009438-101619

REF# SFPD P009438-101619 - New SFAC 67.21(d) petition

Supervisor of Records,

**** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. ****

SFPD is withholding calendar entries under Prop G, but Prop G simply cannot exempt any records that already exist but don't fall under Prop G (Please consult your own Supervisor of Records' petition response of Sept. 6, and the SOTF ruling against the Mayor in SOTF 19047 Anonymous v Mayor London Breed, et al. regarding these issues.).

Attached is the request, response, and responsive records.

Sec 67.29-5 does not exempt any records that are owned, retained, prepared, or used, by the agency.

SFPD has no legal authority to delay production of any record, even a Prop G calendar, for any time.

All calendar records owned, retained, prepared, or used by the agency must be disclosed, unless exempt.

67.29-5 is not even written as an exemption section - only the exemptions in the CPRA can even apply, the Sunshine Ordinance can only ban exemptions it is not even allowed to create new exemptions.

I want a written determination under 67.21(d) no matter what happens after filing of this petition.
I want all Prop G (future or past) and all non-Prop G calendars responsive to my request turned over immediately as public records, except with specific redactions and justifications.
The format/metadata of these records is not currently at issue in this petition.

Sincerely,
Anonymous

On Oct. 23, 2019:
Subject: RE: California Public Records Act Request #P009438-101619
REF# P009438-101619

Sec 67.29-5 does not exempt any records that are owned, retained, prepared, or used, by your agency.
You have no legal authority to delay production of record for any time.
Please consult the Supervisor of Records' petition response of Sept. 6, and the SOTF ruling against the Mayor in SOTF 19047 Anonymous v Mayor London Breed, et al. regarding these issues.

I will immediately appeal your response.

On Oct. 23, 2019:
Subject: Public Records Request :: P009438-101619
Attachments:
P9438 - 2019.10.23 sfpd response.pdf (https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsolsnXbuEgm-2FN-2B3KuyZ5YHnuXVUop6SBUj6Zl2gPWQsh2hjE0JdlwH66QdMJzrpYUZ4H0oDUn9cqKrPktPrLi0CPeV6JhPmxHQqhE8SBilByC-2FmFUDCw9sWTQZ9Nv6UT1hZ7nQ0ImqRFBRCFgwO4a5pcndfUp73CX7up5EuDLV9TSbGouEoBoPVO-2BDFkIXFmZayWv0CaKtag1bQY-2BJ7z0-2FPtHCjga8ix3es-3D_xvw-2Fq5Qf9Z0xuMyoz7A9OyA4BnKd7iiC2u2QRAa4wUP8BCICPavJGuOXm5ue-2BZ9mxtkQgZo905zN2pdo6HGtL-2FkXO87QJhQNU5TMXL8AXnCGRR5PgwxRpZZEsj3n9Vv6llkI9fU67Sx0QC9cSMMFdnNtADxd70hZYtGrIjQAeiDvqMFenDF9pmua97FqcoJnOMVnK3w2o5DWg-2BnkrBlEac178O1SBza3rWfRcBYhkMu46ZisEbG-2F6CulvdT9Pn4Y9DLNXYV-2FpbAGzuzMLVNwpNEW3F9vE4SMs1dJUsDVOFDEXR27dy85u5b7HJ65JUNG0XmYo-2BoqTs8FIQQc6s-2BIMuS-2BCSsGkb-2FsVX8dtSc-2FQUdNrB9SdykXo2v-2Ft7lIToMKQjDoZElfzVtqTruWStsECg-3D-3D)
P9438 - responsive 1_Calendar_09.30to10.07.19.pdf
(https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsolsnXbuEgm-2FN-2B3KuyZ5YHnuXVUop6SBUj6Zl2gPWQsh2hjE0JdlwH66QdMJzrpYUZ4H0oDUn9cqKrPktPrLi0CPeV6JhPmxHQqhE8SBilByC-2FmFUDCw9sWTc71HY7EWtLJlwhvswG9GVX5cNQwhcl-2Bms-2BQulcrtsTQ7lqtUqWo9zxxz-2BwCRzakeqXmdNSKfQl-2Bx4vF1jVs0p9IPSY1xUwqDeG7A1hoMVYc-3D_xvw-2Fq5Qf9Z0xuMyoz7A9OyA4BnKd7iiC2u2QRAa4wUP8BCICPavJGuOXm5ue-2BZ9mxtkQgZo905zN2pdo6HGtL-2FkXO87QJhQNU5TMXL8AXnCGRR5PgwxRpZZEsj3n9Vv6llkI9fU67Sx0QC9cSMMFdnNtADxd70hZYtGrIjQAeiDvqMFenDF9pmua97FqcoJnOMVnK3w2o5DWg-2BnkrBlEac178O1SBza3rWfRcBYhkMu46ZisEbG-2F6CulvdT9Pn4YfD9ayBpsfrdqXPNwNxtLYuEEPoCKSbz-2BFOGSRxfc-2Fkuz74EHRDmGWSY7TiB8Cyqsu6R1Jpd1xc10Ry-2BnbAiRAuoV0PDEUejyDQ-2F1esZTvo9igXyL8nvWbUe5Q5w-2FT7k5mextt2FFbYcw0UeFP2Pg-3D-3D)

--- Please respond above this line ---

October 23, 2019 Via email 81412-71801448@requests.muckrock.com
Anonymous
Somer, MA 02144-2516
RE: Public Records Request, dated October 16, 2019, Reference # P009438-101619
Dear Anonymous:
In response to your request, please see attached documents.

Thank you.

Sincerely,

Lieutenant R. Andrew Cox #287

Officer in Charge

Risk Management - Legal Division

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

(https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsolsnXbuEgm-2FN-2B3KuyZ5YHnuXVUop6SBUj6Zl2gPWQsh2hjE0JdlwH66ZMXJDGxIkhWqlkMGRI8K8Y4-2BoObP4HI0zB8wvvSoDxwWJGu9nPvz75NA05BZvdNv_xvw-2Fq5Qf9Z0xuMyoz7A9OyA4BnKd7iiC2u2QRAa4wUP8BCICPavJGuOXm5ue-2BZ9mxtkQgZo905zN2pdo6HGtL-2FkXO87QJhQNU5TMXL8AXnCGRR5PgxwRpZZEsj3n9Vv6llkI9fU67Sx0QC9cSMMFdnNtADxd70hZYtGrIjQAeiDvqMFenDF9pmua97FqcoJnOMVnk3w2o5DWg-2BnkrBIEac178O1SBza3rWfRcBYhkMu46ZisEbG-2F6CulvdT9Pn4Y7nfegdrPXK28-2BiTbUBTkTrWryoLHsr8wXTC09KytD-2BSTBCPX7b1rgX5foEYzARcU8GD3clevzKCfe13dYOaB9X9AQ3rWeFuJB-2BgZxTYN2bQvEhrWSwfESI8dfK2JPNad0Xc8N8-2FleV5dBwELMCUwa-3D-3D)

This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

On Oct. 16, 2019:

Subject: RE: California Public Records Act Request: Calendars and Meetings - Immediate Disclosure Request

Why does this say you received the email Oct 15?

On Oct. 16, 2019:

Subject: Public Records Request :: P009438-101619

Attachments:

P9438 - 2019.10.16 sfpd response.pdf (https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsolsnXbuEgm-2FN-2B3KuyZ5YHnuXVUop6SBUj6Zl2gPWQsh2hjE0JdlwH66QdMJzrpYUZ4H0oDU9cqKrPktPrLi0CPeV6JhPmxHQqhE8SBilByC-2FmFUDCw9sWTg0giEndtmx83FTgqVkj-2FkXvW8Htg3P-2BeiQK9-2BiSDROeWEJmo1mKVXoKoggoli4plRFKVR-2FpGE5aKHsG-2FZzo6PVtyF4j5dEK-2BVCPqiirXWZw-3D_xvw-2Fq5Qf9Z0xuMyoz7A9OyA4BnKd7iiC2u2QRAa4wUP8BCICPavJGuOXm5ue-2BZ9mxtkQgZo905zN2pdo6HGtL-2BuSBEM9G-2BcwEBVUfuWiYQX-2FGkfOv1pDbICEsPPCdHZLq6eu16owk28dI2lIBGK-2BpleZ4Ne73OAnvZbO7cmAs6UEQXIWtiNRaviYwp8QUd7CxM0SLpjLVfCVghzwoCZkC3SraZy-2BcP8aiYRWcKrHlu1h2RG9KJy1mK42T7tBRwy6MTJ9SeRPMb67-2BbizinVCP2ZR8betwkuL3rVjsDOOnHAenO8DbZauvlvyjuJFBEQeIUT29RfJ7VDcTFRbe-2F7pC8U4ye835cWTDMgB8SNK7HVFvVr9ulRRgXbiRSbeibeMmiu3qnd9VAJ4uw2jQeHMDZQ-3D-3D)

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Risk Management - Legal Division

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2FexFzXrOlko88yjnNReLAJImxTj8-2BCiTAZw0IbvhhkbUEcuE56yLTkA-3D-3D)

This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

On Oct. 8, 2019:

Subject: California Public Records Act Request: Calendars and Meetings - Immediate Disclosure Request
SFPD,

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. **

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance and the CPRA, made on October 8, 2019 re: your department head's calendars. This is also a 67.21(c) request for the statement of quantity, nature, and form (even if exempt!) for each of #1, 2, and 3, within 7 days without extension. For the quantity of #1, I would like the number of meetings, each of which is an item being requested.

All calendars, whether Prop G/67.29-5 or not, that your agency prepared, owned, used, or retained re: the public's business are public records (see SOTF 19047; Sup. of Records response of Sept. 6; and Good Government Guide).

All records must be provided in rolling fashion. If you use a web portal, you must make all records open without login or terms and conditions; or you may provide records as attachments.

Please read carefully the exact wording of my request as it is different than my prior ones. Please follow the Ordinance precisely as I am auditing your agency's public records regimen; as you are well aware, every violation of the Sunshine Ordinance will be appealed.

Please provide:

1a). IMMEDIATE DISCLOSURE: an electronic copy of the department head's *prospective/expected* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the department head, whether the department head themselves possesses them or their staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to virtually print/export each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately). Do NOT physically print and re-scan records

1b). IMMEDIATE DISCLOSURE: an electronic copy of the department head's calendar or schedule, with all events/items, from Sep 30 to Oct 7, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the department head,

whether the department head themselves possesses them or their staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to virtually print/export each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen - that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately). Do NOT physically print and re-scan records.

2. REGULAR DISCLOSURE: If the department head or any of the department head's staff uses any invitation/guestlist tracking systems on behalf of the department head (such as Outlook's invite mechanism OR regular emails), those items are included within the scope of this request #2, for the date range in #1. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

3. REGULAR DISCLOSURE: Furthermore, I request that a City of San Jose v Superior Court (2017) search be performed of the department head, their senior-most deputy, their chief of staff (or equivalent, and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to #1 that are present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 81412-71801448@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAlhurUlivYH6n0IYOjBnljGM0%3A1iNNgw%3A58dn4O9YtFBbI7-

[aJhRSJ1p9nJY&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Fcalendars-and-meetings-immediate-disclosure-request-81412%252F%253Femail%253Dsotf%252540sfgov.org](https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAlhurUlivYH6n0IYOjBnljGM0%3A1iNNgw%3A58dn4O9YtFBbI7-aJhRSJ1p9nJY&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Fcalendars-and-meetings-immediate-disclosure-request-81412%252F%253Femail%253Dsotf%252540sfgov.org)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 81412

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.



**SAN FRANCISCO POLICE DEPARTMENT
CHIEF WILLIAM SCOTT
HIGHLIGHTS FOR MONDAY, SEPTEMBER 30**

**0900 hours MEETING: City Department Human Resources
Re: Personnel Issue
Location: PHQ, CHIEF'S OFFICE CONF. ROOM**

**1000 hours MEETING: Staff
Re: Personnel Issue
Location: PHQ, CHIEF'S OFFICE CONF. ROOM**

**1130 hours MEETING: Community Group
Wealth & Disparities in the Black Community
Phelicia Jones, Jean Bridges
Location: PHQ, FIRST FLOOR ROOM #1025**

**1300 hours MEETING: Staff
Re: Operations Briefing
Location: PHQ, CHIEF'S OFFICE**

**1400 hours MEETING: Staff
Re: Policy Briefing
Location: PHQ, CHIEF'S OFFICE**

**1530 hours ATTEND: Meeting with SF Travel
Invited by Mayor's Office
Location: CITY HALL, MAYOR'S OFFICE**

**1800 hours ATTEND: Youth Town Hall and Youth Summit
Location: CORNERSTONE BAPTIST CHURCH
3RD STREET AND GILLMAN**

**SAN FRANCISCO POLICE DEPARTMENT
CHIEF WILLIAM SCOTT
HIGHLIGHT FOR TUESDAY, OCTOBER 1**

**0900 hours TRAINING: Leadership Development
Cohort Working Group (ALL DAY)
Location: PRESIDIO, 1299 STOREY AVENUE**

**SAN FRANCISCO POLICE DEPARTMENT
CHIEF WILLIAM SCOTT
HIGHLIGHTS FOR WEDNESDAY, OCTOBER 2**

0900 hours	MEETING: Staff Re: Personnel Issue Location: PHQ, CHIEF'S OFFICE CONF. ROOM
1000 hours	MEETING: Staff Re: Projects Update Location: PHQ, CHIEF'S OFFICE
1100 hours	MEETING: Staff Re: Crime Trends Briefing Location: PHQ, CHIEF'S OFFICE CONF. ROOM
1300 hours	MEETING: Allied Universal Event Services Doug Morse Re: Cadet Hiring Program Location: PHQ, CHIEF'S OFFICE CONF. ROOM
1400 hours	EVENT: Pink Patch Project Kick Off Event Location: IN FRONT OF PHQ
1500 hours	MEETING: Staff Re: Personal Development Location: PHQ, CHIEF'S OFFICE
1600 hours	MEETING: Sean Elsbernd Re: Chief of Staff Briefing Location: CITY HALL, ROOM 200
1630 hours	MEETING: Mayor London Breed Re: Mayoral Briefing Location: CITY HALL, ROOM 200

1730 hours

ATTEND: Police Commission Meeting

Location: CITY HALL, ROOM 400

**SAN FRANCISCO POLICE DEPARTMENT
CHIEF WILLIAM SCOTT
HIGHLIGHTS FOR THURSDAY, OCTOBER 3**

- 0930 hours ATTEND: Event Preparedness Briefing
Re: 2019 Citywide Fleet Week
Location: 1011 TURK STREET**
- 1030 hours ATTEND: Press Event
RE: Fleet Week
Location: 1011 TURK STREET**
- 1115 hours ATTEND: HSOC Principals Policy Group
Location: CITY HALL, ROOM 201**
- 1400 hours ATTEND: Event
Re: Chief Toney Chaplin's Swearing-In Ceremony
Location: HAYWARD CITY HALL ROTUNDA
777 B STREET, HAYWARD**

**SAN FRANCISCO POLICE DEPARTMENT
CHIEF WILLIAM SCOTT
HIGHLIGHTS FOR FRIDAY, OCTOBER 4**

**0800 hours MEETING: Commissioner Robert Hirsch
Re: Weekly Briefing
Location: CONFERENCE CALL**

**1030 hours MEETING: Center for Policing Equity
Re: Discussion of National Justice Database Project
Ms. Krista Dunn
Location: CONFERENCE CALL**

**1330 hours ATTEND: Staff Discussion
Re: Collaborative Review Initiative Weekly Meeting
Location: PHQ, 5th Floor**

**1500 hours MEETING: Employee Group
Re: Monthly Discussion
Location: PHQ, CHIEF'S OFFICE CONF. ROOM**

**1600 hours MEETING: Staff
Re: Weekly Briefing
Location: PHQ, CHIEF'S OFFICE**

**1630 hours MEETING: Staff
Re: Community Engagement Updates
Location: PHQ, CHIEF'S OFFICE**

**SAN FRANCISCO POLICE DEPARTMENT
CHIEF WILLIAM SCOTT
HIGHLIGHT FOR SATURDAY, OCTOBER 5**

**1130 hours ATTEND: Community Event
Potrero Hill Community Awareness Resources
Entity (CARE) Barbecue
Location: IN THE CLEAR AREA BEHIND
 107 DAKOTA STREET**

NO PUBLIC EVENTS FOR SUNDAY, OCTOBER 6

**SAN FRANCISCO POLICE DEPARTMENT
CHIEF WILLIAM SCOTT
HIGHLIGHTS FOR MONDAY, OCTOBER 7**

0900 hours	ATTEND: Full-Scale Exercise RE: 2019 SF Fleet Week DSCA Disaster Debris and Route Reopening Location: PIER 27, EMBARCADERO SF
1030 hours	ATTEND: Mayor's Press Event Re: Fleet Week Kick-Off Location: PIER 27, EMBARCADERO SF
1230 hours	MEETING: Staff RE: Personnel Issue Location: PHQ, CHIEF'S OFFICE CONF. ROOM
1330 hours	MEETING: Staff RE: Command Staff Briefing Location: PHQ, CHIEF'S OFFICE
1400 hours	MEETING: Staff RE: Operations Location: PHQ, CHIEF'S OFFICE
1500 hours	MEETING: Labor Group Re: Monthly Briefing Location: PHQ, CHIEF'S OFFICE CONF. ROOM
1600 hours	MEETING: Staff Re: Personnel Issue Location: PHQ, CHIEF'S OFFICE CONF. ROOM

1800 hours

ATTEND: Community Meeting

Community Awareness Resources Entity (CARE)

Location: CARE OFFICE, 107 DAKOTA STREET



LONDON N. BREED
MAYOR

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



WILLIAM SCOTT
CHIEF OF POLICE

October 23, 2019

Via email 81412-71801448@requests.muckrock.com

Anonymous
Somer, MA 02144-2516

RE: Public Records Request, dated October 8, 2019, Reference # P009438-101619

Dear Anonymous:

The San Francisco Police Department (SFPD), Legal Division received your Public Records Act request on October 15, 2019.

You requested, * * "Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. * *

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance and the CPRA, made on October 8, 2019 re: your department head's calendars.

This is also a 67.21 (c) request for the statement of quantity, nature, and form (even if exempt!) for each of #1, 2, and 3, within 7 days without extension. For the quantity of #1, I would like the number of meetings, each of which is an item being requested.

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3.REGULAR DISCLOSURE: Furthermore, I request that a City of San José v Superior Court (2017) search be performed of the department head, their senior-most deputy, their chief of staff (or equivalent, and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to #1 that are present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly)."

On the same date, SFPD informed you that your request was not simple, routine, or otherwise readily answerable and it was considered a standard public records request that allows SFPD up to 10 days to respond.

Responsive records are included in this correspondence. Please note that certain information has been withheld in these materials under the following:

Govt. Code Sec. 6254(c) – personal information on the basis of privacy.

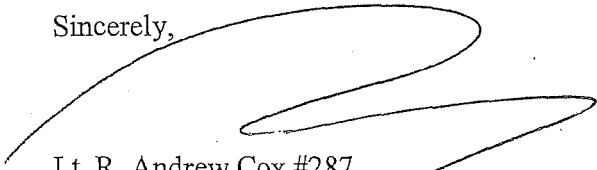
Admin Code 67.29-5(b) – attendees who fall under this section have been withheld including labor/employee groups and organizations, as well as members of the public who wished to remain anonymous.

Per Admin Code 67.29-5(e) – names of Department members are not provided when all attendees at the meeting are in the official's City department.

As for your request for the calendar for date range October 21 – 28, these records are not being provided per Admin Code 67.29-5(a). "Such calendars shall be public records and shall be available to any requester three business days subsequent to the calendar entry date." The SFPD will provide you with an update by October 29.

Thank you for your courtesy in this regard.

Sincerely,



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

Subject: California Public Records Act Request: Calendars and Meetings
- Immediate Disclosure Request
From: 81412-71801448@requests.muckrock.com
To: sfpdlegal@sfgov.org
Date: Tue, 08 Oct 2019 18:43:47 -0000

SFPD,

** Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly - once you send them to us there is no going back. **

This is a new Immediate Disclosure Request under the San Francisco Sunshine Ordinance and the CPRA, made on October 8, 2019 re: your department head's calendars. This is also a 67.21(c) request for the statement of quantity, nature, and form (even if exempt!) for each of #1, 2, and 3, within 7 days without extension. For the quantity of #1, I would like the number of meetings, each of which is an item being requested.

All calendars, whether Prop G/67.29-5 or not, that your agency prepared, owned, used, or retained re: the public's business are public records (see SOTF 19047; Sup. of Records response of Sept. 6; and Good Government Guide).

All records must be provided in rolling fashion. If you use a web portal, you must make all records open without login or terms and conditions; or you may provide records as attachments.

Please read carefully the exact wording of my request as it is different than my prior ones. Please follow the Ordinance precisely as I am auditing your agency's public records regimen; as you are well aware, every violation of the Sunshine Ordinance will be appealed.

Please provide:

1a). IMMEDIATE DISCLOSURE: an electronic copy of the department head's *prospective/expected* calendar or schedule, with all expected events/items, from Oct 21 to Oct 28, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the department head, whether the department head themselves possesses them or their staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to virtually print/export each item (not the summary view) directly to .PDF form in Outlook and

redact them. Do not cutoff information like long text that does not fit on the screen – that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately). Do NOT physically print and re-scan records

1b). IMMEDIATE DISCLOSURE: an electronic copy of the department head's calendar or schedule, with all events/items, from Sep 30 to Oct 7, 2019 (inclusive). Calendar items must include (but are not limited to): the exact start and end time of the meeting, the location, the title, all invitees and whether they accepted or not, attachments, inline images, if they exist in the record. We are specifically requesting ALL calendar/scheduling items, individually, for the department head, whether the department head themselves possesses them or their staff, whether they are labeled "Prop G" or not, and whether they are on a computer or in physical form (such as a diary, a physical calendar on a wall, etc.). You are welcome to virtually print/export

each item (not the summary view) directly to .PDF form in Outlook and redact them. Do not cutoff information like long text that does not fit on the screen – that would be unjustified withholding. In order to ensure immediacy of disclosure, in this and only this request, .ics format and headers are NOT specifically requested (though you are welcome to provide them if it can be provided immediately). Do NOT physically print and re-scan records.

2. REGULAR DISCLOSURE: If the department head or any of the department head's staff uses any invitation/guestlist tracking systems on behalf of the department head (such as Outlook's invite mechanism OR regular emails), those items are included within the scope of this request #2, for the date range in #1. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

3. REGULAR DISCLOSURE: Furthermore, I request that a City of San Jose v Superior Court (2017) search be performed of the department head, their senior-most deputy, their chief of staff (or equivalent, and deputy chiefs), and all personal/secretarial/administrative assistants, such that each such official either provide all records responsive to #1 that are present on their personal accounts/devices/property (solely to the extent the record or portion thereof relates to the public's business), or provide a declaration/affidavit that no such records exist. All such affidavits are also requested. In order to ensure rapid disclosure, in this and only this request, particular formats and headers are NOT specifically requested (though you are welcome to provide them if it can be provided rapidly).

Please provide only those copies of records available without any

fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

7. **File No. 19047:** Complaint filed by Anonymous against Mayor London Breed, Hank Heckel and the Office of the Mayor for allegedly violating Administrative Code, (Sunshine Ordinance) Sections 67.21 and 67.26 and 67.27 and Government Code (CPRA) 6253.9, 6253, and 6255, by failing to respond to a request for public records in a timely and/or complete manner.

Anonymous (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Anonymous provided an overview of the submitted presentation. Anonymous stated that the Office of the Mayor refused to provide documents in the requested format and metadata, objected to the redactions to the calendar and stated that the ICS version of the calendar was not provided. Anonymous stated that the Office of the Mayor did not provide the Mayor's non-Prop G or 2nd calendar account until months later, and those non-Prop G calendars are public records.

Hank Heckel (Mayor's Office) and Michael Makstman (Chief Information Security Officer) (Respondent), provided a summary of the department's position. Mr. Heckel referenced California Government Code, Sections 6252.9(f) and 6254.19, and Sunshine Ordinance, Section 67.21(l). Mr. Heckel stated that the format requested is not easily generated and would also create a security risk. Mr. Makstman provided information regard metadata and possible security risks.

Deputy City Attorney Peder Thoreen provided information and responded to questions from the SOTF.

A question and answer period occurred. The parties were provided an opportunity for rebuttals.

Action: Moved by Member Yankee, seconded by Member Cate, to find that Mayor London Breed, Hank Heckel and the Office of the Mayor violated Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26 and 67.27, by failing to provide records in a timely and/or complete manner, keep withholdings to a minimum, and justify the withholding of records.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 7 - Yankee, Martin, LaHood, Cate, Hyland,, J. Wolf, B. Wolfe

Noes: 0 - None

Absent: 2 - Cannata, Chopra

Excused: 2 - Tesfai, Hinze

Leger, Cheryl (BOS)

From: Anonymous.<arecordsrequestor@protonmail.com>
Sent: Saturday, October 19, 2019 11:24 PM
To: SOTF, (BOS)
Subject: SOTF 19047, 19091, 19097, 19098 - Documentation to add
Attachments: LOC-EML.pdf; LOC-MSG.pdf

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

Please enter the attached documents into the following file numbers, along with this transmittal email.

19047, 19091, 19097, 19098

The attached documents are the US Library of Congress's description of .EML and .MSG email file formats.

In addition, please let me know the new divided File # for the email metadata issues split out from 19091, and also add the attached documents to whatever that new file number is.

An acknowledgment would be appreciated.

Thanks,

Anonymous

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Go

[Introduction](#) | [Sustainability Factors](#) | [Content Categories](#) | [Format Descriptions](#) | [Contact](#)
[Format Description Categories](#) >> [Browse Alphabetical List](#)

Email (Electronic Mail Format)

[>> Back](#)

Table of Contents

- [Identification and description](#)
- [Local use](#)
- [Sustainability factors](#)
- [Quality and functionality factors](#)
- [File type signifiers](#)
- [Notes](#)
- [Format specifications](#)
- [Useful references](#)

Format Description Properties ¹

- ID: fdd000388
- Short name: EML
- Content categories: text, email
- Format Category: file-format
- Other facets: unitary, binary, structured, symbolic
- Last significant FDD update: 2014-04-01
- Draft status: Full

Identification and description ¹

Full name	Email (Electronic Mail Format)
Description	EML, short for electronic mail or email, is a file extension for an email message saved to a file in the Internet Message Format protocol for electronic mail messages. It is the standard format used by Microsoft Outlook Express as well as some other email programs. Since EML files are created to comply with industry standard RFC 5322, EML files can be used with most email clients, servers and applications. See IMF for a description of the message syntax. EML files typically store each message as a single file (unlike MBOX which concatenates all the messages from a folder into one file), and attachments may either be included as MIME content in the

	message or written off as a separate file, referenced from a marker in the EML file.
Relationship to other formats	
Defined via	<u>IMF</u> , Internet Mail Format

Local use ⁱ

LC experience or existing holdings	
LC preference	

Sustainability factors ⁱ

Disclosure	Partially documented through RFC 5322 but documentation about EML specifically is not readily available.
Documentation	There is no known specification that defines EML as a file format to store email messages on a file system although it is commonly considered to be an extension of <u>IMF</u> as defined in RFC 5322.
Adoption	Besides the Microsoft Outlook Express, EML files can be opened using most email clients, such as Microsoft Outlook, Microsoft Entourage, Mozilla Thunderbird, Apple Mail, or IncrediMail. Since EML files are plain text and formatted much like MHT (MIME HTML) files, they can also be opened directly in the Internet Explorer, Mozilla Firefox and Opera, by first changing the file extension from .eml to .mht. It is also possible to view EML files using notepad or any other text editor. Windows 8, however, does not natively support EML in the built in Mail application so an <u>EML Viewer</u> was developed in order to support reading EML files. Prom reports that <u>MBOX</u> and EML have "achieved a certain status as de facto standards because most modern email clients and servers can import and export one or both of the formats" including Thunderbird, Apple Mail, Outlook and Eudora. In addition, external programs such as Aid4Mail, Emailchemy and Xena can convert between the two formats and numerous proprietary formats. Once in an <u>MBOX</u> or EML format, the data can be parsed into XML using standardized schemas. Harvard University Libraries' <u>Electronic Archiving System (EAS)</u> normalizes email messages to EML.
Licensing and patents	None
Transparency	EML files are usually simple text files and can be opened in Notepad or a web browser, either by changing the extension from eml to txt or HTML, or by changing the file association to Notepad.
Self-documentation	See <u>IMF</u>

External dependencies	None
Technical protection considerations	None

Quality and functionality factors ⁱ

File type signifiers and format identifiers ⁱ

Tag	Value	Note
Filename extension	eml	
Internet Media Type	message/rfc822	This is the common MIME type for all formats based on RFC 822.
Pronom PUID	See note.	No corresponding PUID because EML is based on <u>IMF</u>
Wikidata Title ID	See note.	See <u>IMF</u>

Notes ⁱ

General	
History	

Format specifications ⁱ

- See IMF

Useful references

URLs

- PRONOM entry for fmt/278 (<http://nationalarchives.gov.uk/PRONOM/fmt/278>). Information in PRONOM from the UK National Archives about Internet Message Format which defines EML. PUID: fmt/278
- Internet mail message header format (<http://cr.yp.to/immhf.html>). Describes format of an Internet mail message header
- Archivematica Email Preservation (https://wiki.archivematica.org/Email_preservation). Brief formats descriptions including EML
- Wikipedia Email (<http://en.wikipedia.org/wiki/Email>). Includes discussion of many email formats including EML
- EML file extension - Email message file (<http://www.file-extensions.org/eml-file-extension>).

- Preserving Email: DPC Technology Watch report 2011 by Christopher J. Prom
(<http://dx.doi.org/10.7207/twr11-01>). Excellent coverage of issues with preserving email.

Last Updated: 06/06/2018

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[Digital Preservation Home](#) | [Digital Formats Home](#)

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Go

[Introduction](#) | [Sustainability Factors](#) | [Content Categories](#) | [Format Descriptions](#) | [Contact](#)
[Format Description Categories](#) >> [Browse Alphabetical List](#)

Microsoft Outlook Item (MSG)

[>> Back](#)

Table of Contents

- [Identification and description](#)
- [Local use](#)
- [Sustainability factors](#)
- [Quality and functionality factors](#)
- [File type signifiers](#)
- [Notes](#)
- [Format specifications](#)
- [Useful references](#)

Format Description Properties ⁱ

- ID: fdd000379
- Short name: MSG
- Content categories: text, email
- Format Category: file-format
- Other facets: unitary, binary, structured, symbolic
- Last significant FDD update: 2014-03-28
- Draft status: Full

Identification and description ⁱ

Full name	Microsoft Outlook Item (MSG)
Description	The Outlook Item MSG (.msg) file format is a syntax for storing a single Message object, such as an email, an appointment, a contact, a task, and so on, in a file. Any properties that are present on the Message object, including Attachment objects, are also present in the MSG file. MSG is based on the CFB_3 format which implements a simplified file system through a hierarchical collection of storage objects and stream objects which behave as directories and files, respectively within a single file. Message files contain objects which contain properties and collections of properties. For all intents and purposes,

	objects are represented by storages and properties are represented and reside in streams. MSG specifies five storage elements, each representing one major component of the Message object and a number of streams are contained within those storages, each stream representing a property (or a set of properties) of that component. The storages are: • Recipient object storage • Attachment object storage • Embedded Message object storage • Custom attachment storage • Named property mapping storage The numbers and types of storages and streams present in a MSG file depend on the type of Message object, the number of Recipient objects and Attachment objects it has, and other properties. Properties define attributes of the object like the sender email, whether a read receipt was requested by the sender, whether this message was auto forwarded, an attachment's filename, etc. String properties in MSG must be either Unicode or non-Unicode. The .msg File Format does not allow the presence of both simultaneously.
Production phase	MSG files provide a mechanism for the storage of an email message, an appointment, a contact, or a task within a file system.
Relationship to other formats	
Defined via	<u>CFB 3</u> , Compound File Binary File Format, Version 3
Defined via	<u>CFB 4</u> , Compound File Binary File Format, Version 4

Local use ⁱ

LC experience or existing holdings	
LC preference	

Sustainability factors ⁱ

Disclosure	Fully documented. Proprietary file format developed by Microsoft.
Documentation	<u>[MS-OXMSG]: Outlook Item (.msg) File Format</u> specification available from Microsoft.
Adoption	MSG is implemented in the following Microsoft products: Microsoft Exchange Server 2003-2013 and Microsoft Office Outlook 2003-2013.
Licensing and patents	The MSG format specification is covered by the Microsoft Interoperability Program. See <u>Useful references</u> below. Microsoft

	claims no patents in the MSG format. Patents and licenses may apply to some operations and protocols that are used by Microsoft in its electronic mail products and that the MSG format is designed to support. In late 2015, the only patents listed by Microsoft as associated with the related protocol specifications listed in this format description are associated with operational systems for managing messages according to a retention policy: US 8620869 B2 -- Techniques to manage retention policy tags ; and US 20140095641 A1 -- Techniques to manage retention policy tags .
Transparency	A .msg file can be saved in Outlook or compatible email client and then viewed in an hex editor or binary file parser.
Self-documentation	See CFB 3
External dependencies	None
Technical protection considerations	None

Quality and functionality factors ⁱ

File type signifiers and format identifiers ⁱ

Tag	Value	Note
Filename extension	msg	From specification
Internet Media Type	application/vnd.ms-outlook	Not registered with IANA but listed on MIME Types by Content Type .
File signature		See CFB 3

Notes ¹

General	Microsoft reports that there are scenarios for which storing a Message object in the MSG format would not be advisable: • Maintaining a large standalone archive. A better option would be a more full-featured format that can render views more efficiently. • Sending information to an unknown receiver. In this scenario, it is possible that the format is not supported by the receiver or that information that is private or irrelevant might be transmitted. MSG provides some security mechanisms for ensuring that clients read the correct number of bytes from constituent streams. • In the case of multiple-valued variable length properties, the length stream contains the lengths of each value. Clients can

	compare the lengths obtained from there with the actual length of the value streams. If they are not in sync, it can be assumed that there is data corruption. • In case of the strings, stream entries are stored prefixed with their lengths; and if any inconsistency is detected, clients can assume that there is data corruption.
History	

Format specifications ⁱ

- [\[MS-OXMSG\]: Outlook Item \(.msg\) File Format](https://msdn.microsoft.com/en-us/library/cc463912.aspx) (https://msdn.microsoft.com/en-us/library/cc463912.aspx). Format specification from Microsoft. Document covered by Microsoft Interoperability Program. No patents are associated with this specification..
- Property schemas for MSG Message objects are defined by separate documents. These protocol specifications are covered by the Microsoft Interoperability Program. See [Useful References](#) below. The only associated patents listed by Microsoft relate to active operation of a mail system that uses tags to manage and expire messages in line with a retention policy.
 - [\[MS-OXCMSG\]: Message and Attachment Object Protocol](https://msdn.microsoft.com/en-us/library/cc463900.aspx) (https://msdn.microsoft.com/en-us/library/cc463900.aspx). Specifies the basic property schema for a Message object
 - [\[MS-OXPROPS\]: Exchange Server Protocols Master Property List](https://msdn.microsoft.com/en-us/library/cc433490.aspx) (https://msdn.microsoft.com/en-us/library/cc433490.aspx). Specifies the basic property schema for a Message object and the default property schema for a Folder object

Useful references

URLs

- Helpful blog series from Microsoft Open Specifications Support Team Blog on MSG format
 - [MSG File Format \(Part 1\)](http://blogs.msdn.com/b/openspecification/archive/2009/11/06/msg-file-format-part-1.aspx) (http://blogs.msdn.com/b/openspecification/archive/2009/11/06/msg-file-format-part-1.aspx). Overview of the MSG format
 - [MSG File Format, Rights Managed Email Message \(Part 2\)](http://blogs.msdn.com/b/openspecification/archive/2010/06/20/msg-file-format-rights-managed-email-message-part-2.aspx) (http://blogs.msdn.com/b/openspecification/archive/2010/06/20/msg-file-format-rights-managed-email-message-part-2.aspx). General exploration of rights managed MSG email messages
 - [MSG File Format, Rights Managed Email Message \(Part 3\)](http://blogs.msdn.com/b/openspecification/archive/2011/06/14/msg-file-format-rights-managed-email-message-part-3.aspx) (http://blogs.msdn.com/b/openspecification/archive/2011/06/14/msg-file-format-rights-managed-email-message-part-3.aspx). More detail about rights managed MSG email messages
- Links related to the Microsoft Interoperability Program, a documentation program designed in connection with the 2009 Interoperability Undertaking between Microsoft and the European Commission. Covers Exchange-Outlook protocols documentation.
 - [Microsoft Interoperability Program](https://msdn.microsoft.com/en-us/library/gg134029.aspx). (https://msdn.microsoft.com/en-us/library/gg134029.aspx).
 - [Microsoft Statement on European Commission Decision, December 2009](http://news.microsoft.com/2009/12/16/microsoft-statement-on-european-commission-decision/). (http://news.microsoft.com/2009/12/16/microsoft-statement-on-european-commission-decision/).
 - [Persistent Microsoft link to Microsoft Statement on European Commission Decision, December 2009](http://go.microsoft.com/fwlink/?LinkId=179741). (http://go.microsoft.com/fwlink/?LinkId=179741).
 - [Microsoft Open Specifications Programs: Patent Promises and Patents](https://msdn.microsoft.com/en-us/openspecifications/dn750984) (https://msdn.microsoft.com/en-us/openspecifications/dn750984). Includes an interactive table that enables identification of any Microsoft patents or patent applications that Microsoft believes to be associated with a published specification.

- Microsoft Interoperability Program (MIP): Patent License and Covenant Agreements
(<https://msdn.microsoft.com/en-us/openspecifications/dn646762>). See Patent Pledge for Open Source Developers.
- See also CFB 3

Last Updated: 05/18/2018

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Leger, Cheryl (BOS)

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Thursday, October 3, 2019 6:09 PM
To: SOTF, (BOS); Young, Victor (BOS)
Cc: Calvillo, Angela (BOS)
Subject: RE: SOTF Admin - Case Management 19089, 19091, 19094, 19095, 19097, and 19098

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you. Until I hear otherwise, I still intend to present 19091 and 19094 as agendized to Oct. 15 and will have documents to you by the deadline. (19095 is not about email headers as stated previously.)

Re: the other complaints: If the Technology Committee will hear 19044 (as referred), 19097, and 19098 and make whatever splitting decisions it needs to, that makes sense. There is no justification however to delay the numerous non-email-header issues in 19097 and 19098.

Please let me know your conclusion when you have one.

Thanks,
Anonymous

----- Original Message -----

On Thursday, October 3, 2019 4:58 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:

Anonymous:

I will work with Chair Wolfe to determine the best way to handle 19097, 19098 and the other complaints. Please note that the Technology Committee can also hear complaints and divide the issues at their discretion.

Victor Young
Assistant Clerk
Board of Supervisors
phone 415-554-7723 | fax 415-554-5163

victor.young@sfgov.org | www.sfbos.org

From: Anonymous <arecordsrequestor@protonmail.com>
Sent: Thursday, October 3, 2019 3:45 PM

To: SOTF, (BOS) <sotf@sfgov.org>; Young, Victor (BOS) <victor.young@sfgov.org>
Cc: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: RE: SOTF Admin - Case Management 19089, 19091, 19094, 19095, 19097, and 19098

**** For inclusion in all file numbers in the subject line, and for (acting) Administrator response ****

Thanks! 2 corrections I believe:

1) 19095 has no email header allegations so I believe it should go only to the normal committee on Oct. 22 and not to TBD Technology.

2) 19097 and 19098 should also be in the normal queue to be heard for jurisdiction at the (non-Technology) committee whenever the agenda permits -- just like 19091, they have numerous non-email-header allegations and the (non-Technology) Committee I assume can split the files and refer the email header issues to Technology Committee while sending the remainder to SOTF (if they find jurisdiction).

Thanks,

Anonymous

----- Original Message -----

On Thursday, October 3, 2019 3:25 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:

Anonymous:

Regarding the October 15, 2019, Complaint Committee Meeting:

19091 - We will present to possibility of divide the file during the meeting.

19094 - Will proceed as scheduled.

October 22, 2019, File No. 19095, Compliance and Amendments Committee Meeting

19095 – tentatively scheduled for hearing

TBD Technology Committee

19097

19098

19095

19044 (heard by the SOTF and referred to the Technology Committee)

TBD SOTF

19089- previously heard and committee and pending scheduling before the SOTF.

Please contact me if my understanding is incorrect.

Victor Young

Assistant Clerk

Board of Supervisors

phone 415-554-7723 | fax 415-554-5163

victor.young@sfgov.org | www.sfbos.org

From: Anonymous <arecordsrequestor@protonmail.com>

Sent: Thursday, October 3, 2019 1:41 PM

To: Young, Victor (BOS) <victor.young@sfgov.org>; SOTF, (BOS) <sotf@sfgov.org>

Subject: SOTF Admin - Case Management 19089, 19091, 19094, 19095, 19097, and 19098

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

**** For inclusion in all file numbers in the subject line, and for (acting) Administrator response ****

Please see and respond as needed on separate threads for 19047 and 19044, sent earlier today, to keep everything well-organized.

Mr. Young,

Thank you for your work last evening, and for the task force's extensive investigation as well. I understand it is 'after hours' for you, and the commissioners are volunteers and these meetings can go on for a long time.

You pointed out during the hearing we should discuss the disposition of my other pending cases re: IT Committee referral. (As a disclaimer, I have a right to remain anonymous and have no legal obligation to acknowledge that various anonymous requests are from the same person; while I am voluntarily indicating that I am the same anonymous complainant below, I am under no obligation to do so in the future, nor do I voluntarily undertake any such obligation in the future or in any case not specifically numbered below. Please do not simply assume all anonymous complaints are from me, or impute responsibility for them to me.)

The following are some of my pending cases with a summary of the allegations (the summaries are not exhaustive and not limiting):

- **19089** vs City Atty - jurisdiction found, awaiting Full Task Force - subject matter: whether the Supervisor of Records must provide timely/complete determinations to petitions under 67.21(d) in 10 days
- **19091** vs Mayor - on committee Oct. 15 - subject matter: use of secret chat apps; violations of City of San Jose v Superior Court (Smith, 2017); images and

attachments withheld; text messages withheld; email addresses withheld; and email headers withheld

- **19094** vs Dept of Tech. - on committee Oct. 15 - subject matter: failure to immediately respond; violations of 67.21(k) incorporating by reference CPRA Gov Code 6270.5; withholding parts of the enterprise system catalog/SB 272
- **19095** vs City Atty - awaiting Committee - subject matter: violations of 67.21(k) incorporating by reference CPRA Gov Code 6270.5, withholding parts of the enterprise system catalog/SB 272
- **19097** vs Dept of Public Works - awaiting committee - subject matter: violations of City of San Jose v Superior Court (Smith, 2017); images and hyperlinks withheld; email addresses withheld; and email headers withheld
- **19098** vs Police Dept - awaiting committee - subject matter: timeliness; failure to justify redactions; violations of City of San Jose v Superior Court (Smith, 2017); images and hyperlinks withheld; text messages withheld; email addresses withheld; and email headers withheld

Therefore, 19089, 19094, and 19095 should proceed completely unaffected.

I would suggest that the Oct. 15 committee use its power at the hearing to split 19091 into two files, a new file (say 19091-B) for the email headers allegation sent to the IT committee for its recommendation for overall city guidelines, and keep all the other important allegations in 19091 which should proceed undelayed.

I would suggest that 19097 and 19098 are similarly split at initial committee.

Some upcoming un-filed complaints may involve (without limitation): police misconduct records, secrecy of City contracts, secrecy of City financials, use of non-profits as a shield, privatized govt functions; improper use of Attorney-Client privilege, and more. I intend to continue to file requests, and if needed complaints, comprehensively auditing all parts of the City's public records regime, and subject to SFAC 67.21(e) requiring Task Force determination within 45 days, and I expect my complaints continue to be fairly heard in my "queue" order, subject to your 2-item-per-meeting procedure, and not delayed based on my identity.

In some of the future cases, a portion will again be related to email headers (simply because the evidence of what the govt is doing is usually *in* the emails), but the remainder will not be. I assume your committees will split them if and as needed. However I intend to file them before the IT committee recommendation is complete because the Respondent is always required to respond within 5 business days and is on notice that they should not destroy responsive records, and to preserve any statutes of limitation if imposed by future Court proceedings.

I will call later today if I don't hear from you by email, as I need to start working on the correct set of case presentations.

Thanks a lot!

Anonymous

Leger, Cheryl (BOS)

From: 76435-93915115@requests.muckrock.com
Sent: Tuesday, September 17, 2019 4:14 PM
To: SOTF, (BOS)
Subject: RE: California Public Records Act Request #P008260-071519

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

San Francisco Police Department
PRA Office
1245 3rd Street
SF, CA 94158

September 17, 2019

This is a follow up to request number P008260-071519:

Good afternoon SOTF,

Has the Sept. 13, 2019 complaint sent from this email address been captioned and sent to the respondents?
There has been additional movement on the requests that I'd like to document but I'm not sure if there is a file number.

Thanks!
Anonymous

Filed via MuckRock.com
E-mail (Preferred): 76435-93915115@requests.muckrock.com
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Femail-and-electronic-communications-audit-sfpd-76435%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAAIhq1N7pZGJZ_sdaJuP5M4fME%3A1iAMfe%3AjGT9w_QGZPfOioBKNN3TSKszcQc
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 76435
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On Sept. 13, 2019:

Subject: RE: California Public Records Act Request #P008260-071519

Supervisor of Records,

Since I sent the initial SFPD petition from this email, I have received responsive text messages as well. Attached is an amendment adding more requests to our earlier petition, or alternatively, an additional petition (depending on how you wish to handle it), for the information withheld in those text records. Regardless, the requests are in addition to, and do not replace this morning's petition.

Thanks,
Anonymous

On Sept. 13, 2019:

Subject: Re: California Public Records Act Request #P008260-071519

Please see the attached redacted Text Messages. Due to the volume and required redactions, you will receive additional emails on a rolling basis for the other requested information.

Regards,
Officer Robert Rueca

On Sept. 13, 2019:

Subject: RE: California Public Records Act Request #P008260-071519

**** Please redact your responses correctly! This is a public mailbox, and all of your responses (including emails, attachments, file shares, and the disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there's no going back. ****

Thank you Officer Rueca. Please note I requested a statement regarding the existence or non-existence of each of the records I requested (per SFAC 67.21(c)).

On Sept. 13, 2019:

Subject: Re: California Public Records Act Request #P008260-071519

Attached are Text Messages per your request. More emails are to come to fulfill your request on a rolling basis due to the volume and required redaction.

Officer Robert Rueca

On Sept. 13, 2019:

Subject: RE: California Public Records Act Request #P008260-071519

Supervisor of Records,

Attached is a new 67.21(d) petition against SFPD (dated 9/12, but sent 9/13).

Thanks,
Anonymous

On July 2, 2019:

Subject: California Public Records Act Request: Email and Electronic Communications Audit (SFPD)

RE: Email and Electronic Communications Audit

To Whom It May Concern:

**** NOTE:** this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). ******

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) the following items from the SFPD.

Similar requests were recently made of the Board of Supervisors, Clerk, and Mayor's Office. If a person has multiple email addresses (including but not limited to email aliases), 10 emails from each are requested. For example the Mayor may have a public-facing email alias and also an email address she uses to do business internally- 10 from each are requested. Please do not include spam or product advertisement emails.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best. However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. For the chat apps, a screenshot or print-out is acceptable.

If you use PDF, use properly redacted searchable or text pdfs. Please don't use image PDFs to make it harder to analyze the records.

If you provide PDFs instead of original email files, only give a few of the headers or lacking attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of SF Admin Code and/or CPRA, and we may challenge your decision at the Sunshine Ordinance Task Force, Supervisor of Records, judicially, and/or via any other remedies available to us. I currently have pending petitions to the Task Force and Supervisor of Records to correct prior disclosure failures of electronic information from various SF agencies.

You must justify all withholding.

Provide records in a rolling fashion. Do not wait for all records to be available.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required free notice of which of those records are available and non-exempt for inspection in-person if we so choose. Please use email to respond.

I look forward to your prompt disclosure.

PART 1 - Email

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails RECEIVED BY EACH OFFICIAL government email account of

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations

4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails SENT FROM EACH OFFICIAL government email account of

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails IN THE DRAFT or OUTBOX folder of EACH OFFICIAL government email account of the following. Please remember the special Sunshine exceptions to CPRA draft withholding under SF Admin Code 67.24(a).

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) SENT FROM EACH PERSONAL email account(s) of the following officials, TO/CC/BCC any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations

7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
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E. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) RECEIVED BY EACH PERSONAL email account(s) of the following officials, FROM any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

PART 2 - Chat/Messaging

As used below "Conversations" include but are not limited to any metadata records showing that a conversation had taken place but is now deleted (due to expiration for example).

Various types of apps are mentioned below.

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Facebook Messenger]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Telegram]:

1. Chief of Police
2. Asst. Chief/Chief of Staff

3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Slack]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Google Hangouts]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
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E. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Signal]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations

7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
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F. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [SMS/MMS/text messages]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

G. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Facebook Messenger], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
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H. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Telegram], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management

6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

I. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Slack], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
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J. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Google Hangouts], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

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K. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Signal], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations

4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
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8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
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L.an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [text/SMS/MMS messaging], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

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4. Deputy Chief/Administration
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8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

PART 3: all instruments used to inquire of each official as to whether they possess any responsive records above, and all of their responses

Sincerely,
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 76435-93915115@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Femail-and-electronic-communications-audit-sfpd-76435%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAAIhq1N7pZGJZ_sdaJuP5M4fME%3A1iAMfe%3AjGT9w_QGZPfOioBKNN3TSKszcQc

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 76435

411A Highland Ave

Somerville, MA 02144-2516

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requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.



Leger, Cheryl (BOS)

From: 76435-93915115@requests.muckrock.com
Sent: Friday, September 13, 2019 12:27 AM
To: SOTF, (BOS)
Subject: RE: California Public Records Act Request #P008260-071519
Attachments: 76435-Petition-20190912-ex.pdf

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

San Francisco Police Department
PRA Office
1245 3rd Street
SF, CA 94158

September 13, 2019

This is a follow up to request number P008260-071519:

Task Force,

Attached is a new complaint. Please create a file and send it and the respondent's response to me.
I will also file your Google Form.

Respondent agency: SFPD

Respondent individuals: Police Chief William Scott, Sgt. Michael Andraychak, and Custodian Does 1–20

Alleged violations: SFAC 67.21, 67.26, 67.27, Gov Code 6253 and 6253.9

Complainant: Anonymous (76435-93915115@requests.muckrock.com)

Thanks,
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 76435-93915115@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Femail-and-electronic-communications-audit-sfpd-76435%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAAIhITo97b9_LHR4GSfxVrJz9g%3A1i8fzE%3ATH9YmiMx-0zp0xelS2JXkbpfcY8

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MuckRock News

DEPT MR 76435
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On Sept. 12, 2019:

Subject: RE: California Public Records Act Request #P008260-071519

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Sgt. Andraychak is I believe OOF on Fridays. Sending to mailing list.

SFPD,

Is your response for 76435 (your #P008260-071519) complete? I would like the final determination of whether or not responsive documents exist (regardless of whether they were exempt) for each request. I would also like all of your redaction & withholding justifications. Remember SFAC 67.26 requires: "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." (emphasis mine) -- you need to be clear which justification is for every redaction and withholding.

Finally I would like the full set of disclosed documents sent by email please.

Sincerely,

Anonymous

On Sept. 12, 2019:

Subject: RE: California Public Records Act Request #P008260-071519

**** Please redact your responses correctly! This is a public mailbox, and all of your responses (including emails, attachments, file shares, and the disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there's no going back. ****

SFPD,

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by section 67.27 of this article." (emphasis mine) -- you need to be clear which justification is for every redaction and withholding.

Finally I would like the full set of disclosed documents sent by email please.

Sincerely,

Anonymous

On Sept. 3, 2019:
Subject: RE: California Public Records Act Request #P008260-071519
Acknowledged, thank you.

On Sept. 3, 2019:
Subject: Public Records Request :: P008260-071519
--- Please respond above this line ---

September 03, 2019
Via email 76435-93915115@requests.muckrock.com

Anonymous

RE: Public Records Request, dated July 15, 2019, Reference # P008260-071519

Dear Anonymous:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated July 15, 2019, on September 03, 2019.

You requested, " This is a follow up to a previous request:"

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on July 2, 2019. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

Filed via MuckRock.com
E-mail (Preferred): 76435-93915115@requests.muckrock.com
Upload documents directly:
https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAIhITo97b9_LHR4GSfxVrJz9g%3A1hIrQ5%3AwP7oGkTVY5wnLxdkReQflrO6gyU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Femail-and-electronic-communications-audit-sfpd-76435%252F%253Femail%253Dsfpdmediarelations%252540sfgov.org
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 76435
411A Highland Ave
Somerville, MA 02144-2516

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On July 2, 2019:

Subject: California Public Records Act Request: Email and Electronic Communications Audit (SFPD)

RE: Email and Electronic Communications Audit

To Whom It May Concern:

**** NOTE:** this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). ******

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) the following items from the SFPD.

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We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best. However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. For the chat apps, a screenshot or print-out is acceptable.

If you use PDF, use properly redacted searchable or text pdfs. Please don't use image PDFs to make it harder to analyze the records.

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You must justify all withholding.

Provide records in a rolling fashion. Do not wait for all records to be available.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required free notice of which of those records are available and non-exempt for inspection in-person if we so choose. Please use email to respond.

I look forward to your prompt disclosure.

PART 1 - Email

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails RECEIVED BY EACH OFFICIAL government email account of

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails SENT FROM EACH OFFICIAL government email account of

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails IN THE DRAFT or OUTBOX folder of EACH OFFICIAL government email account of the following. Please remember the special Sunshine exceptions to CPRA draft withholding under SF Admin Code 67.24(a).

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails

regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) SENT FROM EACH PERSONAL email account(s) of the following officials, TO/CC/BCC any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

E. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) RECEIVED BY EACH PERSONAL email account(s) of the following officials, FROM any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

PART 2 - Chat/Messaging

As used below "Conversations" include but are not limited to any metadata records showing that a conversation had taken place but is now deleted (due to expiration for example).

Various types of apps are mentioned below.

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Facebook Messenger]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
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9. Deputy Chief/Airport
10. every Commander
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B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Telegram]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
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1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
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D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Google Hangouts]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
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1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
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6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
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1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
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G. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Facebook Messenger], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

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3. Asst. Chief/Operations
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8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

PART 3: all instruments used to inquire of each official as to whether they possess any responsive records above, and all of their responses

Sincerely,
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 76435-93915115@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAIhlTo97b9_LHR4GSfxVrJz9g%3A1hRQ5%3AwP7oGkTVY5wnLxdkReQfir06gyU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Femail-and-electronic-communications-

audit-sfpd-76435%252F%253Femail%253Dsfpdmediarelations%252540sfgov.org

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 76435

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

We have identified no responsive records from personal devices or accounts.

We are processing the request and have sent numerous emails containing responsive records from SFGOV email accounts. Also, sms/text messages from Department cell phones are being uploaded to the GovQA records portal.

Thank you for your attention.

Sincerely,

Michael Andraychak

Media Relations

415-837-7395

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

(https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsolsnXbuEgm-2FN-2B3KuyZ5YHnuXVUop6SBUj6Zl2gPWQsh2hjE0JdlwH66ZMXJDGxIkhWqlkMGRI8K8RdgfchCPn5hbqdWnlrcjvklbsbezDgEiXr0fpETGrLw_RS48PfEuBadMkLIhY2xrl2uthodKUGOQzPwgXQnJV8Phu7-2F4gUOxiqjyEwuJDKFH9hTPdLxRRGK3fw-2B3znblDn6xXkfLOu-2FAGM3m8EkzF3hUbvUKQp9n-2FuWYT2JLhewp6p1TryqRq4-2BoyXthw-2BqomVNQVDLElkW20sSPSikowCZucvnpqh8rAxUwcOCVWQO22rQy-2FHs3qAMWTJPPeHPyAlpZ7UxY7I2iruBS893tuw5scTecYQiusoIMzJLLHfM2Nnu5OIOVX-2BFKM22sqyl8IR3nSHXwh9EqV5OB5-2BQ1xrz34fC-2B4KChAvv985tlcXGC7g13rqNHUJUNPOLYNx2Q9b-2BDL3DZMA4Zco4FA8oav7GagVLUXEmc-2FgHSIbHZhKL15JgTpoSLanP1F-2FhICLR3g-3D-3D)

This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

On Sept. 3, 2019:

Subject: Re: California Public Records Act Request #P008260-071519

Hello,

We have identified no responsive records from personal devices or accounts.

We are processing the request and have sent numerous emails containing responsive records from SFGOV email accounts. Also, sms/text messages from Department cell phones are being uploaded to the GovQA records portal.

Michael Andraychak #457

Sergeant of Police

Officer in Charge - Media Relations Unit

San Francisco Police Department

1245 - 3rd Street, 6th Floor

San Francisco, CA 94158

(415) 837-7395

Regular Days Off: Fri, Sat, Sun

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

On July 2, 2019:

Subject: California Public Records Act Request: Email and Electronic Communications Audit (SFPD)

RE: Email and Electronic Communications Audit

To Whom It May Concern:

**** NOTE:** this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). ******

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) the following items from the SFPD.

Similar requests were recently made of the Board of Supervisors, Clerk, and Mayor's Office. If a person has multiple email addresses (including but not limited to email aliases), 10 emails from each are requested. For example the Mayor may have a public-facing email alias and also an email address she uses to do business internally- 10 from each are requested. Please do not include spam or product advertisement emails.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best. However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. For the chat apps, a screenshot or print-out is acceptable.

If you use PDF, use properly redacted searchable or text pdfs. Please don't use image PDFs to make it harder to analyze the records.

If you provide PDFs instead of original email files, only give a few of the headers or lacking attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of SF Admin Code and/or CPRA, and we may challenge your decision at the Sunshine Ordinance Task Force, Supervisor of Records, judicially, and/or via any other remedies available to us. I currently have pending petitions to the Task Force and Supervisor of Records to correct prior disclosure failures of electronic information from various SF agencies.

You must justify all withholding.

Provide records in a rolling fashion. Do not wait for all records to be available.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required free notice of which of those records are available and non-exempt for inspection in-person if we so choose. Please use email to respond.

I look forward to your prompt disclosure.

PART 1 - Email

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails RECEIVED BY EACH OFFICIAL government email account of

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails SENT FROM EACH OFFICIAL government email account of

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
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C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails IN THE DRAFT or OUTBOX folder of EACH OFFICIAL government email account of the following. Please remember the special Sunshine exceptions to CPRA draft withholding under SF Admin Code 67.24(a).

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport

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11. every Civilian Director

D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) SENT FROM EACH PERSONAL email account(s) of the following officials, TO/CC/BCC any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
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E. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) RECEIVED BY EACH PERSONAL email account(s) of the following officials, FROM any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

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3. Asst. Chief/Operations
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7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
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PART 2 - Chat/Messaging

As used below "Conversations" include but are not limited to any metadata records showing that a conversation had taken place but is now deleted (due to expiration for example).

Various types of apps are mentioned below.

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Facebook Messenger]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations

4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
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B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Telegram]:

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2. Asst. Chief/Chief of Staff
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1. Chief of Police
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10. every Commander
11. every Civilian Director

I. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Slack], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

J. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Google Hangouts], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations

7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

K. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Signal], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

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6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

L. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [text/SMS/MMS messaging], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

PART 3: all instruments used to inquire of each official as to whether they possess any responsive records above, and all of their responses

Sincerely,
Anonymous

Filed via MuckRock.com

E-mail (Preferred): 76435-93915115@requests.muckrock.com

Upload documents directly:

<https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F>

%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Femail-and-electronic-communications-audit-sfpd-76435%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAAIhITo97b9_LHR4GSfxVrJz9g%3A1i8fzE%3ATH9YmiMx-0zp0xelS2JXkbpfcY8

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 76435

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.



Please use email only. I am an anonymous user of MuckRock.com, not a MuckRock representative.

Supervisor of Records and Sunshine Ordinance Task Force
City Hall, Rooms 234 and 244
1 Dr. Carlton B. Goodlett Pl.
San Francisco CA 94102
supervisor.records@sfcityattys.org; sotf@sfgov.org
sent via email

Your ref.
SFPD P008260-071519

Our ref.
#76435

Date
2019-09-13

RE: SF Sunshine Ordinance petition against SFPD, ref 76435/P008260-071519

To the Supervisor of Records and Sunshine Ordinance Task Force:

NOTE: Every response you send or provide (including all responsive records) may be automatically and immediately visible to the general public on the MuckRock.com web service used to issue this request. (I am not a representative of MuckRock)

This amends my petition/complaint on Sept. 13 vs SFPD. If you do not accept amendments, please treat this as a new petition/complaint, which is in addition to, and does not replace, my initial letter.

Since my initial letter, Respondents (Officer Robert Rueca) have provided responsive text messages (Exhibit A). They were provided as tab-separated text files with certain metadata, and I converted them to PDF to include as an exhibit.

Each additional requested finding and determination is numbered below for your convenience.

13. Respondents violated SFAC 67.26 and 67.27; and must provide the identity of the sender and recipient of each text message — While much of the metadata was provided, sender or recipient identities were withheld in all emails. No justification was provided. Respondents failed to indicate that the identities had in fact been withheld. I believe all the records are from official cell phones, and so there is no privacy issue. Even if official cell phone numbers may be exempt, the text message records would indicate the name of who sent or received each message. Metadata would also indicate whether each message was sent by the custodian, or received by the custodian, regardless of whether the identity is shown.

14. Respondents violated SFAC 67.26; and must justify all text message redactions with footnote or clear reference — While some of the redactions cite law, others just say ex. "XXXX".

Sincerely,

Anonymous

EXHIBIT A

ThreadId MessageId Date (UTC) Network Message Type

AttachmentCount Body

2861740466 6454166155 7/12/19 21:06 AT&T Message 0

""S: SOB Alert - Media Interest - 3RD & WILLIAMS Current

Time: 14:06:32 Notification Status: New SFPD - Incident

Type: Media Interest SFPD - Secondary Incident Type: SFPD -

District of Occurrence: Co. C -- Bayview Station SFPD - Incident

Location: 3RD & WILLIAMS SFPD - CAD Number: 191932064 SFPD -

Case Number: 190504584 Date of the Incident: 07-12-2019 at

13:37:00 SFPD - Preliminary Info:: VEHICLE VS MUNI LRV. 2

COMPLAINTS OF PAIN FROM OCCUPANTS INSIDE VEHICLE, 1 BEING A CHILD,

POSSIBLY (6 YR OLD) WITH BROKEN ANKLE. NO PASSANGERS ON LRV OTHER

THAN OPERATOR. Additional Information: Investigative

Unit(s) Notified: BAYVIEW Invest. Unit(s) Responding: BAYVIEW

BOS - Supervisorial District: District 10 SFPD - Command Post

Location: SFPD - Safe Avenue of Approach: Message Sender:

Nancie Stockwell To view any attachments or photos, please,

check your email. Reply with YES to confirm receipt.""

2861740466 6454280791 7/12/19 21:57 AT&T Message 0

""S: SOB Alert - Media Interest - 3RD & WILLIAMS Current

Time: 14:57:06 UPDATED -Notification Status: Update

SFPD - Incident Type: Media Interest SFPD - Secondary Incident

Type: SFPD - District of Occurrence: Co. C -- Bayview

Station SFPD - Incident Location: 3RD & WILLIAMS SFPD

- CAD Number: 191932064 SFPD - Case Number: 190504584

Date of the Incident: 07-12-2019 at 13:37:00 UPDATED -SFPD -

Preliminary Info:: VEHICLE VS MUNI LRV. 2 COMPLAINTS OF PAIN FROM

OCCUPANTS INSIDE VEHICLE, 1 BEING A CHILD, POSSIBLY (6 YR OLD)

WITH BROKEN ANKLE. UPDATED -Additional Information: MUNI

NOTIFIED INSPECTOR RESPONDING. 3-PARTIES ALL PASSENGERS INSIDE VEH,

TRANSPORTED TO SFGH, DRIVER, ADULT MALE COMPLAINT OF PAIN TO BACK, 10

YEARS OLD PASSENGER COMPLAINT OF ANKLE PAIN, 5 YEAR OLD PASSENGER

TRANSPORTED FOR MEDICAL EVALUATION. PRELIMINARY REPORTS OF NO

PASSANGERS ON LRV-INCORRECT. SEVERAL PARTIES NOW REPORTING THEY WERE

ONBOARD MUNI AT TIME OF COLLISION. OFFICERS CONTINUING INVESTIGATION

Investigative Unit(s) Notified: BAYVIEW Invest. Unit(s)

Responding: BAYVIEW BOS - Supervisorial District: District 10

SFPD - Command Post Location: SFPD - Safe Avenue of Approach:

Message Sender: Nancie Stockwell To view any attachments

or photos, please, check your email. Reply with YES to confirm

receipt.""

2861740466 6454380136 7/12/19 22:26 AT&T Message 0

""S: Media Interest - 3RD & WILLIAMS Current Time:

15:26:19 Notification Status: Update SFPD - Incident

Type: Media Interest SFPD - Secondary Incident Type:

SFPD - District of Occurrence: Co. C -- Bayview Station SFPD

- Incident Location: 3RD & WILLIAMS SFPD - CAD Number:

191932064 SFPD - Case Number: 190504584 Date of the

Incident: 07-12-2019 at 13:37:00 SFPD - Preliminary Info::

VEHICLE VS MUNI LRV. 2 COMPLAINTS OF PAIN FROM OCCUPANTS INSIDE

VEHICLE, 1 BEING A CHILD, POSSIBLY (6 YR OLD) WITH BROKEN ANKLE. Additional Information: MUNI NOTIFIED INSPECTOR RESPONDING. 3-PARTIES ALL PASSENGERS INSIDE VEH, TRANSPORTED TO SFGH, DRIVER, ADULT MALE COMPLAINT OF PAIN TO BACK, 10 YEARS OLD PASSENGER COMPLAINT OF ANKLE PAIN, 5 YEAR OLD PASSENGER TRANSPORTED FOR MEDICAL EVALUATION. PRELIMINARY REPORTS OF NO PASSANGERS ON LRV-INCORRECT. SEVERAL PARTIES NOW REPORTING THEY WERE ONBOARD MUNI AT TIME OF COLLISION. OFFICERS CONTINUING INVESTIGATION
 Unit(s) Notified: BAYVIEW Invest. Unit(s) Responding: BAYVIEW
 BOS - Supervisorial District: District 10 SFPD - Command Post Location: SFPD - Safe Avenue of Approach: UPDATED -
 Message Sender: Sgt. Michael Wibunsin To view any attachments or photos, please, check your email. Reply with YES to confirm receipt."""

2861740466 6454484440 7/12/19 22:53 AT&T Message 0
 ""S: Media Interest - 630 Sansome St Current Time: 15:52:51
 Notification Status: New SFPD - Incident Type: Media Interest
 SFPD - Secondary Incident Type: SFPD - District of Occurrence: Co. A -- Central Station SFPD - Incident Location: 630 Sansome St SFPD - CAD Number: 191932282 SFPD - Case Number: 000000000 Date of the Incident: 07-12-2019 at 14:30:00 SFPD - Preliminary Info:: Per Cad and radio traffic, approx. 60-80 people taking the entire street, blocking NB traffic on Sansome St and 400 block of Washington St. Refused to stay on sidewalk. One protester arrested by Federal Agents. Muni rerouting. Additional Information: Investigative Unit(s) Notified: N/A Invest. Unit(s) Responding: N/A BOS - Supervisorial District: District 8 SFPD - Command Post Location: SFPD - Safe Avenue of Approach: Message Sender: Sgt. Michael Wibunsin To view any attachments or photos, please, check your email. Reply with YES to confirm receipt."""

2861740466 6455075842 7/13/19 0:20 AT&T Message 0
 ""S: Media Interest - 630 Sansome St Current Time: 17:20:01 UPDATED -Notification Status: Close SFPD - Incident Type: Media Interest SFPD - Secondary Incident Type: SFPD - District of Occurrence: Co. A -- Central Station SFPD - Incident Location: 630 Sansome St SFPD - CAD Number: 191932282 SFPD - Case Number: 000000000 Date of the Incident: 07-12-2019 at 14:30:00 UPDATED -SFPD - Preliminary Info:: Update: 400 has ended. No other incident besides one protester cited and released by federal agent. Per Cad and radio traffic, approx. 60-80 people taking the entire street, blocking NB traffic on Sansome St and 400 block of Washington St. Refused to stay on sidewalk. One protester arrested by Federal Agents. Muni rerouting. Additional Information: Investigative Unit(s) Notified: N/A Invest. Unit(s) Responding: N/A UPDATED -BOS - Supervisorial District: District 3 SFPD - Command Post Location: SFPD - Safe Avenue of Approach: Message Sender: Sgt. Michael Wibunsin To view any attachments or photos, please, check your email. Reply with YES

to confirm receipt."""

2861740466 6457446849 7/14/19 9:22 AT&T Message 0
 ""S: SOB Alert - Traffic Collision w/Critical Injuries or
 Fatal - LINCOLN WAY & 7TH AVE Current Time: 02:22:04
 Notification Status: New SFPD - Incident Type: Traffic Collision
 w/Critical Injuries or Fatal SFPD - Secondary Incident Type:
 Traffic Collision w/Critical injuries or Fatal SFPD - District of
 Occurrence: Co. F -- Park Station SFPD - Incident Location:
 LINCOLN WAY & 7TH AVE SFPD - CAD Number: 191950155 SFPD -
 Case Number: 190508702 Date of the Incident: 07-14-2019 at
 01:07:00 SFPD - Preliminary Info:: PEDESTRIAN RAN ACROSS STREET,
 DRIVER/RP ACCIDENTLY HIT PED. PED SUFFERED TBI, CRITICAL CONDITION.
 Additional Information: Investigative Unit(s) Notified: TCIU
 Invest. Unit(s) Responding: TBD BOS - Supervisorial District: N/A
 SFPD - Command Post Location: SFPD - Safe Avenue of Approach:
 Message Sender: Edward Wong To view any attachments or photos,
 please, check your email. Reply with YES to confirm receipt."""

2861740466 6457591753 7/14/19 11:29 AT&T Message 0
 ""S: SOB Alert - Well Being Check - Multiple Overdose Victims
 - 240 COLUMBUS AVE Current Time: 04:29:24 Notification Status:
 New SFPD - Incident Type: Other (See Description Below) SFPD
 - Secondary Incident Type: Other (See Description Below) SFPD -
 District of Occurrence: Co. A -- Central Station SFPD -
 Incident Location: 240 COLUMBUS AVE SFPD - CAD Number: 191950469
 SFPD - Case Number: 190509001 Date of the Incident: 07-14-2019 at
 03:59:00 SFPD - Preliminary Info:: 3 MALES FOUND UNCONSCIOUS,
 POSSIBLE FENTANYL OVERDOSE. SFPD MEDICS ON SCENE. Additional
 Information: Investigative Unit(s) Notified: TBD Invest.
 Unit(s) Responding: TBD BOS - Supervisorial District: N/A
 SFPD - Command Post Location: SFPD - Safe Avenue of Approach:
 Message Sender: Edward Wong To view any attachments or photos,
 please, check your email. Reply with YES to confirm receipt."""

2861740466 6457610788 7/14/19 11:49 AT&T Message 0
 ""S: SOB Alert - Well Being Check - Multiple Overdose Victims
 - 240 COLUMBUS AVE Current Time: 04:49:08 UPDATED -Notification
 Status: Close SFPD - Incident Type: Other (See Description Below)
 SFPD - Secondary Incident Type: Other (See Description Below)
 SFPD - District of Occurrence: Co. A -- Central Station SFPD -
 Incident Location: 240 COLUMBUS AVE SFPD - CAD Number: 191950469
 SFPD - Case Number: 190509001 Date of the Incident: 07-14-2019 at
 03:59:00 SFPD - Preliminary Info:: 3 MALES FOUND UNCONSCIOUS,
 POSSIBLE FENTANYL OVERDOSE. SFPD MEDICS ON SCENE. UPDATED -
 Additional Information: 2 VICTIMS REVIVED ON SCENE. 1 VICTIM REVIVED
 AT HOSPITAL. Investigative Unit(s) Notified: TBD Invest.
 Unit(s) Responding: TBD BOS - Supervisorial District: N/A
 SFPD - Command Post Location: SFPD - Safe Avenue of Approach:
 Message Sender: Edward Wong To view any attachments or photos,
 please, check your email. Reply with YES to confirm receipt."""

2861740466 6457635184 7/14/19 12:43 AT&T Message 0
 ""S: SOB Alert - Traffic Collision w/Critical Injuries or

Fatal - LINCOLN WAY & 7TH AVE Current Time: 05:43:35
 UPDATED -Notification Status: Close SFPD - Incident Type:
 Traffic Collision w/Critical Injuries or Fatal SFPD -
 Secondary Incident Type: Traffic Collision w/Critical injuries or
 Fatal SFPD - District of Occurrence: Co. F -- Park Station
 SFPD - Incident Location: LINCOLN WAY & 7TH AVE SFPD - CAD
 Number: 191950155 SFPD - Case Number: 190508702 Date
 of the Incident: 07-14-2019 at 01:07:00 SFPD - Preliminary
 Info:: PEDESTRIAN RAN ACROSS STREET, DRIVER/RP ACCIDENTLY HIT PED. PED
 SUFFERED TBI, CRITICAL CONDITION. UPDATED -Additional
 Information: LAST UPDATE FROM OFFICER, PED IN STABLE CONDITION.
 Investigative Unit(s) Notified: TCIU Invest. Unit(s)
 Responding: TBD BOS - Supervisorial District: N/A SFPD
 - Command Post Location: SFPD - Safe Avenue of Approach:
 Message Sender: Edward Wong To view any attachments or
 photos, please, check your email. Reply with YES to confirm
 receipt. ""

2861740466 6459932705 7/15/19 22:45 AT&T Message 0
 ""S: SOB Alert - Other (Suspicious Package) - Oracle Park
 (3rd St/Berry St) Current Time: 15:45:43 Notification Status:
 New SFPD - Incident Type: Other (See Description Below) SFPD
 - Secondary Incident Type: SFPD - District of Occurrence: Co. B
 -- Southern Station SFPD - Incident Location: Oracle Park (3rd
 St/Berry St) SFPD - CAD Number: 191962631 SFPD - Case
 Number: TBD Date of the Incident: 07-15-2019 at 15:42:00
 SFPD - Preliminary Info:: Per Dispatch, Suspicious package taped to
 Giants Dugout Store door. REDACTED 6254(F) GC OPEN INVESTIGATION/
 RECORD OF INTELLIGENCE . Southern Units enroute. Additional
 Information: Investigative Unit(s) Notified: 3B13D Invest.
 Unit(s) Responding: 3B13D BOS - Supervisorial District: N/A
 SFPD - Command Post Location: SFPD - Safe Avenue of Approach:
 Message Sender: Andres Abarca To view any attachments or
 photos, please, check your email. Reply with YES to confirm
 receipt. ""

2861740466 6459938092 7/15/19 22:54 AT&T Message 0
 ""S: Other (Suspicious Package) - Oracle Park (3rd St/Berry
 St) Current Time: 15:53:58 UPDATED -Notification Status:
 Update SFPD - Incident Type: Other (See Description Below)
 SFPD - Secondary Incident Type: SFPD - District of
 Occurrence: Co. B -- Southern Station SFPD - Incident
 Location: Oracle Park (3rd St/Berry St) SFPD - CAD Number:
 191962631 SFPD - Case Number: TBD Date of the
 Incident: 07-15-2019 at 15:42:00 SFPD - Preliminary Info:: Per
 Dispatch, Suspicious package taped to Giants Dugout Store door.
 REDACTED 6254(F) OPEN INV/RECORD OF INTELLIGENCE . Southern Units
 enroute. UPDATED -Additional Information: No merit to
 suspicious package. REDACTED 6254(F) OPEN INV. Investigative
 Unit(s) Notified: 3B13D Invest. Unit(s) Responding: 3B13D
 UPDATED -BOS - Supervisorial District: District 6 SFPD -
 Command Post Location: SFPD - Safe Avenue of Approach:

Message Sender: Andres Abarca
photos, please, check your email.
receipt."""

To view any attachments or
Reply with YES to confirm

ThreadId	MessageId	Date (UTC)	Network	Message	Type
2855834247	6459701350	7/15/19 20:24	AT&T	Message	0
""I have a 130. Come up after to touch base?""					
2855834247	6459701483	7/15/19 20:26	AT&T	Message	0
""I have a 2:00. I am free after that ""					
2855834247	6459701427	7/15/19 20:26	AT&T	Message	0
""Copy""					
2855834247	6459701425	7/15/19 20:26	AT&T	Message	0
""Copy""					
2855834247	6459883599	7/15/19 21:51	AT&T	Message	0
""Free?""					
2855834247	6459883587	7/15/19 21:52	AT&T	Message	0
""I will be in about 15""					
2855834247	6459883541	7/15/19 21:52	AT&T	Message	0
""I will be in about 15""					
2855834247	6459883597	7/15/19 21:52	AT&T	Message	0
""I'll head up then""					
2859164482	6459883591	7/15/19 21:52	AT&T	Message	0
""Confirmed, no one from 1421 group has gotten any priority list""					
2859164482	6459883596	7/15/19 21:52	AT&T	Message	0
""Copy""					
2863535659	6459937980	7/15/19 22:54	AT&T	Message	0
""S: Other (Suspicious Package) - Oracle Park (3rd St/Berry St). Current Time: 15:53:58					
UPDATED -Notification Status: Update SFPD - Incident Type: Other (See Description Below)					
SFPD - Secondary Incident Type: SFPD - District of Occurrence: Co. B -- Southern Station SFPD - Incident Location: Oracle Park (3rd St/Berry St) SFPD - CAD Number: 191962631 SFPD - Case Number: TBD Date of the Incident: 07-15-2019 at 15:42:00 SFPD - Preliminary Info:: Per Dispatch, Suspicious package taped to Giants Dugout Store door. REDACTED 6254(F) GC OPEN INV/ RECORD OF INTELLIGENCE . Southern Units enroute. UPDATED -Additional Information: No merit to suspicious package REDACTED 6254(F) OPEN INV. Investigative Unit(s) Notified: 3B13D Invest. Unit(s) Responding: 3B13D					
UPDATED -BOS - Supervisorial District: District 6 SFPD - Command Post Location: SFPD - Safe Avenue of Approach: Message Sender: Andres Abarca To view any attachments or photos, please, check your email. Reply with YES to confirm receipt. ""					

ThreadId	MessageId	Date (UTC)	Network	Message Type
2852166274	6459938065	7/15/19 22:54	AT&T	Message 0
""S: Other (Suspicious Package) – Oracle Park (3rd St/Berry St) Current Time: 15:53:58 UPDATED –Notification Status: Update SFPD – Incident Type: Other (See Description Below) SFPD – Secondary Incident Type: SFPD – District of Occurrence: Co. B -- Southern Station SFPD – Incident Location: Oracle Park (3rd St/Berry St) SFPD – CAD Number: 191962631 SFPD – Case Number: TBD Date of the Incident: 07-15-2019 at 15:42:00 SFPD – Preliminary Info:: Per Dispatch, Suspicious package taped to Giants Dugout Store door. Redacted 6254 (f) Open Investigation / Intelligence Record. Southern Units enroute. UPDATED –Additional Information: No merit to suspicious package. Redacted 6254(f) Open Inv. Investigative Unit(s) Notified: 3B13D Invest. Unit(s) Responding: 3B13D UPDATED –BOS – Supervisorial District: District 6 SFPD – Command Post Location: SFPD – Safe Avenue of Approach: Message Sender: Andres Abarca To view any attachments or photos, please, check your email. Reply with YES to confirm receipt.""				
2852166274	6459938066	7/15/19 22:55	AT&T	Message 0
""Yes""				
2856949792	6460000211	7/15/19 23:21	AT&T	Message 0
""Hey Mike SID will reach out to you tomorrow morning to get a signature for an XXXX for a XXXX Redacted 6254(f) Security Plan/ Procedure. "				
2856949792	6460012145	7/15/19 23:25	AT&T	Message 0
""Copy. ""				
2869432929	6459893440	7/15/19 22:10	AT&T	Message 0
""I came by your office just to say hi cuz I figured nobody visits you but you were not there""				
2869432929	6459893431	7/15/19 22:10	AT&T	Message 0
""Nothing at all I just came by to BS with you cuz you're one of the few normal people left in the whole Police Department""				
2869432929	6459893435	7/15/19 22:13	AT&T	Message 0
""Thanks appreciate it sorry I missed you!!!! I feel the same!!""				
2869432929	6459903845	7/15/19 22:26	AT&T	Message 0
""I just had a meeting in the building and was dropping by""				
2924046992	6459033602	7/15/19 16:12	AT&T	Message 0
""Hi Commander I know you're at the range right now there was an email sent asking if you can attend the 2 o'clock meeting today in place of Dc McEachern which is the By-weekly meeting with the ACs DC's executive director and SDU. It's in room 5175 at Phq ""				
2924046992	6459033645	7/15/19 16:13	AT&T	Message 0
""Yes I'll be going to that I confirm with them""				
2924046992	6459036668	7/15/19 16:19	AT&T	Message 0
""Copy Commander And I printed out Dc calendar for the next two weeks and put it in your inbox""				

ThreadId	MessageId	Date (UTC)	Network	Message Type
2854159641	6460442330	7/16/19 3:39	AT&T	Message 0
""""All reports, today's and the missing one from the 8th 98 to you via Lt Hamilton's email. The reports from 7/1 was sent to Commander Fong. We can send that to you as well. Thanks for your patience """"				
2854159641	6460455449	7/16/19 3:55	AT&T	Message 0
""""Thank you Joe I only need the one for this week.				
Thanks""""				
2854159641	6460482821	7/16/19 3:58	AT&T	Message 0
""""The July 1st was supposed to go to Commander Fong so that was good. Thank you""""				
2854159641	6460482775	7/16/19 3:58	AT&T	Message 0
"""" """"				
2854279642	6458849973	7/15/19 14:49	AT&T	Message 0
""""Good morning Ann. I believe you are back today As a reminder we have the Command staff qualification at the airport range this morning at 0900 Hope you had a great vacation""""				
2854279642	6458849995	7/15/19 14:49	AT&T	Message 0
""""Good morning Ann. I believe you are back today As a reminder we have the Command staff qualification at the airport range this morning at 0900 Hope you had a great vacation""""				
2854279642	6459785358	7/15/19 21:21	AT&T	Message 0
""""In t bFrom Delgandio: Just FYI protest in front of Amazon. 525 Market St. about 100 people. Peaceful. Spoke with the organizer, no plans to march. Just plan on being here for the lunch hour then dispersing. """"				
2854279642	6460144474	7/15/19 23:55	AT&T	Message 0
""""No merit o. The suspicious package at the Giants dugout. It was a REDACTED 6254(F) GC OPEN INVESTIGATION AND/OR RECORD OF INTELLIGENCE"				
2854279642	6460144461	7/15/19 23:55	AT&T	Message 0
""""No merit o. The suspicious package at the Giants dugout. It was a REDACTED 6254(F) GC OPEN INVESTIGATION AND/OR RECORD OF INTELLIGENCE"				
2854279642	6460283092	7/16/19 1:42	AT&T	Message 1
2854279642	6460283102	7/16/19 1:42	AT&T	Message 0
""""This is the note Lt Morales first said it was nothing. I asked about the note and he sent me this, it appears to be an 800 but they will do a report and make notifications """"				

ThreadId	MessageId	Date (UTC)	Network	Message Type
2854114307	6459506228	7/15/19 19:29	AT&T	Message 0
""Chief... FYI ONLY.. I'm leaving at 2:30pm for a DMV appointment in Daly City. I'm applying for that REAL ID as my CDL expires on Aug 1, 2019.👍""				
2854114307	6459600652	7/15/19 19:49	AT&T	Message 0
""Got it. Hopefully you won't be waiting to long. ""				
2854114307	6459988492	7/15/19 23:18	AT&T	Message 0
""I'm finally done with applying for my REAL ID.. sooo crazy here at the Daly City DMV!!! See you tomorrow Chief!!🤔🤔""				
2854114307	6459988497	7/15/19 23:18	AT&T	Message 0
""I'm finally done with applying for my REAL ID.. sooo crazy here at the Daly City DMV!!! See you tomorrow Chief!!🤔🤔""				
2855989828	6459496351	7/15/19 19:24	AT&T	Message 0
""I saw your target and knew we were in trouble. Good shooting! But beware, I'm on your heals.""				
2855989828	6459506242	7/15/19 19:29	AT&T	Message 0
""LOL, thank you. With my eye sight these days the distance shooting is a challenge. ""				
2855989828	6459507264	7/15/19 19:31	AT&T	Message 0
""Obviously a challenge you overcome.""				
2856065950	6459006418	7/15/19 15:47	AT&T	Message 0
""FYI I went to the Lake by mistake. Going to the Airport now. I may be late ""				
2863928440	6459938034	7/15/19 22:54	AT&T	Message 0
""S: Other (Suspicious Package) – Oracle Park (3rd St/Berry St) Current Time: 15:53:58 UPDATED –Notification Status: Update REDACTED 6254(F) GC OPEN INVESTIGATION AND/OR RECORD OF INTELLIGENCE"				
2876610504	6460172256	7/16/19 0:22	AT&T	Message 0
""Chief tomorrow we will be assisting Concord PD in serving an arrest and search warrant on a REDACTED 6254(F) GC OPEN INVESTIGATION AND/OR RECORD OF INTELLIGENCE"				
2876610504	6460172258	7/16/19 0:22	AT&T	Message 0
""Chief tomorrow we will be assisting Concord PD in serving an arrest and search warrant on a REDACTED 6254(F) GC OPEN INVESTIGATION AND/OR RECORD OF INTELLIGENCE"				
2876610504	6460172257	7/16/19 0:23	AT&T	Message 0
""Copy""				
2876610504	6460174676	7/16/19 0:24	AT&T	Message 0
""Copy. Thanks""				

ThreadId	MessageId	Date (UTC)	Network	Message Type
2854279636	6459938018	7/15/19 22:54	AT&T	Message 0
""S: Other (Suspicious Package) - Oracle Park (3rd St/Berry St) Current Time: 15:53:58 UPDATED -Notification Status: Update SFPD - Incident Type: Other (See Description Below) SFPD - Secondary Incident Type: SFPD - District of Occurrence: Co. B -- Southern Station SFPD - Incident Location: Oracle Park (3rd St/Berry St) SFPD - CAD Number: 191962631 SFPD - Case Number: TBD Date of the Incident: 07-15-2019 at 15:42:00 SFPD - Preliminary Info:: Per Dispatch, Suspicious package REDACTED 6254(F) GC OPEN INV/RECORD OF INTELLIGENCE . Southern Units enroute. UPDATED -Additional Information: No merit to suspicious package. REDACTED 6254(F) OPEN INV Investigative Unit(s) Notified: 3B13D Invest. Unit(s) Responding: 3B13D UPDATED -BOS - Supervisorial District: District 6 SFPD - Command Post Location: SFPD - Safe Avenue of Approach: Message Sender: Andres Abarca To view any attachments or photos, please, check your email. Reply with YES to confirm receipt.""				
2854279636	6460039910	7/15/19 23:26	AT&T	Message 0
""Yes""				
2858154687	6459226537	7/15/19 17:33	AT&T	Message 0
""Morning Cmdr. When you can, please talk to Bernadette about the pilot program at Bayview. She's starting to ask questions.... thank you!""				
2858154687	6459226575	7/15/19 17:36	AT&T	Message 0
""Sorry to bother you about this. She just seems a bit concerned why she didn't know about it. I'm trying to keep things neutral.""				
2858154687	6459274341	7/15/19 17:49	AT&T	Message 0
""Will do""				
2858154687	6459274458	7/15/19 17:50	AT&T	Message 0
""Thank you! I'm being short and brief with my answers and told her that you will reach out to her.""				
2866170423	6459699361	7/15/19 20:22	AT&T	Message 0
""Cmdr. The hot water heater Is down at central we have a crew there working on it now. We are working on getting a ETA on when hot water will be restored""				
2866170423	6459765204	7/15/19 21:00	AT&T	Message 0
""Thank you ""				
2866170423	6459765232	7/15/19 21:01	AT&T	Message 0
""ETA is Thursday. The crew ran into 20ft of asbestos insulation that needs to be abated before moving forward with the water heater replacement.""				
2866170423	6459767802	7/15/19 21:02	AT&T	Message 0
""Ok. All measures being taken to mitigate exposure to asbestos? ""				
2866170423	6459777752	7/15/19 21:08	AT&T	Message 0
""Yes the crews earliest availability is Wednesday to abate				

and Thursday to install""

2866170423 6459777775 7/15/19 21:13 AT&T Message 0

""Thank you, please ensure Captain Yick at Central is
informed of situation a d advised of repair schedule. ""

2866170423 6459777768 7/15/19 21:13 AT&T Message 0

""Thank you, please ensure Captain Yick at Central is
informed of situation a d advised of repair schedule. ""

ThreadId	MessageId	Date (UTC)	Network	Message Type
2856529870	6457996423	7/14/19 23:41	AT&T	Message 0
""Daryl have you heard from your Captains regarding the status of the foot race or the AIDS walk?""				
2856529870	6457996439	7/14/19 23:44	AT&T	Message 0
""No I can check in with them. ""				
2856529870	6458004937	7/14/19 23:53	AT&T	Message 0
""No reporter issues per A/Captain Pera. ""				
2856529870	6458004953	7/14/19 23:54	AT&T	Message 0
""Reported""				
2856529870	6458009435	7/14/19 23:56	AT&T	Message 0
""Copythanks""				
2863079479	6459771456	7/15/19 21:04	AT&T	Message 0
""Funeral service in Bayview over. Repass in Taraval green as attendees just setting up""				
2863079479	6460232690	7/16/19 0:42	AT&T	Message 0
""Chief. Funeral Repass is over. Code 4""				
2863079479	6460273452	7/16/19 1:39	AT&T	Message 0
""Thx""				
2914991675	6458004945	7/14/19 23:50	AT&T	Message 0
""No problems reported to the station. Unit will respond to area and check it out. I will update you once I hear back from them. ""				
2914991675	6458004943	7/14/19 23:51	AT&T	Message 0
""Copy thanks ""				
2914991675	6458025459	7/15/19 0:30	AT&T	Message 0
""No problems....GGP looks good. Numbers are the same as any other Sunday. ""				

ThreadId	MessageId	Date (UTC)	Network	AttachmentCount
2919077961	6456354285	7/13/19 20:00	AT&T	
0	""I have preliminary information that XXXXXX may have expired on a Jet Blue flight. Still waiting on confirmation""			
2919077961	6456400728	7/13/19 20:36	AT&T	
0	""Who is that?""			
2919077961	6456400736	7/13/19 20:36	AT&T	
0	""Who is that?""			
2919077961	6456659351	7/14/19 0:18	AT&T	
0	""Retired member. He worked in the old investigations bureau as the Deputy Chief assistant""			
2924079672	6458769437	7/15/19 14:34	AT&T	
0	""Good morning Commander. I am SP today. Lt. Daniels is the LWLP captain. Thank you. ""			
2924079672	6458769379	7/15/19 14:34	AT&T	
0	""Good morning Commander. I am SP today. Lt. Daniels is the LWLP captain. Thank you. ""			
2924079672	6459325782	7/15/19 18:24	AT&T	
0	""Copy ""			
2932418178	6456745704	7/14/19 0:33	AT&T	
0	""Be advised that retired member XXXX passed away on a Jet Blue flight while enroute to SFO. NFI ""			
2932418178	6456800399	7/14/19 0:40	AT&T	
0	""Copy thank you ""			
2932418178	6456839512	7/14/19 0:47	AT&T	
0	""Copy, thanks for letting us know. ""			

ThreadId	MessageId	Date (UTC)	Network	Message Type
2855989828	6459496351	7/15/19 19:24	AT&T	Message 0
""I saw your target and knew we were in trouble. Good shooting! But beware, I'm on your heals.""				
2855989828	6459506242	7/15/19 19:29	AT&T	Message 0
""LOL, thank you. With my eye sight these days the distance shooting is a challenge. ""				
2855989828	6459507264	7/15/19 19:31	AT&T	Message 0
""Obviously a challenge you overcome.""				
2860564412	6456800420	7/14/19 0:39	AT&T	Message 0
""Be advised that retired member REDACTED PERSONNEL / PRIVACY passed away on a Jet Blue flight while enroute to SFO. NFI ""				
2860564412	6456873221	7/14/19 0:50	AT&T	Message 0
""Copy thanks Chief.""				
2863582357	6459938056	7/15/19 22:54	AT&T	Message 0
""S: Other (Suspicious Package) - Oracle Park (3rd St/Berry St) Current Time: 15:53:58 UPDATED -Notification Status: Update SFPD - Incident Type: Other (See Description Below) SFPD - Secondary Incident Type: SFPD - District of Occurrence: Co. B -- Southern Station SFPD - Incident Location: Oracle Park (3rd St/Berry St) SFPD - CAD Number: 191962631 SFPD - Case Number: TBD Date of the Incident: 07-15-2019 at 15:42:00 SFPD - Preliminary Info:: Per Dispatch, Suspicious package REDACTED 6254(F) GC OPEN INVESTIGATION/ RECORD OF INTELLIGENCE. Southern Units enroute. UPDATED - Additional Information: No merit to suspicious package REDACTED 6254(F) OPEN INVESTIGATION RECORD OF INTELLIGENCE. Investigative Unit(s) Notified: 3B13D Invest. Unit(s) Responding: 3B13D UPDATED -BOS - Supervisorial District: District 6 SFPD - Command Post Location: SFPD - Safe Avenue of Approach: Message Sender: Andres Abarca To view any attachments or photos, please, check your email. Reply with YES to confirm receipt.""				
2911489198	6456681714	7/14/19 0:20	AT&T	Message 0
""I have preliminary information that REDACTED PERSONNEL MATTER / PRIVACY died on a Jet Blue flight. He is a retired member.""				
2911489198	6456681656	7/14/19 0:21	AT&T	Message 0
""I know XXXX well. Thx. Please let me know when confirmed. ""				
2911489198	6456681722	7/14/19 0:26	AT&T	Message 0
""Leo Capovilla just confirmed the info""				
2911489198	6456681724	7/14/19 0:26	AT&T	Message 0
""Thanks""				
2932418178	6456745704	7/14/19 0:33	AT&T	Message 0
""Be advised that retired member REDACTED PRIVACY / PERSONNEL passed away on a Jet Blue flight while enroute to SFO. NFI ""				
2932418178	6456800399	7/14/19 0:40	AT&T	Message 0
""Copy thank you ""				

2932418178	6456839512	7/14/19 0:47	AT&T	Message 0
	""Copy, thanks for letting us know. ""			
2932418178	6456839497	7/14/19 0:50	AT&T	Message 0
	""Copy. Thanks""			
2932418178	6457017721	7/14/19 1:20	AT&T	Message 0
	""Copy. Thanks for the heads up ""			
2932418178	6457228367	7/14/19 5:53	AT&T	Message 0
	""Thanks Mikail""			

ThreadId	MessageId	Date (UTC)	Network	Message Type
2854987823	6459932706	7/15/19 22:45	AT&T	Message 0
"" SFPD - Incident Location: Oracle Park (3rd St/Berry St) SFPD - CAD Number: 191962631 SFPD - Case Number: TBD Date of the Incident: ""				
2854987823	6459932707	7/15/19 22:45	AT&T	Message 0
""S: SOB Alert - Other (Suspicious Package) - Oracle Park (3rd St/Berry St) Current Time: 15:45:43 Notification Status: New SFPD - Incident Type: Other (See Description Below) SFPD - Secondary Incident Type: SFPD - District of Occurrence: Co. B -- Southern Station SFPD - Incident Location: Oracle Park (3rd St/Berry St) SFPD - CAD Number: 191962631 SFPD - Case Number: TBD Date of the Incident: 07-15-2019 at 15:42:00 SFPD - Preliminary Info:: Per Dispatch, Suspicious package taped to Giants Dugout Store door. REDACTED 6254 (F) OPEN INV / RECORD OF INTELLIGENCE . Southern Units enroute. Additional Information: Investigative Unit(s) Notified: 3B13D Invest. Unit(s) Responding: 3B13D BOS - Supervisorial District: N/A SFPD - Command Post Location: SFPD - Safe Avenue of Approach: Message Sender: Andres Abarca To view any attachments or photos, please, check your email. Reply with YES to confirm receipt.""				
2854987823	6459932629	7/15/19 22:45	AT&T	Message 0
""il. Reply with YES to confirm receipt.""				
2854987823	6459938043	7/15/19 22:54	AT&T	Message 0
""S: Other (Suspicious Package) - Oracle Park (3rd St/Berry St) Current Time: 15:53:58 UPDATED -Notification Status: Update SFPD - Incident Type: Other (See Description Below) SFPD - Secondary Incident Type: SFPD - District of Occurrence: Co. B -- Southern Station SFPD - Incident Location: Oracle Park (3rd St/Berry St) SFPD - CAD Number: 191962631 SFPD - Case Number: TBD Date of the Incident: 07-15-2019 at 15:42:00 SFPD - Preliminary Info:: Per Dispatch, Suspicious package taped to Giants Dugout Store door. REDACTED 6254(f) OPEN INVESTIGATION RECORD OF INTELLIGENCE . Southern Units enroute. UPDATED -Additional Information: No merit to suspicious package. REDACTED 6254 (f) GC OPEN INV Investigative Unit(s) Notified: 3B13D Invest. Unit(s) Responding: 3B13D UPDATED -BOS - Supervisorial District: District 6 SFPD - Command Post Location: SFPD - Safe Avenue of Approach: Message Sender: Andres Abarca To view any attachments or photos, please, check your email. Reply with YES to confirm receipt.""				
2854987823	6459937992	7/15/19 22:55	AT&T	Message 0
""Yes ""				
2856248370	6460199084	7/16/19 0:28	AT&T	Message 0
""Help! I need DOJ contact""				
2856248370	6460199214	7/16/19 0:28	AT&T	Message 0
""Please""				
2856248370	6460199212	7/16/19 0:29	AT&T	Message 0

""I do not have one but I can talk to our person tomorrow morning. Mannix sign off on your events stuff ? I told her you and Mary need it done. ""

2856248370 6460199082 7/16/19 0:31 AT&T Message 0

""I have heard nothing. Can you ask her pretty please. ""

2856248370 6460199104 7/16/19 0:31 AT&T Message 0

""👍""

2932461277 6459047479 7/15/19 16:24 AT&T Message 0

""We are all 98 to airport range""

ThreadId	MessageId	Date (UTC)	Network	Message Type
2867998123	6385755057	6/20/19 17:07	AT&T	Message 0
""""Good luck today. """"				
2867998123	6386723262	6/20/19 21:16	AT&T	Message 0
""""Still waiting! This is crazy town!!""""				
2867998123	6405632561	6/26/19 15:30	AT&T	Message 0
""""My EA Maria Garcia sent you the SOB surveillance lists the day before due date 1. Did you get it ? """"				
2867998123	6406352901	6/26/19 18:38	AT&T	Message 0
""""Yes I just got both email and internal mail""""				
2867998123	6406352927	6/26/19 18:38	AT&T	Message 0
""""Yes I just got both email and internal mail""""				
2867998123	6406373018	6/26/19 18:42	AT&T	Message 0
""""Thanks """"				
2915616505	6402169016	6/25/19 21:50	AT&T	Message 0
""""Hey, I am told by the station Captain that Sup Brown plans to complain to Mayor about police staffing in her district. Have you heard anything? """"				
2915616505	6402221028	6/25/19 22:03	AT&T	Message 0
""""Kind of? Went I went in to harang them about her comments in committee, shakirah mentioned that they feel like they keep pulling foot beat officers out if the area, pushing Homeless persons from downtown to D5. Mostly they feel like resources get pulled away from where they should be. There's also that video of the car bumping a bicyclist; remski said they called the station / captain and didn't get a good response but that was yesterday and it was remski only""""				
2915616505	6402756961	6/25/19 23:52	AT&T	Message 0
""""I am going to double check to see if we have pulled officers -- as I thi k we have added, """"				
2915616505	6406379382	6/26/19 18:43	AT&T	Message 0
""""We are in with Sean I'll call you soon""""				
2927540203	6386207724	6/20/19 19:03	AT&T	Message 0
""""Chris Corgas, OEWD""""				

ThreadId	MessageId	Date (UTC)	Network	AttachmentCount
2919077961	6456354285	7/13/19 20:00	AT&T	
0	""I have preliminary information that XXXXXX may have expired on a Jet Blue flight. Still waiting on confirmation""			
2919077961	6456400728	7/13/19 20:36	AT&T	
0	""Who is that?""			
2919077961	6456400736	7/13/19 20:36	AT&T	
0	""Who is that?""			
2919077961	6456659351	7/14/19 0:18	AT&T	
0	""Retired member. He worked in the old investigations bureau as the Deputy Chief assistant""			
2924079672	6458769437	7/15/19 14:34	AT&T	
0	""Good morning Commander. I am SP today. Lt. Daniels is the LWLP captain. Thank you. ""			
2924079672	6458769379	7/15/19 14:34	AT&T	
0	""Good morning Commander. I am SP today. Lt. Daniels is the LWLP captain. Thank you. ""			
2924079672	6459325782	7/15/19 18:24	AT&T	
0	""Copy ""			
2932418178	6456745704	7/14/19 0:33	AT&T	
0	""Be advised that retired member XXXX passed away on a Jet Blue flight while enroute to SFO. NFI ""			
2932418178	6456800399	7/14/19 0:40	AT&T	
0	""Copy thank you ""			
2932418178	6456839512	7/14/19 0:47	AT&T	
0	""Copy, thanks for letting us know. ""			

ThreadId	MessageId	Date (UTC)	Network	Message Type
2854944637	6459404047	7/15/19 18:54	AT&T	Message 0
inputs. """"No need to send - you sent to me for our staffing analysis				
2854944637	6459408411	7/15/19 18:54	AT&T	Message 0
""""Ok no problem. Just sent anyway """"				
2854944637	6459408426	7/15/19 18:55	AT&T	Message 0
""""Thanks! Again!!""""				
2854944637	6459408562	7/15/19 18:55	AT&T	Message 0
""""Thanks! Again!!""""				
2858515257	6454020503	7/12/19 20:17	AT&T	Message 0
""""I made a mistake on Chief's calendar today. Can you come at 3 pm instead? I don't know how I missed his meeting with public Defender at 2 pm. """"				
2858515257	6454288820	7/12/19 22:01	AT&T	Message 0
""""He is ready""""				
2858515257	6454313910	7/12/19 22:06	AT&T	Message 0
""""Coming sorry!""""				
2862319549	6450057249	7/11/19 16:43	AT&T	Message 0
""""Have you begun?""""				
2862319549	6450057198	7/11/19 16:44	AT&T	Message 0
""""Im in but it said pleass wait for your conference to begin """"				
2862319549	6454003594	7/12/19 20:08	AT&T	Message 0
""""Hi, commander. I asked Capt Ford to reach out to you to see how you did not receive the reschedule notice. """"				

ThreadId	MessageId	Date (UTC)	Network	Message Type
2864391120	6349197514	6/12/19 18:00	AT&T	Message 0
	""In with the chief. Let's check in this afternoon - 1?""			
2864391120	6349200912	6/12/19 18:01	AT&T	Message 0
	""Ok""			
2864391120	6349200911	6/12/19 18:02	AT&T	Message 0
	""Ok""			
2864391120	6410485574	6/27/19 16:22	AT&T	Message 0
	""Good morning. We are in the fiscal conference room""			
2875592848	6400885984	6/25/19 15:44	AT&T	Message 0
	""Shall I get you a coffee?""			
2875592848	6410733201	6/27/19 17:06	AT&T	Message 0
	""Are you coming?""			
2928758987	6401782811	6/25/19 19:55	AT&T	Message 0
	""Hi, all! This is catherine. I'm texting in case you don't see your email - we are cancelling today's CRI weekly meeting. Sorry for the late notice and see you next week. ""			
2928758987	6401783467	6/25/19 19:59	AT&T	Message 0
	""Copy that Catherine""			
2928758987	6401881260	6/25/19 20:45	AT&T	Message 0
	""Hi""			
2928758987	6402091658	6/25/19 21:07	AT&T	Message 0
	""Copy thanks ""			
2928758987	6402117676	6/25/19 21:24	AT&T	Message 0
	""Copy""			

ThreadId	MessageId	Date (UTC)	Network	Message Type
2856241819	6446498028	7/10/19 17:24	AT&T	Message 0
""just got off phone w David stevenson he had questions about saek numbers that are being presented tonight specifically if there were any issues. I stated there were none that I was aware of but that I can only speak to processing of evidence. he seemed concerned that we report numbers from late December in this round. I tried to make it as simple as possible for him that he should really focus on the 120 days number not being exceeded but I am not confident he accepts that""				
2856241819	6446499601	7/10/19 17:27	AT&T	Message 0
""Copy. I'll talk to him about it. I'm going to present tonight and I have no issue with the report and the difference. ""				
2856241819	6446502332	7/10/19 17:27	AT&T	Message 0
""copy that, you still want me there correct?""				
2856241819	6446502334	7/10/19 17:28	AT&T	Message 0
""Yes. You don't get off that easy but I admire you for trying. ""				
2856241819	6446529010	7/10/19 17:38	AT&T	Message 0
""lol, c'mon I already cancelled beer night tonight w some of my buds. ""				
2856241819	6447101146	7/10/19 20:59	AT&T	Message 0
""just attempted to see Sgt Kisel, GFD. I will leave him a voice mail as soon as I get back to 606 ""				
2856241819	6447217591	7/10/19 21:32	AT&T	Message 0
""Copy""				
2856241819	6447280922	7/10/19 21:54	AT&T	Message 0
""kiesel out til monday, spoke to Penny Si who said she and Kiesel spoke about the situation today. they are trying to determine if this is going to be a wc claim. they are awaiting a Dr note from REDACTED PERSONNEL RECORD 832.7 PC innorder to make the properr determination. penny is sending an email out to myself and Sgt Kiesel to memorialize what is happening and to prepare me for having to potentially fill out the form 439 or dp packet. ""				
2856241819	6447370194	7/10/19 22:38	AT&T	Message 0
"" Copy. Thx""				
2856241819	6450664791	7/11/19 20:28	AT&T	Message 0
""just had a DNA crim resign. fortunately we had interviews scheduled for next week on another open req in DNA so the hope is we can get another off that list. still takes at least 6 months to get them up to speed on our process and be of any use to productivity. Down 3 currently with a new hire scheduled starting the 22nd and an additional member on leave until Jan 20. I still am expecting DNA tat ""				
2856241819	6450664694	7/11/19 20:28	AT&T	Message 0
""Chief sorry did we have a meeting at 1300? ""				

ThreadId	MessageId	Sender	Recipients	Date (UTC)	AttachmentCount	Network	Message	Type
2915551318	6458931628			7/15/19 15:13		AT&T	Message	
14152405828	14159646146			0			""""Good morning tiffany.	
Word for the day and our prayer. Lord, following your way is not an easy job. Give me the wisdom to stay on your path. Amen John """"								
2919042693	6458786132			7/15/19 14:36		AT&T	Message	
14157996405	14159646146			0			""""1130 still good today?""""	
2919042693	6458786165			7/15/19 14:38		AT&T	Message	
14159646146	14157996405			0			""""GM- Yes I will come to public safety building """"	
2919042693	6458817346			7/15/19 14:41		AT&T	Message	
14157996405	14159646146			0			""""Yes good morning....Sounds good. See you then.""""	
2919042693	6459325771			7/15/19 18:24		AT&T	Message	
14159646146	14157996405			0			""""Running a few minutes late, but on my way """"	
2919042693	6459326004			7/15/19 18:24		AT&T	Message	
14157996405	14159646146			0			""""Ok.....""""	
2932644037	6459750492			7/15/19 20:47		AT&T	Message	
14152355343	14159646146			0			""""Hi!""""	
2932644037	6459763803			7/15/19 20:56		AT&T	Message	
14152355343	14159646146			0			""""It's Melissa- my email address is melissa_dawson@cand.uscourts.gov- looking forward to catching up soon!""""	
2932644037	6459763806			7/15/19 20:56		AT&T	Message	
14159646146	14152355343			0			""""So good seeing u today """"	
2932644037	6459763764			7/15/19 20:57		AT&T	Message	
14152355343	14159646146			0			""""😊""""	

ThreadId	MessageId	Date (UTC)	Network	Message Type
2855612343	6459892216	7/15/19 22:05	AT&T	Message 0
""Is Steve Ford the NOBLE selection. ""				
2855612343	6459972382	7/15/19 23:10	AT&T	Message 0
""No. Its wil williams. Nora has the letters. Chaplin also going with mea funds. ""				
2864402462	6459938029	7/15/19 22:54	AT&T	Message 0
""S: Other (Suspicious Package) - Oracle Park (3rd St/Berry St) Current Time: 15:53:58 UPDATED -Notification Status: Update SFPD - Incident Type: Other (See Description Below) SFPD - Secondary Incident Type: SFPD - District of Occurrence: Co. B -- Southern Station SFPD - Incident Location: Oracle Park (3rd St/Berry St) SFPD - CAD Number: 191962631 SFPD - Case Number: TBD Date of the Incident: 07-15-2019 at 15:42:00 SFPD - Preliminary Info:: Per Dispatch, REDACTED 6254 (F) GC. Open invesigation / intelligence. . Southern Units enroute. UPDATED -Additional Information: No merit to suspicious package. Redacted 6254(f) GC. Investigative Unit(s) Notified: 3B13D Invest. Unit(s) Responding: 3B13D UPDATED -BOS - Supervisorial District: District 6 SFPD - Command Post Location: SFPD - Safe Avenue of Approach: Message Sender: Andres Abarca To view any attachments or photos, please, check your email. Reply with YES to confirm receipt.""				
2932398769	6458912556	7/15/19 15:07	AT&T	Message 0
""FYi- Chief Scott needs to be back for a 10:45 last minute Appt. Can he be in the first group to shoot? ""				
2932398769	6458912529	7/15/19 15:07	AT&T	Message 0
""FYi- Chief Scott needs to be back for a 10:45 last minute Appt. Can he be in the first group to shoot? ""				
2932398769	6458925081	7/15/19 15:07	AT&T	Message 0
""You got it""				
2932398769	6458925042	7/15/19 15:08	AT&T	Message 0
""Thank you Cap. ""				
2932679038	6460229335	7/16/19 0:35	AT&T	Message 0
""Id like to pick up some frozen treats from trader joes. Just checking with you to make sure im not doubling up on an item you have already. ""				
2932679038	6460229412	7/16/19 0:35	AT&T	Message 0
""👍""				
2932679038	6460229381	7/16/19 0:36	AT&T	Message 0
""Copy. Ill get some. ""				
2932679039	6460229356	7/16/19 0:38	AT&T	Message 0
""Hi Thao. If you have a car. Could you give me a lift to trader joes to pick up some frozen treats for tonight. Greg""				

ThreadId	MessageId	Date (UTC)	Network	Message Type
2854310135	6459036680	7/15/19 16:17	AT&T	Message 0
""Vaswani said there's no one at the Airport Range. Are you guys some place else first? Let me know, thanks.""				
2854310135	6459036573	7/15/19 16:17	AT&T	Message 0
""Vaswani said there's no one at the Airport Range. Are you guys some place else first? Let me know, thanks.""				
2854310135	6459036557	7/15/19 16:17	AT&T	Message 0
""So that I can let him know.""				
2854310135	6459036575	7/15/19 16:19	AT&T	Message 0
""We are at the Coast Guard training station for a pre brief. We will be going to the Range in a few minutes ""				
2854310135	6459036591	7/15/19 16:19	AT&T	Message 0
""Okay I'll let him know, thanks.""				
2854310135	6459333206	7/15/19 18:28	AT&T	Message 0
""Chief.. you have an email from Janine Olikier. I'll wait for you to review. Then advise on direction if you'd like for me to forward it to Ben, Alicia, and Jonathan Y for review. Thanks...""				
2854310135	6459333217	7/15/19 18:28	AT&T	Message 0
""Chief.. you have an email from Janine Olikier. I'll wait for you to review. Then advise on direction if you'd like for me to forward it to Ben, Alicia, and Jonathan Y for review. Thanks...""				
2854310135	6459506233	7/15/19 19:28	AT&T	Message 0
""Reminder.... I'm off at 2:30pm for DMV appointment ""				
2854310135	6459506235	7/15/19 19:29	AT&T	Message 0
""Copy. David can come by now ""				
2854310135	6459506240	7/15/19 19:30	AT&T	Message 0
""Okily dokily ""				
2854310135	6460156767	7/16/19 0:07	AT&T	Message 0
""It was a zoo at DMV...🤔🤔🤔""				

ThreadId	MessageId	Date (UTC)	Network	Message Type
2854279642	6458849973	7/15/19 14:49	AT&T	Message 0
""""Good morning Ann. I believe you are back today As a reminder we have the Command staff qualification at the airport range this morning at 0900 Hope you had a great vacation""""				
2854279642	6458849995	7/15/19 14:49	AT&T	Message 0
""""Good morning Ann. I believe you are back today As a reminder we have the Command staff qualification at the airport range this morning at 0900 Hope you had a great vacation""""				
2854279642	6459785358	7/15/19 21:21	AT&T	Message 0
""""In t bFrom Delgandio: Just FYI protest in front of Amazon. 525 Market St. about 100 people. Peaceful. Spoke with the organizer, no plans to march. Just plan on being here for the lunch hour then dispersing. """"				
2854279642	6460144474	7/15/19 23:55	AT&T	Message 0
""""No merit o. The suspicious package at the Giants dugout. It was xxxxxxxx""""				
2854279642	6460144461	7/15/19 23:55	AT&T	Message 0
""""No merit o. The suspicious package at the Giants dugout. It was a xxxxxx""""				
2854279642	6460283092	7/16/19 1:42	AT&T	Message 1
2854279642	6460283102	7/16/19 1:42	AT&T	Message 0
""""This is the note Lt Morales first said it was nothing. I asked about the note and he sent me this, it appears to be an 800 but they will do a report and make notifications """"				
2854279642	6460283097	7/16/19 1:43	AT&T	Message 0
""""This is the note that was left on the building in the Southern. It has a REDACTED 6254(f) GC Open Investigation and or record of intelligence. A report is being written as well as a notification in email which I will forward to you when I receive""""				
2854279642	6460340262	7/16/19 2:21	AT&T	Message 0
""""Are you still traveling?""""				
2854279642	6460340233	7/16/19 2:21	AT&T	Message 0
""""Are you still traveling?""""				
2863079479	6459771456	7/15/19 21:04	AT&T	Message 0
""""Funeral service in Bayview over. Repass in Taraval green as attendees just setting up""""				
2863079479	6460232690	7/16/19 0:42	AT&T	Message 0
""""Chief. Funeral Repass is over. Code 4""""				
2863079479	6460273452	7/16/19 1:39	AT&T	Message 0
""""Thx""""				
2864402445	6459932669	7/15/19 22:45	AT&T	Message 0
""""S: SOB Alert - Other (Suspicious Package) - Oracle Park (3rd St/Berry St) Current Time: 15:45:43 Notification Status: New REDACTED 6254(f) GC Open Investigation and or record of intelligence. ""				
2864402445	6459938049	7/15/19 22:54	AT&T	Message 0
""""S: Other (Suspicious Package) - Oracle Park (3rd St/Berry				

St) Current Time: 15:53:58 UPDATED -Notification Status:
Update REDACTED 6254(f) GC Open Investigation and or record of
intelligence. "

2904921409 6459887946 7/15/19 22:00 AT&T Message 0

""I am walking over to Gus'. Do u want anything?""

2904921409 6460144497 7/15/19 23:56 AT&T Message 0

""No, but thanks""

2931914026 6458270431 7/15/19 7:37 AT&T Message 0

""Who is Blake Loeb?""

2931914026 6458270433 7/15/19 7:37 AT&T Message 0

""Who is Blake Loeb?""

ThreadId	MessageId	Date (UTC)	Network	Message Type
2854336805	6452222401	7/12/19 6:07	AT&T	Message 0
""I'm trying to get my wife out of there. Helping her look for flights right now. ""				
2854336805	6452222393	7/12/19 6:07	AT&T	Message 0
""I'm trying to get my wife out of there. Helping her look for flights right now. ""				
2854336805	6452362545	7/12/19 7:37	AT&T	Message 0
""Delta's have taken over Burben street. ""				
2855706472	6452173799	7/12/19 5:16	AT&T	Message 0
""The demo at ICE was code four with no issues. I asked Bobby Yick To send officers by the building on ransome A few times tonight and tomorrow morning To determine if any demonstration on Kampmann activity is underway. This was declared by some a week of action against ICE. There is one additional protests scheduled for Friday afternoon We hav a step one squad available in the central. ""				
2855706472	6452187051	7/12/19 5:38	AT&T	Message 0
""Great call ""				
2855706472	6453342096	7/12/19 15:27	AT&T	Message 0
""Chief good morning. Yesterday in the mission The group of skate boarders Held what they call a Hill bomb. In years past this has been an organized event. However the organizers do not seek any permits nor communicate with the department regarding this event To give us the opportunity to facilitate There were no incidents connected to the event that were reported to us. No police action was taken. The group size exceeded At least 250 people Including a group that came out of Dolores park a spectator's. I spoke with Gaetano about it. It would have taken likely REDACTED 6254(F) SECURITY FILE To open the roadway and shut down the event. ""				
2855706472	6453397885	7/12/19 15:27	AT&T	Message 0
""Chief good morning. Yesterday in the mission The group of skate boarders Held what they call a Hill bomb. In years past this has been an organized event. However the organizers do not seek any permits nor communicate with the department regarding this event To give us the opportunity to facilitate There were no incidents connected to the event that were reported to us. No police action was taken. The group size exceeded At least 250 people Including a group that came out of Dolores park a spectator's. I spoke with Gaetano about it. It would have taken likely two platoons To open the roadway and shut down the event. ""				
2855706472	6453344231	7/12/19 15:30	AT&T	Message 0
""There were no issues encampments are other signs of protest established overnight in front of the ICE building on Sansome street ""				
2858154682	6452148826	7/12/19 4:53	AT&T	Message 0
""The victim appears to be stable. they are taking his photograph so they can identify him. He is John Doe right now. ""				

2858154682 6452164475 7/12/19 5:08 AT&T Message 0
""Copy Dan""

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Please use email only. I am an anonymous user of MuckRock.com, not a MuckRock representative.

Supervisor of Records and Sunshine Ordinance Task Force
City Hall, Rooms 234 and 244
1 Dr. Carlton B. Goodlett Pl.
San Francisco CA 94102
supervisor.records@sfcityattty.org; sotf@sfgov.org
sent via email

Your ref.
SFPD P008260-071519

Our ref.
#76435

Date
2019-09-12

RE: SF Sunshine Ordinance petition against SFPD, ref 76435/P008260-071519

To the Supervisor of Records and Sunshine Ordinance Task Force:

NOTE: Every response you send or provide (including all responsive records) may be automatically and immediately visible to the general public on the MuckRock.com web service used to issue this request. (I am not a representative of MuckRock)

This is simultaneously:

- a new petition under SF Admin Code (SFAC) 67.21(d) to the Supervisor of Records for a written determination that records are public, and an order against SFPD, Police Chief William Scott, Sgt. Michael Andraychak, and Custodian Does 1–20 (together “Respondents”) for disclosure of all records determined public, and
- a new complaint under SFAC 67.21(e) to the Task Force for a hearing, an order of determination that records are public and requiring Respondents to disclose those records, and a finding that Respondents violated and are presently violating SFAC 67.21, 67.26, 67.27, Gov Code 6253 and 6253.9;

which orders may be enforced at Superior Court under SFAC 67.21(f). Examples of improperly withheld parts of records are provided, but I am asking that all such withholdings of each type discussed be deemed a public part of a record and disclosed. Please ask Respondents for a copy of the records as provided as they are too voluminous to include here.

Respondents include SFPD, the department head Police Chief William Scott, and the specific person who responded to my request Sgt. Michael Andraychak.

Respondents also include unnamed custodians (Custodian Does 1–20) named by title in my request: Asst. Chief/Chief of Staff, Asst. Chief/Operations, Deputy Chief/Administration, Executive Director/Strategic Management, Deputy Chief/Field Operations, Deputy Chief/Investigations, Deputy Chief/Special Operations, Deputy Chief/Airport, every Commander, every Civilian Director. These Does are “custodian[s] of a public record” within the meaning of the Sunshine Ordinance because they “hav[e] custody of [a] public record” that I have requested – namely their own business and personal communications (to the extent the latter are regarding the public’s business).

I do not wish to negotiate with Respondents and I request all determinations, findings, and orders specified in the Sunshine Ordinance without delay. Each requested finding and determination is numbered below for your convenience. There is no mootness provision in the Sunshine Ordinance; even if the Respondents eventually turn over all public records without requiring an order, I would still like all written determinations that records are public and that Respondents violated the law.

1. Respondents violated SFAC 67.21(b) — The request was made via e-mail to SFPD on July 2, 2019. The initial responses were sent July 15, 2019. They were due July 12, 2019. Email trail is in Exhibit A.
2. Respondents violated SFAC 67.21(k), incorporating Gov Code 6253(c) — As of July 26 (24 days, with all extensions, after July 2), Respondents failed to “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 therefor.” It is unclear whether as of filing this complaint Respondents have completed this process, although they may have provided the determination finally on Sept. 3.
3. Respondents violated SFAC 67.21(l) and/or Gov Code 6253.9(a); and must disclose the .eml or .msg, or original email records — The request asks for the records in their original format, or to use .eml or .msg format. .eml or .msg formats are “easily generated” via simple file export by major brand email systems. Furthermore, Respondents were warned that, if contrary to our request, they would use PDFs, they should use searchable or text PDFs instead of image PDFs. Respondents do appear to have used searchable or text PDFs, but did not provide .eml, .msg, or the original format.
4. Respondents violated SFAC 67.21(k), incorporating Gov Code 6253(b); and must disclose exact (redacted) copies — Disclosed email records lack the original color, hyperlinks, images, metadata, email addresses, and other parts of records. In addition, at least in the case of Cmdr Daryl Fong, the actual emails requested were not disclosed. Instead Fong’s emails were forwarded first and those forwarded emails were disclosed instead. Forwarding an email creates a new email record, with completely different headers and metadata. I want Fong’s original emails, like many of the other custodians (partially) disclosed.
5. Respondents violated SFAC 67.26; and must justify all redactions with footnote or clear reference — General redaction justifications are insufficient. They must be made with particularity pointing out which redactions match to which justifications.
6. Respondents violated SFAC 67.27; and must justify its failure to provide original formats or .eml or .msg — No justification was provided.
7. Respondents violated SFAC 67.26 and 67.27; and must provide metadata, which are public parts of records, and/or justify its failure to provide metadata in general — No justification was provided. Respondents failed to even indicate that the metadata had in fact been withheld.
8. Respondents violated SFAC 67.26 and 67.27; and must provide city employee email addresses in the messages, which are public parts of records — Email addresses in the

From/To/Cc/Bcc were withheld in at least the emails of Sutton, Tiffany (POL), Stevenson, David (POL), McEachern, Greg (POL), Francisco Da Costa, and others. No justification was provided. Respondents failed to indicate that the email addresses had in fact been withheld.

9. Respondents violated SFAC 67.26 and 67.27; and must provide hyperlinks in the messages and attachments, which are public parts of records — Hyperlinks were withheld in at least the emails of Sutton, Tiffany (POL), McEachern, Greg (POL), and others and in the attachment of Chief Scott's "Implementation Memo - Executive Directive to Support People of All Gender Identities" and others. No justification was provided. Respondents failed to indicate that the hyperlinks had in fact been withheld. By printing some messages and scanning them, the hyperlinks have been withheld.

10. Respondents violated SFAC 67.21(k), incorporating CPRA, as interpreted judicially in *City of San Jose v Superior Court (2017)*; and must provide all records on personal accounts/devices that are "about the conduct of public business," which are public records — Sgt. Andraychak requested custodians turn over only a subset of all records deemed public under *City of San Jose v Superior Court (2017)*. Andraychak told custodians: "If you do not use your personal email and/or mobile phone for work purposes, you would not have any responsive documents for items 2 and 3 below. " and "IF you do not use any of these accounts for work related purposes, please reply to that effect." That is not what the precedent requires; instead the Supreme Court held "when a city employee uses a personal account to communicate *about the conduct of public business*, the writings may be subject to disclosure under the California Public Records Act (CPRA or Act)." (emphasis mine) Communications *about the conduct of public business* is a wider universe of records than what Andraychak requested. Some custodians may not use their accounts for "work purposes" or "work related purposes" but may have still have communications "about the conduct of public business." The custodians must be instructed to search for all such records, and provide a determination of whether or not such records exist, whether or not they are exempt. For example, a custodian may not personally use their phone for work purposes, but a coworker may still send to their personal phone a text message about the conduct of public business. Such recipient must still search for and disclose such record.

11. Respondents violated SFAC 67.26 and 67.27; and must provide names of email headers in the messages, which are public parts of records — Email header names were withheld in all emails. No justification was provided. Respondents failed to indicate that the header names had in fact been withheld. Withholding header names is analogous to withholding the *name* of a form field "Social security number" instead of just redacting the SSN itself.

12. Respondents violated SFAC 67.26 and 67.27; and must provide values of email headers in the messages, which are public parts of records — Email header values were withheld in all emails. No justification was provided. Respondents failed to indicate that the header values had in fact been withheld. I ask that you determine one or more of the following headers are public parts of records and order their disclosure:

- (1) Age
- (2) Alternate-Recipient
- (3) Alternates
- (4) ARC-Authentication-Results

- (5) ARC-Message-Signature
- (6) ARC-Seal
- (7) Authentication-Results
- (8) Autoforwarded
- (9) Auto-Submitted
- (10) Autosubmitted
- (11) Bcc
- (12) Body
- (13) CalDAV-Timezones
- (14) Cc
- (15) Comments
- (16) Content-Description
- (17) Content-Duration
- (18) Content-Encoding
- (19) Content-Disposition
- (20) Content-Language
- (21) Content-MD5
- (22) Content-Type
- (23) Date
- (24) Date-Received
- (25) Deferred-Delivery
- (26) Delivery-Date
- (27) Disclose-Recipients
- (28) Distribution
- (29) DKIM-Signature
- (30) Encoding
- (31) ETag
- (32) Expires
- (33) Followup-To
- (34) Forwarded
- (35) From
- (36) Generate-Delivery-Report
- (37) Host
- (38) Importance
- (39) In-Reply-To
- (40) Keywords
- (41) Label
- (42) Language
- (43) Latest-Delivery-Time
- (44) List-Archive
- (45) List-Id
- (46) List-Owner
- (47) Location
- (48) Message-ID
- (49) Message-Type
- (50) MIME-Version
- (51) Organization

- (52) Original-From
- (53) Original-Message-ID
- (54) Original-Recipient
- (55) Original-Sender
- (56) Originator-Return-Address
- (57) Priority
- (58) Received (make a determination on each of: (a) full IP addresses, (b) (sub)networks, (c) hostnames, and (d) *timestamps of receipt*.)
- (59) Received-SPF
- (60) References
- (61) Reply-By
- (62) Reply-To
- (63) Resent-Bcc
- (64) Resent-Cc
- (65) Resent-Date
- (66) Resent-From
- (67) Resent-Message-ID
- (68) Resent-Reply-To
- (69) Resent-Sender
- (70) Resent-To
- (71) Return-Path
- (72) Sender
- (73) Subject
- (74) To
- (75) Topic
- (76) Xref
- (77) Thread-Index
- (78) Thread-Topic
- (79) X-Envelope-From
- (80) X-Envelope-To
- (81) Delivered-To
- (82) Mailing-List
- (83) Accept-Language
- (84) X-Originating-IP (make a determination on: (a) full IP addresses and (b) (sub)network)
- (85) X-MS-Has-Attach
- (86) X-MS-Exchange-Organization-SCL
- (87) X-MS-TNEF-Correlator
- (88) X-MS-Exchange-Organization-MessageDirectionality
- (89) X-MS-Exchange-Organization-AuthSource
- (90) X-MS-Exchange-Organization-AuthAs
- (91) X-MS-Exchange-Organization-AuthMechanism
- (92) X-MS-Exchange-Organization-Network-Message-Id
- (93) X-MS-PublicTrafficType
- (94) X-MS-Exchange-Organization-ExpirationStartTime
- (95) X-MS-Exchange-Organization-ExpirationStartTimeReason
- (96) X-MS-Exchange-Organization-ExpirationInterval
- (97) X-MS-Exchange-Organization-ExpirationIntervalReason

- (98) X-MS-Office365-Filtering-Correlation-Id
- (99) X-MS-Office365-Filtering-HT
- (100) X-Microsoft-Antispam
- (101) X-MS-TrafficTypeDiagnostic
- (102) X-MS-Exchange-PUrlCount
- (103) X-LD-Processed
- (104) X-MS-Oob-TLC-OOBClassifiers
- (105) X-Forefront-Antispam-Report
- (106) X-MS-Exchange-CrossTenant-OriginalArrivalTime
- (107) X-MS-Exchange-CrossTenant-FromEntityHeader
- (108) X-MS-Exchange-CrossTenant-Id
- (109) X-MS-Exchange-CrossTenant-Network-Message-Id
- (110) X-MS-Exchange-CrossTenant-MailboxType
- (111) X-MS-Exchange-CrossTenant-UserPrincipalName
- (112) X-MS-Exchange-Transport-CrossTenantHeadersStamped
- (113) X-MS-Exchange-Transport-EndToEndLatency
- (114) X-MS-Exchange-Processed-By-BccFoldering
- (115) X-Microsoft-Antispam-Mailbox-Delivery
- (116) X-Microsoft-Antispam-Message-Info

Sincerely,

Anonymous

EXHIBIT A

From: Anonymous Person

07/02/2019

Subject: California Public Records Act Request: Email and Electronic Communications Audit (SFPD)



RE: Email and Electronic Communications Audit

To Whom It May Concern:

** NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) the following items from the SFPD.

Similar requests were recently made of the Board of Supervisors, Clerk, and Mayor's Office. If a person has multiple email addresses (including but not limited to email aliases), 10 emails from each are requested. For example the Mayor may have a public-facing email alias and also an email address she uses to do business internally- 10 from each are requested. Please do not include spam or product advertisement emails.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. For the chat apps, a screenshot or print-out is acceptable.

If you use PDF, use properly redacted searchable or text pdfs. Please don't use image PDFs to make it harder to analyze the records.

If you provide PDFs instead of original email files, only give a few of the headers or lacking attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of SF Admin Code and/or CPRA, and we may challenge your decision at the Sunshine Ordinance Task Force, Supervisor of Records, judicially, and/or via any other remedies available to us. I currently have pending petitions to the Task Force and Supervisor of Records to correct prior disclosure failures of electronic information from various SF agencies.

You must justify all withholding.

Provide records in a rolling fashion. Do not wait for all records to be available.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required free notice of which of those records are available and non-exempt for inspection in-person if we so choose. Please use email to respond.

I look forward to your prompt disclosure.

PART 1 - Email

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails RECEIVED BY EACH OFFICIAL government email account of

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations

4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails SENT FROM EACH OFFICIAL government email account of

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails IN THE DRAFT or OUTBOX folder of EACH OFFICIAL government email account of the following. Please remember the special Sunshine exceptions to CPRA draft withholding under SF Admin Code 67.24(a).

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) SENT FROM EACH PERSONAL email account(s) of the following officials, TO/CC/BCC any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations

8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

E. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) RECEIVED BY EACH PERSONAL email account(s) of the following officials, FROM any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director.

PART 2 - Chat/Messaging

As used below "Conversations" include but are not limited to any metadata records showing that a conversation had taken place but is now deleted (due to expiration for example). Various types of apps are mentioned below.

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Facebook Messenger]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Telegram]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management

6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Slack]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Google Hangouts]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
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E. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Signal]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
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7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
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F. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [SMS/MMS/text messages]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
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G. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Facebook Messenger], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

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5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

PART 3: all instruments used to inquire of each official as to whether they possess any responsive records above, and all of their responses

Sincerely,
Anonymous



Email-Electronic-Communications-Audit-SFPD.pdf

Download

From: Muckrock Staff

07/12/2019

From: San Francisco Police Department

07/15/2019

Subject: San Francisco Police Public Records Request :: P008260-071519

Email

Dear Anonymous:

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 July 15, 2019 and given the reference number P008260-071519 for tracking purposes.

Record(s) Requested: This is a follow up to a previous request: To Whom It May Concern: I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on July 2, 2019. Please let me know when I can expect to receive a response. Thanks for your help, and let me know if further clarification is needed. Filed via MuckRock.com E-mail

(Preferred): requests@muckrock.com Upload documents

directly: https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAIhITo97b9_LHR4GSfxVrJz9g%3A1hRQ5%3AwP7oGkTVY5wnLxdkReQflr06gyU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Femail-and-electronic-communications-audit-sfpd-76435%252F%253Femail%253Dsfpdmediarelations%252540sfgov.org

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know. For mailed responses, please address (see note): MuckRock News DEPT MR 76435 411A Highland Ave

Somerville, MA 02144-2516PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

From: San Francisco Police Department

07/15/2019

Subject: Welcome to the SFPD Portal!

Email

Dear Anonymous ,

Thank you for registering with the San Francisco Public Records Portal. Please log in to update any contact or password information and to track the progress of your request.

Login: requests@muckrock.com

If you have never used this system or cannot remember your password you may request a temporary password here: Request Temporary Password

(https://SANFRANCISCOPD.mycusthelp.com/webapp/_rs/forgotpassword.aspx)

This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

From: San Francisco Police Department

07/15/2019

Subject: Public Records Request :: P008260-071519

Email

--- Please respond above this line ---

July 15, 2019

Via email requests@muckrock.com

Anonymous

RE: Public Records Request, dated July 15, 2019, Reference # P008260-071519

Dear Anonymous:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated July 15, 2019, on July 15, 2019.

You requested, " This is a follow up to a previous request:"

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on July 2, 2019. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

Filed via MuckRock.com

E-mail (Preferred): requests@muckrock.com

Upload documents directly: <https://accounts.muckrock.com/accounts/login/>

url_auth_token=AAAlhITo97b9_LHR4GSfxVrJz9g%3A1hRQ5%3AwP7oGkTVY5wnLxdkReQflr06gyU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccou

nts%252Fagency_login%252Fsan-francisco-police-department-367%252Femail-and-electronic-communications-audit-sfpd-76435%252F%253Femail%253Dsfpdmediarelations%252540sfgov.org
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 76435
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On July 2, 2019:

Subject: California Public Records Act Request: Email and Electronic Communications Audit (SFPD)
RE: Email and Electronic Communications Audit

To Whom It May Concern:

** NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) the following items from the SFPD.

Similar requests were recently made of the Board of Supervisors, Clerk, and Mayor's Office. If a person has multiple email addresses (including but not limited to email aliases), 10 emails from each are requested. For example the Mayor may have a public-facing email alias and also an email address she uses to do business internally- 10 from each are requested. Please do not include spam or product advertisement emails.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. For the chat apps, a screenshot or print-out is acceptable.

If you use PDF, use properly redacted searchable or text pdfs. Please don't use image PDFs to make it harder to analyze the records.

If you provide PDFs instead of original email files, only give a few of the headers or lacking attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of SF Admin Code and/or CPRA, and we may challenge your decision at the Sunshine Ordinance Task Force, Supervisor of Records, judicially, and/or via any other remedies available to us. I currently have pending petitions to the Task Force and Supervisor of Records to correct prior disclosure failures of electronic information from various SF agencies.

You must justify all withholding.

Provide records in a rolling fashion. Do not wait for all records to be available.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required free notice of which of those records are available and non-exempt for inspection in-person if we so choose. Please use email to respond.

I look forward to your prompt disclosure.

PART 1 - Email

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails RECEIVED BY EACH OFFICIAL government email account of

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails SENT FROM EACH OFFICIAL government email account of

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails IN THE DRAFT or OUTBOX folder of EACH OFFICIAL government email account of the following. Please remember the special Sunshine exceptions to CPRA draft withholding under SF Admin Code 67.24(a).

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
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D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) SENT FROM EACH PERSONAL email account(s) of the following officials, TO/CC/BCC any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
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9. Deputy Chief/Airport
10. every Commander
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E. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) RECEIVED BY EACH PERSONAL email account(s) of the following officials, FROM any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

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5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
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PART 2 - Chat/Messaging

As used below "Conversations" include but are not limited to any metadata records showing that a conversation had taken place but is now deleted (due to expiration for example). Various types of apps are mentioned below.

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Facebook Messenger]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
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8. Deputy Chief/Special Operations
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1. Chief of Police
2. Asst. Chief/Chief of Staff
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4. Deputy Chief/Administration
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6. Deputy Chief/Field Operations
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1. Chief of Police
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3. Asst. Chief/Operations
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Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Signal]:

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10. every Commander
11. every Civilian Director

K. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL

account(s) of the following person in [Signal], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

L.an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [text/SMS/MMS messaging], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
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3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

PART 3: all instruments used to inquire of each official as to whether they possess any responsive records above, and all of their responses

Sincerely,
Anonymous

Filed via MuckRock.com

E-mail (Preferred): requests@muckrock.com

Upload documents directly: https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAIhITo97b9_LHR4GSfxVrJz9g%3A1hlrQ5%3AwP7oGkTVY5wnLxdkReQflr06gyU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Femail-and-electronic-communications-audit-sfpd-76435%252F%253Femail%253Dsfpdmediarelations%252540sfgov.org

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):
MuckRock News
DEPT MR 76435

411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

Although SFPD has 10 calendar days to respond to your request, we are invoking an additional 14 day extension of time to respond to your request pursuant to Government Code section 6253(c) because of the need to search, collect, review, and consult with another department. Once it has been determined whether or not the information you request is responsive and subject to disclosure we will advise you as soon practicable but no later than August 8, 2019.

If you have any questions, please contact me at 415-837-7395.

Thank you for your attention.

Sincerely,

Michael Andraychak
Media Relations

To monitor the progress or update this request please log into the SFPD Public Records Center.
(https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsolsnXbuEgm-2FN-2B3KuyZ5YHnuXVUop6SBUj6ZI2gPWQsh2hjE0JdlwH66ZMXJDGxIkHwqIkMGRI8K8RdgfchCPn5hbgdWnlrcjvksbezoDgEiXr0fpETGrLw_RS48PfEuBadMkLhY2xrl2uthodKUGOQzPwgXQnJV8Phu7-2F4gUOxiqjyEwuJDKFH9hTPdLxRRGK3fw-2B3znblD-2F0Hb8Wg-2FP9H72ZfRidoAbCxdHfg5DvCVBDtEcuAEU3glQ-2B9ALx7Nhuov50VF55TAnrwHg2bBxJX8V1y32EtuadhpgITqUnsBE8uEFyUUfLFbBAfwl0WtuRJ0ZW7Ery0p-2BuatDKpcy-2FllzQ1neyXg7NWxQD5Toh6n4Z5VFfaBWPVvifuYznOYP0leDt3IXY6hLDGeoCujKzuMsRgSHuP5XPiwenwaVbOvG2cllBttc7pSwr6les4H9Lz-2BJ8DIITV72c9khoNHmMkqy9tl-2F7rypOLTA5Lhbb72o8FdXZBN6QEtNXqAbeP9hhVhXOehXWQ-3D-3D)
This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

From: San Francisco Police Department

08/05/2019

Subject: Public Records Request :: P008260-071519

Email

From: San Francisco Police Department

08/05/2019

Subject: Public Records Request :: P008260-071519

Email

From: San Francisco Police Department

08/26/2019

Subject: P008260-071519

Email

Chief Scott inbox.

Some redaction was done in accordance with Cal Constitution Article 1, Privacy and Gov Code 6254(f) open.investigation/intelligence/security file information.

Michael Andraychak #457

Sergeant of Police

Officer in Charge - Media Relations Unit

San Francisco Police Department

1245 - 3rd Street, 6th Floor

San Francisco, CA 94158

(415) 837-7395

Regular Days Off: Fri, Sat, Sun

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7.16.19 Public Schedule Media Advisory

 Download



911 Security - US State Drone Laws and Regs in the USA by State 20190630

 Download



911 Security_ U.S. State Drone Laws and Regs in the USA by State d

 Download



Summer Youth Locations for 7_16_19_Redacted

 Download



Suspect ID Needed_ Package Theft _\$50.00_Redacted

 Download



You are cordially invited to 49ers Training Camp!_Redacted

 Download



Other Redacted

 Download



QUESTS~1

 Download



re Location for Lunch mtg 7-16-19_

 Download



Request to have your staff travel with officials to Mexico City b

Download

There are too many files to display on this communication. See all files

From: San Francisco Police Department

08/29/2019

Subject: Chief Scott Outbox Messages

Email

Some redaction was done in accordance with

6254(c) – Personnel, personal, medical information

6254(f) – law enforcement sensitive, investigatory

I continue to work on your request.

Some text messages have also been uploaded to the GovQA portal as they are smaller file sizes.

Michael Andraychak #457

Sergeant of Police

Officer in Charge - Media Relations Unit

San Francisco Police Department

1245 - 3rd Street, 6th Floor

San Francisco, CA 94158

(415) 837-7395

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POL_Scott_PS Transmittal Letter

Download



POL_Yee (Administration)_Cont Matrix of Findings and Recommendations

Download



FAQ ED 2-19-2019

Download



Continuity Final Report

Download

	Pedestrian Safety Final Report Download
	POL_Sanchez (Forensic Services)_Cont Matrix of Findings and Recommendations Download
	POL_Sanchez (Forensic Services)_Cont Transmittal Letter Download
	POL_Scott_Cont Matrix of Findings and Recommendations Download
	POL_Scott_Cont Transmittal Letter Download
	POL_Scott_PS Matrix of Findings and Recommendations Download
There are too many files to display on this communication. See all files	

From: San Francisco Police Department	08/29/2019

Subject: Chief Scott 

Hello,

Chief Scott had not "draft/outbox" emails.

Michael Andraychak #457

Sergeant of Police

Officer in Charge - Media Relations Unit

San Francisco Police Department

1245 - 3rd Street, 6th Floor

San Francisco, CA 94158

(415) 837-7395

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From: San Francisco Police Department

08/31/2019

Subject: P008260-071519

Email

Attached are emails for Commander Operations/Metro Division, Darryl Fong.

Some redaction were done in accordance with Cal Const., Article 1, Privacy.

6254 (f) GC, Open Investigations, Records of Intelligence, Security Procedures.

Michael Andraychak #457

Sergeant of Police

Officer in Charge - Media Relations Unit

San Francisco Police Department

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San Francisco, CA 94158

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Cdr Fong GG Div inbox1_Redacted

Download



Cdr Fong GG Div sent out1_Redacted

Download

From: San Francisco Police Department

08/31/2019

Subject: Re: P008260-071519

Email

There were no draft files.

Michael Andraychak #457

Sergeant of Police

Officer in Charge - Media Relations Unit

San Francisco Police Department

1245 - 3rd Street, 6th Floor

San Francisco, CA 94158

(415) 837-7395

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From: San Francisco Police Department

08/31/2019

Subject: P008620-071519

 Email

Attached are inbox/outbox emails from Dir of Crime Strategies. There were no drafts.

Some redaction was done (personal emails, cell phone or direct phone numbers) other redaction was done in accordance with 6254(f) GC open investigation.

Michael Andraychak #457

Sergeant of Police

Officer in Charge - Media Relations Unit

San Francisco Police Department

1245 - 3rd Street, 6th Floor

San Francisco, CA 94158

(415) 837-7395

Regular Days Off: Fri, Sat, Sun

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Dir Crime Strategies Sutton in and out Redacted

 Download

From: San Francisco Police Department

08/31/2019

Subject: P008620-071519

 Email

Attached are emails from Dir. Communications David Stevenson.

There were two emails in the draft folder.

Some redaction was done in accordance with Cal Const., Article 1, Privacy.

Michael Andraychak #457

Sergeant of Police

Officer in Charge - Media Relations Unit

San Francisco Police Department

1245 - 3rd Street, 6th Floor

San Francisco, CA 94158

(415) 837-7395

Regular Days Off: Fri, Sat, Sun

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AP Style Tips_Redacted

 Download



VoiceMessage

 Download



Boys and girls club - Stevenson, David (POL)

 Download



Re_ Subject_ Media inquiry for Commander David Lazar - Stevenson, David (POL)_Redacted

 Download



Fw_ Subject_ Media inquiry for Commander David Lazar - Stevenson, David (POL)_Redacted

 Download



Fw_ 26.3 - Stevenson, David (POL)_Redacted

 Download



Message from David Stevenson (+14158377242) - Stevenson, David (POL)_Redacted

 Download



Fw_ 26.3 - Stevenson, David (POL)_Redacted

 Download



Re_ Lilly is reunited with her family - Stevenson, David (POL)_Redacted

 Download



Re_ DOJ Recs - Stevenson, David (POL)_Redacted

 Download

There are too many files to display on this communication. See all files

From: San Francisco Police Department

08/31/2019

Subject: P008620-071519



Attached are emails from DC of Investigations McEachern.
Some redaction was done (private email, cell phones, desk extensions) under Cal Const., Art 1,
Privacy and others under 6254(f) Open Investigations.

There are no draft emails.

Michael Andraychak #457

Sergeant of Police

Officer in Charge - Media Relations Unit

San Francisco Police Department

1245 - 3rd Street, 6th Floor

San Francisco, CA 94158

(415) 837-7395

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DC INVESTIGATE MCEACH INBOX1_Redacted

 Download



DC INVESTIGATE MCEACH OUTBOX EMA1_Redacted

 Download

From: Anonymous Person

09/01/2019

Subject: RE: California Public Records Act Request #P008260-071519



**** NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). ****

What is the status of this request? Have all the City of San Jose v Superior Court (2017) searches of personal property been conducted?

From: San Francisco Police Department

09/03/2019

Subject: Re: California Public Records Act Request #P008260-071519



Hello,

We have identified no responsive records from personal devices or accounts.

We are processing the request and have sent numerous emails containing responsive records from SFGOV email accounts. Also, sms/text messages from Department cell phones are being uploaded to the GovQA records portal.

Michael Andraychak #457

Sergeant of Police

Officer in Charge - Media Relations Unit

San Francisco Police Department

1245 - 3rd Street, 6th Floor

San Francisco, CA 94158

(415) 837-7395

Regular Days Off: Fri, Sat, Sun

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From: San Francisco Police Department

09/03/2019

Subject: Public Records Request :: P008260-071519



--- Please respond above this line ---

September 03, 2019

Via email requests@muckrock.com

Anonymous

RE: Public Records Request, dated July 15, 2019, Reference # P008260-071519

Dear Anonymous:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated July 15, 2019, on September 03, 2019.

You requested, " This is a follow up to a previous request:"

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on July 2, 2019. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

Filed via MuckRock.com

E-mail (Preferred): requests@muckrock.com

Upload documents directly: https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAlhITo97b9_LHR4GSfxVrJz9g%3A1hlrQ5%3AwP7oGkTVY5wnLxdkReQflr06gyU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Femail-and-electronic-communications-audit-sfpd-76435%252F%253Femail%253Dsfpdmediarelations%252540sfgov.org

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 76435

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On July 2, 2019:

Subject: California Public Records Act Request: Email and Electronic Communications Audit (SFPD)

RE: Email and Electronic Communications Audit

To Whom It May Concern:

**** NOTE:** this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). ******

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) the following items from the SFPD.

Similar requests were recently made of the Board of Supervisors, Clerk, and Mayor's Office. If a person has multiple email addresses (including but not limited to email aliases), 10 emails from each are requested. For example the Mayor may have a public-facing email alias and also an email address she uses to do business internally- 10 from each are requested. Please do not include spam or product advertisement emails.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. For the chat apps, a screenshot or print-out is acceptable.

If you use PDF, use properly redacted searchable or text pdfs. Please don't use image PDFs to make it harder to analyze the records.

If you provide PDFs instead of original email files, only give a few of the headers or lacking attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of SF Admin Code and/or CPRA, and we may challenge your decision at the Sunshine Ordinance Task Force, Supervisor of Records, judicially, and/or via any other remedies available to us. I currently have pending petitions to the Task Force and Supervisor of Records to correct prior disclosure failures of electronic information from various SF agencies.

You must justify all withholding.

Provide records in a rolling fashion. Do not wait for all records to be available.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required free notice of which of those records are available and non-exempt for inspection in-person if we so choose. Please use email to respond.

I look forward to your prompt disclosure.

PART 1 - Email

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails RECEIVED BY EACH OFFICIAL government email account of

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails SENT FROM EACH OFFICIAL government email account of

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport

10. every Commander
11. every Civilian Director

C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails IN THE DRAFT or OUTBOX folder of EACH OFFICIAL government email account of the following. Please remember the special Sunshine exceptions to CPRA draft withholding under SF Admin Code 67.24(a).

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) SENT FROM EACH PERSONAL email account(s) of the following officials, TO/CC/BCC any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

E. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) RECEIVED BY EACH PERSONAL email account(s) of the following officials, FROM any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport

10. every Commander
11. every Civilian Director

PART 2 - Chat/Messaging

As used below "Conversations" include but are not limited to any metadata records showing that a conversation had taken place but is now deleted (due to expiration for example).

Various types of apps are mentioned below.

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Facebook Messenger]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Telegram]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
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C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Slack]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport

10. every Commander
11. every Civilian Director

D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Google Hangouts]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
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11. every Civilian Director

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1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
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10. every Commander
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F. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [SMS/MMS/text messages]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
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G. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Facebook Messenger], solely to the extent that such

conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

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H.an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Telegram], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

I.an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Slack], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

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K. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Signal], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

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L. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [text/SMS/MMS messaging], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

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3. Asst. Chief/Operations
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6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport

10. every Commander
11. every Civilian Director

PART 3: all instruments used to inquire of each official as to whether they possess any responsive records above, and all of their responses

Sincerely,
Anonymous

Filed via MuckRock.com

E-mail (Preferred): requests@muckrock.com

Upload documents directly: https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAIhITo97b9_LHR4GSfxVrJz9g%3A1hRQ5%3AwP7oGkTVY5wnLxdkReQflr06gyU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Femail-and-electronic-communications-audit-sfpd-76435%252F%253Femail%253Dsfpdmediarelations%252540sfgov.org

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 76435
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

We have identified no responsive records from personal devices or accounts.

We are processing the request and have sent numerous emails containing responsive records from SFGOV email accounts. Also, sms/text messages from Department cell phones are being uploaded to the GovQA records portal.

Thank you for your attention.

Sincerely,

Michael Andraychak
Media Relations
415-837-7395

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

(https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsolsnXbuEgm-2FN-2B3KuyZ5YHnuXVUop6SBUj6Zl2gPWQsh2hjE0JdlwH66ZMXJDGxIkHwQlKMGRI8K8RdgfchCPn5hbgdWnlrcjvklisbezoDgEiXr0fpETGrLw_RS48PfEuBadMkLihY2xrl2uthodKUGOQzPwgXQnJV8Phu7-2F4gUOxiqjyEwuJDKFH9hTPdLxRRGK3fw-2B3znbldN6xXkfLOu-2FAGM3m8EkzF3hUbvUKQp9n-2FuWYT2JLhewp6p1TryqRq4-2BoyXthw-2BqomVNQVDLElkW20sSPSikowCZucvnpqh8rAxUwcOCVWQO22rQy-2FHs3qAMWTJPPeHPyAlpZ7UxY7l2iruBS893tuw5scTecYQiusolMzZJLLHfM2Nnu5OIOVX-2BFKM22sqyl8IR3nSHXwh9EqV5OB5-2BQ1xrz34fC-2B4KChAvw985tlcXGC7g13rqNHUJUNPOLYNx2Q9b-2BDL3DZMA4Zco4FA8oav7GagVLUXEmc-2FgHSIbHZhKL15JgTpoSLanP1F-2FhICLR3g-3D-3D)

This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

From: Anonymous Person

09/03/2019

Subject: RE: California Public Records Act Request #P008260-071519



Acknowledged, thank you.

From: Anonymous Person

09/12/2019

Subject: RE: California Public Records Act Request #P008260-071519



**** Please redact your responses correctly! This is a public mailbox, and all of your responses (including emails, attachments, file shares, and the disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there's no going back. ****

SFPD,

Is your response for 76435 (your #P008260-071519) complete? I would like the final determination of whether or not responsive documents exist (regardless of whether they were exempt) for each request. I would also like all of your redaction & withholding justifications. Remember SFAC 67.26 requires: "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." (emphasis mine) -- you need to be clear which justification is for every redaction and withholding.

Finally I would like the full set of disclosed documents sent by email please.

Sincerely,

Anonymous

From: Anonymous Person

09/12/2019

Subject: RE: California Public Records Act Request #P008260-071519



**** Please redact your responses correctly! This is a public mailbox, and all of your responses (including emails, attachments, file shares, and the disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there's no going back. ****

Sgt. Andraychak is I believe OOF on Fridays. Sending to mailing list.

SFPD,

Is your response for 76435 (your #P008260-071519) complete? I would like the final determination of whether or not responsive documents exist (regardless of whether they were exempt) for each request. I would also like all of your redaction & withholding justifications. Remember SFAC 67.26 requires: "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." (emphasis mine) -- you need to be clear which justification is for every redaction and withholding.

Finally I would like the full set of disclosed documents sent by email please.

Sincerely,

Anonymous

Respondents Document Submission

DOCUMENTS
EXCEED

25 PAGES

Office of the Mayor
City & County of San Francisco



VIA ELECTRONIC MAIL

Requestor: Anonymous
76434-70600365@requests.muckrock.com

July 29, 2019

Re: Amended and Supplemental Response to Public Records Request Received July 2, 2019

Dear Anonymous:

This amends and supplements our July 26, 2019 response to your Public Records Request, attached, entitled Email and Electronic Communications Audit, received by the Office of the Mayor on July 2, 2019. We previously invoked an extension of time to continue our response under Government Code § 6253(c) and San Francisco Admin. Code § 67.25(b) for up to 14 days from the original due date because of the need for consultation with other city departments and the potential volume of requested materials. We then responded and provided responsive documents on July 26, 2019.

Amended and Supplemental Response Dated July 29, 2019

We have completed our search and consultation and are attaching herewith responsive records located in the possession of the Office of the Mayor. The documents have been provided in multiple emails due to file size. Please note that responsive emails from official city email accounts have been provided for all of the requested custodians. Additionally, responsive text messages from personal devices pertaining to city business have been provided for Communications Director Jeff Cretan, Liaison to the Board of Supervisors Sophia Kittler and Compliance Officer Hank Heckel. No such responsive texts were located for the other requested custodians. Existing messages received using Signal pertaining to city business have been provided for Chief of Staff, Sean Elsbernd. These communications are provided herewith as a supplemental production. No responsive communications in the other electronic media named were located for the requested custodians.

The responsive documents have been provided in a PDF format for its ease of transferability and accessibility, consistent with Cal. Gov. Code 6253.9(a)(1). Metadata from any native format has not been provided to avoid risks to the security and integrity of the city's data system and avoid the release of exempt confidential or privileged information. Pursuant to Cal. Gov. Code 6253.9 (f), an agency is not required to provide an electronic record in an electronic format that would jeopardize or compromise the security or integrity of the original record or its data system. The PDF format ensures the security and integrity of the original record.

Please note that certain documents have been withheld on the basis of the attorney-client privilege and/or the attorney work product doctrine. Gov't Code § 6254(k); Evid. Code § 954; Code of Civ. Proc. § 2018.030; Gov't Code § 6276.04; Admin. Code § 67.21(k).

Please note that certain personal information such as private email addresses, phone numbers and personal addresses has been redacted to avoid an unwarranted breach of personal privacy. See Cal. Govt. Code Secs. 6254(c), 6254(k); California Constitution, Art. I, Sec. 1.

Please note that certain information has been redacted on the basis of the attorney-client privilege. Gov't Code § 6254(k); Evidence Code § 954; Admin. Code § 67.21(k).

Please also note that certain call-in information has been redacted pursuant to the official information privilege. See Cal. Evid. Code Sec. 1040(b)(2).

Please note that certain identifying information has been redacted to protect the identity of certain individuals involved in ongoing hiring processes. See Cal. Govt. Code Secs. 6254(c), Admin. Code § 67.24(c).

Please note that we are responding only on behalf of the Office of the Mayor and not on behalf of other City Departments. If you have any questions about your request or would like to submit another public records request, please feel free to contact us at mayorsunshinerequests@sfgov.org.

Best Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco

SOTF File No 19098

Original Request Follows:

This is a follow up to a previous request:

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on July 2, 2019. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed:

Filed via MuckRock.com

E-mail (Preferred): 76435-93915115@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAlhITo97b9_LHR4GSfxVrJz9g%3A1h1rQ5%3AwP7oGkTVY5wnLxdkReQflr06gyU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Femail-and-electronic-communications-audit-sfpd-76435%252F%253Femail%253Dsfpdmediarelations%252540sfgov.org

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 76435

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On July 2, 2019:

Subject: California Public Records Act Request: Email and Electronic Communications Audit (SFPD)

RE: Email and Electronic Communications Audit

To Whom It May Concern:

*** NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). ***

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) the following items from the SFPD.

Similar requests were recently made of the Board of Supervisors, Clerk, and Mayor's Office. If a person has multiple email addresses (including but not limited to email aliases), 10 emails from each are requested. For example the Mayor may have a public-facing email alias and also an email address she uses to do business internally- 10 from each are requested. Please do not include spam or product advertisement emails.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. For the chat apps, a screenshot or print-out is acceptable.

If you use PDF, use properly redacted searchable or text pdfs. Please don't use image PDFs to make it harder to analyze the records.

If you provide PDFs instead of original email files, only give a few of the headers or lacking attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of SF Admin Code and/or CPRA, and we may challenge your decision at the Sunshine Ordinance Task Force, Supervisor of Records, judicially, and/or via any other remedies available to us. I currently have pending petitions to the Task Force and Supervisor of Records to correct prior disclosure failures of electronic information from various SF agencies.

You must justify all withholding.

Provide records in a rolling fashion. Do not wait for all records to be available.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required free notice of which of those records are available and non-exempt for inspection in-person if we so choose. Please use email to respond.

I look forward to your prompt disclosure.

PART 1 - Email

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails RECEIVED BY EACH OFFICIAL government email account of

- 1. Chief of Police*
- 2. Asst. Chief/Chief of Staff*
- 3. Asst. Chief/Operations*
- 4. Deputy Chief/Administration*
- 5. Executive Director/Strategic Management*
- 6. Deputy Chief/Field Operations*
- 7. Deputy Chief/Investigations*
- 8. Deputy Chief/Special Operations*
- 9. Deputy Chief/Airport*
- 10. every Commander*
- 11. every Civilian Director*

B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails SENT FROM EACH OFFICIAL government email account of

- 1. Chief of Police*
- 2. Asst. Chief/Chief of Staff*
- 3. Asst. Chief/Operations*
- 4. Deputy Chief/Administration*
- 5. Executive Director/Strategic Management*
- 6. Deputy Chief/Field Operations*
- 7. Deputy Chief/Investigations*
- 8. Deputy Chief/Special Operations*
- 9. Deputy Chief/Airport*
- 10. every Commander*
- 11. every Civilian Director*

C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails IN THE DRAFT or OUTBOX folder of EACH OFFICIAL government email account of the following. Please remember the special Sunshine exceptions to CPRA draft withholding under SF Admin Code 67.24(a).

- 1. Chief of Police*
- 2. Asst. Chief/Chief of Staff*
- 3. Asst. Chief/Operations*
- 4. Deputy Chief/Administration*
- 5. Executive Director/Strategic Management*
- 6. Deputy Chief/Field Operations*
- 7. Deputy Chief/Investigations*
- 8. Deputy Chief/Special Operations*
- 9. Deputy Chief/Airport*
- 10. every Commander*
- 11. every Civilian Director*

D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) SENT FROM EACH PERSONAL email account(s) of the following officials, TO/CC/BCC any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

- 1. Chief of Police*
- 2. Asst. Chief/Chief of Staff*
- 3. Asst. Chief/Operations*
- 4. Deputy Chief/Administration*
- 5. Executive Director/Strategic Management*
- 6. Deputy Chief/Field Operations*
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E. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) RECEIVED BY EACH PERSONAL email account(s) of the following officials, FROM any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
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7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

PART 2 - Chat/Messaging

As used below "Conversations" include but are not limited to any metadata records showing that a conversation had taken place but is now deleted (due to expiration for example).

Various types of apps are mentioned below.

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Facebook Messenger]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations

7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
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B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Telegram]:

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4. Deputy Chief/Administration
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7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
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C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Slack]:

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3. Asst. Chief/Operations
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7. Deputy Chief/Investigations

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10. every Commander

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D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Google Hangouts]:

1. Chief of Police

2. Asst. Chief/Chief of Staff

3. Asst. Chief/Operations

4. Deputy Chief/Administration

5. Executive Director/Strategic Management

6. Deputy Chief/Field Operations

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3. Asst. Chief/Operations

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F. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [SMS/MMS/text messages]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
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G. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Facebook Messenger], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

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K. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Signal], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations

4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
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L.an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [text/SMS/MMS messaging], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

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8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

PART 3: all instruments used to inquire of each official as to whether they possess any responsive records above, and all of their responses

Sincerely,

Anonymous

Filed via MuckRock.com

E-mail (Preferred): 76435-93915115@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAIhITo97b9_LHR4GSfxVrJz9g%3A1hIhQ5%3AwP7oGkTVY5wnLxdkReQflr06gyU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Femail-and-electronic-communications-audit-sfpd-76435%252F%253Femail%253Dsfpdmediarelations%252540sfgov.org

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 76435

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

Response:

This request, while dated July 2, 2019, was "created" by the SFPD Legal Division on July 15, 2019 and assigned to the SFPD Media Relations Unit for processing. Due to the volume of documents requested from numerous members of the SFPD command staff, the request that documents be provided in electronic format with "metadata," the need to figure out how to obtain electronic versions with "metadata" and the need to review and potentially redact any responsive documents, Sgt. Andraychak filed for an extension on July 15, 2019 (copy of letter to "Anonymous" provided).

Sgt. Andraychak contacted the SFPD IT Unit for assistance in obtaining requested documents in electronic format with metadata. The SFPD IT Unit worked for several weeks to obtain requested documents including metadata (including call to SF City IT) but were not able to produce the documents. On August 1, 2019 Sgt. Andraychak received communication from DCA Alicia Cabrera that included an opinion that documents (including metadata) should not be provided as doing so would, "jeopardize or compromise the security or the original document or its data system."

"Metadata from any native format has not been provided to avoid risks to the security and integrity of the city's data system and avoid the release of exempt confidential or privileged information. Pursuant to Cal. Gov. Code 6253.9(f), an agency is not required to provide an electronic record in an electronic format that would jeopardize or compromise the security or integrity of the original record or its data system. The PDF format ensures the security and integrity of the original record."

On August 5, 2019, Sgt. Andraychak sent a letter to "Anonymous" (copy provided) informing Anonymous of this decision to not provide electronic format w/metadata, and updated the status of the request. Since SFPD IT would not be providing electronic copies of the documents, it was necessary to contact the twenty-two members of the SFPD Command Staff to further the request.

This request is extensive and included requests for responsive documents from work cell phones, personal cell phones, work / personal emails (10 messages from every account and from each the inbox, outbox and draft folder if applicable) as well as messages (10) from work / personal messenger services such as Facebook messenger, Slack, etc.

Sgt. Andraychak updated Anonymous that SFPD IT was no longer working to obtain electronic/metadata messages and was focusing on producing SMS-Text messages for each member. Sgt. Andraychak also updated Anonymous as results already obtained on some of Anonymous' inquires, namely Par 1, Items D and E which consisted of electronic chat platforms.

Sgt. Andraychak continued to work on the request weekly and, in addition to working on the request during normal office hours (note Sgt. Andraychak has many duties and responsibilities beyond processing Sunshine / PRAs) also worked on this request during off duty time as

information and documents were coming in from various command staff members at different intervals and the Sergeant was attempting to keep the process moving in order to provide documents on a rolling basis.

On August 22, August 31, September 10, 2019 Sgt. Andraychak uploaded Command Staff text messages as per the request, to the SFPD PRA system (GovQA). These were made available to Anonymous. Messages contained some redaction that were noted directly in / on the response including the relevant code section(s) justifying the redaction(s). These documents will be included with this response to SOTF.

On August 26, 2019 Sgt. Andraychak sent via email to Anonymous responsive documents from Chief Scott's SFGOV inbox. On August 29, 2019 Sgt Andraychak sent via email to Anonymous responsive documents from Chief Scott SFGOV outbox as well as notice that there were no responsive documents in his draft folder. Further, general description of redaction was provided [6254(c) personnel / 6254(f) investigatory files / Cal Constitution Article 1, Privacy].

On August 31, 2019 Sgt. Andraychak sent via email to Anonymous responsive documents from Director Sutton's (Crime Strategies) SFGOV inbox an outbox, there were no drafts and a note explaining that some redaction was done relative to personal email addresses, cell phone numbers (Cal Const, Article 1, Privacy and open investigation under 6254(f) GC).

On August 31, 2019 Sgt. Andraychak sent via email to Anonymous responsive documents from Director Stevenson's (Communications) SFGOV inbox an outbox, there were no drafts and a note explaining that some redaction was done relative to personal email addresses, cell phone numbers (Cal Const, Article 1, Privacy).

On August 31, 2019 Sgt. Andraychak sent via email to Anonymous responsive documents from Commander Mc Eachern (Investigations) SFGOV inbox an outbox, there were no drafts and a note explaining that some redaction was done relative to personal email addresses, cell phone numbers (Cal Const, Article 1) and open investigations (GC 6254(f)).

On August 31, 2019 Sgt. Andraychak sent via email to Anonymous responsive documents from Commander Fong (Operations / Golden Gate) SFGOV inbox an outbox, there were no drafts and a note explaining that some redaction was done relative to personal email addresses, cell phone numbers (Cal Const, Article 1) and open investigations or record of intelligence and security procedures (GC 6254(f)).

On September 3, 2019 Sgt. Andraychak replied to an email from Anonymous and updated Anonymous on the status of the request.

No responsive documents were found on any personal devices or personal accounts (email or otherwise).

We are continuing to process the (extensive) request and had already sent to Anonymous via email (SFGOV) responsive documents from SFGOV email accounts.

SMS/Text messages were uploaded to the PRA system GOVQA and were available to Anonymous.

On September 13, 2019, Anonymous sent an email to Sgt. Andraychak who was on his regular day off. Anonymous expressed via email that Anonymous could not be forced to use SFPD's PRA system and requested documents be emailed to him. Officer Rueca of the SFPD PIO staff sent the documents to Anonymous via standard SFGOV email.

In a letter dated September 12, 2019 at 7:49PM, Anonymous requested that redactions be explained for each item redacted, rather than a general summary/description of redaction. Sgt. Andraychak is in the process of reviewing responsive documents already sent to Anonymous and preparing a more detailed explanation of redaction.

Sgt. Andraychak continues to gather emails from various Command Staff members and will prepare responses including itemized details on redactions.

Emails to Anonymous containing responsive documents in PDF form will be sent separately and individually to SOTF due to the voluminous nature of the request and file size of attachments.

9/19/2019

<https://sanfranciscopd.mycusthelpadmin.com/WEBAPP/ZAdmin/ServiceRequests/Dialogs/PrintTruncatedMessage.aspx?mid=387911&n...>

Subject: Public Records Request :: P008260-071519

Body: July 15, 2019

Via email 76435-93915115@requests.muckrock.com

Anonymous

RE: Public Records Request, dated July 15, 2019, Reference # P008260-071519

Dear Anonymous:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated July 15, 2019, on July 15, 2019.

You requested, "This is a follow up to a previous request:

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on July 2, 2019. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

Filed via MuckRock.com

E-mail (Preferred): 76435-93915115@requests.muckrock.com

Upload documents directly: https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAIh1To97b9_LHR4GSfxVrJz9g%3A1hb-QS%3AwP7oGkTVY5wnLxdkReQJh06gyU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin/

francisco-police-department-367%252Femail-and-electronic-communications-audit-sfpd-76435%252F%253Femail%253Dsfpdmediarelations%252540sfgov.org

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On July 2, 2019:

Subject: California Public Records Act Request: Email and Electronic Communications Audit (SFPD)

RE: Email and Electronic Communications Audit

To Whom It May Concern:

**** NOTE:** this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). ******

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) the following items from the SFPD.

Similar requests were recently made of the Board of Supervisors, Clerk, and Mayor's Office. If a person has multiple email addresses (including but not limited to email aliases), 10 emails from each are requested. For example the Mayor may have a public-facing email alias and also an email address she uses to do business internally- 10 from each are requested. Please do not include spam or product advertisement emails.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. For the chat apps, a screenshot or print-out is acceptable.

If you use PDF, use properly redacted searchable or text pdfs. Please don't use image PDFs to make it harder to analyze the records.

If you provide PDFs instead of original email files, only give a few of the headers or lacking attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of SF Admin Code and/or CPRA, and we may challenge your decision at the Sunshine Ordinance Task Force, Supervisor of Records, judicially, and/or via any other remedies available to us. I currently have pending petitions to the Task Force and Supervisor of Records to correct prior disclosure failures of electronic information from various SF agencies.

You must justify all withholding.

Provide records in a rolling fashion. Do not wait for all records to be available.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required free notice of which of those records are available and non-exempt for inspection in-person if we so choose. Please use email to respond.

I look forward to your prompt disclosure.

PART I - Email

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those

explicitly exempted by the Ordinance, of the most recent 10 emails RECEIVED BY EACH OFFICIAL government email account of

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails SENT FROM EACH OFFICIAL government email account of

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
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C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails IN THE DRAFT or OUTBOX folder of EACH OFFICIAL government email account of the following. Please remember the special Sunshine exceptions to CPRA draft withholding under SF Admin Code 67.24(a).

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) SENT FROM EACH PERSONAL email account(s) of the following officials, TO/CC/BCC any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
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E. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) RECEIVED BY EACH PERSONAL email account(s) of the following officials, FROM any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
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10. every Commander
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PART 2 - Chat/Messaging

As used below "Conversations" include but are not limited to any metadata records showing that a conversation had taken place but is now deleted (due to expiration for example).

Various types of apps are mentioned below.

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those

explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Facebook Messenger]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
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B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Telegram]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
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8. Deputy Chief/Special Operations
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C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Slack]:

1. Chief of Police
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4. Deputy Chief/Administration
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2. Asst. Chief/Chief of Staff
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1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
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G. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Facebook Messenger], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

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9/19/2019

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PART 3: all instruments used to inquire of each official as to whether they possess any responsive records above, and all of their responses

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Upload documents directly: <https://accounts.muckrock.com/accounts/login/>

url_auth_token=AAAtHlTo97b9_LHR4GSfxVrJz9g%3A1hlrQ5%3AwP7oGkTVY5wnLxdkReQlr06gyU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin

francisco-police-department-367%252Femail-and-electronic-communications-audit-sfpd-76435%252F%253Femail%253Dsfpdmediarelations%252540sfgov.org

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Although SFPD has 10 calendar days to respond to your request, we are invoking an additional 14 day extension of time to respond to your request pursuant to Government Code section 6253(c) because of the need to search, collect, review, and consult with another department. Once it has been determined whether or not the information you request is responsive and subject to disclosure we will advise you as soon practicable but no later than August 8, 2019.

If you have any questions, please contact me at 415-837-7395.

Thank you for your attention.

Sincerely,

Michael Andraychak
Media Relations

9/19/2019

<https://sanfranciscopd.mycusthelpadmin.com/WEBAPP/ZAdmin/ServiceRequests/Dialogs/PrintTruncatedMessage.aspx?mid=400102&n...>

Subject: Public Records Request :: P008260-071519

Body:

August 05, 2019

Via email 76435-93915115@requests.muckrock.com

Anonymous

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Thanks for your help, and let me know if further clarification is needed.

Filed via MuckRock.com

E-mail (Preferred): 76435-93915115@requests.muckrock.com

Upload documents directly: [https://accounts.muckrock.com/accounts/login/?](https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAlhlt097b9_LHR4GSfxVrJz9g%3A1hlrQ5%3AwP7oGkTVY5wnLxdkReQslr06gyU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin/)

[url_auth_token=AAAlhlt097b9_LHR4GSfxVrJz9g%3A1hlrQ5%3AwP7oGkTVY5wnLxdkReQslr06gyU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin/](https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAlhlt097b9_LHR4GSfxVrJz9g%3A1hlrQ5%3AwP7oGkTVY5wnLxdkReQslr06gyU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin/)
francisco-police-department-367%252Femail-and-electronic-communications-audit-sfpd-76435%252F%253Femail%253Dsfpdmediarelations%252540sfgov.org
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 76435

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On July 2, 2019:

Subject: California Public Records Act Request: Email and Electronic Communications Audit (SFPD)

RE: Email and Electronic Communications Audit

To Whom It May Concern:

**** NOTE:** this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) the following items from the SFPD. Similar requests were recently made of the Board of Supervisors, Clerk, and Mayor's Office. If a person has multiple email addresses (including but not limited to email aliases), 10 emails from each are requested. For example the Mayor may have a public-facing email alias and also an email address she uses to do business internally- 10 from each are requested. Please do not include spam or product advertisement emails.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best. However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. For the chat apps, a screenshot or print-out is acceptable.

If you use PDF, use properly redacted searchable or text pdfs. Please don't use image PDFs to make it harder to analyze the records.

If you provide PDFs instead of original email files, only give a few of the headers or lacking attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of SF Admin Code and/or CPRA, and we may challenge your decision at the Sunshine Ordinance Task Force, Supervisor of Records, judicially, and/or via any other remedies available to us. I currently have pending petitions to the Task Force and Supervisor of Records to correct prior disclosure failures of electronic information from various SF agencies.

You must justify all withholding.

Provide records in a rolling fashion. Do not wait for all records to be available.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required free notice of which of those records are available and non-exempt for inspection in-person if we so choose. Please use email to respond.

I look forward to your prompt disclosure.

PART 1 - Email

P442

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails RECEIVED BY EACH OFFICIAL government email account of

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails SENT FROM EACH OFFICIAL government email account of

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails IN THE DRAFT or OUTBOX folder of EACH OFFICIAL government email account of the following. Please remember the special Sunshine exceptions to CPRA draft withholding under SF Admin Code 67.24(a).

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) SENT FROM EACH PERSONAL email account(s) of the following officials, TO/CC/BCC any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

E. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) RECEIVED BY EACH PERSONAL email account(s) of the following officials, FROM any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

PART 2 - Chat/Messaging

As used below "Conversations" include but are not limited to any metadata records showing that a conversation had taken place but is now deleted (due to expiration for example).

Various types of apps are mentioned below.

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Facebook Messenger]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Telegram]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Slack]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Google Hangouts]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

E. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Signal]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

F. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [SMS/MMS/text messages]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations

4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

G.an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Facebook Messenger], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

H.an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Telegram], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

I.an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Slack], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

J.an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Google Hangouts], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

K.an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Signal], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

Lan electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [text/SMS/MMS messaging], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

PART 3: all instruments used to inquire of each official as to whether they possess any responsive records above, and all of their responses

*Sincerely,
Anonymous*

Filed via MuckRock.com

E-mail (Preferred): 76435-93915115@requests.muckrock.com

Upload documents directly: https://accounts.muckrock.com/accounts/login/?

url_auth_token=AAAlh1To97b9_LHR4GSfxYrJz9g%3A1h1rQ5%3AvP7oGkTVY5wnLxdkReQJlr06gyU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin

francisco-police-department-367%252Femail-and-electronic-communications-audit-sfpd-76435%252F%253Femail%253Dsfpdmediarelations%252540sfgov.org

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 76435

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable."

This is an update regarding your request.

Part 1, Items A, B and C

These are being processed. We placed significant effort and time into gathering electronic copies including metadata but had technical difficulties. We subsequently received a recommendation from the City Attorney not to provide the documents in this format. As such, metadata from any native format will not be provided to avoid the risk to the security and integrity of the city's data systems and avoid the release of exempt confidential or privileged information. We are in the process of gathering and reviewing PDF forms of the requested emails.

Part 2, Item F

We placed significant effort and time into gathering electronic copies including metadata but had technical difficulties. We subsequently received a recommendation from the City Attorney to no provide the documents in this format. As such, metadata from any native format will not be provided to avoid the risk to the security and integrity of the city's data systems and avoid the release of exempt confidential or privileged information. The SFPD IT Unit is processing the request for Official SMS/MMS/Text Messages.

Part 1, Item D and E

1. Chief of Police	No Responsive Documents
2. Asst. Chief/Chief of Staff	No Responsive Documents
3. Asst. Chief/Operations	No Responsive Documents
4. Deputy Chief/Administration	No Responsive Documents
5. Executive Director/Strategic Management	No Responsive Documents
6. Deputy Chief/Field Operations	No Responsive Documents

- 7. Deputy Chief/Investigations No Responsive Documents
- 8. Deputy Chief/Special Operations No Responsive Documents
- 9. Deputy Chief/Airport Pending Response
- 10. Commander

- Admin No Responsive Documents
- Risk Management No Responsive Documents
- Airport No Responsive Documents
- Investigations No Responsive Documents
- MTA No Responsive Documents
- Golden Gate No Responsive Documents
- Metro No Responsive Documents
- Community Engagement No Responsive Documents

11. Civilian Directors

- Strategic Management No Responsive Documents
- Communications Pending Response
- Information Systems No Responsive Documents
- Forensics No Responsive Documents
- Crime Strategies No Responsive Documents
- Policy & Public Affairs No Responsive Documents

Part 2, Items A, B, C, D, E – G, H, I, J, K, L

- 1. Chief of Police No Responsive Documents
- 2. Asst. Chief/Chief of Staff No Responsive Documents
- 3. Asst. Chief/Operations No Responsive Documents
- 4. Deputy Chief/Administration No Responsive Documents
- 5. Executive Director/Strategic Management No Responsive Documents
- 6. Deputy Chief/Field Operations No Responsive Documents
- 7. Deputy Chief/Investigations No Responsive Documents
- 8. Deputy Chief/Special Operations No Responsive Documents
- 9. Deputy Chief/Airport Pending Response

10. Commander

- Admin No Responsive Documents
- Risk Management No Responsive Documents
- Airport No Responsive Documents
- Investigations No Responsive Documents
- MTA No Responsive Documents
- Golden Gate No Responsive Documents
- Metro No Responsive Documents
- Community Engagement No Responsive Documents

11. Civilian Directors

- Strategic Management No Responsive Documents
- Communications No Responsive Documents
- Information Systems No Responsive Documents

Forensics No Responsive Documents

Crime Strategies No Responsive Documents

Policy & Public Affairs No Responsive Documents

Thank you for your attention.

Sincerely,

Michael Andraychak
Media Relations
415-837-7395

Re: California Public Records Act Request #P008260-071519

Andraychak, Michael (POL)

Tue 9/3/2019 7:01 AM

To: 76435-93915115@requests.muckrock.com <76435-93915115@requests.muckrock.com>

Hello,

We have identified no responsive records from personal devices or accounts. We are processing the request and have sent numerous emails containing responsive records from SFGOV email accounts. Also, sms/text messages from Department cell phones are being uploaded to the GovQA records portal.

Michael Andraychak #457
Sergeant of Police
Officer in Charge - Media Relations Unit
San Francisco Police Department
1245 - 3rd Street, 6th Floor
San Francisco, CA 94158
(415) 837-7395
Regular Days Off: Fri, Sat, Sun

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

From: 76435-93915115@requests.muckrock.com <76435-93915115@requests.muckrock.com>
Sent: Sunday, September 1, 2019 4:29:18 PM
To: Andraychak, Michael (POL) <michael.andraychak@sfgov.org>
Subject: RE: California Public Records Act Request #P008260-071519

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

San Francisco Police Department
PRA Office
1245 3rd Street
SF, CA 94158
September 1, 2019

This is a follow up to request number P008260-071519:

** NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

What is the status of this request? Have all the City of San Jose v Superior Court (2017) searches of personal property been conducted?

Filed via MuckRock.com

E-mail (Preferred): 76435-93915115@requests.muckrock.com

Upload documents directly: https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAIhITo97b9_LHR4GSfxVrJz9g%3A1i4ZHZ%3AGJ2FO5EGWraTI9syJcSwGzzJ43M&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Femail-and-electronic-communications-audit-sfpd-76435%252F%253Femail%253Dmichael.andraychak%252540sfgov.org

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 76435

411A Highland Ave

Somerville, MA 02144-2516

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On Aug. 31, 2019:

Subject: P008620-071519

Attached are emails from DC of Investigations McEachern.

Some redaction was done (private email, cell phones, desk extensions) under Cal Const., Art 1, Privacy and others under 6254(f) Open Investigations.

There are no draft emails.

Michael Andraychak #457

Sergeant of Police

Officer in Charge - Media Relations Unit

San Francisco Police Department

1245 - 3rd Street, 6th Floor

San Francisco, CA 94158

(415) 837-7395

Regular Days Off: Fri, Sat, Sun

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

On Aug. 31, 2019:

Subject: P008620-071519

Attached are emails from Dir. Communications David Stevenson.

There were two emails in the draft folder.

Some redaction was done in accordance with Cal Const., Article 1, Privacy.

Michael Andraychak #457

Sergeant of Police

Officer in Charge - Media Relations Unit

San Francisco Police Department

1245 - 3rd Street, 6th Floor

San Francisco, CA 94158

(415) 837-7395

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On Aug. 31, 2019:

Subject: P008620-071519

Attached are inbox/outbox emails from Dir of Crime Strategies. There were no drafts.

Some redaction was done (personal emails, cell phone or direct phone numbers) other redaction was done in accordance with 6254(f) GC open investigation.

Michael Andraychak #457

Sergeant of Police

Officer in Charge - Media Relations Unit

San Francisco Police Department

1245 - 3rd Street, 6th Floor

San Francisco, CA 94158

(415) 837-7395

Regular Days Off: Fri, Sat, Sun

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On Aug. 31, 2019:

Subject: Re: P008260-071519

There were no draft files.

Michael Andraychak #457

Sergeant of Police

Officer in Charge - Media Relations Unit
San Francisco Police Department
1245 - 3rd Street, 6th Floor
San Francisco, CA 94158
(415) 837-7395

Regular Days Off: Fri, Sat, Sun

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On Aug. 31, 2019:

Subject: P008260-071519

Attached are emails for Commander Operations/Metro Division, Darryl Fong.

Some redaction were done in accordance with Cal Const., Article 1, Privacy.

6254 (f) GC, Open Investigations, Records of Intelligence, Security Procedures.

Michael Andraychak #457

Sergeant of Police

Officer in Charge - Media Relations Unit
San Francisco Police Department
1245 - 3rd Street, 6th Floor
San Francisco, CA 94158
(415) 837-7395

Regular Days Off: Fri, Sat, Sun

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On July 2, 2019:

Subject: California Public Records Act Request: Email and Electronic Communications Audit (SFPD)

RE: Email and Electronic Communications Audit

To Whom It May Concern:

** NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) the following items from the SFPD.

Similar requests were recently made of the Board of Supervisors, Clerk, and Mayor's Office.

If a person has multiple email addresses (including but not limited to email aliases), 10

emails from each are requested. For example the Mayor may have a public-facing email alias and also an email address she uses to do business internally- 10 from each are requested. Please do not include spam or product advertisement emails.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. For the chat apps, a screenshot or print-out is acceptable.

If you use PDF, use properly redacted searchable or text pdfs. Please don't use image PDFs to make it harder to analyze the records.

If you provide PDFs instead of original email files, only give a few of the headers or lacking attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of SF Admin Code and/or CPRA, and we may challenge your decision at the Sunshine Ordinance Task Force, Supervisor of Records, judicially, and/or via any other remedies available to us. I currently have pending petitions to the Task Force and Supervisor of Records to correct prior disclosure failures of electronic information from various SF agencies.

You must justify all withholding.

Provide records in a rolling fashion. Do not wait for all records to be available.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required free notice of which of those records are available and non-exempt for inspection in-person if we so choose.

Please use email to respond.

I look forward to your prompt disclosure.

PART 1 - Email

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails RECEIVED BY EACH OFFICIAL government email account of

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly

exempted by the Ordinance, of the most recent 10 emails SENT FROM EACH OFFICIAL government email account of

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails IN THE DRAFT or OUTBOX folder of EACH OFFICIAL government email account of the following. Please remember the special Sunshine exceptions to CPRA draft withholding under SF Admin Code 67.24(a).

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) SENT FROM EACH PERSONAL email account(s) of the following officials, TO/CC/BCC any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations

9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

E. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) RECEIVED BY EACH PERSONAL email account(s) of the following officials, FROM any sf.gov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

PART 2 - Chat/Messaging

As used below "Conversations" include but are not limited to any metadata records showing that a conversation had taken place but is now deleted (due to expiration for example).

Various types of apps are mentioned below.

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Facebook Messenger]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
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B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or

group chats) of all OFFICIAL government account(s) of the following person in [Telegram]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
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C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Slack]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
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D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Google Hangouts]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
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exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Signal]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
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7. Deputy Chief/Investigations
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F. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [SMS/MMS/text messages]:

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
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G. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Facebook Messenger], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

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4. Deputy Chief/Administration
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3. Asst. Chief/Operations
4. Deputy Chief/Administration
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2. Asst. Chief/Chief of Staff
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solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

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2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
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9. Deputy Chief/Airport
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2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations

4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

PART 3: all instruments used to inquire of each official as to whether they possess any responsive records above, and all of their responses

Sincerely,

Anonymous

Filed via MuckRock.com

E-mail (Preferred): 76435-93915115@requests.muckrock.com

Upload documents directly: https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAIhITo97b9_LHR4GSfxVrJz9g%3A1i4ZHZ%3AGJ2FO5EGWraTI9syJcSwGzzJ43M&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Femail-and-electronic-communications-audit-sfpd-76435%252F%253Femail%253Dmichael.andraychak%252540sfgov.org

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 76435

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

Re: California Public Records Act Request #P008260-071519

Rueca, Robert (POL)

Fri 9/13/2019 3:42 PM

To: 76435-93915115@requests.muckrock.com <76435-93915115@requests.muckrock.com>

Cc: Andraychak, Michael (POL) <michael.andraychak@sfgov.org>

 22 attachments (114 KB)

AC Chaplain FOB x.txt; Ann Mannix redacted x.txt; Cdr GG Fong redacted x.txt; Cdr Lazar CED redacted x.txt; Cdr MTA T Ewins x.txt; Cdr Pete Walsh Risk Management x.txt; Cdr Vaswani Investigations x.txt; Cdr. Dan Perea Texts x.txt; Chief Scott redacted x.txt; Commander ADMIN OSullivan x.txt; Daryl Fong redacted x.txt; David Stevenson redacted x.txt; DC Ali Airport Bureau SMS Text x.txt; DC REDMOND sob x.txt; Deirdre Hussey redacted x.txt; Denise Flaherty redacted x.txt; Dir Maguire Strategic Mgmt x.txt; Dir Merritt CIO Technology x.txt; Dir Sanchez Forensics x.txt; Dir Sutton Crime Strategies x.txt; Greg Yee DC Admin x.txt; Robert Moser redacted x.txt;

Attached are Text Messages per your request. More emails are to come to fulfill your request on a rolling basis due to the volume and required redaction.

Officer Robert Rueca

From: SFPDMediaRelations, (POL) <sfpdmediarelations@sfgov.org>

Sent: Friday, September 13, 2019 8:54 AM

To: Rueca, Robert (POL) <Robert.M.Rueca@sfgov.org>; Andraychak, Michael (POL) <michael.andraychak@sfgov.org>; Lobsinger, Adam (POL) <Adam.Lobsinger@sfgov.org>; Tomlinson, Joseph (POL) <Joseph.S.Tomlinson@sfgov.org>

Subject: Fw: California Public Records Act Request #P008260-071519

From: 76435-93915115@requests.muckrock.com <76435-93915115@requests.muckrock.com>

Sent: Thursday, September 12, 2019 7:49 PM

To: SFPDMediaRelations, (POL) <sfpdmediarelations@sfgov.org>

Subject: RE: California Public Records Act Request #P008260-071519

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

San Francisco Police Department
PRA Office
1245 3rd Street
SF, CA 94158

September 12, 2019

This is a follow up to request number P008260-071519:

**** Please redact your responses correctly! This is a public mailbox, and all of your responses (including emails, attachments, file shares, and the disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there's no going back. ****

Sgt. Andraychak is I believe OOF on Fridays. Sending to mailing list.

SFPD,

Is your response for 76435 (your #P008260-071519) complete? I would like the final determination of whether or not responsive documents exist (regardless of whether they were exempt) for each request. I would also like all of your redaction & withholding justifications. Remember SFAC 67.26 requires: "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." (emphasis mine) -- you need to be clear which justification is for every redaction and withholding.

Finally I would like the full set of disclosed documents sent by email please.

Sincerely,

Anonymous

Filed via MuckRock.com

E-mail (Preferred): 76435-93915115@requests.muckrock.com

Upload documents directly: https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAIhITo97b9_LHR4GSfxVrJz9g%3A1i8bel%3AC2xbu9rt3TjyO9IML-wzUEdGFLU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Femail-and-electronic-communications-audit-sfpd-76435%252F%253Femail%253Dsfpdmediarelations%252540sfgov.org

3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Femail-and-electronic-communications-audit-sfpd-76435%252F%253Femail%253Dsfpdmediarelations%252540sfgov.org

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 76435

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On Sept. 12, 2019:

Subject: RE: California Public Records Act Request #P008260-071519

**** Please redact your responses correctly! This is a public mailbox, and all of your responses**

(including emails, attachments, file shares, and the disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Once you send them to us, there's no going back. **

SFPD,

Is your response for 76435 (your #P008260-071519) complete? I would like the final determination of whether or not responsive documents exist (regardless of whether they were exempt) for each request. I would also like all of your redaction & withholding justifications. Remember SFAC 67.26 requires: "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." (emphasis mine) -- you need to be clear which justification is for every redaction and withholding.

Finally I would like the full set of disclosed documents sent by email please.

Sincerely,

Anonymous

On Sept. 3, 2019:

Subject: RE: California Public Records Act Request #P008260-071519

Acknowledged, thank you.

On Sept. 3, 2019:

Subject: Public Records Request :: P008260-071519

--- Please respond above this line ---

September 03, 2019

Via email 76435-93915115@requests.muckrock.com

Anonymous

RE: Public Records Request, dated July 15, 2019, Reference # P008260-071519

Dear Anonymous:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated July 15, 2019, on September 03, 2019.

You requested, " This is a follow up to a previous request:"

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on July 2, 2019. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

Filed via MuckRock.com

E-mail (Preferred): 76435-93915115@requests.muckrock.com

Upload documents directly: [https://accounts.muckrock.com/accounts/login/?](https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAIhITo97b9_LHR4GSfxVrJz9g%3A1h1rQ5%3AwP7oGkTVY5wnLxdkReQflr06gyU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-)

[url_auth_token=AAAIhITo97b9_LHR4GSfxVrJz9g%3A1h1rQ5%](https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAIhITo97b9_LHR4GSfxVrJz9g%3A1h1rQ5%3AwP7oGkTVY5wnLxdkReQflr06gyU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-)

[3AwP7oGkTVY5wnLxdkReQflr06gyU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-](https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAIhITo97b9_LHR4GSfxVrJz9g%3A1h1rQ5%3AwP7oGkTVY5wnLxdkReQflr06gyU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-)

francisco-police-department-367%252Femail-and-electronic-communications-audit-sfpd-76435%252F%253Femail%253Dsfpdmediarelations%252540sfgov.org

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On July 2, 2019:

Subject: California Public Records Act Request: Email and Electronic Communications Audit (SFPD)

RE: Email and Electronic Communications Audit

To Whom It May Concern:

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We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) the following items from the SFPD.

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If a person has multiple email addresses (including but not limited to email aliases), 10 emails from each are requested. For example the Mayor may have a public-facing email alias and also an email address she uses to do business internally- 10 from each are requested. Please do not include spam or product advertisement emails.

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However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. For the chat apps, a screenshot or print-out is acceptable.

If you use PDF, use properly redacted searchable or text pdfs. Please don't use image PDFs to make it harder to analyze the records.

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to the Task Force and Supervisor of Records to correct prior disclosure failures of electronic information from various SF agencies.

You must justify all withholding.

Provide records in a rolling fashion. Do not wait for all records to be available.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required free notice of which of those records are available and non-exempt for inspection in-person if we so choose.

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I look forward to your prompt disclosure.

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A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails RECEIVED BY EACH OFFICIAL government email account of

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2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
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10. every Commander
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B. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails SENT FROM EACH OFFICIAL government email account of

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
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C. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails IN THE DRAFT or OUTBOX folder of EACH OFFICIAL government email account of the following. Please remember the special Sunshine exceptions to CPRA draft withholding under SF Admin Code 67.24(a).

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D. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) SENT FROM EACH PERSONAL email account(s) of the following officials, TO/CC/BCC any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

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PART 2 - Chat/Messaging

As used below "Conversations" include but are not limited to any metadata records showing that a conversation had taken place but is now deleted (due to expiration for example).

Various types of apps are mentioned below.

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Facebook Messenger]:

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8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

PART 3: all instruments used to inquire of each official as to whether they possess any responsive records above, and all of their responses

Sincerely,

Anonymous

Filed via MuckRock.com

E-mail (Preferred): 76435-93915115@requests.muckrock.com

Upload documents directly: [https://accounts.muckrock.com/accounts/login/?](https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAIhITo97b9_LHR4GSfxVrJz9g%3A1hRQ5%3AwP7oGkTVY5wnLxdkReQflr06gyU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-)

[url_auth_token=AAAIhITo97b9_LHR4GSfxVrJz9g%3A1hRQ5%](https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAIhITo97b9_LHR4GSfxVrJz9g%3A1hRQ5%3AwP7oGkTVY5wnLxdkReQflr06gyU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-)

[3AwP7oGkTVY5wnLxdkReQflr06gyU&next=https%3A%2F%2Fwww.muckrock.com%](https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAIhITo97b9_LHR4GSfxVrJz9g%3A1hRQ5%3AwP7oGkTVY5wnLxdkReQflr06gyU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-)

[2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-](https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAIhITo97b9_LHR4GSfxVrJz9g%3A1hRQ5%3AwP7oGkTVY5wnLxdkReQflr06gyU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-)

francisco-police-department-367%252Femail-and-electronic-communications-audit-sfpd-76435%252F%253Femail%253Dsfpdmediarelations%252540sfgov.org

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 76435

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

We have identified no responsive records from personal devices or accounts.

We are processing the request and have sent numerous emails containing responsive records from SFGOV email accounts. Also, sms/text messages from Department cell phones are being uploaded to the GovQA records portal.

Thank you for your attention.

Sincerely,

Michael Andraychak

Media Relations

415-837-7395

To monitor the progress or update this request please log into the SFPD Public Records Center. (https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsolsnXbuEgm-2FN-2B3KuyZ5YHnuXVUop6SBUj6Zl2gPWQsh2hjE0JdlwH66ZMXJDGxIkhWqlkMGRI8K8RdgfchCPn5hbqdWnlrcjvklksbezoDgEiXr0fpETGrLw_RS48PfEuBadMkLIhY2xrl2uthodKUGOQzPwgXQnJV8Phu7-2F4gUOxiqjyEwuJDKFH9hTPdLxRRGK3fw-2B3znblDn6xXkfLOu-2FAGM3m8EkzF3hUbvUKQp9n-2FuWYT2JLhewp6p1TryqRq4-2BoyXthw-2BqomVNQVDLElkW20sSPSikowCZucvnpqh8rAxUwcOCVWQO22rQy-2FHs3qAMWTJPPeHPyAlpZ7UxY7I2iruBS893tuw5scTecYQiusolMzZJLLHfM2Nnu5OIIOVX-2BFKM22sqyl8IR3nSHXwh9EqV5OB5-2BQ1xrz34fC-2B4KChAvv985tlcXGC7g13rqNHUJUNPOLYNx2Q9b-2BDL3DZMA4Zco4FA8oav7GagVLUXEmc-2FgHSIbHZhKL15JgTpoSLanP1F-2FhICLR3g-3D-3D)

This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

On Sept. 3, 2019:

Subject: Re: California Public Records Act Request #P008260-071519

Hello,

We have identified no responsive records from personal devices or accounts.

We are processing the request and have sent numerous emails containing responsive records from SFGOV email accounts. Also, sms/text messages from Department cell phones are being uploaded to the GovQA records portal.

Michael Andraychak #457
Sergeant of Police
Officer in Charge - Media Relations Unit
San Francisco Police Department
1245 - 3rd Street, 6th Floor
San Francisco, CA 94158
(415) 837-7395

Regular Days Off: Fri, Sat, Sun

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

On Sept. 1, 2019:

Subject: RE: California Public Records Act Request #P008260-071519

** NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

What is the status of this request? Have all the City of San Jose v Superior Court (2017) searches of personal property been conducted?

On July 2, 2019:

Subject: California Public Records Act Request: Email and Electronic Communications Audit (SFPD)

RE: Email and Electronic Communications Audit

To Whom It May Concern:

** NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). **

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) the following items from the SFPD.

Similar requests were recently made of the Board of Supervisors, Clerk, and Mayor's Office. If a person has multiple email addresses (including but not limited to email aliases), 10 emails from each are requested. For example the Mayor may have a public-facing email alias and also an email address she uses to do business internally- 10 from each are requested. Please do not include spam or product advertisement emails.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the

generally used From/To/Subject/Sent/etc. For the chat apps, a screenshot or print-out is acceptable.

If you use PDF, use properly redacted searchable or text pdfs. Please don't use image PDFs to make it harder to analyze the records.

If you provide PDFs instead of original email files, only give a few of the headers or lacking attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of SF Admin Code and/or CPRA, and we may challenge your decision at the Sunshine Ordinance Task Force, Supervisor of Records, judicially, and/or via any other remedies available to us. I currently have pending petitions to the Task Force and Supervisor of Records to correct prior disclosure failures of electronic information from various SF agencies.

You must justify all withholding.

Provide records in a rolling fashion. Do not wait for all records to be available.

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required free notice of which of those records are available and non-exempt for inspection in-person if we so choose.

Please use email to respond.

I look forward to your prompt disclosure.

PART 1 - Email

A. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails RECEIVED BY EACH OFFICIAL government email account of

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
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PART 2 - Chat/Messaging

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G. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Facebook Messenger], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

1. Chief of Police
2. Asst. Chief/Chief of Staff
3. Asst. Chief/Operations
4. Deputy Chief/Administration
5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

H. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Telegram], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court

(2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

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I an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Slack], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

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J an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Google Hangouts], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

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L. an electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [text/SMS/MMS messaging], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

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5. Executive Director/Strategic Management
6. Deputy Chief/Field Operations
7. Deputy Chief/Investigations
8. Deputy Chief/Special Operations
9. Deputy Chief/Airport
10. every Commander
11. every Civilian Director

PART 3: all instruments used to inquire of each official as to whether they possess any responsive records above, and all of their responses

Sincerely,

Anonymous

Filed via MuckRock.com

E-mail (Preferred): 76435-93915115@requests.muckrock.com

Upload documents directly: https://accounts.muckrock.com/accounts/login/?url_auth_token=AAAIhITo97b9_LHR4GSfxVrJz9g%3A1i8bel%3AC2xbu9rt3TyjO9IML-wzUEdGFLU&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Femail-and-electronic-communications-audit-sfpd-76435%252F%253Femail%253Dsfpdmediarelations%252540sfgov.org

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 76435

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

From: Andraychak, Michael (POL)
Sent: Tuesday, July 16, 2019 7:50 AM
Cc: CABRERA, ALICIA (CAT) <Alicia.Cabrera@sfcityatty.org>; Louie, Gerald (POL) <gerald.louie@sfgov.org>; Rueca, Robert (POL) <Robert.M.Rueca@sfgov.org>; Tomlinson, Joseph (POL) <Joseph.S.Tomlinson@sfgov.org>; Lobsinger, Adam (POL) <Adam.Lobsinger@sfgov.org>
Subject: Cal PRA for electronic communications P008260-071519

Chiefs, Commanders and Directors,

The Media Relations Unit was assigned a new CalPRA/Sunshine from "Anonymous" requesting for various forms of electronic communications from your work (and personal accounts when used for work purposes).

1. The PRA specifically requests the last 10 messages in your SFGOV email (received, sent, and outbox/draft) to be delivered in *electronic format including, meta data, headers, time stamps, attachments, etc.* AND the last 10 SMS/Text messages from your official government mobile phone account *including meta data.*

Due to the technical aspects of this request, Officer Gerald Louie of IT/Telecom is processing this portion of the request. Media Relations will check in with you upon receipt of the reports from Officer Louie.

The other portion of this request requires your attention. Please read the specific requests below to determine if you have responsive documents.

Item 2 below pertains to messages sent to/from your personal email accounts that are addressed to or received from any sfgov.org email address. Item 3 pertains to any SMS/text message on your personal account that are work related. If you do not use your personal email and/or mobile phone for work purposes, you would not have any responsive documents for items 2 and 3 below. IF this is the case, please reply and state that you have no responsive documents for items 2 and/or 3.

Items 4 and 5 request work related messages sent/received from any official or personal messaging services listed (Facebook Messenger, Telegram, Slack, Google Hangouts, and Signal. IF you do not use any of these accounts for work related purposes, please reply to that effect.

2. An electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 emails regarding the public's business (specifically those disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017)) SENT FROM OR RECEIVED BY EACH PERSONAL email account(s) of the following officials, TO/CC/BCC any sfgov.org email address. If NO such emails exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

and,

3. An electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [text/SMS/MMS messaging], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

and,

4. An electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all OFFICIAL government account(s) of the following person in [Facebook Messenger, Telegram, Slack, Google Hangouts, Signal,]:

and,

5. An electronic copy, in the original electronic format, with all headers, metadata, timestamps, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of the most recent 10 conversations (whether individual or group chats) of all PERSONAL account(s) of the following person in [Facebook Messenger, Telegram, Slack, Google Hangouts, Signal,], solely to the extent that such conversations are regarding the public's business and disclosable under relevant statute and case law, including but not limited to City of San Jose v Superior Court (2017). If NO such conversations exist for each entry, remember you must state under Govt Code 6253(c) that there are no responsive records.

If you **do** have documents that are responsive to items 2-4, please advise me and I will work with IT to determine the best way to capture the electronic record complete with requested meta data.

Thanks for your time and assistance.

Michael Andraychak #457

Sergeant of Police

Officer in Charge - Media Relations Unit

San Francisco Police Department

1245 - 3rd Street, 6th Floor

San Francisco, CA 94158

(415) 837-7395

Regular Days Off: Fri, Sat, Sun

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Complainant/Petitioners Documents Submission

Leger, Cheryl (BOS)

From: Andraychak, Michael (POL)
Sent: Monday, September 23, 2019 4:22 PM
To: SOTF, (BOS)
Subject: SOTF FILE NO 19098
Attachments: Re_ 1421 Policy.pdf; Re_ Friends of the Urban Forest_Redacted.pdf; Re_ Invitation to know your rights press conference tomorrow 11_30am_Redacted.pdf; Monthly Meeting with Dir. Grant Colfax, DPH.pdf; Implementation Memo 2-19-2019 (002)_Redacted.pdf; Fw_ Friends of the Urban Forest_Redacted.pdf; Fw_ Executive Directive Update Request _Redacted.pdf; Fw_ DGO for Deaf and Hard of Hearing_Redacted.pdf; Follow Up Meeting re SVRT (AC Chaplin, DC McEachern, Diana and Tiffany).pdf; FAQ ED 2-19-2019.pdf; Continuity Final Report.pdf; Pedestrian Safety Final Report.pdf; POL_Sanchez (Forensic Services)_Cont Matrix of Findings and Recommendations.pdf; POL_Sanchez (Forensic Services)_Cont Transmittal Letter.pdf; POL_Scott_Cont Matrix of Findings and Recommendations.pdf; POL_Scott_Cont Transmittal Letter.pdf; POL_Scott_PS Matrix of Findings and Recommendations.pdf; POL_Scott_PS Transmittal Letter.pdf; POL_Yee (Administration)_Cont Matrix of Findings and Recommendations.pdf; POL_Yee (Administration)_Cont Transmittal Letter.pdf

SUPPORTING EMAIL AND DOCUMENTS

Michael Andraychak #457
Sergeant of Police
Officer in Charge - Media Relations Unit
San Francisco Police Department
1245 - 3rd Street, 6th Floor
San Francisco, CA 94158
(415) 837-7395
Regular Days Off: Fri, Sat, Sun

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From: Andraychak, Michael (POL)
Sent: Thursday, August 29, 2019 8:42 AM
To: 76435-93915115@requests.muckrock.com <76435-93915115@requests.muckrock.com>
Subject: Chief Scott Outbox Messages

Some redaction was done in accordance with
6254(c) – Personnel, personal, medical information
6254(f) – law enforcement sensitive, investigatory

I continue to work on your request.

Some text messages have also been uploaded to the GovQA portal as they are smaller file sizes.

Michael Andraychak #457
Sergeant of Police

Officer in Charge - Media Relations Unit
San Francisco Police Department
1245 - 3rd Street, 6th Floor
San Francisco, CA 94158
(415) 837-7395
Regular Days Off: Fri, Sat, Sun

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From: [Scott, William \(POL\)](#)
To: [Hirsch, Bob \(POL\)](#); [Henderson, Paul \(DPA\)](#)
Subject: Re: 1421 Policy
Date: Saturday, July 13, 2019 9:55:58 AM
Attachments: [Image001.png](#)

President Hirsh,

The Police Department has no objections with following the draft policy until a final policy decision is made. However, since this is uncharted grounds, we will make known to the commission and work group if circumstances surface that necessitates adjustments.

Respectfully,

Bill

Get [Outlook for Android](#)

From: Hirsch, Bob (POL)
Sent: Friday, July 12, 2019 8:35:40 PM
To: Henderson, Paul (DPA)
Cc: Scott, William (POL)
Subject: Re: 1421 Policy

Thank you.

Get [Outlook for iOS](#)

From: Henderson, Paul (DPA)
Sent: Friday, July 12, 2019 4:27:32 PM
To: Hirsch, Bob (POL)
Cc: Scott, William (POL)
Subject: 1421 Policy

In following up on our conversation yesterday, we understand that the Commission would like for DPA to follow the proposed draft of the SB1421 protocol until the conclusion of the working group and any implemented changes. We understand that there are issues to be worked out, including but not limited to, the meaning of a sustained finding. We agree that we can follow the draft policy with the caveat that if there is a situation where records are being requested on behalf of an in custody defendant and

an issue is presented that contradicts the draft protocol, we may bring the issue to our city attorney as well as either the working group or the Commission. -Paul

Paul David Henderson

韓德新

Executive Director



DPA

DEPARTMENT OF POLICE ACCOUNTABILITY
CITY AND COUNTY OF SAN FRANCISCO
25 VAN NESS AVENUE, SUITE 700
San Francisco, CA 94102-5058

T: (415) 241-7711

F: (415) 241-7733

<http://sfgov.org/dpa/>

From: Scott, William (POL)
To: Tugbenyoh, Mawuli (MYR); Hennessy, Vicki (SHF)
Cc: Carr, Rowena (POL); Freeman, Matthew (SHF); Miyamoto, Paul (SHF)
Subject: Re: Invitation to know your rights press conference tomorrow 11:30am
Date: Thursday, July 11, 2019 2:28:58 PM

Hello Mawuli,

Chief Scott is available and will be there.

Thank you,
Rowena

Chief William Scott
San Francisco Police Department
Police Headquarters
1245 3rd Street
San Francisco, CA 94158

From: Tugbenyoh, Mawuli (MYR)
Sent: Thursday, July 11, 2019 1:53:52 PM
To: Scott, William (POL); Hennessy, Vicki (SHF)
Cc: Carr, Rowena (POL); Freeman, Matthew (SHF); Miyamoto, Paul (SHF)
Subject: Invitation to know your rights press conference tomorrow 11:30am

Good afternoon Chief Scott and Sheriff Hennessy-

Mayor Breed will be holding a press event tomorrow to highlight the rights and services that all San Franciscans have available to them in the event of an ICE raid.

She would like to invite you to stand with her **tomorrow at 11:30a until 12p in the South Light Court in City hall**. It will be important for San Franciscans to see that our government leadership including law enforcement is united in our stance.

Please attend if you are able.

Regards,

Mawuli Tugbenyoh 杜本樂
Advisor, Criminal Justice & Public Safety
Office of Mayor London N. Breed
 mawuli.tugbenyoh@sfgov.org

OFFICE OF TRANSGENDER
INITIATIVES



MEMORANDUM

Date: 2/19/2019

To: Department Heads, Department Head Assistants

From: Clair Farley, Director of the Office of Transgender Initiatives

Re: **Implementation Memo - Executive Directive to Support People of All Gender Identities**

CC: Office of Transgender Initiatives (OTI)

In October 2018, Mayor London N. Breed issued an Executive Directive to expand gender identifiers on all City forms and applications when asking for demographic information, and to provide gender identity training for City employees.

Since 2017, the City has practiced collecting sexual orientation and gender identity (SOGI) data across six City departments that provide direct services to the community: Department of Public Health; Mayor's Office of Housing and Community Development; Department of Human Services; Department of Aging and Adult Services; Department of Children, Youth and their Families; and the Department of Homelessness and Supportive Housing. The Sheriff's Department and the Police Department have also taken important steps to allow individuals to self-identify, and have instituted Gender Awareness trainings as integral components of their practices.

This Directive will extend the practice of collecting more accurate and expanded gender identity options to all departments that collect demographic information during the course of licensing, permitting, or other administrative, business or service functions, thereby officially recognizing the breadth of gender identities within our City.

Executive Directive Implementation

1. By March 15th, 2019: City Departments shall designate an employee to coordinate implementation of the Directive within their respective Department; and shall **complete this survey** regarding each Department's forms and applications that collect demographic information or include gendered language of any kind. This data shall be collected by the Office of Transgender Initiatives (OTI), which will support the implementation of this Executive Directive across all City Departments.
2. Between March 15th and June 30th, 2019: City Departments shall modify all relevant forms and applications in accordance with standard best practices across the City, as identified by and in collaboration with the Office of Transgender Initiatives (OTI). Designated employees from various Departments may be asked to participate in working groups to jointly develop standardized data collection formats that will address unique data needs while upholding the intention of the Executive Directive.
3. By July 1st, 2019: All updated forms and applications shall be made available to the public.
4. By August 1st, 2019: The Office of Transgender Initiatives (OTI) will issue a final report on the implementation process of the Executive Directive, the compliance status of forms and applications

1800 MARKET ST. STE 100
SAN FRANCISCO, CALIFORNIA 94102
TELEPHONE: (415) 671-3073

OFFICE OF TRANSGENDER
INITIATIVES



across City Departments, relevant guidelines for standardized data collection, and any next steps necessary to complete implementation.

5. During FY2019-20: The Office of Transgender Initiatives (OTI) will support Departments in developing a training plan for their employees, as needed. These trainings may include content on gender identity data collection best practices, gender awareness, use of gender-neutral language, and other content based on each Department's unique training needs.

For more information and for further instructions on implementation of this Directive, please contact Pau Crego, Director of Policy and Programs at the Office of Transgender Initiatives, at pau.crego@sfgov.org or [REDACTED].

Clair Farley

Senior Advisor to the Mayor
Director, Office of Transgender Initiatives
City and County of San Francisco
1800 Market Street, Ste. 100
San Francisco, CA
Clair.Farley@sfgov.org
[REDACTED]

1800 MARKET ST. STE 100
SAN FRANCISCO, CALIFORNIA 94102
TELEPHONE: (415) 671-3073

From: Scott, William (POL)
To: Fountain, Christine (POL)
Cc: Carr, Rowena (POL)
Subject: Fw: Executive Directive Update Request
Date: Friday, July 12, 2019 12:19:18 PM
Attachments: Implementation Memo 2-19-2019.pdf
FAQ ED 2-19-2019.pdf

I think AC Moser is handling this.

Due on July 19.

Row

Chief William Scott
San Francisco Police Department
Police Headquarters
1245 3rd Street
San Francisco, CA 94158

From: Farley, Clair (ADM)
Sent: Thursday, July 11, 2019 4:24 PM
To: Farley, Clair (ADM)
Cc: Crego, Pau (ADM); Power, Andres (MYR)
Subject: Executive Directive Update Request

Dear Department Heads and Department Staff,

Thank you for your support in working with my office to implement **Mayor London N. Breed's - Executive Directive on Expanding Gender Identifiers on all City Forms and Applications.** As of July 1st, 2019 Departments should have implemented the directive and updated all forms available to the public to include accurate and expanded gender identity options. (Please find the implementation memo and FAQ attached.)

We are requesting that departments **please submit a memo updating your progress on implementing the directive by Friday, 7/19.** Please submit your memo and any questions to Pau Crego, at Pau.Crego@sfgov.org.

Also, as Micki mentioned we have partnered with DHR to develop a **Gender Inclusion Policy and Tool Kit** to support your HR teams and promote a professional, inclusive, and productive workplace for everyone, regardless of gender expression or gender identity. Please find these materials posted here: <https://sfdhr.org/gender-inclusion-policy-and-tools>. Special thanks to Pau Crego and Susan Gard for their leadership on these new important resources.

Sincerely,

Clair

Clair Farley (she, her, they)

Senior Advisor to the Mayor

Executive Director

Office of Transgender Initiatives

City and County of San Francisco

1800 Market Street, Ste. 100

San Francisco, CA

Clair.Farley@sfgov.org



Visit our [website](#) for more information.

Follow us [Twitter](#) and [Facebook](#) @TransCitySF

From: Scott, William (POL)
To: Chaplin, Toney (POL); McEachern, Greg (POL); Oliva-Aroche, Diana (DPH); Sutton, Tiffany (POL)
Subject: Follow Up Meeting re SVRT (AC Chaplin, DC McEachern, Diana and Tiffany)
Start: Tuesday, August 27, 2019 4:00:00 PM
End: Tuesday, August 27, 2019 5:00:00 PM
Location: Chief's Office

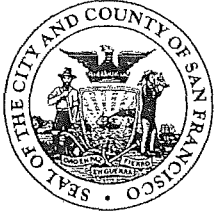


CITY AND COUNTY OF SAN FRANCISCO
2018-2019 CIVIL GRAND JURY

**Improving Continuity Review for Increased
Public Accountability:**

**The 2018-2019 San Francisco Civil Grand Jury
Continuity Report**

June 2019



CITY AND COUNTY OF SAN FRANCISCO

2018-2019 CIVIL GRAND JURY

THE CIVIL GRAND JURY AND ITS OPERATIONS

California state law requires that all 58 counties impanel a Grand Jury to serve during each fiscal year. *California Penal Code Section 905; California Constitution, Article I, Section 23*

The Civil Grand Jury investigates and reports on one or more aspects of the County's departments, operations, or functions. *California Penal Code Sections 925, 933(a)*

Reports of the Civil Grand Jury do not identify individuals interviewed by name. *California Penal Code Section 929*

The Civil Grand Jury issues reports with Findings and recommendations resulting from its investigations to the Presiding Judge of the Superior Court. *California Penal Code Section 933(a)*

Each published report includes a list of those elected officials or departments that are required to respond to the Presiding Judge of the Superior Court within 60 or 90 days as specified. *California Penal Code Section 933*

California Penal Code Section 933.05 is very specific with respect to the content of the required responses. Under Section 933.05(a), for each Finding, the response must:

- 1) Agree with the Finding, or
- 2) Disagree with it, wholly or partially, and explain why.

Similarly, under Penal Code Section 933.05(b), for each recommendation, the responding party must report that:

- 1) The recommendation has been implemented, with a summary of the implemented action; or
- 2) The recommendation has not been implemented but will be within a set timeframe; or
- 3) The recommendation requires further analysis, with an explanation of what additional study is needed, and the timeframe for conducting that additional study and the preparation of suitable material for discussion. This timeframe may not exceed six months from the date of publication of the Civil Grand Jury's report; or
- 4) The recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

Any San Francisco resident who is a US citizen and is interested in volunteering to serve on the Civil Grand Jury for the City and County of San Francisco is urged to apply. Additional information about the San Francisco Civil Grand Jury, including past reports, can be found online at <http://civilgrandjury.sfgov.org/index.html>.



CITY AND COUNTY OF SAN FRANCISCO

2018-2019 CIVIL GRAND JURY

MEMBERSHIP ROSTER

RASHA HARVEY (Foreperson)
JANET ANDREWS HOWES (Parliamentarian)
LINDA BADGER
ANDREW BENJAMIN
GORDON CRESPO
KRISTINE EQUIHUA (Technology Secretary)
STEPHEN GARBER
JONATHAN HILL
LEONARD KULLY (Correspondence Secretary)
WILLIAM W LEE (Foreperson Pro Tem)
FRANK NETTLETON
NONA RUSSELL
RANDALL SMITH (Recording Secretary)
KAAREN STRAUCH BROWN
RUSH STURGES
MARTHA SUTHERLIN
JASON TAM
MICHAEL WIXTED

EXECUTIVE SUMMARY

The function of the Civil Grand Jury (CGJ) is to investigate the operations of the various officers, departments and agencies of the government of the City and County of San Francisco. If the Recommendations of the Civil Grand Jury are not verifiably implemented, or at least seriously considered, this function is undermined, and the effort is fruitless.

Traditionally, a Continuity Committee of the Civil Grand Jury performs a review to follow up on implementation of report Recommendations. The 2018-2019 Civil Grand Jury reviewed Continuity reports submitted by Civil Grand Juries since 1995. The Civil Grand Jury also carefully reviewed the current process for tracking responses to report Findings and Recommendations, including the praiseworthy effort made by the City Services Auditor Division (City Services Auditor or CSA) of the Office of the San Francisco Controller.

The Civil Grand Jury determined that follow-up has been irregular and inconsistent. In particular, the Civil Grand Jury:

1. Identified responses to Recommendations from 2014-2018 Civil Grand Jury reports that are out of compliance with the requirements of California Penal Code Section 933.05;¹
2. Identified three recent reports where the responses were in technical compliance with Section 933.05, but did not properly address the intent of the Civil Grand Jury's Findings and/or Recommendations; and
3. Identified opportunities for improving year-to-year Continuity process effectiveness.

The Civil Grand Jury concluded that the current process of Continuity follow up has a significant shortcoming: the elected officials, agency heads, and governing bodies of the City and County of San Francisco do not provide the Superior Court and Civil Grand Jury timely information regarding the ongoing status of their responses across jury terms. To be effective, the Continuity process needs to continue, with periodic checkpoints, until the response has reached final status (either "implemented", with summary of actions taken, or "will not be implemented," with explanation).

Civil Grand Jury follow-up on the Recommendations of prior reports is inherently difficult due to:

- Annual turnover of the Civil Grand Jury membership, with limited time for training and preparation;
- The labor-intensive nature of data collation;
- Unavailability of indexed historical Civil Grand Jury report information.

¹ All Section references are to the California Penal Code, unless otherwise indicated.

Development of a process to enhance meaningful oversight and reduce the burden on future Civil Grand Juries is long overdue. Such a process needs to be ongoing and consistently applied from year to year by every Civil Grand Jury. Otherwise, the mission of the Civil Grand Jury and its Continuity Committee is undermined by the need for extensive analysis of past Recommendation responses.

Where Civil Grand Juries complete their terms without constituting a Continuity Committee (as occurred in the three terms from 2015 through 2018), then a new Committee has to research Recommendation responses which have not been analyzed for multiple years, limiting its ability to institute in-depth investigation of previous report topics.

We have made several recommendations to reduce duplicative input, facilitate timely follow-up, and assure both compliance with the Penal Code and completion of implementation. We are confident that if these recommendations are carried out fully and faithfully by the responsible parties, major improvements in the follow-up process will result, and the Civil Grand Jury's effectiveness in accomplishing its mission will be significantly enhanced.

In ideal circumstances, the role of the Continuity Committee is to identify one or more past reports where, for whatever reason, the desired positive outcome has not been achieved, and arrange for re-investigation of the subject of such report/s within its own Civil Grand Jury term.

The aim and aspiration of this report is to lay the groundwork for that future.

TABLE OF CONTENTS

Section	Page No.
Executive Summary	1
Table of Contents	3
Background	4
Problem Statement	6
Methodology	7
Discussion	9
A) Penal Code Compliance of report responses from 2014-2018:	9
B) Prior Civil Grand Jury Responses Deemed Erroneous, Incomplete or Inadequate	11
1) 2015-2016 Report: SF Crime Lab	11
2) 2016-2017 Report: SF Retirement – Adding Voter Oversight	13
3) 2016-2017 Report: Education Parity In Custody (EPIC)	15
C) Improving Year-to-Year Continuity Effectiveness	16
Findings	20
Recommendations	22
Required Responses	24
Appendices	
A) Findings & Recommendations	25
B) Past Civil Grand Jury Reports	26
C) 2014 to 2018 Response Summary	29
D) SF Agencies & Officials Responses Not in Penal Code Compliance	30
E) 2017-2018 Not in Penal Code Compliance – Crisis Intervention	31
F) 2017-2018 Not in Penal Code Compliance – Loveable Pet	32
G) 2017-2018 Not in Penal Code Compliance – Housing Crisis	34
H) 2017-2018 Not in Penal Code Compliance – Open Source Voting	35
I) 2016-2017 Not in Penal Code Compliance – Gov’t Performance	36
J) 2016-2017 Not in Penal Code Compliance – Retirement System	38
K) 2015-2016 Not in Penal Code Compliance – Fire Inspection – SFFD & DBI	39
L) 2015-2016 Not in Penal Code Compliance – SFPD Officer Involved Shooting	42
M) 2015-2016 Not in Penal Code Compliance – Maintenance Budgeting	44
N) 2015-2016 Not in Penal Code Compliance – SF County Jail Mental Health	45
O) 2015-2016 Not in Penal Code Compliance – Homeless Health & Housing	47
P) 2014-2015 Not in Penal Code Compliance – SFFD Future	48
Q) Proposal for Continuity System	49
R) Three-Year Follow-up Letter	55
Bibliography	56
Table of Abbreviations	58

BACKGROUND

The San Francisco Superior Court impanels a new Civil Grand Jury each year. The one-year term begins July 1 and ends June 30 the following year. The Civil Grand Jury is an independent body of citizens looking to improve government effectiveness and efficiency and is charged with producing at least one investigative report with Findings and Recommendations.²

After the report Findings and Recommendations are published, Section 933³ of the California Penal Code requires responses to them from designated respondents. Section 933(c) mandates that governing bodies of public agencies respond no later than 90 days after the Civil Grand Jury submits a final report, and elected county officers and agency heads within 60 days, by letter to the Superior Court.

Section 933.05(b) is very specific about what responses to Findings and Recommendations are allowed:⁴

- 1) The response to Findings can be:
 - a) Agree with Finding.
 - b) Wholly or partially disagree with Finding, in which case the response shall specify the portion of the Finding that is disputed and shall include an explanation of the reasons therefor.
- 2) The response to Recommendations can be:
 - a) The Recommendation has been implemented, with a summary regarding the implemented action.
 - b) The Recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
 - c) The recommendation requires further analysis, with an explanation and the scope of parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of the publication of the Civil Grand Jury report.
 - d) The Recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

² California Penal Code: Title 4: Grand Jury Proceedings (888-939.91)

https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=4.&part=2.&chapter=3.&article=1.

³ Section 933 can be found online at

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=933.

⁴ Section 933.05 can be found online at

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=933.05.

During the first year after Civil Grand Jury reports are published, the San Francisco Superior Court receives report Finding and Recommendation responses and posts them with the report on the Civil Grand Jury website.⁵ From the second through the fourth years after publication, the City Services Auditor requests follow-up annually on pending responses as required, by statute⁶ for fiscal matters and by Civil Grand Jury request for the remaining responses.⁷ These responses are tabulated and posted on the Controller's website with linkage to the Civil Grand Jury website.⁸

Each Civil Grand Jury reviews prior responses for Penal Code compliance and examines whether the responses correctly address the intent of the report Findings and Recommendations. Each Civil Grand Jury must rely on its successors to read the reports, review the investigative report responses, and follow up on the implementation of Recommendations.

⁵ <http://civilgrandjury.sfgov.org>

⁶ San Francisco Administrative Code:

[http://library.amlegal.com/nxt/gateway.dll/California/administrative/administrativecode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$sync=1](http://library.amlegal.com/nxt/gateway.dll/California/administrative/administrativecode?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$sync=1)

⁷ See Appendix R

⁸ <https://sfcontroller.org/status-civil-grand-jury-recommendations>

PROBLEM STATEMENT

Each Civil Grand Jury has a one-year term, and generally issues its reports at the end of its term. As a result, the Civil Grand Jury that issues a report is unable to ensure that responding agencies comply with both the letter and the spirit of its report. Responsibility for monitoring the responses, and addressing any deficient responses, falls to the next several Civil Grand Juries, particularly for responses that take time to analyze and/or implement.

The San Francisco Civil Grand Jury has published a Continuity report in only 14 of the past 23 years. This attests to the very considerable difficulty of carrying out this responsibility. Civil Grand Jury follow-up with respect to prior Civil Grand Jury reports and their Findings and Recommendations is inherently difficult due to the nature of the Civil Grand Jury system: there is a new set of volunteers every year. Development of a process to enhance oversight and reduce the burden on future Civil Grand Juries is long overdue.

Subsections A and B of the Discussion section below examine two attributes of Civil Grand Jury report responses that give evidence of this difficulty:

- 1) Responses to Recommendations from 2014-2018 Civil Grand Jury reports that are past due (beyond the 60/90-day timeframe for initial submittal), fail to state a timeframe for implementation or analysis, or have exceeded the stated timeframe;
- 2) Recent reports where the responses were in technical compliance with Section 933.05, but further responses are indicated as the responses did not properly address the intent of the Civil Grand Jury's Findings and/or Recommendations.

Subsection C then seeks the causes of the difficulty, through identifying shortcomings in the current process for following up on Civil Grand Jury Recommendations.

METHODOLOGY

The Civil Grand Jury reviewed the following aspects of previous Civil Grand Jury reports:

- 1) SFCGJ reports going back to 1995-1996⁹, with special attention to Continuity reports (see Appendix B and Bibliography);
- 2) The status of responses to SFCGJ investigative reports from the three terms from 2014-2015 through 2016-2017,¹⁰ using response tabulations from the City Services Auditor;
- 3) The status of responses to SFCGJ investigative reports from the term of 2017-2018,¹¹ using data from the San Francisco Civil Grand Jury website;
- 4) Continuity Reports issued by the Civil Grand Juries of other California counties. (see Bibliography).

The following criteria for Recommendation responses' compliance with Penal Code requirements were considered:

- 1) Was the response in compliance with Section 933 timeframes?
 - a) 60 days for county elected officials and governmental agency heads.
 - b) 90 days for governing bodies of public agencies.
- 2) Did the response indicate agreement or disagreement, either wholly or partially, with the Findings? If the respondents disagreed, did the response include an explanation as required by Section 933.05(a)?
- 3) If the response was "Implemented", did the response include a summary of what was done, as required by Section 933.05(b)(1)?
- 4) If the response was "will be implemented", did the response include a timeframe for implementation, as required by Section 933.05(b)(2)?
- 5) If the response was "Requires further analysis or study," did it include an explanation of the scope, the parameters, and the timeframe not to exceed six months after the issuance of the report for the proposed analysis or study, as required by Section 933.05(b)(3)?
- 6) If the response was "Will be Not be Implemented" because it was unwarranted or unreasonable, did it include a reasoned explanation as required by Section 933.05(b)(4)?

In the absence of indexed historical CGJ report data, it was necessary to review 24 years' worth of SFCGJ reports and manually tabulate the data (Appendix B).

⁹ SF Controller Civil Grand Jury Previous Reports - <http://civilgrandjury.sfgov.org/previousreport.html>

¹⁰ SF Controller Civil Grand Jury Previous Report Status - <https://sfcontroller.org/status-civil-grand-jury-recommendations>

¹¹ SF Controller Civil Grand Jury Current Responses - <http://civilgrandjury.sfgov.org/report.html>

In a quantitative analysis, the Civil Grand Jury tabulated and summarized the responses to Recommendations for all 2014-18 Civil Grand Jury reports (see Appendix C) and summarized open responses by department (see Appendix D).

In a qualitative analysis, the Civil Grand Jury identified several responses to recent reports that did not properly address the intent of the Civil Grand Jury's Findings and/or Recommendations.

In a root-cause analysis, the Civil Grand Jury conducted interviews with members of the San Francisco Superior Court and the CSA, to analyze the current workflow between them and identify potential efficiency improvements.

DISCUSSION

The Civil Grand Jury's review is divided into three sections, addressing:

- A. Responses to Recommendations from 2014-2018 Civil Grand Jury reports that are out of compliance with Penal Code requirements;
- B. Recent reports where the responses were in technical compliance with Section 933.05, i.e., in final status ("implemented" or "will not be implemented"), but did not meet the intent of the Recommendations;
- C. Problems with the existing follow-up processes for report responses, and opportunities for improving year-to-year Continuity response tracking, monitoring, and effectiveness.

A. Completion Status of 2014 – 2018 Report Recommendation Responses

As set forth on page 4 in the Background section of this report, Sections 933 and 933.05 of the California Penal Code designate the time allotted for responses to Civil Grand Jury Recommendations and the expected content of the responses, including the timeframes for implementation. There is no statutory requirement for a Recommendation response to be brought to "final status," i.e., to either final implementation or to non-implementation with a reasoned explanation.

From 2014 through 2018, 22 reports by the San Francisco Civil Grand Jury requested 606 responses from officials, agency heads or governing bodies. In some cases, respondents consolidated their responses, resulting in 61 letters being submitted to the Court. The responses are tabulated in Appendix C.

In the remainder of this report, the term "timely responses" refers to those designated by the Code or in the text of the response.

For the most part, these responses were submitted within the guidelines set by Section 933 of the Penal Code requiring initial responses to the Court within 60 or 90 days. Responses from the Board of Supervisors (BoS) were frequently late by one to two weeks. The BoS has the additional requirement under San Francisco Administrative Code Section 2.10 to hold public hearings on the report's Recommendations, and most of its responses are submitted after those hearings.

In contrast with the agencies' performance with respect to initial response submittal, the Civil Grand Jury found that many report responses are past due; lack a stated timeframe for implementation or analysis; or have a stated timeframe that has expired.

The Civil Grand Jury found 72 such responses in the past four years (11.9% of the total). 37 responses did not specify a timeframe for the implementation of the Recommendation or completion of the analysis. An additional 35 responses listed an expected implementation date that had expired as of the most recent Controller (CSA) review, without being updated or confirmed. Table 1 on the next page summarizes these responses:

Table 1. 2014-2018 Responses to CGJ Recommendations
Missing, past due, or expired timeframes*

	Responses with No Timeframe		Responses with Expired Timeframe		
Year	Will be Implemented In the Future	Requires Further Analysis	Will be Implemented In the Future	Requires Further Analysis	Total
2017-18	6	5	13	4	28
2016-17	7	0	3		10
2015-16	17	1	11	3	32
2014-15	1	0		1	2
Total	31	6	27	8	72

* In 2014-2018, there were no significantly past-due responses

Appendices E through P detail these responses.

It is noteworthy that neither the California Penal Code nor the San Francisco Administrative Code mandates any follow-up after the initial receipt of responses by the Superior Court and the public hearings of the Board of Supervisors until the subsequent follow-up on fiscal matters by the City Services Auditor, one year after the BoS hearings. This 12-to-15-month gap is a significant period without documented activity on the Recommendations. This gap, the turnover of Civil Grand Juries, and the irregularity of Continuity reporting, all contribute to inefficiency and diminished effectiveness of the Civil Grand Jury.

B. Prior Civil Grand Jury Responses Deemed Erroneous, Incomplete, or Inadequate

The Civil Grand Jury found that additional follow-up is merited for three recent Civil Grand Jury reports, for different reasons. These examples demonstrate the need for consistent Civil Grand Jury follow-up on the content and quality of responses to prior reports.

1. 2015-2016 Report: *San Francisco Crime Lab: Promoting Confidence and Building Credibility*

Over the several years prior to the investigation, the credibility of the San Francisco Police Department (SFPD) Criminalistics Laboratory (Crime Lab or the Lab) had been marred by scandals that interfered with its mission to present accurate, unbiased, and convincing testimony in court.

The 2015-2016 report investigated issues related to the dismissal of over 700 drug cases by the District Attorney. Reasons for the dismissals prominently included the theft of cocaine from the drug analysis section of the Lab and the failure of competency exams by laboratory technicians. There was also a history of sample switch, record destruction, suppression of exculpatory evidence from the defense, and incomplete evidence uploading into the FBI DNA database. These issues resulted in a lack of trust in data generated by the Lab.^{12, 13, 14}

Recommendations R.F.2 and R.F.3 from this report are cited below, together with excerpts from the corresponding responses from the concerned agencies:

R.F.2: An external review by forensic experts trusted by all stakeholders of the Crime Lab should be made to assure that the internal audits as well as the policies and procedures of the Crime Lab are correct.¹⁵

The initial consolidated response letter from the Acting Chief of Police, the Mayor, and the City Administrator, dated July 31, 2016, indicated “Recommendation has been implemented.” The same letter stated, “To date, there have been no bidders for this project.”

¹² http://civilgrandjury.sfgov.org/2015_2016/2015-16_CGJ_Final_Report_Crime_Lab_6_1_2016.pdf

¹³ <https://sfcontroller.org/sites/default/files/Public%20Forms%20%26%20Notices/16-17%20Status%20of%20the%20Civil%20Grand%20Jury%20Recommendations.pdf>

¹⁴ See also Mother Jones Crime Lab Article - <https://www.motherjones.com/politics/2015/04/why-do-crime-labs-keep-screwing-dna-tests/>

¹⁵ http://civilgrandjury.sfgov.org/2015_2016/2015-16_CGJ_Final_Report_Crime_Lab_6_1_2016.pdf, p.27

The second statement in the response contradicts the first, in that no external review has been conducted.¹⁶ The City Services Auditor does not follow up on responses designated as Implemented. Therefore, this contradiction has not been identified until this current report.

R.F.3: The external review should be conducted by experts who have been identified as trustworthy to all stakeholder(s) rather than selected by a competitive bidding process based on cost.¹⁷

The initial consolidated response letter to the Superior Court, dated July 31, 2016, indicated, "Recommendation requires further analysis." The response stated "In Spring 2015 (sic) the Crime Lab met with representatives of the District Attorney's office, Public Defender's office, a private defense attorney, and a representative from a center for the Fair Administration of Justice. During that meeting an external review was discussed and individuals were identified trustworthy to all stakeholders. Contact was initiated by SFPD to those individuals, and the Police Chief invited the District Attorney, the Public Defender and a private defense attorney to submit suggested areas of 'concern' from their offices to incorporate into the scope of this proposed external review with the goal of forming a meaningful and constructive review that would benefit all stakeholders in the criminal justice system of San Francisco. If a request for proposals is issued again, trustworthiness will be a key criterion for selection."

In 2017 the City Services Auditor followed up on the status of the 2016 response that had indicated "Requires further analysis." In his response to this follow-up, the SF Chief of Police changed the response status to "Will not be implemented because it is not warranted or not reasonable." The text of the response was:

This Recommendation has not been accomplished. The Department attempted, unsuccessfully to have an outside review conducted. The Department initiated a competitive bidding process as required by City process. Although the Department went to great lengths to accomplish this, ultimately no qualified individuals submitted a bid to conduct the review process.¹⁸

The two responses received do not explain why no bids were received in response to the RFP. If the trustworthy experts identified by the stakeholder group were not invited to bid, these two responses do not adequately address Recommendation R.F.3.

¹⁶ <https://sfcontroller.org/sites/default/files/Public%20Forms%20%26%20Notices/15-16%20Status%20of%20the%20Civil%20Grand%20Jury%20Recommendations.pdf>

¹⁷ http://civilgrandjury.sfgov.org/2015_2016/2015-16_CGJ_Final_Report_Crime_Lab_6_1_2016.pdf, p. 27

¹⁸ <https://sfcontroller.org/sites/default/files/Public%20Forms%20%26%20Notices/16->

Further, the phrase “as required by City process” serves to conceal, rather than reveal, the facts regarding the RFP. Administrative Code Chapter 21.5 lists types of purchases which may be exempt from the requirement for competitive solicitation. Two of these might have been applicable to the Crime Lab review solicitation: 21.5(a) regarding Minimum Competitive Amount, and 21.5(b) regarding sole source. If these possibilities were not seriously considered, then it may not be correct that “the Department went to great lengths to accomplish this. . .”.

2. 2016-2017 Report: *The SF Retirement System - Increasing Understanding and Adding Voter Oversight*

The 2016-17 San Francisco Civil Grand Jury investigated the fiscal status of the City’s Retirement System and concluded that it threatens the financial future of the City, due to an unfunded liability of \$5.81 billion, which leaves the System only 77.6% funded. According to the SF Performance Scorecard on Pension Plan Funding Level, the Retirement System has not been 100% funded since 2009.¹⁹

The Retirement Fund investments are managed by the Retirement Board, composed of three individuals elected by the members of the Retirement System, three public members appointed by the Mayor, and one member of the Board of Supervisors. As described on the San Francisco Employees Retirement System (SFERS) website: “ Within the scope of its *fiduciary duties* (emphasis added), the Board establishes and follows policies governing the administration, management, and operation of the City’s retirement plans; manages the investment of the Retirement System’s assets; approves disability benefit determinations; and approves actuarial assumptions used to fund long-term benefit promises of the SFERS Pension Plan.”

The Retirement Board is responsible for investing the assets of the Retirement System and maximizing the returns for the beneficiaries. Its fiduciary responsibility to beneficiaries supersedes any responsibility to the voters and citizens of San Francisco and is shared by all members of the Board, including the appointed members.²⁰

San Francisco taxpayers are responsible for meeting the obligations of the Retirement System, including any unfunded liability.

¹⁹ SF Performance Scorecard on Pension Funding Levels - <https://sfgov.org/scorecards/pension-plan-funding-level>

²⁰ California Constitution

https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=CONS&division=&title=&part=&chapter=&article=XVI

The 2016-2017 Civil Grand Jury report included Recommendation R2.1, addressed to the Mayor, the Board of Supervisors, the Retirement Board, and the Controller:

R2.1: That the Board of Supervisors establishes a permanent Retirement System Oversight Committee to develop a comprehensive, long-term solution for the Retirement System that is fair to both employees and taxpayers and present it to the voters in a proposition by 2018. All options for reducing pension liabilities must be considered, including a hybrid Defined Benefit/Defined Contribution plan.

The Mayor and the BoS responded that Recommendation R.2.1 would not be implemented, asserting that it was unreasonable or unwarranted.

BoS Response to R.2.1: The Mayor and Board of Supervisors have oversight over the Retirement System and review financials and projections regularly, including during the annual City budget process.

Mayor's Response to R2.1: The City already has a Retirement Board which functions as oversight to the Retirement System, and the Mayor's Office has no authority to establish or empanel a new Board committee. (The Mayor) worked to pass major pension reform legislation in 2011 and the City's long-term pension obligations would be much worse if it was not for these measures. Lastly, the City closely monitors pension costs in our long-range financial planning through the 5-year financial planning process, deficit projections as well as through the 2-year budget process, which are developed by the Mayor's Office in collaboration with the Controller's Office and the Board of Supervisors. We closely monitor the impact of our pension obligations on our long-term deficit and will continue to seek to reduce projected deficits over time.

The 2016-17 Civil Grand Jury report also included Recommendation R2.2, addressed to the same parties:

That the Mayor and Board of Supervisors submit a Charter amendment proposition to the voters, to add three additional public members who are not Retirement System members to the Retirement Board.

Following are excerpts from the separate responses to Recommendation R2.2 submitted by the cited respondents:

Mayor: Trustees are always obligated to act only in the fiduciary interests of the beneficiaries.

Controller: Retirement Board members are fiduciaries that have a duty to the system's participants and not to "watch out for the interests of the City and its residents."

Retirement Board: Under trust law, the Retirement Board's duty to its participants and their beneficiaries takes precedence over any other duty, including any duty to the City or its residents.

The responses to R2.1 by the Mayor and the BoS appear to overlook the fact that under the current rules the Retirement Board's fiduciary responsibility to the Plan beneficiaries overrides any consideration of minimizing cost to voters, even as their responses to R2.2 indicate their awareness of this fact.

In the present situation, the Retirement Board is not in a position to develop a "comprehensive, long-term solution for the Retirement System that is fair to both employees and taxpayers," which the 2016-2017 Civil Grand Jury identified as the problem needing addressing and which underlies its Recommendation that a permanent Retirement System Oversight Committee be established.

The 2018-2019 Civil Grand Jury recommends that the Mayor and Board of Supervisors reconsider and resubmit their responses to 2016-2017 Recommendation R2.1 in the light of this consideration. The recommended Oversight Committee would be a significant contribution to the goal, set forth in the Mayor's 2019-2020 and 2020-2021 Proposed Budget, of "making government more accountable to residents."²¹

3. 2016-2017 Report: *Educational Parity in Custody (EPIC): Ensuring Equality of Women's Education in the SF Jail System*

This 2016-2017 report examined the educational services provided for female inmates in the San Francisco County Jails. An apparent transcription error resulted in recommendation R10's citing the "Five Keys" program instead of the SISTER program.

Recommendation R10 in the body of the 2016-2017 report provided as follows:

We recommend that the Sheriff's Department, working in conjunction with the SISTER program, set up guidelines to measure the success of this program, in whatever quantitative way the Department decides to measure that success and document the results each semester and /or year. We suggest implementing this Recommendation by July 2018.

Unfortunately, the Sheriff apparently received an incorrect version of the Recommendation, citing the Five Keys and not the SISTER program, and therefore responded regarding the wrong program.

Although this error was not the fault of the Sheriff's Department, the 2018-19 Civil Grand Jury invites the Sheriff to respond to Recommendation R10 as written in the 2016-17 report.

²¹ Mayor's 2019-2020 & 2020-2021 Proposed Budget <https://sfmayor.org/mayors-office-public-policy-and-finance-0>

C. Improving Year-to-Year Continuity Process Effectiveness

The California Penal Code (933, 933.05) delineates specific timeframes for initial responses to Civil Grand Jury Recommendations. It further dictates timeframes for responses requiring additional time for implementation or analysis. However, it does not designate responsibility or accountability for enforcement of these provisions. Finally, it does not consider the fidelity of the responses to the specifics and intent of the Recommendations. It falls to the Civil Grand Jury, with the support of the Superior Court and County Government, to provide implementation follow-up and fulfill the oversight function mandated by the Code:

There have been Continuity reports in 14 of the past 23 years. Many of the reports support the sentiment best expressed by the 2001-2002 CGJ: "to subject a City department/agency/office to intense scrutiny and then to publish Findings and Recommendations intended to affect the future is a responsibility that should not end with the published report."²² The last published Continuity report by the SFCGJ was in the term of 2014-2015.²³

Inconsistent follow-up is not limited to the City and County of San Francisco. It has also been reported in other counties, such as Orange County and San Diego County. To quote the 2002-2003 Orange County Civil Grand Jury: "The follow-up procedure is not a simple task . . ."²⁴

In San Francisco, the Administrative Code requires²⁵ the Controller (City Services Auditor, or CSA) to follow up on the responses to Recommendations pertaining to fiscal matters that were considered at a public hearing of the Board of Supervisors. The CSA posts the follow-up responses, beginning one year after the BoS hearing, in a Microsoft Excel spreadsheet which is posted with the original responses on the Controller's website.²⁶ The Civil Grand Jury website is hyperlinked to the Controller's website.²⁷

Given the Civil Grand Jury's one-year term and the turnover in individual jurors, it is essential to develop an efficient system to systematically gather and update responses to Civil Grand Jury Findings and Recommendations and store this data in a centralized reporting repository accessible by all stakeholders.

Currently, documentation and training on the CGJ Continuity process are limited. This means that the members of each newly impaneled CGJ are not sufficiently familiar with what needs to be done, nor with the need to start on the task early in view of the labor-intensive, time-consuming processes that are in place today.

²² Continuity Report 2001-2002: http://civilgrandjury.sfgov.org/2001_2002/Continuity_Report.pdf

²³ 2014-2015: Unfinished Business: A Continuity Report on the 2011-2012 Report: Déjà Vu All Over Again: [http://civilgrandjury.sfgov.org/2014_2015/14-](http://civilgrandjury.sfgov.org/2014_2015/14-15_CGJ_Report_Unfinished_Business_A_Continuity_Report_7_20_15.pdf)

[15_CGJ_Report_Unfinished_Business_A_Continuity_Report_7_20_15.pdf](http://civilgrandjury.sfgov.org/2014_2015/14-15_CGJ_Report_Unfinished_Business_A_Continuity_Report_7_20_15.pdf)

²⁴ Declaration: More on Continuity. May 22, 2003. <http://www.ocgrandjury.org/pdfs/gideclaration.pdf>

²⁵ San Francisco Administrative Code:

[http://library.amlegal.com/nxt/gateway.dll/California/administrative/administrativecode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$sync=1](http://library.amlegal.com/nxt/gateway.dll/California/administrative/administrativecode?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$sync=1)

²⁶ <https://sfcontroller.org/sites/default/files/Public%20Forms%20%26%20Notices/16->

²⁷ <http://civilgrandjury.sfgov.org>

These current processes include the following, with respect to the issue of timeframe compliance (as defined in Penal Code Section 933.05[b]):

- Review all responses to determine which have and have not met timeframe requirements;
- Categorize (manually) the timeframe-noncompliant responses according to which element is missing;
- Identify in detail what is required from the respondent to remedy the timeframe-noncompliant status;
- Identify the public officials or governmental agencies needing to respond;
- Request the Superior Court to send unique letters to all the timeframe-noncompliant respondents, to solicit a response within a 30-day timeframe;
- Assess all updated responses for Penal Code compliance and fulfillment of the report Recommendations;
- Re-tabulate the data for use in the CGJ Continuity report.

The Civil Grand Jury recommends that an application be developed, using a database, to support the Continuity processes in future. This application would eliminate or substantially reduce some of the labor-intensive, time-consuming processes now required for all stakeholders. The Civil Grand Jury would then be able to spend more time on investigative reports and less on compliance issues, and the quality of the Recommendation responses would inevitably improve.

The primary stakeholder in the new application would be the SF Civil Grand Jury, with the Superior Court and the City Services Auditor as secondary stakeholders.

The CGJ application would:

- Use a database to store historical Findings and Recommendations and track all responses, covering required response timeframes, targeted commitment dates, and current status;
- Create electronic alerts and notification letters when responses are due; and
- Create reports that would support the CGJ, Superior Court, Board of Supervisors, City Services Auditor, and the California Grand Jurors' Association and its San Francisco chapter.

To address present practicalities, it is envisioned that development of the data-collection process associated with the new application would take place in two phases:

- 1) Data collection and input into the database would proceed via the Excel spreadsheet that presently collects Recommendation responses;
- 2) The application would be converted, in approximately two years from its development, into a cloud application, where all stakeholders, including responding agencies, could input data directly into the database.

Since application development will span multiple years, it is also recommended that the SFCGJ engage a Continuity System Consultant to support the development efforts. The CGJ would select the individual to fill the position for the first two to three years; afterwards, the engagement would be renewed annually, if and as needed.

In order to perform effectively, the Continuity System Consultant should be someone who has experience as a San Francisco Civil Grand Jury member and is familiar with the current CGJ processes.

Developing such a database requires identifying the responsible stakeholders and individuals. The Civil Grand Jury has developed a Responsible-Accountable-Consulted-Informed (RACI) role responsibility assignment matrix, utilizing the following role definitions:

RACI Role Definition

RACI Role Definition:	
Responsible:	This team member does the work to complete the task. Every task needs at least one Responsible party, but it's okay to assign more.
Accountable:	This person delegates work and is the last one to review the task or deliverable before it's deemed complete. On some tasks, the Responsible party may also serve as the Accountable one. Just be sure you only have one Accountable person assigned to each task or deliverable.
Consulted:	Every deliverable is strengthened by review and consultation from more than one team member. Consulted parties are typically the people who provide input based on either how it will impact their future project work or their domain of expertise on the deliverable itself.
Informed:	These team members simply need to be kept in the loop on project progress, rather than roped into the details of every deliverable.

RACI Chart Related to the San Francisco Civil Grand Jury

RACI Roles & Functions	Superior Court			CGJ	SF City Officials & Agencies			
	Superior Court Judge	Deputy Jury Commissioner	CGJ Admin Support	Impaneled Civil Grand Jury	SF City Attorney	SF Controller City Audit Services	City Officials & Agencies	Designated Report Respondents
Impanels New Civil Grand Jury (CGJ)	Responsible Accountable	Consulted	Informed					
Trains New CGJ	Accountable	Responsible	Consulted	Informed				
Research & prepare CGJ Investigative Reports				Responsible Accountable			Consulted	
City Attorney reviews CGJ Report(s)				Consulted	Responsible Accountable			
Superior Court review(s) CGJ Reports	Responsible Accountable			Consulted				
Conduct exit Interviews with Key Respondents				Responsible Accountable			Consulted	
Publish Civil Grand Jury Reports	Accountable	Responsible	Consulted	Informed			Informed	
Responses from Designated Respondents	Informed	Informed	Informed	Informed		Informed		Responsible Accountable
SF Controller Year 2 to 4 Response Tracking for SF financial impact.				informed		Responsible Accountable		

The Civil Grand Jury strongly believes that the measures proposed in this Section C, if carried out diligently by all stakeholders, will bring about a radical change for the better in the Continuity follow-up process. They should make the work far easier and less time-consuming to perform and enable annual production of Continuity reports to become a routine process.

We further believe that the recommended improvements would raise the efficiency of the Continuity Committee to the point where it could enable its own Civil Grand Jury, in the same term, to re-investigate important topics where earlier reports did not lead to desired outcomes.

FINDINGS

(A) Penal Code Compliance of Report Responses from 2014-2018:

F1. The elected officials, agency heads, and governing bodies of the City and County of San Francisco are appropriately complying with the statutory requirement for response to Civil Grand Jury Findings and Recommendations within 60/90 days.

F2. There is significant lack of compliance by the elected officials, agency heads, and governing bodies of the City and County of San Francisco with the statutory requirements for designating timeframes for promised implementation, providing the details of further analysis, and completing that analysis within six months of the date of issuance of the Civil Grand Jury report. This is complicated by the lack of a statutory requirement to bring the response to "final status."

(B) Prior Civil Grand Jury Responses Where Additional Follow-Up by Responder is Necessary

F3. Recommendation R.F.2 of the 2015-2016 Civil Grand Jury report *San Francisco's Crime Lab: Promoting Confidence and Building Credibility*, that an external review be performed by an outside expert agreed upon by all stakeholders of the Lab, has not, as far as the 2018-2019 Civil Grand Jury can determine, been implemented, despite the SFPD's assertion that it was implemented.

F4. Recommendation R.F.3 of the 2015-2016 Civil Grand Jury report *San Francisco's Crime Lab: Promoting Confidence and Building Credibility*, that "The external review should be conducted by experts who have been identified as trustworthy to all stakeholders rather than selected by a competitive bidding process based on cost," was contravened by SFPD's action in issuing an RFP for competitive bidding.

F5. In their responses to Recommendation R.2.1 of the 2016-2017 Civil Grand Jury report *The San Francisco Retirement System: Increasing Understanding and Adding Voter Oversight*, the Mayor and the Board of Supervisors did not take into account that the Retirement Board's fiduciary responsibility for investing the assets of the Retirement System and maximizing the returns for the beneficiaries supersedes any responsibility to the voters and citizens of San Francisco, nor acknowledge that it prevents the Board, and possibly themselves, from acting with an appropriate fiduciary responsibility to the voters and taxpayers of San Francisco.

F6. In the 2016-2017 Civil Grand Jury report *Educational Parity in Custody (EPIC): Ensuring the Quality of Women's Education in the SF Jail System*, an apparent transcription error citing the "Five Keys" program instead of the "Sister" program led to an inaccurate Recommendation and resultant erroneous response.

(C) Improving Year-to-Year Continuity Effectiveness

F7. Lack of consistent, sustained follow-up on Civil Grand Jury reports undermines both the effectiveness and the value of the Civil Grand Jury process.

F8. The current process of Continuity follow-up has a significant defect: the elected officials, agency heads, and governing bodies of the City and County of San Francisco do not provide the Superior Court and Civil Grand Jury timely information regarding the ongoing status of their responses across jury terms. To be effective, the Continuity process needs to be continued until the response has reached final status (either "implemented", with summary of actions taken, or "will not be implemented," with explanation).

F9. Creating tabulated summaries without having a repository for storing the response data is extremely labor-intensive and inefficient, and makes the follow-up process far more difficult than need be.

F10. Definition of the roles and responsibilities of all the stakeholders in the Civil Grand Jury process would improve functionality, efficiency, and output.

RECOMMENDATIONS

(A) Penal Code Compliance of Report Responses from 2014-2018:

R1. For purposes of Penal Code Section 933.05, the Superior Court and City Services Auditor should record this Recommendation as “Implemented.”

R2. The Board of Supervisors should adopt an ordinance by no later than June 30, 2020, providing that the elected officials, agency heads, and governing bodies of the City and County of San Francisco must continue providing the Civil Grand Jury, across CGJ terms, with timely follow-up information regarding the ongoing responses to the Recommendations in its reports, until the responses reach final status, and amend SF Administrative Code Section 2.10 to add Subsection (c), specifying:

Within three years of the publication date of a Civil Grand Jury report, the designated respondents to the report’s Recommendations shall bring their responses to final status, i.e., either:

- Implemented, with a summary of the implementation action; or
- Not implemented because it is not warranted or is not reasonable, with an explanation thereof.

(B) Prior Civil Grand Jury Responses: Additional Follow-Up by Responder is Necessary

R3. No later than March 31, 2020, the SFPD should fully and completely respond to Recommendation R.F.2 of the 2015-2016 Civil Grand Jury report *San Francisco's Crime Lab: Promoting Confidence and Building Credibility*, remedying the contradictory responses submitted previously (elaborated in Discussion Section B above).

R4. No later than March 31, 2020, the SFPD should resubmit its response to Recommendation R.F.3 of the abovementioned report, providing insight into the processes surrounding the issuance of the RFP for consulting services by outside experts agreed upon by all stakeholders for a review of the policies and procedures of the Crime Lab. This should specifically address two issues: the possibilities for exemption from requirements for competitive bidding, and whether all stakeholders were consulted in reaching the decision to abandon implementation of the Recommendation.

R5. The Mayor and the Board of Supervisors should reconsider and resubmit their responses by no later than December 31, 2019, to Recommendation R2.1 of the 2016-2017 Civil Grand Jury report *The San Francisco Retirement System: Increasing Understanding and Adding Voter Oversight*, remedying the deficiencies in the previous responses that are noted in this report.

R6. By no later than December 31, 2019, the Sheriff should respond to recommendation R10 as it appears in the body of the 2016-2017 Civil Grand Jury report *Educational Parity in Custody (EPIC): Ensuring the Quality of Women's Education in the SF Jail System*.

(C) Improving Year-to-Year Continuity Effectiveness:

R7. By no later than December 31, 2019, the City Services Auditor and the Superior Court should create an application using a database, to support core functions of the Civil Grand Jury. The City Services Auditor, the Superior Court, and the Civil Grand Jury would be the key stakeholders giving input for system development. System features should include:

- A database containing CGJ report data, Findings and Recommendations, respondent data, response tracking data, and up-to-date tracking status information. The database's reporting function should have the capacity to create all reports and summaries needed by the Superior Court, City Services Auditor, and the impaneled Civil Grand Jury.
- The capability to automatically notify all stakeholders and respondents when responses are due.
- Conversion, within approximately two years, to a "cloud application," to allow stakeholders and respondents to directly access and update the data in the database. This in turn would improve the timeliness of responses and drastically reduce the typing and cut-and-paste errors that result from multi-party handling of the same data.

R8. Starting in 2019, the Superior Court should advise incoming Civil Grand Juries that their Continuity Committee is a Standing Committee, charged with reviewing responses to the Recommendations of prior Civil Grand Juries for compliance with both the law and the intent of the Recommendations, and with maintaining complete and up-to-date records of all pertinent CGJ activities in the database recommended above, and the CGJ should establish such committee.

R9. By no later than September 30, 2020, the City Services Auditor and Superior Court should adopt the RACI (Responsible-Accountable-Consulted-Informed) chart as presented in this report, or agree to appropriate changes in the chart, and execute a memorandum of understanding documenting their agreed-upon roles.

R10. Since application development will span multiple years, a Continuity System Consultant should be engaged to support the development efforts. The Civil Grand Jury should select the individual to fill the position, to be funded from the Civil Grand Jury budget, for the first two to three years. Afterwards, the position could be renewed each year as needed. To ensure the necessary understanding of CGJ operations, the Continuity System Consultant should be a current or former CGJ member.

REQUIRED RESPONSES

Required Respondents	Finding / Recommendation No.
Mayor	Findings: F1, F2, F3, F4, F5, F7, F8 Recommendations: R1, R5
Board of Supervisors	Findings: F1, F2, F5, F7, F8, Recommendations: R1, R2, R5
City Administrator	Findings: F1, F2, F3, F4 Recommendations: R1
San Francisco Chief of Police	Findings: F3, F4 Recommendations: R3, R4
Deputy Chief of Administration, SFPD	Findings: F3, F4 Recommendations: R3, R4
Director of Forensic Services, SFPD	Findings: F3, F4 Recommendations: R3, R4
Sheriff's Department	Finding: F6 Recommendations: R6
SF Civil Grand Jury	Findings: F9, F10 Recommendations: R7, R9, R10
Foreperson, SF Civil Grand Jury	Recommendation: R8
Chair, Civil Grand Jury Committee, SF Superior Court	Findings: F9, F10 Recommendations: R7, R8, R9
City Services Auditor, Office of the Controller	Findings: F9, F10 Recommendations: R7, R9
SF Controller	Finding: F10 Recommendation: R9

APPENDIX A: FINDINGS & RECOMMENDATIONS

F#	Finding	R#	Recommendation
Penal Code Compliance of Report Responses from 2014-2018			
F1	The elected officials, agency heads, and governing bodies of the City and County of San Francisco are appropriately complying with the statutory requirement for response to Civil Grand Jury Findings and Recommendations within 60/90 days.	R1	The majority of responding officials and agencies are complying with the requirement of Penal Code Section 933 to submit responses to CGJ report Recommendations within 60 or 90 days of report publication; they are commended and encouraged to continue.
F2	There is significant lack of compliance by the elected officials, agency heads, and governing bodies of the City and County of San Francisco with the statutory requirements for designating timeframes for promised implementation, providing the details of further analysis, and completing that analysis within six months of the date of issuance of the Civil Grand Jury report. This is complicated by the lack of a statutory requirement to bring the response to "final status."	R2	R2. The Board of Supervisors should adopt an ordinance by no later than June 30, 2020, providing that the elected officials, agency heads, and governing bodies of the City and County of San Francisco must continue providing the Civil Grand Jury, across CGJ terms, with timely follow-up information regarding the ongoing responses to the Recommendations in its reports, until the responses reach final status, and amend SF Administrative Code Section 2.10 to add Subsection (c), specifying: Within three years of the publication date of a Civil Grand Jury report, the designated respondents to the report's Recommendations shall bring their responses to final status, i.e., either: • Implemented, with a summary of the implementation action; or • Not Implemented because it is not warranted or is not reasonable, with an explanation thereof.
Prior Civil Grand Jury Responses Where Additional Follow-up By Responder is Necessary			
F3	Recommendation R.F.2 of the 2015-2016 Civil Grand Jury report <i>San Francisco's Crime Lab: Promoting Confidence and Building Credibility</i> , that an external review be performed by an outside expert agreed upon by all stakeholders of the Lab, has not, as far as the 2018-2019 Civil Grand Jury can determine, been implemented, despite the SFPD's assertion that it was implemented.	R3	No later than March 31, 2020, the SFPD should fully and completely respond to Recommendation R.F.2 of the 2015-2016 Civil Grand Jury report <i>San Francisco's Crime Lab: Promoting Confidence and Building Credibility</i> , remedying the contradictory responses submitted previously (elaborated in Discussion Section B above).
F4	Recommendation R.F.3 of the 2015-2016 Civil Grand Jury report <i>San Francisco's Crime Lab: Promoting Confidence and Building Credibility</i> , that "The external review should be conducted by experts who have been identified as trustworthy to all stakeholders rather than selected by a competitive bidding process based on cost," was contravened by SFPD's action in issuing an RFP for competitive bidding.	R4	No later than March 31, 2020, the SFPD should resubmit its response to Recommendation R.F.3 of the abovementioned report, providing insight into the processes surrounding the issuance of the RFP for consulting services by outside experts agreed upon by all stakeholders for a review of the policies and procedures of the Crime Lab. This should specifically address two issues: the possibilities for exemption from requirements for competitive bidding, and whether all stakeholders were consulted in reaching the decision to abandon implementation of the Recommendation.
F5	In their responses to Recommendation R.2.1 of the 2016-2017 Civil Grand Jury report <i>The San Francisco Retirement System: Increasing Understanding and Adding Voter Oversight</i> , the Mayor and the Board of Supervisors did not take into account that the Retirement Board's fiduciary responsibility for investing the assets of the Retirement System and maximizing the returns for the beneficiaries supersedes any responsibility to the voters and citizens of San Francisco, nor acknowledge that it prevents the Board, and possibly themselves, from acting with an appropriate fiduciary responsibility to the voters and taxpayers of San Francisco.	R5	The Mayor and the Board of Supervisors should reconsider and resubmit their responses by no later than December 31, 2019, to Recommendation R2.1 of the 2016-2017 Civil Grand Jury report <i>The San Francisco Retirement System: Increasing Understanding and Adding Voter Oversight</i> , remedying the deficiencies in the previous responses that are noted in this report.
F6	In the 2016-2017 Civil Grand Jury report <i>Educational Parity in Custody (EPIC): Ensuring the Quality of Women's Education in the SF Jail System</i> , an apparent transcription error citing the "Five Keys" program instead of the "Sister" program led to an inaccurate Recommendation and resultant erroneous response.	R6	By no later than December 31, 2019, the Sheriff should respond to recommendation R10 as it appears in the body of the 2016-2017 Civil Grand Jury report <i>Educational Parity in Custody (EPIC): Ensuring the Quality of Women's Education in the SF Jail System</i> .
Improving Year-to-Year Continuity Effectiveness			
F7	Lack of consistent, sustained follow-up on Civil Grand Jury reports undermines both the effectiveness and the value of the Civil Grand Jury process.	R7	By no later than December 31, 2019, the City Services Auditor and the Superior Court should create an application using a database, to support core functions of the Civil Grand Jury. The City Services Auditor, the Superior Court, and the Civil Grand Jury would be the key stakeholders giving input for system development. System features should include: • A database containing CGJ report data, findings and Recommendations, respondent data, response tracking data, and up-to-date tracking status information. The database's reporting function should have the capacity to create all reports and summaries needed by the Superior Court, City Services Auditor, and the Impaneled Civil Grand Jury. • The capability to automatically notify all stakeholders and respondents when responses are due. • Conversion, within approximately two years, to a "cloud application," to allow stakeholders and respondents to directly access and update the data in the database. This in turn would improve the timeliness of responses and drastically reduce the typing and cut-and-paste errors that result from multi-party handling of the same data.
F8	The current process of Continuity follow-up has a significant defect: the elected officials, agency heads, and governing bodies of the City and County of San Francisco do not provide the Superior Court and Civil Grand Jury timely information regarding the ongoing status of their responses across jury terms. To be effective, the Continuity process needs to be continued until the response has reached final status (either "implemented", with summary of actions taken, or "will not be implemented," with explanation).	R8	Starting in 2019, the Superior Court should advise Incoming Civil Grand Juries that their Continuity Committee is a Standing Committee, charged with reviewing responses to the Recommendations of prior Civil Grand Juries for compliance with both the law and the intent of the Recommendations, and with maintaining complete and up-to-date records of all pertinent CGJ activities in the database recommended above, and the CGJ should establish such committee.
F9	Creating tabulated summaries without having a repository for storing the response data is extremely labor-intensive and inefficient, and makes the follow-up process far more difficult than need be.	R9	By no later than September 30, 2020, the City Services Auditor and Superior Court should adopt the RACI (Responsible-Accountable-Consulted-Informed) chart as presented in this report, or agree to appropriate changes in the chart, and execute a memorandum of understanding documenting their agreed-upon roles.
F10	Definition of the roles and responsibilities of all the stakeholders in the Civil Grand Jury process would improve functionality, efficiency, and output.	R10	Since application development will span multiple years, a Continuity System Consultant should be engaged to support the development efforts. The Civil Grand Jury should select the individual to fill the position, to be funded from the Civil Grand Jury budget, for the first two to three years. Afterwards, the position could be renewed each year as needed. To ensure the necessary understanding of CGJ operations, the Continuity System Consultant should be a current or former CGJ member.

APPENDIX B: PAST CIVIL GRAND JURY REPORTS

<u>1995/96</u>	<u>1996/97</u>	<u>1997/98</u>
Information Technology	SF Unified School District	Treasure Island
Crime & Toxicology Labs	Juvenile Justice System	Overtime
Criminal Justice System	SF Branch & School Libraries	Homelessness in SF
Dept. of Public Works	City & County SF Hiring Process	Dept. of Elections
Clean Water Enterprise	Workers Compensation Program	GG Bridge District
Transportation Authority	San Francisco County Jail #7	Continuity: Sheriff's Dept & Jail #3, Juvenile Justice System, PUC (water supply), Foster Care, DPH, Parking & Traffic, Cash Handling, Management of City Claims
Port of San Francisco	Rec & Parks Dept Concessions	
Dept. of Public Health	Dept. of Building Inspection	
Continuity: Foster Care; Senior Escort Service	Animal Care & Control	
	City & County Motor Vehicle Policy	
<u>1998/99</u>	<u>1999/2000</u>	<u>2000/01</u>
Laguna Honda Hospital	Animal Care & Control	Sheriff: Canine Unit
Municipal Railways	Club Permits	County Parole Board
Public Utilities Commission	Cultural Centers	Mayor's Disability Council
SF International Airport	Office of Emergency Services	Department of Elections
SF Unified School District	Film & Video Arts Commission	Film & Video Arts Commission
Sheriff's Dept.	Health Department (SFGH)	Litter & Graffiti
Treasure Island	Juvenile Justice Assessment	Neighborhood Parking
	Medical Examiner	Non-profit Contracting
	Neighborhood Parks	Police Dept. Ride-Alongs
	Neglect of Reporting Requirements	Special Assistants
	Overtime Study	Water System Infrastructure
	SF Unified School District Implementation of Prop 227	Continuity: Followed up on prior year, restated Code, summarized
	Sheriff's Department (Jails)	
	Sheriff/Police Proposed Merger	
	Special Education Program	

APPENDIX B: PAST CIVIL GRAND JURY REPORTS – CONTINUED

<u>2001/02</u>	<u>2002/03</u>	<u>2003/04</u>
Professional Services Contracting II	SFPD Office Civilian Complaints	Incarceration & Beyond
SF Adult Probation Department	Department of Elections	Muni Mismanagement
Hunters Point Naval Shipyard	SFPD Fire & Safety in Detention Facilities	Things change, They stay the same: Bayview/ Hunters Point Schools
Homelessness in San Francisco	Department Building Inspections	Merger EMS & SFFD
Billboards	Camp Mather	County Community Schools
Professional Service Contracting	SF School District Truancy	Controller's Audit: 2003/04 Report
SF General Hospital	Emergency Planning	Continuity: 2002/03 5 pages
Continuity: 14 topics, 15 pages	Water Emergency Preparedness	
	Human Rights Commission	
	Continuity: 2001/02 5 pages	
<u>2004/05</u>	<u>2005/06</u>	<u>2006/07</u>
SFPD Compensation	Assessor/Recorder Backlog	Disaster Planning: EMS, DPH
Juvenile Probation New Chief	SF Jails Visit	Entertainment Commission
SF Ethics Commission	Affordable Housing Bond Program	Greenhouse Gas Emissions
Diff between Contract & Grant	Identity Theft	Disabled Parking
Affirmative Action City Contracts	Information Technology	SFPD Compensation & Staffing
Employee or Independent Contractors	Disaster Planning: EMS, DPH	Risk Management
Continuity: Reviewed process & gave examples 27 pages	Continuity: Reviewed 3 prior reports & Continuity Process	Continuity: Evaluated Response to 2005/06; 72 pages
Controller's Audit: 2004/05 responses as of 06/07; 26 pages	Controller's Audit: 2005/06 responses as of 6/07; 50 pages	Controller's Audit: 2006/07 Responses from 2008/09/10; 71 pages
<u>2007/08</u>	<u>2008/09</u>	<u>2009/10</u>
Homelessness	Truants can learn	Pension Tsunami
5 City Elections this Year	Pensions beyond ability to pay	SF Compliance with ADA
SF Kindergarten Admissions	SF Unified School District	Sharing the Roadway (Compliance with Bike Plan)
Accountability in Government	Non-Profits	Controller's Audit: 2009/10 responses as of 2011
How many City agencies to throw a party?	Surplus Property	
Continuity: Mayor & BoS cooperation; 2006/07 reports	Performance Measures: Anyone paying attention?	
Controller's Audit: 2007-08 responses as of 2009/10	Continuity: 2002-08 5 prior reports	
	Controller's Audit: 2008-09 responses as of 2010	

APPENDIX B: PAST CIVIL GRAND JURY REPORTS – CONTINUED

<u>2010/11</u>	<u>2011/12</u>	<u>2012/13</u>
Parkmerced Vision: Government by Developer	Surcharges & Healthy SF	Dept. of Building Inspection
Hiring Practices, SF City & County	Where There's Smoke (Art Commission)	Auditing City Services Auditor
Sleepy SF Ethics Commission	Déjà Vu All Over Again - Technology	Non-Profit Measuring Outcomes
Hunters Point Shipyard	Better Muni Service	Log Cabin Ranch Future
Log Cabin Ranch	Investment Policies SF Employee Retirement System (SFERS)	Homeless in Golden Gate Park
Central Subway		Public Owned Real Estate
SF Whistleblowers Program		Continuity: 2009/10 & 2010/11
Continuity: Selected 6 prior reports from 2006-10.		Are Wheels Moving Forward?
<u>2013/14</u>	<u>2014/15</u>	<u>2015/16</u>
Port of SF: Public Trust/Private Dollars	Office of Assessor-Recorder	Crime Lab
Rising Sea Levels	SF Whistleblower Protection	Auto Burglary
Ethics in the City	SF Construction Program	Maintenance Budget & Accounting Challenges
SF Jail Operations & Programs	SF Fire Department -What does the future hold?	SFPD Officer Shootings
Mayor's Office of Housing	Clean Power SF	Homeless Health and Housing Crisis
SF Commission Websites Survey	Continuity: Unfinished Business: 2011/12	San Francisco County Jails
		Drinking Water Safety
		Fire Safety Inspection
<u>2016/17</u>	<u>2017/18</u>	
Accelerating SF Government Performance	Loveable Pets	
SF Retirement System – Adding Voter Oversight	Open Source Voting	
Educational Parity in Custody (EPIC): Women's Education in Jail	Crisis Intervention	
Planning to Make Our Parks Better	Accessory Dwelling Units & Modular Housing	

APPENDIX C: 2014 TO 2018 RESPONSES SUMMARY

CGJ Year	Recommendation Response Summary	1-Impl emented	2-Will be Implemented	3-Not Implemented	4-Further Analysis	Total	% Impl.
2017-18	Crisis Intervention: Bridging Police and Public Health	3	7	1	6	17	59%
2017-18	Mitigating the Housing Crisis: Accessory Dwelling Units and Modular Housing	8	5	2	6	21	62%
2017-18	Open Source Voting in San Francisco	1	4	6	4	15	33%
2017-18	Our Lovable Pets: Dogs and Public Safety in San Francisco	3	4	0	10	17	41%
2016-17	Accelerating SF Government Performance. Taking Accountability and Transparency to the Next Level	7	9	12	0	28	25%
2016-17	Educational Parity In Custody (EPIC) Report: Ensuring Equality of Women's Education in the SF Jail System	7	0	7	0	14	50%
2016-17	Planning to Make our Parks Even Better	7	0	2	0	9	89%
2016-17	The SF Retirement System- Increasing Understanding & Adding Voter Oversight	6	1	16	0	23	70%
2015-16	Auto Burglary in San Francisco	28	0	10	2	40	70%
2015-16	Drinking Water Safety in SF: A Reservoir of Good Practice	1	0	1	0	2	50%
2015-16	Fire Safety Inspections in SF- A Tale of Two Departments: DBI & SFFD	45	10	15	2	72	76%
2015-16	Into the Open: Opportunities for More Timely and Transparent Investigations of Fatal SFPD Officer-Involved Shootings	35	5	8	0	48	83%
2015-16	Maintenance Budgeting and Accounting Challenges for General Fund Depts.	37	1	74	0	112	34%
2015-16	SAN FRANCISCO'S CRIME LAB- Promoting Confidence and Building Credibility	16	0	9	0	25	64%
2015-16	SF County Jails- Our Largest Mental Health Facility Needs Attention	20	8	21	0	49	57%
2015-16	SF Homeless Health & Housing: A Crisis Unfolding on our Streets	15	4	7	0	26	73%
2014-15	CleanPowerSF At Long Last	8	0	2	0	10	80%
2014-15	Office of the Assessor-Recorder: Despite Progress, Still The Lowest Rated Office in the State	12	0	0	0	12	100%
2014-15	San Francisco Fire Department What Does the Future Hold?	10	1	2	1	14	79%
2014-15	San Francisco's City Construction Program: It Needs Work	1	0	15	0	16	6%
2014-15	San Francisco's Whistleblower Protection Ordinance is in Need of Change	8	0	8	0	16	50%
2014-15	Unfinished Business: A Continuity Report on the 2011-12 Report, Déjà Vu All Over Again	14	0	6	0	20	70%
Grand Total		292	59	224	31	606	58%
% Implemented = Includes Implemented + Will be Implemented in the future.							

APPENDIX D: SF AGENCY & OFFICIALS RESPONSES NOT IN PENAL CODE COMPLIANCE

Government Entity Responses Not in Penal Code Compliance	
Respondent	TOTAL
Animal Care and Control	2
Board of Supervisors	2
Chief Data Officer	1
Chief Deputy of Custody Operations	1
Controller	8
DBI Chief Housing Inspector	1
DBI Director	7
DBI MIS	3
Department of Building Inspection	2
Department of Elections	4
Department of Homeless & Supportive Services	3
Dept of Police Accountability (Office of Citizen Complaint)	2
Department of Technology	2
Director of Jail Health Services	1
Director of Public Health	3
District Attorney	1
DPW Director	1
Election Commission	4
Mayor	5
Office of Civic Engagement & Immigrant Affairs	2
Planning Department	2
Police Commission	2
Police Department	6
SFFD Chief of Department	1
SFFD Commission	1
SFFD Deputy Chief of Operations	1
Sheriff	3
TOTAL	71

APPENDIX E: 2017-2018 RESPONSES NOT IN PENAL CODE COMPLIANCE

2017-2018 Report: Crisis Intervention: Bridging Police and Public Health One Response Not in Penal Code Compliance

Crisis Intervention: Bridging Police and Public Health	
<u>Pending Recommendation #8:</u> R15 - Recommends that in addition to the Specialists referred to in Recommendation 13, DPH hire five additional Crisis Intervention Specialists by December 1, 2019. One Specialist should be assigned to each district station for coordination and collaboration with SFPD CIT liaisons in order to prevent crises before they require a 911 call. Initial assignments should be made to the stations with the greatest need, based on calls for service and incident type.	<u>Last Response From:</u> <u>Department of Public Health</u> DPH will consider adding additional Crisis Intervention Specialist staff in the next budget cycle. DPH will collaborate with SFPD to determine where staff should be assigned.
<u>Last Response Year: 2018 Last Response Status: Requires further analysis</u>	
<u>Action Required: Provide Date When Analysis is Completed.</u>	

APPENDIX F: 2017-2018 RESPONSES NOT IN PENAL CODE COMPLIANCE

2017-2018 Report: Our Loveable Pets: Dogs and Public Safety in San Francisco Four Responses Not in Penal Code Compliance

Our Loveable Pets: Dogs and Public Safety in SF	
<u>Pending Recommendation #1:</u> R7 - Recommends the Executive Director of SFACC establish a data entry manual that includes standard procedures written for all Chameleon data entry, no later than July 1, 2019.	<u>Last Response From:</u> <u>Animal Care and Control</u> There is a manual for Chameleon, but the Department would benefit from improved documentation. ACC is in the midst of making revisions to Chameleon and will update materials afterwards.
<u>Last Response Year: 2018 Last Response Status: Will be implemented</u>	
<u>Action Required: Provide Timeframe for Implementation.</u>	

Our Loveable Pets: Dogs and Public Safety in SF	
<u>Pending Recommendation #2:</u> R9 - Recommends the Executive Director of SFACC authorize and work with the Information Technology Director of San Francisco Department of Administrative Services to implement the changes in Chameleon data entry setup which were recommended by the paid consultant, Dr. Delaney; this work to be finished no later than July 1, 2019.	<u>Last Response From:</u> <u>Animal Care and Control</u> ACC has been steadily implementing many of Dr. Delaney's recommendations. She made 29 recommendations; 7 have been completed, 13 are in progress, 7 have not been started and 2 will not be implemented.
<u>Last Response Year: 2018 Last Response Status: Will be implemented</u>	
<u>Action Required: Provide Timeframe for Implementation with Explanation</u>	

Our Loveable Pets: Dogs and Public Safety in SF	
<u>Pending Recommendation #3:</u> R9 - Recommends the Executive Director of SFACC authorize and work with the Information Technology Director of San Francisco Department of Administrative Services to implement the changes in Chameleon data entry setup which were recommended by the paid consultant, Dr. Delaney; this work to be finished no later than July 1, 2019.	<u>Last Response From:</u> <u>Department of Technology</u> This Finding and Recommendation was meant to be directed to the General Services Agency - information Technology division of the City Administrator's Office. ACC has been steadily implementing many of Dr. Delaney's recommendations. She made 29 recommendations; 7 have been completed, 13 are in progress, 7 have not been started and 2 will not be implemented.
<u>Last Response Year: 2018 Last Response Status: Will be implemented</u>	
<u>Action Required: Provide Timeframe for Implementation</u>	

APPENDIX F: 2017-2018 RESPONSES NOT IN PENAL CODE COMPLIANCE – Continued

2017-2018 Report: Our Loveable Pets: Dogs and Public Safety in San Francisco Four Responses Not in Penal Code Compliance

Our Loveable Pets: Dogs and Public Safety in SF	
<u>Pending Recommendation #4:</u> R12 - Recommends the San Francisco Chief of Police modify General Order 6.07 to bring it into compliance with local ordinances and with current practice. The General Order will also be modified to include the existence and function of the SFPD Vicious and Dangerous Dog Unit. These changes, either incorporated into the existing General Order or into a new superseding General Order, to be presented to the Police Commission for approval no later than April 1, 2019.	<u>Last Response From:</u> <u>Police Department</u> The General Order is being revised to meet today's and future standards for the members of the San Francisco Police Department in handling dog bite reports, dog barking complaints, and dog related incidents such as encountering vicious and dangerous dogs. The function and duties of the Vicious and Dangerous Dog Unit will also be addressed. The San Francisco Police Department released Department Bulletin 18-123 to cover the needed changes to further protect public safety until the new San Francisco Police Department General Order is finalized. The San Francisco Police Department will work with Animal Care and Control and members of the Commission of Animal Welfare to develop the best General Order possible. The presentation and review schedule of SFPD DGOs to the Police Commission is set by that body; currently this DGO is scheduled for review in 2022. SFPD will not meet the CGJ deadline of April 2019.
<u>Last Response Year: 2018 Last Response Status: Will be implemented</u>	
<u>Action Required: Provide Timeframe for Implementation.</u>	

APPENDIX G: 2017-2018 RESPONSES NOT IN PENAL CODE COMPLIANCE

2017-2018 Report: Mitigating the Housing Crisis: Accessory Dwelling Units and Modular Housing - Three Responses Not in Penal Code Compliance

Mitigating Housing Crisis: Accessory Dwelling Units and Modular Housing	
<u>Pending Recommendation #3:</u> R2 - Recommends the Board of Supervisors amend existing City codes and ordinances, before June 30, 2019, to waive or reduce ADU permit fees, with the understanding that reduced departmental revenues would be made up from the City's general fund.	<u>Last Response From:</u> <u>Board of Supervisors</u> The Budget and Legislative Analyst Office, the San Francisco Planning Department, and the Office of the Controller should study the correlation between a reduction in permitting fees and an increase in ADU construction. [Resolution No. 342-18]
<u>Last Response Year: 2018 Last Response Status: Requires further analysis</u>	
<u>Action Required: Provide Date When Analysis is Completed.</u>	

Mitigating Housing Crisis: Accessory Dwelling Units and Modular Housing	
<u>Pending Recommendation #4:</u> R3 - Recommends the Board of Supervisors structure fees separately for ADUs in single family residences and ADUs in multi-unit buildings, specifically designed to ease the permitting costs for single family homeowners.	<u>Last Response From:</u> <u>Board of Supervisors</u> The Budget and Legislative Analyst Office, the San Francisco Planning Department, and the Office of the Controller should study the correlation between a reduction in permitting fees and an increase in ADU construction. [Resolution No. 342-18]
<u>Last Response Year: 2018 Last Response Status: Requires further analysis</u>	
<u>Action Required: Provide Date When Analysis is Completed</u>	

Mitigating Housing Crisis: Accessory Dwelling Units and Modular Housing	
<u>Pending Recommendation #5:</u> R6 - Recommends the Department of Building Inspection work with the Department of the Controller to develop meaningful, outcome-based performance metrics on ADU permit approval duration, to be reported on OpenData starting January 2019.	<u>Last Response From:</u> <u>Controller</u> We will work with the Department of Building Inspection to develop one or more metrics on permitting of ADUs by January 2019. Depending on the data sources, content or related factors, we may publish such metrics in the Performance Scorecard section of the Controller's website, or in another accessible format, to be determined in consultation with stakeholders.
<u>Last Response Year: 2018 Last Response Status: Will be implemented</u>	
<u>Action Required: Provide Date When Consultation with Stakeholders is Completed</u>	

APPENDIX H: 2017-2018 RESPONSES NOT IN PENAL CODE COMPLIANCE

2017-2018 Report: Open Source Voting Three Responses Not in Penal Code Compliance

Open Source Voting	
<u>Pending Recommendation #3:</u> R6 - Recommends the Office of the Controller evaluate the premium San Francisco pays for its Voting System compared to (1) the price paid by other California counties that use Ranked Choice Voting, and (2) the price paid by California counties that do not use RCV, and (3) the price paid by cities/counties outside of California who use RCV. This analysis should be published by April 1, 2019.	<u>Last Response From:</u> Controller Based on the Office of Controller's preliminary analysis, there are no California counties using Ranked Choice Voting at this time. Moreover, Secretary of State has only approved Dominion's Voting System for conducting Ranked Choice Voting elections. The Office of Controller's Office has identified the following non-California jurisdictions that currently use Ranked Choice Voting and could be used for future analysis, if needed: • Basalt, CO • Santa Fe, NM • Cambridge, MA • St. Louis Park, MN • Minneapolis, MN • St. Paul, MN • State of Maine • Takoma Park, MD • Portland, ME • Telluride, CO
<u>Last Response Year: 2018 Last Response Status: Requires further analysis</u>	
<u>Action Required: Provide Date When Analysis is Completed.</u>	

Open Source Voting	
<u>Pending Recommendation #4:</u> R7 - Recommends that the DoT not directly build the software for an Open Source Voting system in the near future, because they have not demonstrated the in-house capacity to tackle a software development task of this magnitude.	<u>Last Response From:</u> Department of Technology There are many phases, components and environments for an Open Source Voting system development. These include the hardware, software, database, integrations, testing platform, community support system, code management, project management, deployment packets, and many others. The Department of Technology will use the most cost effective and expert resource for the system planning, design, build, finance, support and maintenance.
<u>Last Response Year: 2018 Last Response Status: Requires further analysis</u>	
<u>Action Required: Provide Date When Analysis is Completed</u>	

Open Source Voting	
<u>Pending Recommendation #5:</u> R8 - Recommends that the DoE not directly build the software for an Open Source Voting system in the near future, because they lack in-house critical faculties and experience in software development.	<u>Last Response From:</u> Department of Elections The Department agrees that it may not directly build the software for developing an Open Source Voting system and will choose the most effective and efficient method to implement any Open Source Voting Software. The City's Department of Technology is responsible for the City's technology.
<u>Last Response Year: 2018 Last Response Status: Will be implemented</u>	
<u>Action Required: Provide Timeframe for Implementation</u>	

APPENDIX I: 2016-2017 RESPONSES NOT IN PENAL CODE COMPLIANCE

2016-2017 Report: Accelerating Government Performance. Taking Accountability and Transparency to the Next Level - Not in Penal Code Compliance

Accelerating SF Government Performance. Taking Accountability and Transparency to the Next Level	
<u>Pending Recommendation #3:</u> R3.2 - In consultation with other SFG entities and community groups, the Controller's Office should evaluate, no later than July 1, 2018, the feasibility of including district level reporting on some or all indicators and posting this information within the online PS platform, enabling citizens to understand progress in their neighborhoods.	<u>Last Response From:</u> <u>Controller</u> The Controller's Office is continuing to identify geographic data to accompany the citywide results of our scorecard measures. However, data are not often available at this level. We have identified a number of measures where we can get an underlying and/or related data set to post additional details on specific scorecard pages.
<u>Last Response Year: 2018 Last Response Status: Will Be Implemented in the Future</u>	
<u>Action Required: Provide Timeframe for Implementation.</u>	

Accelerating SF Government Performance. Taking Accountability and Transparency to the Next Level	
<u>Pending Recommendation #4:</u> R7.1 - The Controller's Office should update, by January 1, 2018, the current housing affordability indicators based on recommendations from the Director of the Mayor's Office of Housing and Community Development and submit the revisions to the Office of the Mayor for review and approval.	<u>Last Response From:</u> <u>Controller</u> While much progress has been made in identifying and aligning data sources, the Controller's Office is still working to validate data for reporting.
<u>Last Response Year: 2018 Last Response Status: Will Be Implemented in the Future</u>	
<u>Action Required: Provide Timeframe for Implementation.</u>	

Accelerating SF Government Performance. Taking Accountability and Transparency to the Next Level	
<u>Pending Recommendation #5:</u> R7.1 - The Controller's Office should update, by January 1, 2018, the current housing affordability indicators based on recommendations from the Director of the Mayor's Office of Housing and Community Development and submit the revisions to the Office of the Mayor for review and approval.	<u>Last Response From:</u> <u>Mayor</u> While progress has been made toward developing these indicators, the Controller's Office is working to validate the data for reporting. The Mayor's Office will review the proposed indicators as they become available.
<u>Last Response Year: 2018 Last Response Status: Will Be Implemented in the Future</u>	
<u>Action Required: Provide Timeframe for Implementation.</u>	

APPENDIX I: 2016-2017 RESPONSES NOT IN PENAL CODE COMPLIANCE – Continued

2016-2017 Report: Accelerating Government Performance – Taking Accountability and Transparency to the Next Level – Six Responses Not in Penal Code Compliance

Accelerating SF Government Performance. Taking Accountability and Transparency to the Next Level	
<u>Pending Recommendations #7:</u> R7.2 - The Controller's Office should update, by January 1, 2018, the current homelessness indicators based on recommendations from the DSHS Director and the examples of other leading cities and submit the revised indicators to the Office of the Mayor for review and approval.	<u>Last Response From:</u> Mayor The Controller's Office issued new homelessness benchmarking results on the scorecards website, comparing San Francisco to peer cities in a wide variety of metrics. The Controller's Office is continuing to work closely with the Department of Homelessness and Supportive Housing to expand reporting of homelessness metrics on the scorecard's website, but significant data challenges still exist. The Mayor's Office will review the proposed indicators as they become available.
Last Response Year: 2018 Last Response Status: Will Be Implemented in the Future	
Action Required: Provide Timeframe for Implementation.	

Accelerating SF Government Performance. Taking Accountability and Transparency to the Next Level	
<u>Pending Recommendations #8:</u> R7.3 - The Controller's Office should update, by January 1, 2018, the current crime/street safety indicators based on recommendations from the Chief of Police and the examples of other leading cities and submit the revised indicators to the Office of the Mayor for review and approval.	<u>Last Response From:</u> Mayor The Controller's Office continues to track and report public-safety measures that are reported on by other leading cities. The Police Department continues to work with an outside consultant to develop outcome measures based on the recommendations included in the Department of Justice Community Oriented Policing report from October 2016. The Mayor's Office will continue to monitor that work and will propose updated performance indicators as they become available.
Last Response Year: 2018 Last Response Status: Will Be Implemented in the Future	
Action Required: Provide Timeframe for Implementation.	

Accelerating SF Government Performance. Taking Accountability and Transparency to the Next Level	
<u>Pending Recommendation #9:</u> R8 - In consultation with other SFG entities and community organizations, the Controller's Office should ensure that, by January 1, 2018, one or more PS indicators are amended or added to ensure the SFG is tracking and reporting on the equitable distribution of government spending and services.	<u>Last Response From:</u> Controller The Controller's Office worked with the San Francisco Human Rights Commission and the Mayor's Office in 2018 to conduct a survey of all City departments to understand public-facing equity related efforts across the City. The results and follow-up work will help in the development of shared methods, resources, tools, and guidance for equitable service delivery and its measurement. Once these measures are ready, we will add to the scorecards website.
Last Response Year: 2018 Last Response Status: Will Be Implemented in the Future	
Action Required: Provide Timeframe Implementation.	

APPENDIX J: 2016-2017 RESPONSES NOT IN PENAL CODE COMPLIANCE

2016-2017 Report: The SF Retirement System - Increasing Understanding and Adding Voter Oversight - One Response Not in Penal Code Compliance

The SF Retirement System- Increasing Understanding & Adding Voter Oversight	
<u>Pending Recommendation #1:</u> R3.1 - That the Elections Commission and the Department of Elections ensure that future Voter Information Pamphlets for Retirement System-related propositions provide voters with complete financial details.	<u>Last Response From:</u> <u>Controller</u> The Controller's Office will continue to consider modifications to future costing statements provided in Voter Information Pamphlets on pension measures to summarize information most pertinent to the specific proposals placed before the voters.
<u>Last Response Year: 2018 Last Response Status: Will Be Implemented in the Future</u>	
<u>Action Required: Provide Timeframe for Implementation.</u>	

APPENDIX K: 2015-2016 RESPONSES NOT IN PENAL CODE COMPLIANCE

2015-2016 Report: Fire Safety Inspection in SF - A Tale of Two Departments: DBI and SFFD - Ten Responses Not in Penal Code Compliance

Fire Safety Inspection in San Francisco	
<u>Pending Recommendation #1: R.I.23.</u> The DBI Director should ensure the replacement system for CTS includes functionality for inspectors to document inspection remotely.	<u>Last Response From:</u> DBI Director With contracted vendor, Accela, still unable to complete implementation of a functioning new system capable of providing reliable and accurate DBI customer transactions, this action item will be implemented with the new SF Permit tracking system.
<u>Last Response Year: 2018 Last Response Status: Will Be Implemented in the Future</u>	
<u>Action Required: Provide Timeframe for Implementation.</u>	

Fire Safety Inspection in San Francisco	
<u>Pending Recommendation #2:</u> R.I.24. The DBI Director should ensure the replacement system for CTS includes functionality to upload photos remotely.	<u>Last Response From:</u> DBI Director With contracted vendor, Accela, still unable to complete implementation of a functioning new system capable of providing reliable and accurate DBI customer transactions, this action item will be implemented with the new SF Permit tracking system.
<u>Last Response Year:2018 Last Response Status: Will Be Implemented in the Future</u>	
<u>Action Required: Provide Timeframe for Implementation</u>	

Fire Safety Inspection in San Francisco	
<u>Pending Recommendation #3:</u> R.I.26. The DBI Director should ensure the replacement system for CTS should include functionality for inspectors to print NOV's in the field and that inspectors are supplied with portable printers for this purpose.	<u>Last Response From:</u> DBI Director Will be part of a Phase Two upgrade, which will follow the system's new launch, and following additional analysis.
<u>Last Response Year:2018 Last Response Status: Will Be Implemented in the Future</u>	
<u>Action Required: Provide Timeframe for Implementation</u>	

Fire Safety Inspection in San Francisco	
<u>Pending Recommendation #4:</u> R.I.27. The DBI Director should ensure the replacement system for CTS can be integrated with other computer systems within DBI and other City departments.	<u>Last Response From:</u> DBI Director While the new PPTS is designed to be able to add additional City departments, that integration requires other departments to take steps to be added to the DBI-Planning Permit and Project Tracking System. Will be part of a Phase Two upgrade, following additional analysis.
<u>Last Response Year:2018 Last Response Status: Will Be Implemented in the Future</u>	
<u>Action Required: Provide Timeframe for Implementation</u>	

APPENDIX K: – 2015-2016 RESPONSES NOT IN PENAL CODE COMPLIANCE – Continued

2015-2016 Report: Fire Safety Inspection in SF - A Tale of Two Departments: DBI and SFFD - Ten Responses Not in Penal Code Compliance

Fire Safety Inspection in San Francisco	
<u>Pending Recommendation #5:</u> R.I.28. The DBI Director should ensure the replacement system for CTS includes functionality for tracking and reporting on types of violations and high fire risk building characteristics.	<u>Last Response From:</u> DBI Director Will be part of a Phase Two upgrade, which will follow the new system launch, and following additional analysis.
Last Response Year:2018 Last Response Status: Will Be Implemented in the Future	
Action Required: Provide Timeframe for Implementation.	

Fire Safety Inspection in San Francisco	
<u>Pending Recommendation #6:</u> R.I.29. (b) The Chief Housing Inspector should report how long NOV's take to be abated, in a format similar to Table I3, to the BIC on a monthly basis.	<u>Last Response From:</u> DBI Chief Housing Inspector (b) DBI HIS has identified this requirement in a future phase of the PPTS.
Last Response Year:2015 Last Response Status: Requires Further Analysis	
Action Required: Provide Timeframe for Implementation	

Fire Safety Inspection in San Francisco	
<u>Pending Recommendation #7:</u> R.I.38. The DBI Director should ensure when CTS is replaced by another system that it includes functionality to help automate the Director's Hearing case preparation and digital transfer of case files.	<u>Last Response From:</u> DBI Director Will be part of a Phase Two upgrade, which will follow the new system launch, and following additional analysis.
Last Response Year:2018 Last Response Status: Will Be Implemented in the Future	
Action Required: Provide Timeframe for Implementation	

Fire Safety Inspection in San Francisco	
<u>Pending Recommendation #8:</u> R.I.4. (a)The Information and Technology Department for the City and County of San Francisco should grant HIS senior management access to and permission to run reports from the Oracle database that contains the addresses, contact information and building attributes for R-2s in San Francisco. (b) DBI MIS should train HIS personnel who will have access to the Oracle database containing the R-2 information how to use it before they have permission to run reports.	<u>Last Response From:</u> DBI MIS Due to technical complications, Accela, the contracted vendor responsible for completing the installation and implementation of DBI's new SF Permit tracking system, is still unable to achieve Go Live and the launch of the new tracking system. This action item is still scheduled for Phase Two, which will follow the new system launch.
Last Response Year:2018 Last Response Status: Will Be Implemented in the Future	
Action Required: Provide Timeframe for Implementation	

APPENDIX K – 2015-2016 RESPONSES NOT IN PENAL CODE COMPLIANCE – Continued

2015-2016 Report: Fire Safety Inspection in SF - A Tale of Two Departments: DBI and SFFD - Ten Responses Not in Penal Code Compliance

Fire Safety Inspection in San Francisco	
<u>Pending Recommendation #10:</u> R.I.44. The DBI Director should ensure the replacement system for CTS can upload NOV's to the DBI website.	<u>Last Response From:</u> <u>DBI Director</u> Will be part of a Phase Two upgrade, which will follow the new system launch, and following additional analysis.
<u>Last Response Year:2018 Last Response Status: Will Be Implemented in the Future</u>	
<u>Action Required: Provide Timeframe for Implementation.</u>	

Fire Safety Inspection in San Francisco	
<u>Pending Recommendation #11:</u> R.I.5. If HIS is not granted access and permission to run the list of R-2s from the Oracle database that contains the necessary R-2 information, then DBI MIS should furnish this report to HIS within one week of the request.	<u>Last Response From:</u> <u>DBI MIS</u> <u>DBI Chief Housing Inspector</u> Will be part of a Phase Two upgrade, which will follow the new system launch, and following additional analysis.
<u>Last Response Year:2018 Last Response Status: Will Be Implemented in the Future</u>	
<u>Action Required: Provide Timeframe for Implementation..</u>	

APPENDIX L – 2015-2016 RESPONSES NOT IN PENAL CODE COMPLIANCE

2015-2016 Report: Into the Open: Opportunities for More Timely and Transparent Investigations of Fatal SFPD Officer-Involved Shootings - Two Responses Not in Penal Code Compliance

Opportunities for More Timely and Transparent Investigations of Fatal SFPD Officer-Involved Shootings	
<u>Pending Recommendation #1: R.1.</u> Each of the three City agencies fundamental to OIS investigations — SFPD, D.A.’s Office and OCC — should create a “OIS Investigations” web page specifically devoted to educating the public about that agency’s role in the investigation of OIS incidents. Each agency’s web page should be comprehensive and answer the following questions: • Who is involved in the investigation and what are their roles and responsibilities; • Why is the agency involved in OIS investigations; • What is the investigation’s purpose, what goals does the investigation attempt to achieve, what parts are disclosable and/or disclosed to the public, and what parts are not and/or cannot be disclosed and why; • When does the investigation begin, what is the general time frame by which the public may expect the investigation to be completed, and what variables may affect this time frame; • How does the OIS investigation process work; and • Where may the public go for more information about OIS investigations generally, as well as about specific OIS investigations. Each agency should make its “OIS Investigations” web page available in English, Spanish, Chinese and Filipino (Tagalog). Each agency should provide a link from its home page to its “OIS Investigations” web page, so that it can be accessed easily. Each agency should add its “OIS Investigations” web page to its website as soon as possible, but no later than six months after the date this report is published.	<u>Last Response From: Department of Police Accountability (Office of Citizen Complaints)</u> The DPA remains committed to implementing this Recommendation. As reported last year, the DPA needed to make many technology improvements in order to lay the foundation for our increased IT needs under Proposition G and with Officer-Involved Shooting (OIS) investigations. Since our last report, we have hired a Senior Business Analyst and promoted someone internally to the position of Operations Manager. We applied for a pro bono consultation through the Mayor’s Office of Civic Innovation Civic Bridge program and were accepted into the Fall 2018 cohort. We partnered with Slalom, a consulting firm that specializes in customer experience and sustainable process improvement. Based on the Slalom’s recommendations and a continued partnership with the Department of Technology, we are working to build a user-friendly website consistent with City security standards and design ideals. New features will include an online case tracking tool for complainants and officers, new educational content and resources, and real-time aggregate complaint data dashboards. The new features will increase complainant access to police accountability services, including mobile access, and provide greater transparency regarding police misconduct investigation data. This improved technology will also allow us to continue working collaboratively with the Police Department on developing solutions for sharing more data between our agencies to facilitate the in-depth data analysis called for by the “Blue Ribbon Panel,” the Department of Justice Collaborative Reform process, and Proposition G. The new website will contain a section devoted to OIS investigations including the information recommended by the Civil Grand Jury.
<u>Last Response Year: 2018 Last Response Status: Will be Implemented in the Future</u>	
<u>Action Required: Provide Timeframe for Implementation.</u>	

APPENDIX L – 2015-2016 RESPONSES NOT IN PENAL CODE COMPLIANCE – Continued

2015-2016 Report: Into the Open: Opportunities for More Timely and Transparent Investigations of Fatal SFPD Officer-Involved Shootings - Two Responses Not in Penal Code Compliance

Opportunities for More Timely and Transparent Investigations of Fatal SFPD Officer-Involved Shootings	
<u>Pending Recommendation #3:</u> R.2.A. The Police Commission, in coordination with the relevant SFPD divisions, the D.A. and the OCC should immediately commission a comprehensive study of ways to streamline the OIS investigation process with the goal of reducing the overall time to conduct a full investigation.	<u>Last Response From:</u> Police Commission The Police Commission is working with the Department, the D.A. and the DPA with the goal of identifying areas of an OIS investigation that can be streamlined to ensure a thorough investigation and provide the community with information in a timely manner. This collaboration with several agencies is on ongoing process, but the Commission and the Department strive to accomplish this goal as soon as soon as feasible. The D.A. and SFPD are finalizing the MOU to streamline the OIS process. In addition, the SFPD, the Commission, and the DPA are working to develop a Serious Incident Review Board. The SIRB will include the review of Officer-Involved Shooting where both the SFPD and the DPA will present their Findings and Recommendations.
<u>Last Response Year:2018 Last Response Status: Will Be Implemented in the Future</u>	
<u>Action Required: Provide Timeframe for Implementation.</u>	

APPENDIX M – 2015-2016 RESPONSES NOT IN PENAL CODE COMPLIANCE

2015-2016 Report: Maintenance Budgeting and Accounting Challenges for General Fund Departments - One Response Not in Penal Code Compliance

Maintenance Budgeting and Accounting Challenges for General Fund Departments	
<u>Pending Recommendation #1:</u> R:II.C.2-1-a. To prevent further deterioration and unsafe conditions, the Department of Public Works should seek prioritized line item budget funding in the fiscal year 2017-2018 for the maintenance and repair of the “Structurally Deficient” rated bridges for which it is responsible.	<u>Last Response From:</u> DPW Director Our current plan is to start construction for the Richland Avenue Bridge Traffic Rail Replacement project in the spring of 2019. We had a significant delay to the project due to the installation of new traffic signals at the intersection of Highland Avenue and Mission Street to mitigate SFMTA traffic safety issues during closure of the Bridge. Installation of the new traffic signals are part of a contract that was started in October 2018.
Last Response Year:2018 Last Response Status: Will Be Implemented in the Future	
Action Required: Provide Timeframe for Implementation.	

APPENDIX N – 2015-2016 RESPONSES NOT IN PENAL CODE COMPLIANCE

2015-2016 Report: SF County Jails - Our Largest Mental Health Facility Needs Attention Four Responses Not in Penal Code Compliance

SF County Jails - Our Largest Mental Health Facility Needs Attention	
<u>Pending Recommendation #1:</u> R.A.1.a Jail intake should develop a system to communicate and track cases where the triage nurse determines that the arrestee must be taken to a hospital for emergency medical or psychiatric care before admission to Jail.	<u>Last Response From:</u> Chief Deputy of Custody Operations The Recommendation has not been but will be implemented as part of an effort to improve the booking process, including enhanced documentation. The entire effort is anticipated to take approximately six months. While the Department of Public Health enters this information into their data system, federal law, specifically the Health Information Portability and Accountability Act (HIPAA), prohibits the sharing of the information contained in it with the Sheriff's Department.
Last Response Year:2016 Last Response Status: Will Be Implemented in the Future	
Action Required: Provide Timeframe for Implementation.	

SF County Jails - Our Largest Mental Health Facility Needs Attention	
<u>Pending Recommendation #4:</u> R.C.2.a. The City should staff Jail Behavioral Health Services 24/7. The Sheriff and the Director of Health should determine the amount to be included in the 2017-2018 budget request.	<u>Last Response From:</u> Director of Public Health Further analysis of mental health services delivery overnight is currently underway.
Last Response Year:2018 Last Response Status: Will Be Implemented in the Future	
Action Required: Provide Timeframe for Implementation	

SF County Jails - Our Largest Mental Health Facility Needs Attention	
<u>Pending Recommendation #5:</u> R.C.5. The Sheriff's Department should provide jail data for inclusion on the SF OpenData website.	<u>Last Response From:</u> Chief Data Officer DataSF continues to be available to support departments in their publication process. Any department can start the publishing process by visiting https://datasf.org/publishing/. The Sheriff's Department must initiate the process. The Coordinator for the Department is expected to identify the stewards and custodians to help make data available on the open data portal per policy. Furthermore, a 5-year roadmap for JUSTIS (the interdepartmental data sharing program for criminal justice agencies) is currently in planning. Data integrations with open data are on that roadmap and it will likely be more efficient and consistent to use that infrastructure for publishing data, pending approval from the Sheriff's Department.
Last Response Year:2018 Last Response Status: Will Be Implemented in the Future	
Action Required: Provide Timeframe for Implementation	

APPENDIX N: 2015-2016 RESPONSES NOT IN PENAL CODE COMPLIANCE – Continued

2015-2016 Report: SF County Jails - Our Largest Mental Health Facility Needs Attention Four Responses Not in Penal Code Compliance

SF County Jails - Our Largest Mental Health Facility Needs Attention	
<u>Pending Recommendation #6:</u> R.D.1.b. Identify positions that might be reclassified as administrative support, i.e. civilian, rather than requiring sworn deputies to handle those duties.	<u>Last Response From:</u> <u>Sheriff</u> The request for civilian staff - 3 positions including a Chief Information Officer was not approved by the Mayor's Office. In the meantime, we are working on converting some positions in Records to civilian ones.
Last Response Year:2018 Last Response Status: Will Be Implemented in the Future	
Action Required: Provide Timeframe for Implementation.	

APPENDIX O: 2015-2016 RESPONSES NOT IN PENAL CODE COMPLIANCE

2015-2016 Report: SF Homeless Health & Housing: A Crisis Unfolding on Our Streets One Response Not in Penal Code Compliance

SF Homeless Health and Housing- A Crisis Unfolding on Our Streets	
<u>Pending Recommendation #4:</u> R.D.5. The City must increase the stock very low-income housing to meet the current need.	<u>Last Response From:</u> <u>Mayor</u> The Mayor's Office is committed to increasing the supply of low and very low-income housing. Since 2011-12 the City has expanded the supply of permanent supportive housing by 1,686 units (a 31% increase), added over 1,000 rental subsidies for formerly homeless adults, families and youth through public and private sources, and helped 13,096 people permanently exit homelessness. In addition, the City currently has 1,425 units of permanent supportive housing for people leaving chronic homelessness in the development pipeline.
<u>Last Response Year:2018 Last Response Status: Will Be Implemented in the Future</u>	
<u>Action Required: Provide Timeframe for Implementation.</u>	

APPENDIX P: 2014-2018 RESPONSES NOT IN PENAL CODE COMPLIANCE

2014-2015 Report: San Francisco Fire Department: What Does the Future Hold? One Response Not in Penal Code Compliance

San Francisco Fire Department What Does the Future Hold?	
<u>Pending Recommendation #2</u> <u>R2.3</u> That while Recommendations 2.1 and 2.2 are being explored, the Chief and the Fire Commission determine an alternate site for the training center since, if an already City-owned site is not adequate to serve as a training center, purchase of a new site will be more than difficult in the current real estate market.	<u>Last Response From:</u> <u>SFFD Commission</u> The SFFD DoT is accredited by the State of California. SFFD has been working collaboratively with SFDPW on a new Training Facility. DPW very recently produced a report that documents the requirements for a new SFFD Training Facility, (DPW to present to FC on 11/14/18). SFFD has not been able to confirm an exact location for the new Training Facility but is currently exploring various sites with the SF Department of Real Estate.
<u>Last Response Year: 2018 Last Response Status: Will Be Implemented in the Future</u>	
<u>Action Required: Provide Timeframe for Implementation</u>	

APPENDIX Q: PROPOSAL FOR CONTINUITY SYSTEM

San Francisco Civil Grand Jury Continuity Automation Proposal

1. HIGH-LEVEL OBJECTIVES

- a. Automate Continuity workflow for the San Francisco Civil Grand Jury, to reduce labor requirements.
- b. Improve timeliness of Civil Grand Jury report responses by establishing automated processes for reminder notification and data collection.
- c. Promote effective usage of historical Civil Grand Jury report information with pre-defined reports for the Civil Grand Jury, Superior Court, SF City Services Auditor division of the Office of the Controller, and the SF Chapter of the Civil Grand Jury Association.

2. KEY BENEFITS

- a. Streamlined processes will increase the efficiency with which the current Civil Grand Jury and supporting government agencies can determine the current status of Recommendations and obtain summarized historical data on report implementation.
- b. Improved quantitative analysis of the report responses will allow for deeper qualitative analysis of CGJ reports and agencies' responses.
- c. Reduced time to access and analyze response data will allow Continuity Committee to start the annual Continuity review within the first month after being impaneled.

3. STAKEHOLDERS & USERS

- a. Primary Stakeholder is the impaneled San Francisco Civil Grand Jury (CGJ)
- b. Secondary stakeholders are:
 - i. California Superior Court
 - ii. San Francisco Controller City Services Auditor (SFCSA)
 - iii. San Francisco Civil Grand Jury Association (SFCGJA)
- c. Additional Users:
 - i. CGJ Report Finding & Recommendation Respondents/Designees
 - ii. City Web Site for San Francisco residents

4. TODAY'S CHALLENGES

- a. Report responses are collected at different time intervals and by different agencies: the SF Superior Court and SF City Services Auditor each has its own data collection formats.
- b. CGJ Continuity activity needs to start immediately after the new CGJ is impaneled in July of each year, but current data collection cycles do not provide updated response data until October or January, up to halfway into the CGJ term.
- c. Responses sent to either the CA Superior Court or SF City Services Auditor are not immediately available to the CGJ until they are consolidated, which can be 3-12 months after a response has been submitted.
- d. All responses are collected via multiple response letter(s) or spreadsheets; consolidating the data is a very labor-intensive process.
- e. Current processes do not allow for a full review of all report responses.

- f. Current processes do not allow sufficient time to initiate a new investigation after qualitative analysis and follow-up identifies certain report responses as erroneous, incomplete or inadequate.

5. PROPOSED SOLUTIONS

- a. Using a Microsoft Excel spreadsheet, collect and load data into the database.
- b. Use database to generate alerts/notifications and detailed or summarized reports for all stakeholders.

6. PROJECT PHASES

- a. Phase 1 – Inception
 - i. Hire preferred vendor to create a CGJ Continuity application that uses a database to support critical notification and reporting needs for all stakeholders and designated report respondents.
 - ii. Use a Microsoft SQL server database (1-3 users) on a dedicated laptop with i7 processor & 48 GB of memory.
 - iii. Implement database design, load historical CGJ data, and create data collection spreadsheets and pre-defined reports for stakeholders.
 - iv. Provide required training to stakeholders.
 - v. Provide ongoing support and maintenance of application database.
 - vi. Create a new workflow, along the lines of the attached Swimlane chart.
- b. Phase 2 – Future (In approximately 2 years)
 - i. Convert application to a Cloud application, to enhance the security of data collection function and report capabilities.
 - ii. Navigate CA & SF firewall requirements so that the Cloud application is updateable via web browser.

7. FUTURE PROJECT PHASE

- i. Take additional automation steps to facilitate more timely updates from data sources.
- ii. Improve timeliness of data access for reporting for CGJ, governmental agencies and SF CGJ Association.

8. KEY REQUIREMENTS INCLUDED IN PROPOSAL

- a. Current Workflow Swimlane
- b. Proposed New Workflow Swimlane
- c. High-level Database Design
- d. Data Collection Spreadsheet Designs
- e. Report Designs

Draft version #7
Prepared By Bill Lee

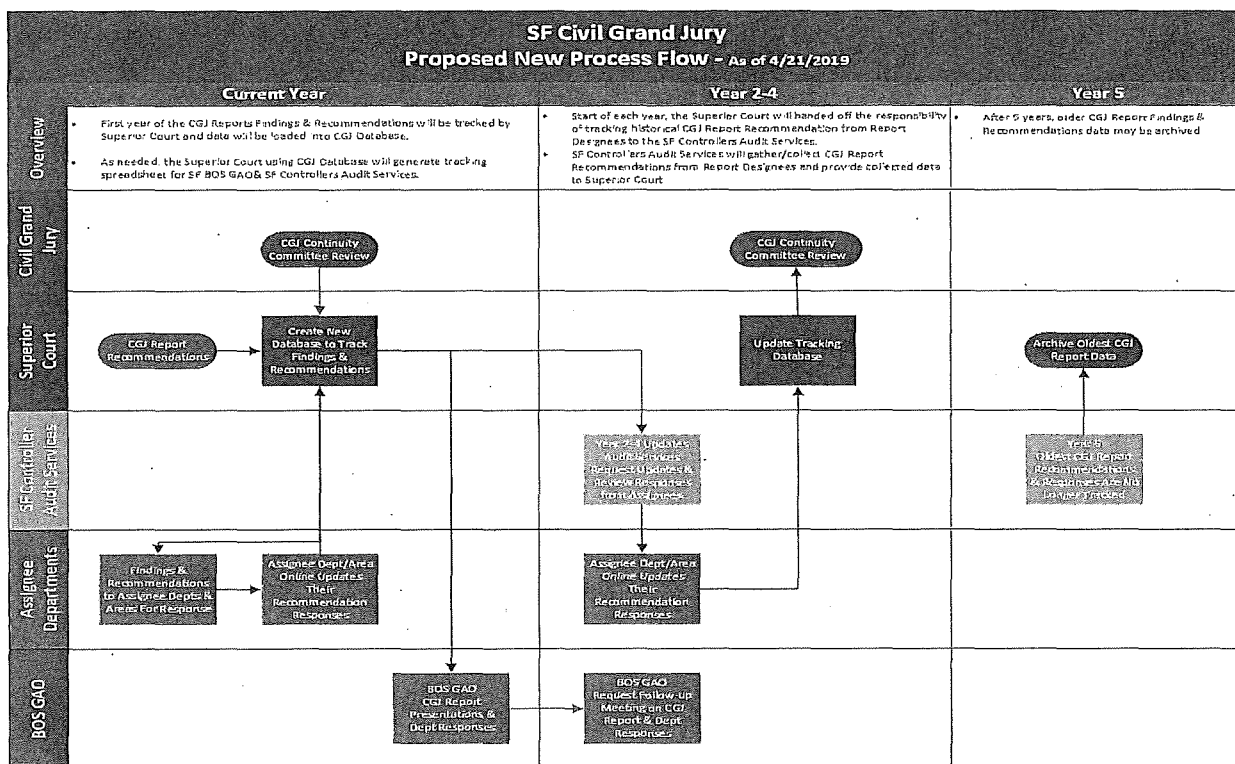
6/25/19

9. CURRENT WORKFLOW



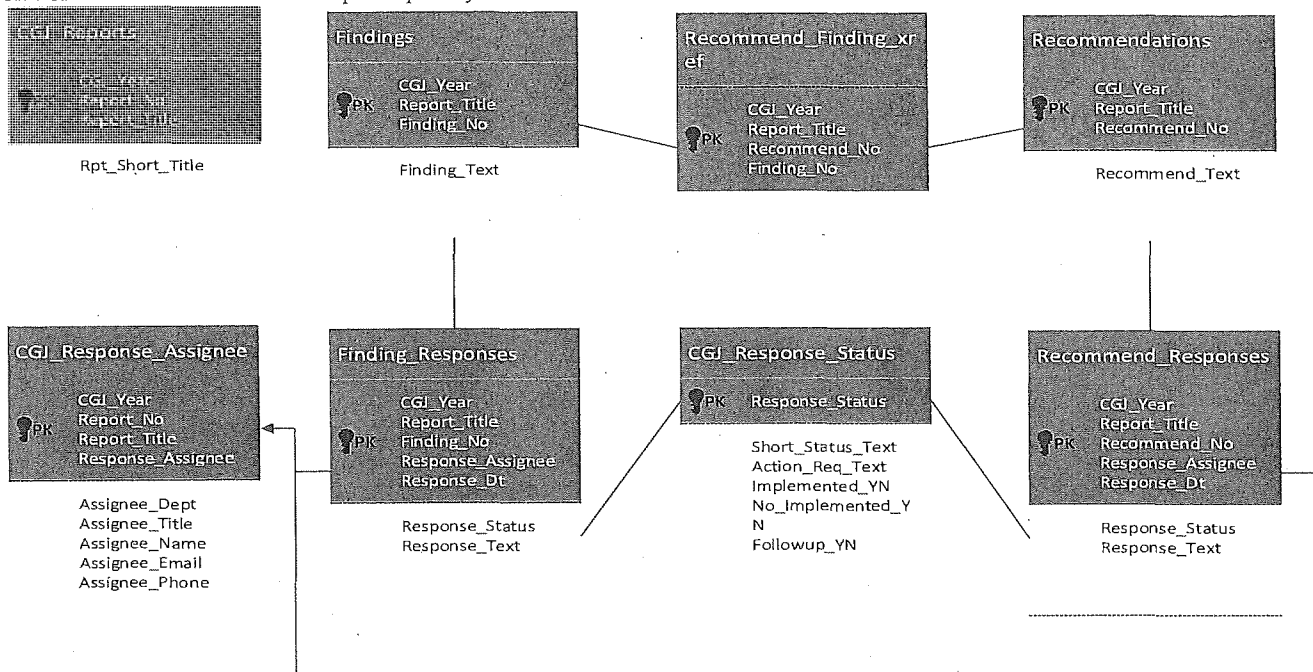
APPENDIX Q: PROPOSAL FOR CONTINUITY SYSTEM (Continued)

10. PROPOSED NEW WORKFLOW



APPENDIX Q: PROPOSAL FOR CONTINUITY SYSTEM (Continued)

11. DATABASE DESIGN For CGJ Report Repository



Note: Findings & Recommendations have a many-to-many relationship.

APPENDIX Q: PROPOSAL FOR CONTINUITY SYSTEM (Continued)

12. Excel Files to Facilitate Data Collection & Reporting Between Current CGJ, CA Superior Court, SF Controllers & SF CGJ Association

Excel Reports

[illegible]

APPENDIX R: THREE-YEAR FOLLOW-UP

CITY AND COUNTY OF SAN FRANCISCO CIVIL GRAND JURY



June 22, 2016

Ben Rosenfield
Controller
City and County of San Francisco
City Hall, Room 316
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Mr. Rosenfield,

As required by Section 2.10 of the San Francisco Administrative Code, the Office of the Controller reports to the Board of Supervisors on the status of the implementation of the recommendations of the San Francisco Civil Grand Jury (CGJ) no later than one year following the date of the public hearing.

In response to a request from the 2005-2006 SF CGJ, the City Service Auditor (CSA) updates the CGJ reports on the status of implementation of recommendations, as new information becomes available instead of the one year implied in Section 2.10 of the SF Admin Code.

On behalf of the 2015 - 2016 CGJ, I am requesting that this process be revised. We think that our jury and future juries would be better served if CSA capped the CGJ status reports to three terms in the past, with the primary focus on submitting status reports to the Board of Supervisors no later than one year following the hearing. As of today, the status report for the 2013 - 2014 and 2014 - 2015 CGJ have not been completed, and we recognize that may be due to CSA's efforts in auditing several years of CGJ status reports.

Part of our duty is to review and recommend efficiencies within City and County operations. We think that CSA's time would be more efficiently utilized by concentrating on the updates as they pertain to the last three juries. We understand that the time to implement many of our recommendations may take up to two budget cycles, which substantiates the request to limit the reports to three prior terms. Anything over the three terms can be reported on by a sitting jury as a Continuity Report or by the San Francisco Chapter of the Civil Grand Jury Association's Implementation Committee.

The 2015 - 2016 Civil Grand Jury appreciates the work that CSA continues to do, and we look forward to seeing their status reports of the 2013- 2014 and 2014- 2015 Civil Grand Jury reports.

Thank you for your consideration of this request.


Jay Cunningham, Foreperson
2015 - 2016 Civil Grand Jury

City Hall, Room 482
1 Dr. Carlton B. Goodlett Pl, San Francisco, CA 94102
Phone: 415-554-6630

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TABLE OF ABBREVIATIONS

ACC	ANIMAL CARE & CONTROL
ADU	AUXILLARY DWELLING UNIT
BIC	BUILDING INSPECTION COMMISSION
BOS	BOARD OF SUPERVISORS
CGJ	CIVIL GRAND JURY
CSA	CITY SERVICES AUDITOR
DBI	DEPARTMENT OF BUILDING INSPECTION
DGO	DEPARTMENT OF GENERAL ORDERS
DHSH	DEPARTMENT OF HUMAN SERVICES & HOUSING
DOE	DEPARTMENT OF ELECTIONS
DPA	DEPARTMENT OF POLICE ACCOUNTABILITY
DPH	DEPARTMENT OF PUBLIC HEALTH
DPW	DEPARTMENT OF PUBLIC WORKS
EPIC	EDUCATIONAL PARITY IN CUSTODY
HIPAA	HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT
IT	INFORMATION TECHNOLOGY
JUSTIS	JUSTICE TRACKING INFORMATION SYSTEM
MOU	MEMORANDUM OF UNDERSTANDING
OCC	OFFICE OF CITIZEN COMPLIANTS
OIS	OFFICER-INVOLVED SHOOTING
RACI	RESPONSIBLE-ACCOUNTABLE-CONSULTED-INFORMED
RCV	RANK CHOICE VOTING
RFP	REQUEST FOR PURPOSAL
SF	SAN FRANCISCO
SFACC	ANIMAL CARE & CONTROL
SFCGJ	SAN FRANCISCO CIVIL GRAND JURY
SFDPW	SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS
SFERS	SAN FRANCISCO EMPLOYEES RETIREMENT SYSTEM
SFFD	SAN FRANCISCO FIRE DEPARTMENT
SFMTA	SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY
SFPD	SAN FRANCISCO POLICE DEPARTMENT

2017-2018 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

Report Title [Publication Date]	F#	Finding (text may be duplicated due to spanning and multiple respondent effects)	Respondent Assigned by CGJ [Response Due Date]	Finding Response (Agree/Disagree)	Finding Response Text
Improving Continuity Review for Increased Public Accountability: The 2018-2019 San Francisco Civil Grand Jury Continuity Report [July 17, 2019]	F3	Recommendation R.F.2 of the 2015-2016 Civil Grand Jury report San Francisco's Crime Lab: Promoting Confidence and Building Credibility, that an external review be performed by an outside expert agreed upon by all stakeholders of the Lab, has not, as far as the 2018-2019 Civil Grand Jury can determine, been implemented, despite the SFPD's assertion that it was implemented.	Director of Forensic Services, San Francisco Police Department		
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2017-2018 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

R4	No later than March 31, 2020, the SFPD should resubmit its response to Recommendation R.F.3 of the abovementioned report, providing insight into the processes surrounding the issuance of the RFP for consulting services by outside experts agreed upon by all stakeholders for a review of the policies and procedures of the Crime Lab. This should specifically address two issues: the possibilities for exemption from requirements for competitive bidding, and whether all stakeholders were consulted in reaching the decision to abandon implementation of the Recommendation.	Director of Forensic Services, San Francisco Police Department		

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Report Title [Publication Date]	F#	Finding (text may be duplicated due to spanning and multiple respondent effects)	Respondent Assigned by CGJ [Response Due Date]	Finding Response (Agree/Disagree)	Finding Response Text
Pedestrian Safety in the Era of Electric Mobility Devices [July 17, 2019]	F3	SF Traffic Company enforcement efforts are currently limited to street vehicular traffic and do not include enforcement of moving violations occurring on sidewalks.	Chief, San Francisco Police Department [September 15, 2019]		
Pedestrian Safety in the Era of Electric Mobility Devices [July 17, 2019]	F4	Injury data collected to-date by Zuckerberg San Francisco General Hospital (ZSFG), SF Department of Public Health (SFDPH), SF Police Department (SFPD), and Pilot permittees categorize types of injuries but not root causes such as damaged infrastructure (potholes or poorly marked lanes), education (inadequate safety and device training), or reckless use (speeding, distracted driving, and/or using sidewalks).	Chief, San Francisco Police Department [September 15, 2019]		

2017-2018 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

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R3	SFPD Traffic Company should implement one or more "Focus on Five" enforcement campaigns that target moving violations by motor vehicles as well as bicycles and powered mobility devices in all traffic lanes, with documented results no later than June 30, 2020.	Chief, San Francisco Police Department [September 15, 2019]		
R4	ZSFG, SFDPH, SFPD, and TNCs should collectively improve injury data reporting to better support root cause analyses. SFMTA and the SFDPH should develop and oversee the revised data collection efforts and prepare a data acquisition plan for review by the above referenced organizations no later than June 30, 2020.	Chief, San Francisco Police Department [September 15, 2019]		

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From: Scott, William (POL)
To: Dan Flanagan
Cc: Carr, Rowena (POL)
Subject: Re: Friends of the Urban Forest
Date: Friday, July 12, 2019 4:21:54 PM

Mr. Flanagan,

Thank you for your patience.

Chief Scott has reached out to our Community Engagement Division and asked them to reach out to you.

You should be getting an email from one of our staff regarding your request.

Sincerely,
Rowena

Chief William Scott
San Francisco Police Department
Police Headquarters
1245 3rd Street
San Francisco, CA 94158

From: Dan Flanagan [REDACTED]
Sent: Tuesday, July 9, 2019 1:17:37 PM
To: Scott, William (POL)
Subject: Re: Friends of the Urban Forest

Thanks so much for following up so quickly!! I look forward to hearing from you.

Dan

On Jul 9, 2019, at 12:11 PM, Scott, William (POL) <william.scott@sfgov.org> wrote:

Mr. Flanagan,

Thank you for your email. I am Chief Scott's assistant and will make sure to deliver this to Chief Scott for his directions.

SFPD's Community Engagement Division officers usually are assigned to these types of requests but Chief Scott will want to review your email.

Hope to have an answer for you by tomorrow.

Sincerely,
Rowena

Chief William Scott
San Francisco Police Department
Police Headquarters
1245 3rd Street
San Francisco, CA 94158

From: Dan Flanagan [REDACTED]
Sent: Tuesday, July 9, 2019 11:02 AM
To: Scott, William (POL)
Subject: Friends of the Urban Forest

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

Dear Chief Scott,

I am the one that came up to at the Alice Breakfast the other day and introduced myself.

As you can see below, I am the ED of Friends of the Urban Forest. We have been running a "Green Teens" program now for close to 20 years. We work with young underserved youth about 50 to 60 a year in three cohorts.

It is a job preparedness program. Each get paid minimum wage and get a raise half way through the program. We train them in basic arboriculture, one of the jobs is to prune our young trees (they actually prune a total of about 800 trees of the 3,500 trees that we prune every year).

Historically, we have seminars in healthy eating and living, safe sex, how to use a check book (given by Wells Fargo) etc. A for a long time we had one of your folks come and speak to the group about being a policeman. A couple of years ago one of our students was so inspired by the talk given by the policeman (actually, i think it may have been a woman) that she decided to go to the police academy.

When she graduated, Suzy Loftus, a good friend of mine, invited me and the student to the Police Commission to honor the work you folks do with youth.

I am not sure why it has not continued.

So here is my ask, could you introduce me to someone in your department that might be able to help me find the right person that could help us restart the program?

Thanks for helping out and I was sincere when I said that I was quite impressed by your presentation to the budget committee a couple of weeks ago. I was stuck there for HOURS waiting for a chance to speak about trees.

Luckily, it worked in the end.

Dan

Dan Flanagan
Executive Director
Friends of the Urban Forest

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From: Scott, William (POL)
To: Colfax, Grant (DPH)
Cc: DeGuzman, Faye (DPH)
Subject: Monthly Meeting with Dir. Grant Colfax, DPH

Recurring every 2nd Tuesday of the month, alternating location. Starting May 14, 2019.

From: Scott, William (POL)
To: Lazar, David (POL)
Cc: Leung, Sally (POL); Carr, Rowena (POL); Lee, Kin Yau (POL)
Subject: Fw: Friends of the Urban Forest
Date: Friday, July 12, 2019 4:20:38 PM

Hello Commander,

Chief Scott received this email from Mr. Dan Flanagan, Friends of the Urban Forest. He would like to request to have officers come and speak to their "Green Teens" group about being a police officer.

Chief Scott would like someone from CED to contact Mr. Flanagan and coordinate with him a date/time that a member(s) can come and speak.

See below email. Hoping someone can reach out.

Thank you,
Row

Chief William Scott
San Francisco Police Department
Police Headquarters
1245 3rd Street
San Francisco, CA 94158

From: Dan Flanagan [REDACTED]
Sent: Tuesday, July 9, 2019 11:02 AM
To: Scott, William (POL)
Subject: Friends of the Urban Forest

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Dear Chief Scott,

I am the one that came up to at the Alice Breakfast the other day and introduced myself.

As you can see below, I am the ED of Friends of the Urban Forest. We have been running a "Green Teens" program now for close to 20 years. We work with young underserved youth about 50 to 60 a year in three cohorts.

It is a job preparedness program. Each get paid minimum wage and get a raise half way through the program. We train them in basic arboriculture, one of the jobs is to prune our young trees (they actually prune a total of about 800 trees of the 3,500 trees that we prune every year).

Historically, we have seminars in healthy eating and living, safe sex, how to use a check book (given by Wells Fargo) etc. A for a long time we had one of your folks come and speak to the group about being a policeman. A couple of years ago one of our students was so inspired by the talk given by the policeman (actually, i think it may have been a woman) that she decided to go to the police academy.

When she graduated, Suzy Loftus, a good friend of mine, invited me and the student to the Police Commission to honor the work you folks do with youth.

I am not sure why it has not continued.

So here is my ask. could you introduce me to someone in your department that might be able to help me find the right person that could help us restart the program?

Thanks for helping out and I was sincere when I said that I was quite impressed by your presentation to the budget committee a couple of weeks ago. I was stuck there for HOURS waiting for a chance to speak about trees.

Luckily, it worked in the end.

Dan

Dan Flanagan

Executive Director
Friends of the Urban Forest

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From: [Scott, William \(POL\)](#)
To: [Campbell, Jayme \(POL\)](#)
Cc: [Carr, Rowena \(POL\)](#)
Subject: Fw: DGO for Deaf and Hard of Hearing
Date: Friday, July 12, 2019 9:23:07 AM
Attachments: [REDACTED]

Jayme,

I believe we should have the Cal DOJ take a look at this and provide input. Although, there is not a specific recommendation on this, I believe it speaks to fair and equitable policing, procedural justice impact community policing. DOJ input would be helpful.

-Bill

Chief William Scott
San Francisco Police Department
Police Headquarters
1245 3rd Street
San Francisco, CA 94158

From: Campbell, Jayme (POL)
Sent: Wednesday, July 10, 2019 9:27 AM
To: Carr, Rowena (POL)
Subject: RE: DGO for Deaf and Hard of Hearing

Hi Row,
Here is the version we received from Gloria Rosalejos.

Sergeant Jayme Campbell #759
San Francisco Police Department
Police Commission Office
1245 3rd St., 6th Floor
San Francisco, CA 94158
[REDACTED]
Jayme.A.Campbell@sfgov.org

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From: Carr, Rowena (POL)
Sent: Wednesday, July 10, 2019 8:14 AM
To: Campbell, Jayme (POL) <Jayme.A.Campbell@sfgov.org>
Subject: Re: DGO for Deaf and Hard of Hearing

Sgt. Campbell,

If not too much trouble, can I get a copy of the Deaf and Hard of Hearing that you received? I want to make sure Chief Scott is reviewing the same version.

Thank you,
Row

Rowena V. Carr
Office of the Chief of Police
SF Police Headquarters
1245 3rd Street, Room 6171
San Francisco, CA 94158


From: Campbell, Jayme (POL)
Sent: Tuesday, July 9, 2019 2:20 PM
To: Carr, Rowena (POL)
Cc: Youngblood, Stacy (POL); SFPD, Commission (POL)
Subject: FW: DGO for Deaf and Hard of Hearing

Hi Row;
Here is the line of emails...

Sergeant Jayme Campbell #759

San Francisco Police Department

Police Commission Office

1245 3rd St., 6th Floor

San Francisco, CA 94158



Jayme.A.Campbell@sfgov.org

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From: Hirsch, Bob (POL)

Sent: Tuesday, July 9, 2019 2:06 PM

To: Campbell, Jayme (POL) <Jayme.A.Campbell@sfgov.org>

Cc: SFPD, Commission (POL) <SFPD.Commission@sfgov.org>; Youngblood, Stacy (POL) <Stacy.A.Youngblood@sfgov.org>; Kilshaw, Rachael (POL) <rachael.kilshaw@sfgov.org>

Subject: Re: DGO for Deaf and Hard of Hearing

I don't think the DOJ's scope of work covers this but I would like you to check with Chief Scott and see if he wants to run it by them.

Thanks.

Get [Outlook for iOS](#)

From: Campbell, Jayme (POL)

Sent: Tuesday, July 9, 2019 11:38:42 AM

To: Hirsch, Bob (POL)

Cc: SFPD, Commission (POL); Youngblood, Stacy (POL); Kilshaw, Rachael (POL)

Subject: DGO for Deaf and Hard of Hearing

We received Deaf and Hard of Hearing DGO. You asked us to confer with you whether DGO's need to be reviewed by Cal DOJ if they are not listed in the US DOJ report.

Let us know if you want this to be looked at by Cal DOJ although it has already gone through a Working group and SFPD concurrence.

We are also sending this to DHR, per Commission protocols, for them to determine whether this is subject to meet and confer.

We will wait to hear from you.

Sergeant Jayme Campbell #759

San Francisco Police Department

Police Commission Office

1245 3rd St., 6th Floor

San Francisco, CA 94158

[REDACTED]

Jayme.A.Campbell@sfgov.org

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FREQUENTLY ASKED QUESTIONS

What is the Executive Directive to Support People of All Gender Identities?

In October 2018, Mayor London N. Breed issued an Executive Directive to expand gender identifiers on all City forms and applications when asking for demographic information, to use non-gendered or gender-neutral language in all forms and applications, and to provide gender identity training for City employees. This Directive will extend the practice of eliminating gender-specific language when unnecessary, and of collecting more accurate and expanded gender identity options during the course of licensing, permitting, or other administrative, business or service functions, thereby officially recognizing the breadth of gender identities within our City.

What is the best practice to ask about gender identity?

It is recommended that demographic information regarding gender that is collected during the course of licensing, permitting, or other administrative, business or service functions follow the format below. Do not use 'sex' and 'gender' interchangeably. For the purposes of service provision, it is usually only relevant to inquire about an individual's current gender identity, and it is generally invasive and irrelevant to ask a person's sex assigned at birth.

What is your gender? (Check one that best describes your current gender identity)

☐ Female	☐ Trans Female
☐ Male	☐ Trans Male
☐ Genderqueer / Gender Non-binary	☐ Not listed. Please specify _____

If your Department has unique needs or concerns regarding collecting data in this format, please contact the Office of Transgender Initiatives to get support for your Department's particular needs.

This question does not fit on our Department's forms and/or applications. What shall we do instead?

If the format above does not fit your Department's forms and applications, you may ask about gender identity in the following format:

What is your gender? _____

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How can we change the wording in our forms and applications to be non-gendered or gender-neutral?

Some forms and applications may still use gender-specific terminology, such as Mr., Ms., mother / father, husband / wife, among others. However, gender-specific wording on forms and applications is rarely necessary for the purposes of collecting accurate information, and can be invasive or offensive to some groups. The Executive Directive to Support People of All Gender Identities requires that gender-specific language be replaced with gender-neutral terminology.

Some possible modifications include:

- 'Parent / guardian' instead of 'mother / father'
- 'Spouse' instead of 'husband / wife'
- 'Child' instead of 'son / daughter'
- Eliminate fields asking or stating 'Mr. / Ms.'

If your Department has unique needs or concerns regarding modifying gendered language in your forms and applications, please contact the Office of Transgender Initiatives to get support for your particular needs.

What can we do to make our forms and applications even more welcoming to people of all gender identities?

In addition to collecting gender identity data and modifying gendered language as outlined above, you can include two optional components in forms and applications that will make your Department even more welcoming to people of all gender identities: a chosen name field, and a gender pronouns field. These fields are especially relevant if your Department uses forms to gather information about someone prior to engaging with them directly. See more information below on how, and why, to ask about chosen names and gender pronouns.

Chosen name field: Why and How?

Many people use a name that is different from the name on their official documents for a variety of reasons. Including a chosen name field on forms and applications ensures that: 1) Everyone uses the correct name when referring to the individual completing the form or application from the initial contact; 2) All communication with, and with regards to, that individual is affirming and respectful of the person's identities and circumstances, and does not "out" them as using a different name; and 3) Your Department is a safe and affirming environment for people of all gender identities and backgrounds. Please note that chosen

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SAN FRANCISCO, CALIFORNIA 94102
TELEPHONE: (415) 671-3073

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names should always be the primary option, and legal names should only be asked when proof of legal name is required.

To ask about chosen name, you can use this format:

Name: _____
(Please include your current / chosen name)

If you need to verify the individual's legal information, you can ask about both chosen and legal names this way:

Name: _____
(Please include your current / chosen name)

Legal Name: _____
(Please include your name as it appears on your official documents)

Gender pronouns field: Why and How?

Some common gender pronouns include she, her, hers; he, him, his; and they, them, their(s). Gender identity and gender pronouns are not visible to others. We often make assumptions about someone else's gender pronouns based on their gender expression, but our perceptions do not always match that person's preference and/or gender identity. Like a chosen name field, including a pronouns field in forms and applications ensures everyone is treated with dignity and respect based on their identity, and that your Department has the tools to be a safe and affirming environment for people of all gender identities.

To ask about gender pronouns, you can use this format:

What gender pronouns should we use when referring to you? (Some common pronouns include he/him/his, she/her/hers, and they/them/their(s).)



DEFINITIONS

Sex / Sex Assigned at Birth: The classification of a person as male or female. At birth, infants are assigned a sex, usually based on the appearance of their anatomy, i.e. what is written on the birth certificate. However, sex is a combination of bodily characteristics, including chromosomes, hormones, internal and external reproductive organs, and secondary sex characteristics. Generally, we are expected to identify with the gender and gender expectations that are associated with the sex assigned at birth. For transgender, gender non-conforming and non-binary individuals, being asked one's sex or sex assigned at birth can be invasive. Sex assigned at birth is unnecessary information for providing services.

Gender Identity: A person's internal, deeply held sense of their gender. For transgender people, the internal gender identity does not match the sex assigned at birth. Many people have a gender identity of man or woman (or boy or girl); others have gender identities that do not fit neatly into one of those two choices (see non-binary and/or genderqueer below.) Unlike gender expression (see below), gender identity is not visible to others.

Gender Expression: External manifestations of gender, expressed through a person's name, pronouns, clothing, haircut, behavior, voice, and/or body characteristics. Society identifies these cues as masculine or feminine, although what is considered masculine or feminine changes over time and varies by culture.

Sexual Orientation: A person's enduring physical, romantic, and/or emotional attraction to another person. Gender identity and sexual orientation are not the same. Transgender people may be straight, lesbian, gay, bisexual, or queer.

Transgender: An umbrella term for people whose gender identity and/or gender expression differs from what is typically associated with the sex they were assigned at birth. People under the transgender umbrella may describe themselves using one or more of a wide variety of terms, including transgender or trans. While some trans people use hormonal therapy and/or surgeries to feel affirmed in their gender identity, not all trans people can or will take those steps. Transgender identity is not dependent upon physical appearance and/or medical procedures.

Trans Female: A narrowing from the umbrella term 'transgender' used to describe individuals who are trans and express and/or identify with being female, woman, and/or femme. For

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example, someone who identifies as female or a woman and was assigned male at birth. Another commonly used term is trans woman.

Trans Male: Individuals who are transgender and express and/or identify as male, man, and/or masculine. For example, someone who identifies as male or a man and was assigned female at birth. Another commonly used term is trans man.

Genderqueer and/or Gender Non-binary: Describes people who experience their gender identity and/or gender expression as falling outside or beyond the categories of man and woman. They may define their gender as falling somewhere in between man and woman, as a combination of masculinity and femininity, or as beyond the concepts of woman and man.

TIPS ON USING NON-GENDERED LANGUAGE

Use these tips to address and refer to people when you don't know or can't ask how they like to be addressed. Once you know how they want to be addressed, use the correct terms as provided by that person. This practice demonstrates respect for, and affirmation of, the person's gender identity.

Instead of this...	Try this!
How may I help you, sir/ma'am?	How may I help you?
This lady is asking about...	They are asking about...
Do you have a wife/husband?	This person is asking about...
She/he is here for his appointment.	Are you in a relationship?
He/she is in the waiting room.	They are here for their appointment.
What are the names of your mother and father?	They are sitting in the waiting room.
Do you have sisters and brothers?	What are your parents' names?
	Do you have siblings?



CITY AND COUNTY OF SAN FRANCISCO
2018-2019 CIVIL GRAND JURY

PEDESTRIAN SAFETY
IN THE ERA OF ELECTRIC MOBILITY
DEVICES





CITY AND COUNTY OF SAN FRANCISCO

2018-2019 CIVIL GRAND JURY

THE CIVIL GRAND JURY AND ITS OPERATIONS

California state law requires that all 58 counties impanel a Grand Jury to serve during each fiscal year. California Penal Code Section 905; California Constitution, Article I, Section 23

The Civil Grand Jury investigates and reports on one or more aspects of the County's departments, operations, or functions. California Penal Code Sections 925, 933(a)

Reports of the Civil Grand Jury do not identify individuals interviewed by name. California Penal Code Section 929

The Civil Grand Jury issues reports with findings and recommendations resulting from its investigations to the Presiding Judge of the Superior Court. California Penal Code Section 933(a)

Each published report includes a list of those elected officials or departments that are required to respond to the Presiding Judge of the Superior Court within 60 or 90 days as specified. California Penal Code Section 933

California Penal Code Section 933.05 is very specific with respect to the content of the required responses. Under Section 933.05(a), for each finding, the response must:

- 1) Agree with the finding, or
- 2) Disagree with it, wholly or partially, and explain why.

Similarly, under Penal Code Section 933.05(b), for each recommendation, the responding party must report that:

- 1) The recommendation has been implemented, with a summary of the implemented action; or
- 2) The recommendation has not been implemented but will be within a set timeframe; or
- 3) The recommendation requires further analysis, with an explanation of what additional study is needed, and the timeframe for conducting that additional study and the preparation of suitable material for discussion. This timeframe may not exceed six months from the date of publication of the Civil Grand Jury's report; or
- 4) The recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

Any San Francisco resident who is a US citizen and is interested in volunteering to serve on the Civil Grand Jury for the City and County of San Francisco is urged to apply. Additional information about the San Francisco Civil Grand Jury, including past reports, can be found online at <http://civilgrandjury.sfgov.org/index.html>.



CITY AND COUNTY OF SAN FRANCISCO

2018-2019 CIVIL GRAND JURY

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EXECUTIVE SUMMARY

All trips within San Francisco begin and end with walking. For 17% of the population, walking is the primary mode of all trips.¹ San Francisco pedestrians are the most vulnerable road users – accounting for half of all San Francisco traffic fatalities. On May 11, 2019, the death of another pedestrian marked the eighth death so far in 2019 – four times the number that occurred by the same time in 2018.²

The arrival in 2017 of shared motorized personal mobility devices – primarily electric scooters (e-scooters), but also electric bicycles and various types of motorized skateboards – quickly generated conflicts with pedestrians, as some under-informed users of these devices used sidewalks as their preferred travel lanes to minimize their own risk of collisions with cars.

The expectation of pedestrian safety is eroded when pedestrian rights-of-way are ignored on sidewalks as well as in intersections.

In addition to the conflicts generated by active use of the new devices, e-scooters were being left in the middle of sidewalks, and walkers complained the scooters were tripping hazards. Starting in April 2018, complaints regarding electric scooters surged into the City's primary customer service center (SF311), by telephone and through the SF311 smartphone app.³ For example, on April 13, 2018, there were 32 requests to remove motorized, dockless scooters.

The San Francisco Municipal Transportation Agency (SFMTA) responded quickly to the need for structure, cooperation, and data-driven actions. It first banned shared-ride e-scooters from City streets and confiscated the devices left on sidewalks. During this ban, it developed and then launched a twelve-month Powered Scooter Share Permit and Pilot program (the "Pilot") that officially began in October 2018. The San Francisco Civil Grand Jury (SFCGJ) commends SFMTA and other involved organizations for their actions and planning.

This SFCGJ investigation reviewed the status and progress of San Francisco's efforts with regard to pedestrian safety and emerging mobility options. These efforts improve pedestrian safety and support policies and procedures suitable for the personal mobility advancements yet to arrive on San Francisco's sidewalks, bike lanes, and streets.

The key Findings and Recommendations presented in this report focus on ways to improve:

- Education and outreach for pedestrians and motorized device users;
- Enforcement of existing ordinances and laws to help reduce injuries;
- Injury data capture to better identify root causes; and

¹ WalkFirst San Francisco Pedestrian Safety Capital Improvement Program: A step towards Vision Zero, page 3, accessed May 3, 2019.

² <https://www.sfchronicle.com/bayarea/article/Fatal-fall-involving-bus-marks-SF-s-eighth-13841137.php?psid=3pqQ1> , accessed June 7, 2019.

³ <https://www.sfxaminer.com/news/scooter-complaints-to-sfs-311-surge/> , accessed May 31, 20

- Contractual terms regarding liability and responsibility for injuries, device maintenance, and repair.

Specific Findings and Recommendations are presented in separate sections of this report and in a summary table as **Appendix A**.

San Francisco has always been, and will likely remain, a forward-looking City and an incubator for innovation. Future social and technical innovations will challenge existing conditions upon arrival. Personal mobility devices are expected to evolve rapidly and to test the City's commitment to "... create a transportation system that is among the best in the world."⁴

⁴ San Francisco Charter Article VIIIA, The Municipal Transportation Agency, Section 8.A.100 Preamble, [http://library.amlegal.com/nxt/gateway.dll/California/charter_sf/charter?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$anc=JD](http://library.amlegal.com/nxt/gateway.dll/California/charter_sf/charter?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$anc=JD) Charter, accessed April 19, 2019.

TABLE OF CONTENTS

Section	Page No.
Executive Summary	1
Table of Contents	3
Background and Problem Statement.....	4
Background	4
Problem Statement.....	7
Methodology	8
Discussion	10
Education	10
Engineering.....	12
Enforcement	16
Injury Data	18
Liability Issues and e-scooter-Related Agreements	20
SF Pedestrian Safety Advisory Committee	26
Findings.....	28
Recommendations.....	29
Required Responses	30
Glossary	31
Appendices.....	32
Appendix A: Table of Findings and Recommendations	33
Appendix B: Table of Findings with Required Responses	36
Appendix C: Table of Recommendations with Required Responses	38
Appendix D: Assembly Bill AB2989: Motorized scooter: use of helmet: maximum speed.....	40
Appendix E: e-scooter-Related Injury Data	42
Appendix F: Liability Issues and e-scooter-Related Agreements	43

BACKGROUND AND PROBLEM STATEMENT

Background

The preamble to the San Francisco City Charter Section 8.A, Transportation,⁵ states that:

An effective, efficient, and safe transportation system is vital for San Francisco to achieve its goals for quality of life, environmental sustainability, public health, social justice, and economic growth. The Municipal Transportation Agency must manage San Francisco's transportation system that includes automobile, freight, transit, bicycle, and pedestrian networks to help the City meet those goals... in order to create a transportation system that is among the best in the world.

In 2018, 23 people lost their lives while traveling on City streets. Historically, over 200 people are seriously injured each year in San Francisco.⁶ These deaths and injuries are unacceptable and preventable, and over the past several years, San Francisco has worked towards stopping further loss of life as highlighted below.

In 2003, the Pedestrian Safety Advisory Committee (PSAC) was established to provide insight into issues concerning pedestrian safety, convenience, ambiance, and planning. PSAC prepared and submitted its reports to the Board of Supervisors (BOS) in 2009, 2010, and 2011.

In late 2013, San Francisco launched a community outreach program called WalkFirst, a first-of-its-kind initiative in the United States to improve pedestrian safety in San Francisco.⁷ WalkFirst was a joint project of the San Francisco Municipal Transportation Agency (SFMTA), the San Francisco Planning Department, the Department of Public Health (SFDPH), and the Controller's Office. Their objectives focused on actionable recommendations to reduce serious or fatal pedestrian injuries by 25 percent by 2016 and by 50 percent by 2021.

In 2014, the City adopted Vision Zero,⁸ a policy with a goal to create safer, more livable streets as City departments work to eliminate traffic fatalities. SFMTA, in implementation of Vision Zero objectives, advocates for pedestrian safety and for reductions in single-occupancy automobile use – fewer motor vehicles on the roads means less congestion and fewer injuries.⁹ In 2016, to increase awareness of this goal, Vision Zero began a campaign with radio spots, bus shelter ads, and on-bus ads.

⁵ San Francisco Charter Article VIIIA, The Municipal Transportation Agency, Section 8.A.100 Preamble

⁶ <https://sfgov.org/scorecards/transportation/traffic-fatalities>, accessed June 7, 2019.

⁷ <http://walkfirst.sfplanning.org/>, accessed June 4, 2019.

⁸ SFMTA Vision Zero web page at <https://www.sfmta.com/getting-around/walk/vision-zero-sf>.

⁹ Vision Zero San Francisco commits city agencies to build better and safer streets, educate the public on traffic safety, enforce traffic laws, and adopt policy changes that save lives.”, from https://www.visionzerosf.org/wp-content/uploads/2019/04/VZAS_040419_web.pdf, accessed April 19, 2019.

In July 2017, the San Francisco County Transportation Authority (SFCTA) and the SFMTA adopted ten Guiding Principles to evaluate the impact and benefits of emerging mobility services and technologies.¹⁰ The ten principles are listed in **Figure 1**. The Guiding Principles are a tool used by the SFMTA to evaluate how powered e-scooter share services can support City goals. Six of the Guiding Principles were particularly relevant to the SFCGJ investigation process.¹¹

In 2018, San Francisco witnessed the introduction of shared-ride electric e-scooters. Soon after that, sidewalks became lanes for riding and dropping e-scooters, endangering both pedestrians and riders.

Significant 2018 events included:

In February, Bird, Lime, and Spin flooded San Francisco streets with 60 e-scooters over Saint Patrick's weekend. These companies did not approach SFMTA about e-scooters and how to incorporate them into the City's transportation plan.¹²

In March, the BOS crafted legislation amending the transportation code to establish a violation for e-scooters left unattended on public rights-of-way.¹³

In April, there was a high volume of complaints to the SF 311 service about e-scooters.¹⁴ In response, a Cease and Desist Order was issued by the SF City Attorney to temporarily stop e-scooter usage in the City.¹⁵

By late April, the BOS passed legislation providing that any company operating a shared, powered scooter service in the City must have a permit from SFMTA. In alignment with this legislation, SFMTA created the Powered Scooter Share Permit and Pilot program (the "Pilot"), with an application process for interested companies.¹⁶ As part of the permit application process,

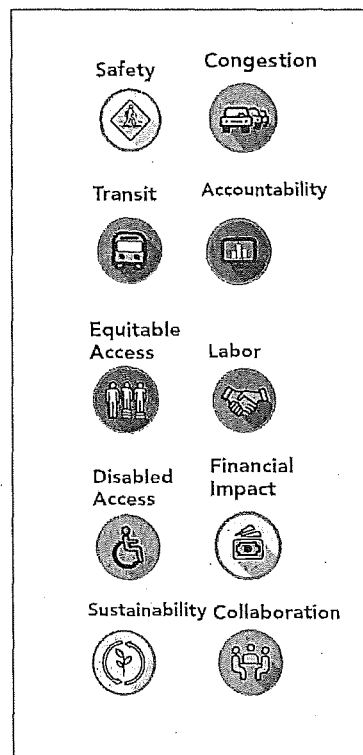


Figure 1
SFMTA 10 Guiding Principles for
Emerging Mobility Evaluations

¹⁰ https://www.sfcta.org/sites/default/files/2019-02/Emerging%20Mobility%20Studies_exec_summary.pdf, accessed April 26, 2019.

¹¹ Ibid., Safety, Disabled Access, Equitable Access, Collaboration, Labor, Sustainability

¹² <https://sfbay.ca/2018/03/19/lime-bike-e-scooters-flood-san-francisco-streets/> accessed 6/2/2019.

¹³ Ibid.

¹⁴ <https://www.sfexaminer.com/news/scooter-complaints-to-sfs-311-surge/>, April 21, 2018, accessed April 26, 2019.

¹⁵ <https://www.sfcityattorney.org/2018/05/23/san-francisco-announces-next-steps-regulating-shared-motorized-scooters/> accessed 6/2/2019.

¹⁶ <https://www.sfmta.com/projects/powered-scooter-share-permit-and-pilot-program>, accessed May 3, 2019.

each company was required to demonstrate how it would minimize its powered e-scooters' impact on the sidewalks of San Francisco. The application process required the companies to:

- offer user education;
- be insured;
- share trip data with the City;
- have a privacy policy to protect user information;
- provide a plan for low-income users;
- propose a service area.

Applications were due in June. In late August, SFMTA announced that shared-ride companies Scoot and Skip (also called Transportation Network Companies, or TNCs) were found to have the capacity to meet all permit requirements and to operate in the public interest.

The Pilot began in mid-October 2018 for a 12-month period.¹⁷

The Pilot allows for a maximum of 1,250 e-scooters on the streets in the first six months of the program. Depending on compliance with the conditions of the Pilot, up to an additional 1,250 scooters may become available for months seven through twelve. As of May 24, 2019, the SFMTA is reviewing and verifying information provided by the permittees to decide if additional scooters can be added to a maximum of 800 for each TNC.

During the first half of the Pilot (mid-October 2018 to April 2019), SFMTA and the permittees addressed an initial complaint about e-scooters left on sidewalks, in front of ADA access ramps, and in front of doorways. In response, they incorporated a locking device on the e-scooters that users activate to both begin and end their shared rides. While these “lock-to” methods differ by model, the use of the locking mechanism eliminated the casual drop of e-scooters, reduced theft, and improved sidewalk safety.

SFMTA completed a Mid-Pilot Evaluation¹⁸ of Scoot and Skip, and their key findings were:

- Complaints about sidewalk riding and improper parking were significantly reduced under the Pilot;
- With the lock-to design in place, issues with pedestrian safety and sidewalk blockage have declined;
- While California law doesn't require scooter riders over the age of 18 to wear helmets, SFMTA will continue to encourage TNC commitment to helmet distribution and rider education as beneficial actions towards injury prevention;
- Greater attention to equity considerations is needed to ensure powered e-scooter programs serve disadvantaged areas and low-income individuals;

¹⁷ <https://www.sfmta.com/projects/powered-scooter-share-permit-and-pilot-program%20,%20accessed%206/2/2019> , accessed June 2, 2019.

¹⁸ https://www.sfmta.com/sites/default/files/reports-and-documents/2019/04/powered_scooter_share_mid-pilot_evaluation_appendices_final.pdf

- The demand for powered shared e-scooters is strong, and may have an impact in reducing private auto use;
- When properly regulated, powered e-scooter share systems can serve the public interest.

SFMTA recommendations included:

- Continue monitoring the Pilot;
- Promote safety as a top priority. Based on collision and injury data, the SFMTA recommends continued education and rider accountability, increased helmet access and usage, and permittees improving communication to riders on the steps to take when a collision occurs;
- Ensure progress in the areas that need improvement, particularly equity;
- Continue monitoring permittee compliance and to complete the Pilot evaluation in the fall of 2019. The full evaluation of the 12-month Pilot will include:
 - understanding the safety impact of scooters and opportunities for infrastructure and non-infrastructure improvements by reviewing collision reports, specifically those involving injury;
 - assessing the impact of scooter share on the public right of way; and
 - eliminating sidewalk riding.

At the time of this report, Pilot implementation continues and is being monitored by SFMTA and other involved agencies.

Problem Statement

The advent of new forms of motorized transportation has created an unprecedented situation affecting all modes of transportation in San Francisco, requiring adaptations in the design and regulation of all modes.

Of all the concerns raised by the new situation, the safety of pedestrians is the most urgent. That has been our particular focus in this report; however, addressing that has required a broader examination of the systems involved.

Some of the questions raised are: Where do these motorized devices belong? In bike lanes? Protected bike lanes? What infrastructure is needed to keep residents and tourists safe? Do these new transportation modes add value to the City's transportation system? These are some of the questions our investigation reviewed.

METHODOLOGY

The SFCGJ concentrated its investigation on the following six topics:

- Education, for safe e-scooter riding and behavior;
- Engineering, providing supportive infrastructure (such as bike racks) and safe (protected) lanes;
- Enforcement, for adherence to City and State codes;
- Injury Data Review, on the impact on pedestrian safety from electric mobility devices;
- E-scooter user agreements between the permittees and their customers, determining the effects of the agreements and their terms on the goals of the Pilot ; and
- The San Francisco Pedestrian Safety Advisory Committee (PSAC): evaluating its effectiveness.

The topics of **Education**, **Engineering**, and **Enforcement** are key criteria of Vision Zero and the shared e-scooter Pilot. Vision Zero reviews **Injury Data** collected by the San Francisco Department of Health, the San Francisco Police Department (SFPD), Zuckerberg San Francisco General Hospital (ZSFG) , and self-reporting by the two TNCs, to assess progress towards Vision Zero goals. The various **Agreements** reviewed as part of this SFCGJ investigation are discussed in later sections of this report. The sixth topic reviewed by the SFCGJ regards the PSAC **Committee** established in 2003 – years ahead of the advent of shared-ride services – and its relevance given the current involvement and leadership within Vision Zero and SFMTA.

The SFCGJ reviewed documents; literature; agency websites; newspaper articles; public television reporting; and internet sites for local, national, and international data. We conducted confidential interviews with representatives from the listed agencies below. We researched how cities are handling regulation, infrastructure, injuries, and liability issues to incorporate these new modes of transportation into city life. Jurors also reviewed the user agreements and their terms and conditions.

Jurors interviewed representatives from the following organizations:

- San Francisco Metropolitan Transportation Agency;
- San Francisco Department of Public Health;
- San Francisco Police Department;
- 311 Customer Service Center;
- San Francisco Pedestrian Safety Advisory Committee;
- Walk SF;
- SF Bicycle Coalition; and
- A TNC representative.

Jurors also attended meetings of the San Francisco County Transportation Authority, the San Francisco County Transportation Citizens Advisory Board, the San Francisco Pedestrian Safety Advisory Committee, and the San Francisco Metropolitan Transportation Agency community meeting on the powered e-scooter Sharing program.

Jurors further attended administrative hearings on the appeals by the Jump and Lime e-scooter companies, who were denied permits for the Pilot.

DISCUSSION

This section of the report summarizes the results of SFCGJ research within the six topics of focus related to pedestrian safety:

- Education;
- Engineering;
- Enforcement;
- Injury/Death Data and e-scooters;
- E-scooter User agreements between the TNCs and their customers; and
- Relationship of, and effectiveness of, the San Francisco Pedestrian Safety Advisory Committee (PSAC).

Education

One of the San Francisco Transportation Authority’s “Guiding Principles” for emerging technology is Safety: “Emerging Mobility Services and Technologies must be consistent with the City and County of San Francisco’s goal for achieving Vision Zero, reducing conflicts, and ensuring public safety and security”.¹⁹ Vision Zero is guided by safety, stating “...[p]reservation of human life is our highest priority”.²⁰ Safe human behaviors through education are essential components of reaching Vision Zero.

Education works only if it engages the student (i.e., the pedestrian, transit rider, e-scooter rider, et al.). Vision Zero launched a public-awareness campaign in 2016 with radio spots, bus-shelter ads, and on-bus ads. In 2017, the City also engaged in 40 outreach events, speaking with more than 10,000 people. Based on survey data, these efforts increased public awareness of Vision Zero from 16% in 2015 to 28% in 2017.²¹

Signage can help. **Figure 2** shows a sidewalk sign in the West Portal area that highlights the prohibition of device riders on the sidewalk. An SFMTA representative stated that SFMTA installs such signs upon request in business districts.



Figure 2
Sidewalk sign in West Portal

¹⁹ San Francisco County Transportation Authority web site at <https://www.sfcta.org/policies/emerging-mobility> 10 Guiding Principles – Safety, accessed April 28, 2019.

²⁰ Vision Zero Action Strategy- Eliminating Traffic Deaths in San Francisco, page 7, at https://www.sfmta.com/sites/default/files/reports-and-documents/2019/04/vzas_040419_web.pdf, accessed May 1, 2019.

²¹ Mayor’s Executive Directive Year-End Progress Report for Vision Zero updated 2018, <http://visionzerosf.org/wp-content/uploads/2018/03/Exec-Directive-Progress-Report-2017-Update.pdf>, accessed May 2, 2019.

Encouraging e-scooter users and users of all motorized personal mobility devices to use bike lanes is another important aspect of education. Use of bike lanes by these devices, however, is not stressed as the appropriate lane in the same way education stresses that sidewalks are not the appropriate lane for travel. Bike lanes throughout San Francisco are mapped by SFMTA²² and the San Francisco Bicycle Coalition.²³ Google Maps provides improved route directions and mapping for bicyclists as well as pedestrians. **Figure 3** presents the web links to these mapping resources.

San Francisco map resources
for bicyclists

- <https://www.sfmta.com/maps/san-francisco-bike-network-map>
- <https://sfbike.org/resources/maps-routes/>
- <https://www.google.com/maps/dir//@37.7624225,-122.4615381,13z/data=!4m2!4m1!3e1>

Figure 3
Map Resources

The two e-scooter companies, Scoot and Skip, also suggested that education is vital to user and pedestrian safety.²⁴ Both companies provide mandatory instructional videos, free in-person classes, and field staff to proactively approach riders with safety reminders (the focus is on high-traffic areas during periods of heavy usage).

Accountability comes from educating users on the laws that apply to e-scooters and encouraging respectful riding on the streets of San Francisco. Bad behavior can be corrected through education and enforcement of the law.

Bad behavior by users is handled differently by the two companies:²⁵

- Scoot levies penalties for poor rider behavior including fees for parking citations and safety violations and service suspension for repeat violations. As of March 18, 2019, 80 riders have been given warnings for unsafe riding or parking, 12 have been fined \$300 each, and two were suspended;
- Skip has a user suspension policy in place, triggered only by a high degree of proof. Skip has not deactivated any user accounts (through March 2019) for Rider Code of Conduct violations.

User behavior is difficult to track and modify. User age minimums are challenging to enforce.

Injuries incurred by users of all ages are being documented in many cities across the United States where TNCs operate. An injury study at UCLA in 2018²⁶ indicated that only 4% of people injured in e-scooter accidents were wearing helmets at the time.

²² <https://www.sfmta.com/maps/san-francisco-bike-network-map> , accessed May 1, 2019.

²³ <https://sfbike.org/resources/maps-routes/>, accessed May 1, 2019

²⁴ https://www.sfmta.com/sites/default/files/reports-and-documents/2019/04/powered_scooter_share_mid-pilot_evaluation_appendices_final.pdf , Appendix B, accessed May 4, 2019.

²⁵ Ibid, Appendix B.

Helmets are essential components of injury prevention. Both TNCs advocate use of helmets, and both provide free helmets to users when requested. The Mid-Pilot Evaluation reported that 1,243 free helmets were distributed by Skip and 532 helmets by Scoot as of March 15, 2019.²⁷

Engineering

In support of San Francisco's Charter-based goal "...to create a transportation system that is among the best in the world..."²⁸, several major and separate City departments are tasked with planning, building, operating, and maintaining critical facilities:

- Department of Public Works (DPW) (<https://www.sfpublicworks.org/>) is responsible for
 - governance and oversight for cleaning and maintaining sidewalks, tree permits, placement, plant list, planting, and the 311 service center;
 - maintenance and repair of pipelines under City streets, street maintenance, resurfacing and pothole repair, and street cleaning;
 - oversight of public toilets on or near pedestrian plazas and sidewalks, recycling and refuse collection, sidewalk bike racks, and newsstands;
- SFMTA (<https://www.sfmta.com/>) oversees MUNI bus and streetcar routes, bus stops and shelters, bus lanes, bike routes, and protected/unprotected bike lanes;
- The Recreation and Parks Department (<https://sfrecpark.org/>) oversees usage of park roads for cars, bikes, and personal mobility devices;
- The San Francisco Public Utilities Commission (SFPUC) (<https://sfwater.org/index.aspx?page=410>) is responsible for installation and maintenance of streetlights and utility poles on sidewalks and streets.

In addition to these public service departments and agencies, private home and commercial building owners are responsible for sidewalk maintenance and repair in front of their properties.

Acknowledging these multiple departments in the context of delivering safe streets and sidewalks, the City Charter²⁹ states that:

Responsibility for transportation has been diffused throughout City government. Accordingly, this Article places within the Municipal Transportation Agency the powers and duties relating to transit now vested in other departments, boards, and commissions of the City and County. This Article further requires that, to the extent other City and County agencies provide services to the Municipal

²⁶ Trivedi, T.K. et al (2019). *Injuries associated with standing Electric Scooter Use.. JAMA Network Open*. 2019;2(1):e187381. doi:10.1001/jamanetworkopen.2018.7381

²⁷ https://www.sfmta.com/sites/default/files/reports-and-documents/2019/04/powered_scooter_share_mid-pilot_evaluation_final.pdf, footnote 11 on page 13.

²⁸ San Francisco Charter Article VIIIA, The Municipal Transportation Agency, Section 8.A.100 Preamble, [http://library.amlegal.com/nxt/gateway.dll/California/charter_sf/charter?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$anc=JD](http://library.amlegal.com/nxt/gateway.dll/California/charter_sf/charter?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$anc=JD). Charter, accessed April 19, 2019.

²⁹ San Francisco Charter Article VIIIA, Section 8.A.100- Preamble.

Transportation Agency, those departments must give the highest priority to the delivery of such services.

With the emergence of personal mobility devices, and in particular the shared-ride TNC services in certain zones of the City, multi-modal lanes for the increasing variety of mobility devices have become important infrastructure components for pedestrian and device rider safety. SFMTA looks at groupings of streets to designate safe lanes that emphasize somewhat separated flows for public transit; private automobiles; bicycles, e-scooters, and other wheeled mobility devices; and pedestrians. The photograph in **Figure 4** illustrates how separated lanes can improve safety and flow for everyone. This image also implies how the various City departments must work together to implement such flow lanes:

- traffic control during construction and traffic flow changes post-construction;
- sidewalk tree plantings;
- changes in vehicle parking areas;
- private property owner sidewalk repairs (if needed) and private plantings;
- coordination to provide safe access to community resources such as schools and churches.

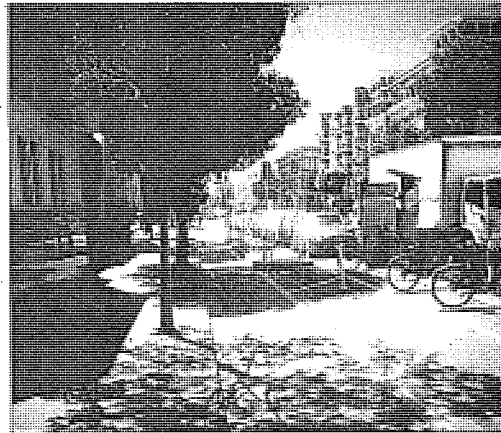


Figure 4
Protected Lanes on Valencia Street,
April 25, 2019.

On May 8, 2019, “Bike to Work Day,” Mayor London Breed announced that 20 new miles of protected bike lanes would be created over the next two years. In 2017-2018, the SFMTA built protected bike lanes at a pace of a little more than five miles per year. The pace would be doubled under the Mayor’s plan.³⁰

In this same announcement, Brian Wiedenmeier, Executive Director of the San Francisco Bicycle Coalition, urged the City to speed up construction of protected bike lanes, which have barriers between where cars park and bikers ride. The barriers can be made of concrete or other suitable materials, including planters. “What we’re focused on is physically protected and separated bike lanes throughout our City”. “Paint and posts don’t cut it anymore. If somebody can park somewhere, they will.”

In May 2019, SFMTA released an evaluation of street safety improvements³¹ that showed the beneficial effects of improved infrastructure programs in the City. Of the bicyclists and pedestrians surveyed about the new arrangements on Folsom Street, 83% of bicyclists and 54%

³⁰ <https://www.kqed.org/news/11746183/san-francisco-to-get-20-new-miles-of-protected-bike-lanes-mayor-says-on-bike-to-work-day> accessed May 14, 2019.

³¹ https://www.sfmta.com/sites/default/files/reports-and-documents/2019/05/vzsf_eval_report_final_1.pdf, accessed May 14, 2019.

of pedestrians reported increased comfort after the completion of the projects. A 287% increase in bike counts on Turk Street occurred after a bike lane was installed.³²

These projects have helped to reduce traffic speeds, and reduced speeds reduce accidents and serious injuries. Following the installation of new bike lanes and speed bumps on Vicente Street, an 18% decrease in vehicle speeds was observed.

SFMTA has, and can marshal, the resources necessary to implement high-priority infrastructure improvements. For example, according to a San Francisco Bicycle Coalition website news article, “[i]n just six weeks, the SF Municipal Transportation Agency (SFMTA) built a brand new protected bike lane on Howard from Third to Sixth, including the blocks in front of Moscone Center.”³³

As stated by a representative of WalkSF³⁴:

We can and should remind bike and scooter riders that they shouldn’t be on the sidewalk, and until we create safe spaces for these to use, we’re asking people on bikes and scooters to be as vulnerable as people walking and crossing the street.

While transportation modes will evolve, the overall widths of street and sidewalk combinations are fixed by private properties on either side of the combined lanes and cannot be widened without narrowing other lanes. Concerning transportation planning, any changes in lane widths represent a zero-sum game where, for example, adding a protected bike lane may remove a vehicle lane or parking spaces. Other traffic flow changes may be designed to shift lanes to parallel streets a block or more away.

As an example of shifting traffic lanes, **Figure 5** (next page) shows the SFMTA plan for modifying the Polk Street corridor to better accommodate pedestrian and bike traffic, while utilizing Van Ness Avenue for improved flow of transit buses and commercial and private vehicles.³⁵

More and more-varied personal mobility devices are becoming available, and are expected to shift near-future transportation choices away from private automobiles. San Francisco’s transportation infrastructure must be maintained not only to ensure safety (e.g., pothole and sidewalk repairs), but also to accommodate shifting demands for increased lane width.

The City Charter makes SFMTA responsible for the management of all ground transportation in the City, including oversight of the Municipal Railway, other public transit, paratransit, taxis, traffic, parking, bicycling, and walking, in addition to use of the new personal mobility devices. SFMTA holds responsibility for many of the required steps for lane-width modification and lane

³² The actual number of bicyclists and pedestrians surveyed was not identified in the SFMTA summary report.

³³ San Francisco Bicycle Coalition web article May 3, 2019, at <https://sfbike.org/news/our-quickest-built-protected-bike-lane-yet/>, accessed May 8, 2019.

³⁴ Email correspondence with WalkSF representative, May 21, 2019.

³⁵ <https://www.sfmta.com/blog/plans-polk-street-bike-lane-changed-raised-road-level>, accessed May 6, 2019.

maintenance; however, the other departments listed at the beginning of this section must also participate and “give the highest priority to the delivery of such services.”

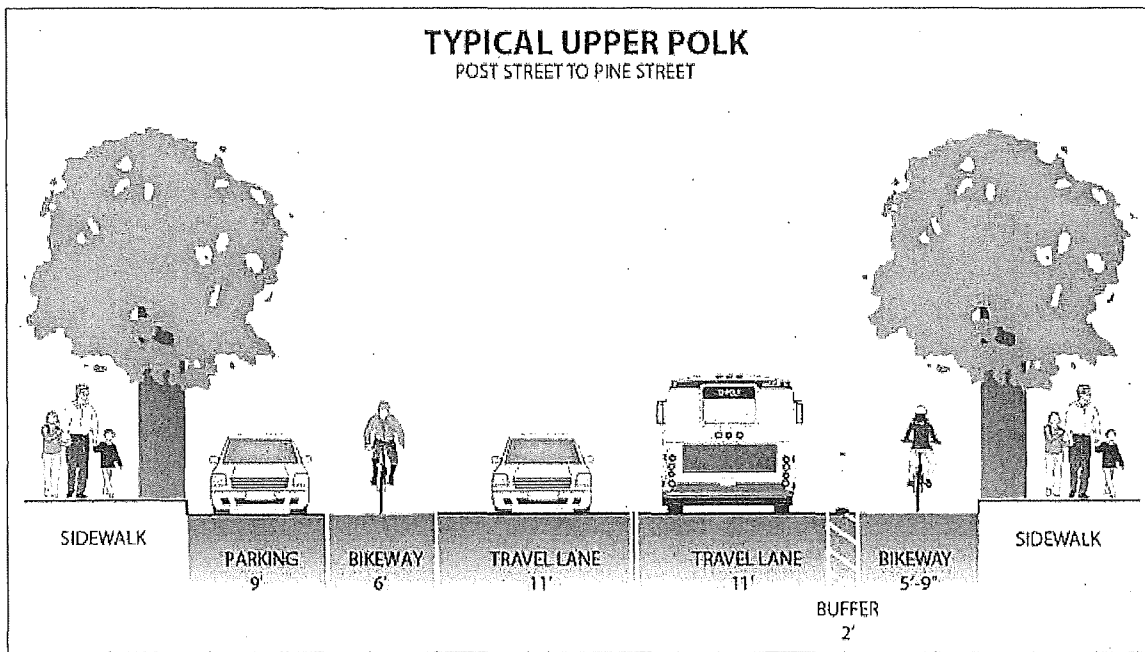


Figure 5
SFMTA Polk Street Lane Improvements Plan

As stated by SFMTA in their report titled “Pedaling Forward – a Glance at the SFMTA’s Bike Program for 2017-2021”³⁶:

Making streets safer for bicycling means making them safer for everyone. By configuring our streets to make people on bikes more visible, and everyone’s behavior more predictable, better bikeways also reduce conflicts for people walking and driving.

SFMTA, however, does not explicitly direct e-scooters to use bike lanes where available. The current infrastructure, initially designed with only bikes in mind, can support the e-scooter arrivals.

A project underway in San Francisco, Better Market Street (BMS), is an example of innovative/integrative planning for the future of transit, streets and sidewalks in San Francisco. Through this project, 2.2 miles of Market Street between Octavia Boulevard and the Embarcadero will become safer and easier for people to walk, bicycle, and ride public transit.

³⁶ Pedaling Forward – a Glance at the SFMTA’s Bike Program for 2017-2021, at https://www.sfmta.com/sites/default/files/reports-and-documents/2018/04/pedaling_forward_booklet_final_web_version.pdf, accessed May 8, 2019.

Multiple City agencies are working together on this project with the goal to “revitalize and improve San Francisco’s busiest pedestrian street, busiest bicycle thoroughfare, and busiest transit corridor.”³⁷

Some of the planning and engineering objectives include:³⁸

- **Pedestrian-related** improvements – shortening intersection crossing distances and creating a minimum 15’ wide pedestrian through-way everywhere;
- **Bicycling-related** improvements – improving bike lanes and clearly marking pedestrian crossings; and
- **Transit-related** improvements – upgrading the bus fleet with more low-floor buses and creating red transit-only lanes along the center of Market Street.

BMS may become a blueprint for future transportation projects in San Francisco.

Enforcement

Enforcement is a complex issue dependent upon laws and ordinances, resident and visitor awareness of them, and the availability and discretion of individuals certified to implement them.

The most recent set of regulations affecting SF sidewalk safety, California Assembly Bill AB-2989,³⁹ went into effect January 1, 2019. It includes requirements that motorized e-scooter operators:

- not operate a motorized scooter with any passengers in addition to the operator;
- not operate a motorized scooter carrying any package, bundle, or article that prevents the operator from keeping at least one hand on the handlebars;
- not operate a motorized scooter upon a sidewalk, except as may be necessary to enter or leave adjacent property;
- not leave a motorized scooter lying on its side on any sidewalk, or park a motorized scooter on a sidewalk in any other position, so that there is not an adequate path for pedestrian traffic.

Strict enforcement of this motorized e-scooter code could require additional police officers, especially in high-use corridors. Unfortunately, as stated at a July 25, 2018 hearing, San Francisco is understaffed in its traffic enforcement operations.⁴⁰

³⁷ <http://www.bettermarketstreetsf.org/>, accessed June 7, 2019.

³⁸ http://www.bettermarketstreetsf.org/docs/BMS_Pedestrian_Realm_Focus_Group_Report_final_accessible.pdf/, accessed June 7, 2019.

³⁹ https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2989, accessed April 28, 2019. A copy of AB 2989 is attached as Appendix D.

⁴⁰ <http://www.sfweekly.com/news/sfpd-traffic-department-woefully-understaffed/>, July 25, 2018, accessed April 28, 2019.

The Traffic Company was at a low of 37 officers in 2018. At a press conference in April 2019, Supervisor Fewer offered that reaching 80 officers in the Traffic Company could be possible in "two to three years". This number is needed to adequately patrol the City. Support from the Board of Supervisors will be needed to increase the number of officers in the Traffic Company.⁴¹

In March 2019, using a grant funded by the California Office of Traffic Safety through the National Highway Traffic Safety Administration, the SFPD deployed additional officers to areas identified as having significant numbers of vehicle collisions involving bicycle riders and pedestrians.⁴² These operations concentrated on the five moving violations associated with the greatest number of injuries: speeding, making illegal turns, failing to stop for stop signs and red lights, and failing to yield to pedestrians in crosswalks.

The "Focus on Five" does extend to enforcing moving violations by bicycles, e-scooters, or other personal mobility devices that occur on streets. As for violations occurring on sidewalks, a memo dated May 18, 2017, from the SFMTA Sustainable Streets Department to the SFMTA Board of Directors stated that "[s]idewalk riding is not one of these top violations, however we pass along specific complaints as they are received."⁴³

Vision Zero's SF 2019 Action Strategy acknowledges that excessive vehicle speed is the most critical factor in predicting a traffic fatality.⁴⁴ Although not legal in California, Automated Speed-limit Enforcement is favored as an additional, effective tool to reduce excessive vehicle speeding. SFMTA details data and facts in support of Automated Speed Enforcement on its website.⁴⁵

"Focus on Five"

Five moving violations associated with the greatest number of injuries :

- Speeding
- Making illegal turns
- Failing to stop for stop signs
- Failing to stop for red lights
- Failing to yield to pedestrians in crosswalks

A five-year pilot program for automated speed enforcement in San Francisco and San Jose was proposed to the California legislature (AB 342) in 2017 but died in committee.⁴⁶ Such a

⁴¹ <https://www.sfexaminer.com/the-city/sfpd-adds-more-traffic-cops-to-their-ranks/>
Accessed May 24, 2019.

⁴² <https://sanfranciscopolice.org/article/bicycle-and-pedestrian-safety-enforcement-operations-plan-san-francisco-ots-grant-19-025> viewed 4/25/2019

⁴³ Memorandum from SFMTA Sustainable Streets Department to SFMTA Board of Directors, May 18, 2017.

⁴⁴ Vision Zero Action Strategy- Eliminating Traffic Deaths in San Francisco, page 6, at https://www.sfmta.com/sites/default/files/reports-and-documents/2019/04/vzas_040419_web.pdf, accessed May 1, 2019.

⁴⁵ <https://www.sfmta.com/projects/automated-speed-enforcement>, accessed April 25, 2019.

⁴⁶ <https://www.laweekly.com/content/printView/8068863> accessed April 25, 2019.

proposal, even if passed, would be difficult to impossible to extend to monitoring sidewalk infractions. The Mayor's Executive Directive in 2019 to Expedite Traffic Safety Projects and Improvements commits to continued advocacy to implement Automated Speed Enforcement.⁴⁷

Injury/Death Data and e-scooters

Data collected on injuries and deaths of users and pedestrians from e-scooters or other electric mobility devices are just starting to become available.

Surgeons in the Emergency Department at ZSFG are also concerned about other alternative forms of transportation including electric bikes, mopeds, scooters, skateboards, hover boards, Segways, and even electric unicycles.

Nationally, between August 2018 and February 2019, four riders have been killed in e-scooter accidents.^{48, 49}

Medical professionals reported that helmets were rarely used. Part of the reason suggested for low helmet use is that riding a scooter is a decision "made in a flash". The American Medical Association (AMA) "encourages all Americans to adopt preventive measures to stay safe and healthy". For riders, such preventative measures include full protective gear such as certified helmets, elbow and kneepads and closed-toe shoes.⁵⁰

Researchers at UCLA examined data from two emergency departments UCLA Medical Center, Santa Monica and Ronald Reagan UCLA Medical Center from September 1, 2017 to August 31, 2018. The data indicated 249 people required medical care from scooter accidents, one-third arrived at the hospital in an ambulance, 40% had head injuries, and only 4% wore helmets.⁵¹ This research was published in JAMA Network Open on January 25, 2019 and is the first published study on injuries caused by e-scooters.

Approximately 80% of the injuries were caused by falls, 10% were caused by collisions with objects, and 9% were the result of being hit by a moving vehicle such as a car, bicycle, or another scooter.

⁴⁷ <https://sfmayor.org/article/mayor-london-breed-moves-forward-plans-expedite-traffic-safety-projects-and-improvements> , accessed May 10, 2019.

⁴⁸ <https://www.brainstain.us/2019/02/08/death-by-e-scooter-lime-and-bird-e-scooter-now-investigated-for-many-deaths/> , accessed May 2, 2019.

⁴⁹ <https://usa.streetsblog.org/2018/12/19/deep-dive-are-e-scooters-unsafe-at-any-speed/comment-page-1/> , accessed May 2, 2019.

⁵⁰ <https://www.consumerreports.org/product-safety/e-scooter-ride-share-industry-leaves-injuries-and-angered-cities-in-its-path/> , accessed May 2, 2019.

⁵¹ <http://newsroom.ucla.edu/releases/fractures-head-injuries-common-e-scooter-collisions> , accessed May 2, 2019.

Other findings included:

- 92% (228) of injured people were riders;
- 8% (21) were pedestrians who were struck by a scooter or stumbled over a discarded one;
- 4% (10) wore a protective helmet while riding;
- 5% had a blood alcohol level over .05% or were perceived by physicians to be intoxicated;

Patient injuries were assigned into one of three categories:

- head injuries 40%;
- fractures 32%;
- cuts, sprains or bruises without a fracture or head injury 28%.

Fifteen people were admitted to the hospital, two of whom were treated in an intensive care unit.

The researchers observed e-scooter riders at various intersections in Los Angeles for a total of seven hours during September 2018. They documented 94% of the 193 people riding scooters were not wearing helmets.

In the Powered Scooter Share Mid-Pilot Evaluation prepared by SFMTA, injury and collision data were analyzed for the second half of 2018. The data included the unpermitted period from June 2018 through mid-October 2018 and the first 2.5 months of the Pilot (mid-October through December 2018). Injury data from the SFPD and ZSFG are not currently available for 2019.⁵²

The SFMTA Mid-Pilot Evaluation presented the following key findings:

- ZSFG treated nine people for traumatic injuries; four were injured in crashes with motor vehicles; only two reported wearing a helmet at the time of the injury; and one person was struck and injured by an e-scooter while walking;
- Of the nine people injured, six were admitted to the hospital with head injuries and three of the six were critically injured. Four of the nine injuries occurred in May 2018 – prior to the Pilot program activation;
- SFPD reported 32 injuries involving e-scooters in which 4 involved injured pedestrians and 6 resulted in serious trauma;
- All data sources documented low helmet use by e-scooter riders.

ZSFG tracks traumatic injuries that are associated with various non-traditional vehicle types – including e-scooters. ZSFG is the only Trauma Center in the City and County of San Francisco, and as such treats most patients who sustain traumatic injuries in San Francisco.

⁵² Vision Zero SF Injury Prevention Research Collaborative. 2019 E-Scooter Collision and Injury Analysis. San Francisco, CA https://www.sfdph.org/dph/files/EHSDocs/PHES/VisionZero/E-Scooter_Collision_Injury_2019.pdf, accessed May 2, 2019.

The causes of e-scooter injuries:

- four from e-scooter collision with a motor vehicle (44% of all cases);
- three from a fall from the e-scooter (33% of all cases);
- one from an e-scooter collision with a stationary object (11% of all cases);
- one pedestrian injured in collision with an e-scooter (11% of all cases).

SFPD data encompass 31 collision reports during 2018. Among the 32 injured parties:

- six severe injuries (19%);
- 12 Other visible injuries (37%);
- 14 complaint of pain (44%).

Permittees Scoot and Skip submit monthly tracking data to the SFMTA and include information on collisions reported by users to the SFMTA. Scoot reported zero collisions. Skip reported 34 collisions over a five-month period between mid-October 2018 and mid-February 2019. Of those collisions, 18 resulted in injury of which 3 were serious.

SFMTA and SFDPH reviewed the injury data from the study and made the following recommendations:

- increase access to helmets to reduce serious head injury;
- provide additional information to e-scooter users on where it is legal to ride;
- monitor youth riders of e-scooters;
- continue with data analysis to assess opportunities for infrastructure improvements.

Even with the change in California law regarding helmet usage by e-scooter riders as of January 1, 2019,⁵³ the SFDPH and SFMTA continue to encourage the use of helmets for powered scooter riders. Helmets provide critical protection that, when worn, can help reduce the severe injuries noted above. Due to the number of severe “life changing” injuries that have already occurred, wearing protective helmets is imperative.

Liability Issues and e-scooter-Related Agreements

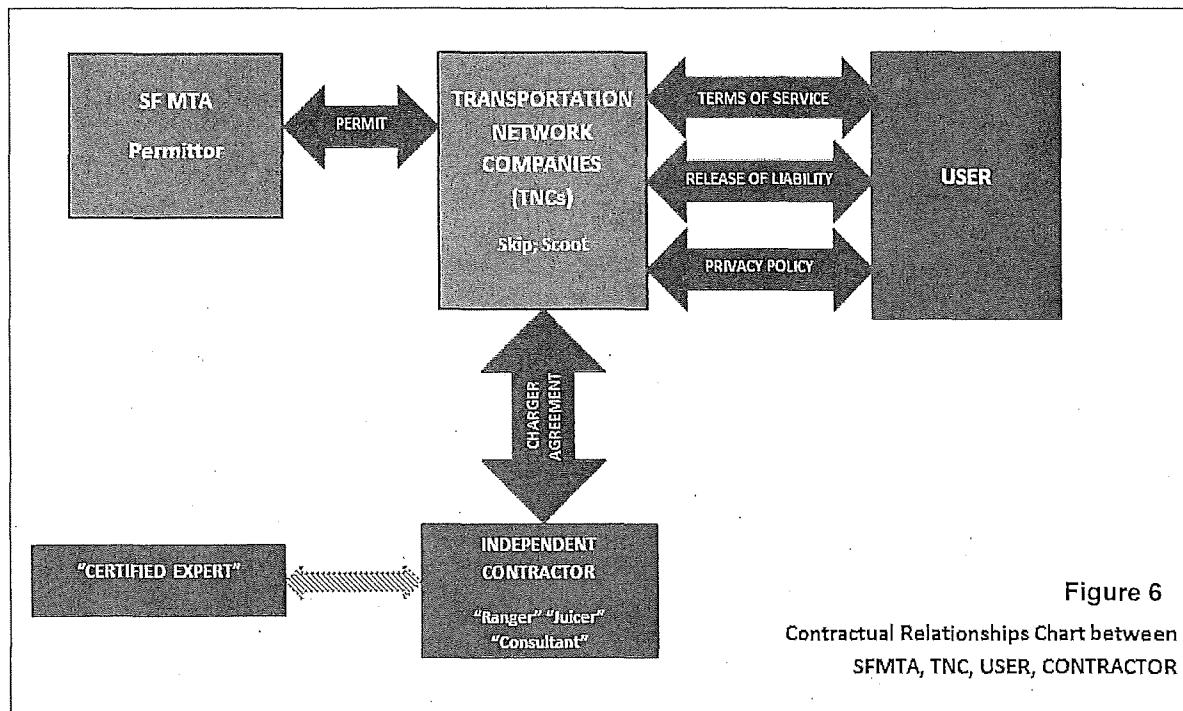
There are four key parties actively involved in the Pilot program:

1. The City (SFMTA) as Permitter;
2. The User of the device and related services (i.e., the App);
3. TNCs Scoot and Skip, respectively, as Permittees; and
4. The Contractors that inspect, maintain, recharge, and re-distribute the devices on behalf of the TNC.

Legal agreements bind respective parties to assigned liabilities and indemnifications of liabilities. **Figure 6** (next page) illustrates how the individual agreements bind parties. This report section

⁵³ Assembly Bill No. 2989 Chapter 552, amendment to CA Vehicle Code Section 21235, http://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2989, accessed June 2, 2019.

discusses the key terms of the various agreements. **APPENDIX F** presents specific Agreement terms to support this discussion.



The purpose of these document reviews was to determine who was responsible for the following important obligations:

1. Care and Safety of the e-scooter;
2. Safety of the User;
3. Care and Use of City/County property;
4. Safety of pedestrians and/or other vehicle users;
5. Care of the TNC worker as an Independent Contractor.

1. Care and Safety of the e-scooter

As with other shared devices such as rental cars, sports equipment (e.g., snow skis and boots), and hotel rooms, the responsibility for care of the device during use falls to the User. In addition, it is typically the responsibility of the User to conduct a minimal inspection of the shared device prior to its first use by the User. For example, the Renter visually inspects the rental car; the sports equipment is visually inspected for any apparent damage; the hotel room is inspected for cleanliness. At the same time, however, unseen conditions may affect the safety of the rented device such as functioning brakes on the rental car and the condition of bindings on skis.

These examples of rental devices differ from the TNC scooter rentals in one significant way: The device is inspected (or has the opportunity to be inspected) by the rental company prior to the next User rental.

Due to the inherent design of the service, shared e-scooters are not inspected by the TNC between uses. The TNC User Agreements address this condition by placing all responsibility for determining “fitness for a particular purpose”⁵⁴ on the User. The User, by use of the TNC App and the TNC e-scooter, agrees the e-scooters “... are provided on an ‘as is’ basis...”⁵⁵, “... without representations or warranties of any kind...”⁵⁶ The User is “... responsible for inspecting a Scooter and any related materials ... such as helmets, locks, etc. to ensure that they are in good working condition prior to using them.”⁵⁷

So when are e-scooters inspected by – or for – the TNCs?

Skip utilizes independent contractors, called “Rangers”, to retrieve e-scooters each evening and prepare the e-scooters for re-deployment the following morning. Such preparations include recharging e-scooter batteries and conducting a visual inspection. The Ranger is required to

“...perform a visual inspection (and other agreed upon services) of the Scooter prior to returning it to an authorized Scooter location or to Skip and notify Skip immediately if the Scooter requires maintenance or repairs.”⁵⁸

Note that the primary functions of the Rangers are to retrieve, recharge, and re-distribute the e-scooters. No evidence of Ranger technical or inspection experience is required within the Skip Charger Agreement.

Scout utilizes company employees to conduct their recharging, maintenance and inspection services.

2. Safety of the User

User behavior is difficult at best to track and modify. User age minimums are challenging to enforce, and injuries incurred by users of all ages are being documented in many cities across the U.S. where TNCs operate.

The TNCs participating in the Pilot (Skip and Scout) provide free helmets when requested by users.

⁵⁴ Scoot Terms of Service Section 11, Disclaimers at <https://scoot.co/legal/united-states/terms-of-service/>, accessed March 15, 2019.

⁵⁵ Skip Terms of Service Section 9, Rental and Permissible Use of Scooters at https://skipscooters.com/terms_of_service.html, accessed March 15, 2019.

⁵⁶ Scoot Terms of Service Section 11, Disclaimers at <https://scoot.co/legal/united-states/terms-of-service/>, accessed March 15, 2019.

⁵⁷ Skip Terms of Service Section 9, Rental and Permissible Use of Scooters at https://skipscooters.com/terms_of_service.html, accessed March 15, 2019.

⁵⁸ Skip Charger Agreement dated 9/18/2018, Section 4. Assumption of Risk, at https://skipscooters.com/wp-content/uploads/2018/09/SkipChargerAgreement_9_18_2018_.html, accessed April 2, 2019.

According to the SFMTA Mid-Point Pilot Evaluation report, 1,243 free helmets were distributed by Skip and 532 helmets were distributed by Scoot as of March 15, 2019. Skip indicated they distributed helmets by mail and at in-person events including Sunday Streets, block parties, street fairs, farmer's markets, and "pop-up" booths staffed by Skip "Scouts". These Scouts "... rove high traffic areas during periods of heavy usage to warn and remind users that sidewalk riding is strictly prohibited and to carry a supply of helmets to riders who want them." Scoot also distributes free helmets by mail and at in-person events. Scoot provides two places on their app and one on their website where users can order a free helmet.⁵⁹

3. Care and Use of City/County property

Modifying e-scooters to include lock cables has reduced the number of casually dropped e-scooter along sidewalks, as well as the City's installation of more bike racks that have been used by e-scooter users as well as by bicyclists.

Skip has committed, "... over the next two (2) years to invest \$500,000 in the creation of calmed shared streets and protected bike and e-scooter lanes across San Francisco."⁶⁰ These "verifiable donations" will be made to local advocacy groups as well as to specific capital projects. (The SFCGJ has not been able to verify a similar funding commitment on behalf of Scoot.)

Both Pilot program agreements between the TNCs and SFMTA include a non-committal section regarding Possessory Interests and possible means for the TNCs to more formally contribute to the City's operational and infrastructure expenses.⁶¹ The specific language is presented below:

7. Possessory Interest.

Permittee acknowledges that this Permit may create a "possessory interest" for property tax purposes. Generally, a possessory interest is created if the Permit entitles the Permittee to possession, occupancy, or use of City property for private gain or benefit. If such a possessory interest is created, then:

... D. Permittee further agrees to provide such other information as may be requested by the City to enable the City to comply with any reporting requirements for possessory interests that are imposed by applicable law.

While this permit condition currently includes no mandatory funding obligation, it appears to leave open the opportunity for SFMTA to require specific financial compensation for the TNCs' ongoing use of public facilities such as bike lanes, bicycle lock racks, and sidewalks.

⁵⁹ https://www.sfmta.com/sites/default/files/reports-and-documents/2019/04/powered_scooter_share_mid-pilot_evaluation_appendices_final.pdf, Appendix C – 3 Month Compliance Reports, p. 24 of 56.

⁶⁰ Skip Application Proposal, page 16.

⁶¹ Skip and Scoot final Terms and Conditions, Section 7., at https://www.sfmta.com/sites/default/files/reports-and-documents/2018/10/scoot_permit_final_10.12.18.pdf and https://www.sfmta.com/sites/default/files/reports-and-documents/2018/10/skip_permit_final_10.12.18.pdf

4. Safety of Pedestrians and/or other Vehicle Users

Other than providing helmets to users and providing e-scooters that comply with California Vehicle Code requirements for device lighting and operation restrictions, the TNCs understandably have little to no control over the behavior of a User when operating the e-scooter. As with other motorized or non-motorized devices (i.e., bicycles, cars, motorcycles, skateboards), individuals involved in an accident are expected to have their own insurance coverage for liability and third party damage.

If, for example, a User is injured in an accident while operating a TNC e-scooter and injures or damages another person or property, the User Agreement (accepted by the User upon activation of the shared e-scooter App) requires the User to indemnify the TNC from all third party claims for such damage or injury.⁶²

The User Agreements continue, with language that explicitly limits the TNC's liability in any accident, injury, or damage. The Skip Terms of Service with the User include an affirmation stating:

"You acknowledge and agree that, to the maximum extent permitted by law, the entire risk arising out of your access to and use of the Skip services or anything that relates to or concerns your use of a scooter or the Skip services, remains with you."⁶³

Scoot limits its liability by stating:

"In no event shall Scoot Networks or its licensors or suppliers be liable in the aggregate for any damages incurred by you [the User] that exceed the greater of (A) One Hundred Dollars or (B) The amount of fees you have paid Scoot Networks in the 12 months prior to the Action giving rise to the liability."⁶⁴

Therefore, if a person is injured in an accident involving a TNC e-scooter User, the injured party can seek compensatory damages from the actual User, subject to the User's own liability insurance coverages. The TNCs are attempting to limit their liability through the above Agreement clauses and place the liability for damages on the User.

⁶² Skip Terms of Service, Section 12.5, at https://skipscooters.com/terms_of_service.html, accessed March 15, 2019, and Scoot Terms of Service Section 10, at <https://scoot.co/legal/united-states/terms-of-service/>, accessed March 15, 2019.

⁶³ Skip Terms of Service, Section 12.2, at https://skipscooters.com/terms_of_service.html, accessed March 15, 2019.

⁶⁴ Scoot Terms of Service, Section 12, at <https://scoot.co/legal/united-states/terms-of-service/>, accessed March 15, 2019.

The injured party could pursue compensatory damages from the City, however the permit terms between SFMTA (the City) and the TNCs require the TNCs to indemnify the City (and the Port of San Francisco) against

“... any and all ... claims thereof for injury to or death of a person... arising directly or indirectly from ... claims brought by customers [Users] of Permittee, regardless of the negligence of, and regardless of whether liability without fault is imposed....”⁶⁵

5. Care of the TNC worker as an Independent Contractor

Skip encourages individuals to work for Skip as independent contractors, called “Rangers”, to retrieve and recharge e-scooters (See “Care and Safety of the e-scooter” discussion above.) This work is a critical component of the overall shared device service that relies on appropriate residential electrical charging capability, adequate carrying capacity in a private van or other vehicle, and reliable availability to conduct the work. Similar to how Lyft and Uber ride services rely on private vehicles (with hopefully appropriate insurance coverages for such use), these “Rangers” are to use their own vehicle (with hopefully appropriate insurance coverages for such use).

The TNC, by outsourcing this critical recharging service, avoids capital expenditures to install and provide electric power and pushes the responsibility for safe charging to the contractor. Specifically, the Skip Charger Agreement requires the Ranger to:

“... remain responsible for (or assume the risk of not) having a certified expert review and approve your location for safely charging Skip Scooters prior to charging a Scooter, not overloading any electrical equipment while charging a Scooter, providing reasonable spacing and ventilation of Scooters while charging to prevent overheating of the Scooters and Bricks, and for procuring at your sole expense any insurance required under applicable law or private agreements....”⁶⁶

The City permit with the TNCs requires the TNCs to have any and all independent contractors (subcontractors) provide “all necessary insurance and to name the City and County of San Francisco, the Port of San Francisco... as additional insureds.”⁶⁷ As of this writing, the Jury has seen no evidence that the TNCs have complied with this requirement regarding naming the City as an additional insured on subcontractor agreements. A TNC representative interviewed by the SFCGJ acknowledged that subcontractor insurance coverages are not checked and therefore the TNC is out of compliance with this specific Permit requirement.⁶⁸

⁶⁵ TNC Permit with San Francisco, General Requirements Section 1.5, at https://www.sfmta.com/sites/default/files/reports-and-documents/2018/10/scoot_permit_final_10.12.18.pdf, and https://www.sfmta.com/sites/default/files/reports-and-documents/2018/10/skip_permit_final_10.12.18.pdf.

⁶⁶ Skip Charger Agreement dated 9/18/2018, Section 4, Assumption of Risk, at https://skipscooters.com/wp-content/uploads/2018/09/SkipChargerAgreement_9_18_2018_.html

⁶⁷ TNC Permit with San Francisco, Section 1.6 Insurance Requirements.

⁶⁸ Interview with TNC representative April 17, 2019.

SF Pedestrian Safety Advisory Committee (PSAC)

The Pedestrian Safety Advisory Committee (PSAC) has a potentially important role to play regarding pedestrian safety, but has failed to properly discharge its responsibilities and is of questionable viability. Established by San Francisco Charter, Administrative Code, Chapter 5, Article IV,⁶⁹ the Pedestrian Safety Advisory Committee (PSAC) was formed and given an ambitious agenda touching on policy and planning issues related to pedestrian safety. PSAC consists of a 17-member committee, and at its request, an additional eight non-voting representatives from City departments. PSAC is composed of informed residents who are responsible for issues concerning pedestrian safety, convenience, ambiance, and planning.

PSAC's stated mission is to:

- Serve as a liaison between the public, the Board of Supervisors, and agencies working on pedestrian-related projects;
- Make recommendations about projects or policies that directly or indirectly impact pedestrian safety to the Board of Supervisors and relevant agencies;
- Keep public safety as the top priority;
- Make recommendations to improve the ambiance of the environment and convenience to enhance walking as part of the transportation system.

In addition, they are required to report to the Board of Supervisors on an annual basis, with quarterly appearances before the Board, as needed. Their annual reports are to include pedestrian injury and fatality statistics and an analysis of the causes that would lead to recommendations for changes in policies, funding, and enforcement.⁷⁰

However, the most recent annual report to the Board of Supervisors was submitted in 2011.⁷¹

SFCGJ members attended three monthly PSAC meetings, reviewed past meeting minutes from 2017 and 2018 posted on their website, and the one annual report from 2011, and noted the following:

- As of June 7, 2019, 3 of the 17 seats are vacant;
- In 2018, only 4 meetings had a verified quorum, 5 meetings did not, 1 was cancelled, and 2 had no minutes to verify if any meeting had taken place;

⁶⁹ San Francisco Charter, Administrative Code, Chapter 5 Committees, Article IV Pedestrian Safety Advisory Committee, accessed May 16, 2019 at [http://library.amlegal.com/nxt/gateway.dll/California/administrative/administrativecode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$sync=1](http://library.amlegal.com/nxt/gateway.dll/California/administrative/administrativecode?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$sync=1)

⁷⁰ Pedestrian Safety Advisory Committee. SFMTA web site

⁷¹ <http://archives.sfmta.com/cms/cpdsafe/documents/2011PSACReportFINAL.pdf>

- In 2017, only 8 meetings were scheduled and 7 of the 8 had no minutes to verify if meetings had a quorum in attendance or even met.

The SFCGJ questions the viability of the PSAC to support the mission and objectives set forth when this committee was first created. We are particularly concerned that annual reports have not been prepared since 2011, along with the chronic vacancies and absences.

FINDINGS

- F1. The Pilot permittees advocate for safe behavior education for riders through community events and their web sites. However, SFMTA has not provided its own concurrent, updated safety awareness campaign.
- F2. The successful expansion of marked and protected bike lanes represents an opportunity to include signage indicating bike lanes are also for use by e-scooter riders. There is no signage currently indicating where e-scooters should ride, and insufficient signage to discourage riding on sidewalks.
- F3. SF Traffic Company enforcement efforts are currently limited to street vehicular traffic and do not include enforcement of moving violations occurring on sidewalks.
- F4. Injury data collected to-date by Zuckerberg San Francisco General Hospital (ZSFG), SF Department of Public Health (SFDPH), SF Police Department (SFPD), and Pilot permittees categorize types of injuries but not root causes such as damaged infrastructure (potholes or poorly marked lanes), education (inadequate safety and device training), or reckless use (speeding, distracted driving, and/or using sidewalks).
- F5. The Pilot terms between the City and permittees require them to indemnify the City from injury and damage claims. However, Scoot and Skip Terms of Service put responsibility for injury, damage, and equipment inspection on the User.
- F6. Current terms and conditions in the Skip agreement expose a contractual gap that delegates initial responsibility for scooter inspection and maintenance to their independent contractors, Skip Rangers, who receive no specific training from Skip. Scoot, however, hires and trains its employees to provide the inspection and maintenance services.
- F7. A key obligation of the Pedestrian Safety Advisory Committee (PSAC) is to prepare and submit annual reports to the Board of Supervisors (BOS). These reports are to include pedestrian injury and fatality statistics and root cause analysis, to recommend changes in policies, funding and enforcement. PSAC has not prepared or submitted an annual report since 2011.

RECOMMENDATIONS

- R1. SFMTA in coordination with Vision Zero SF should design a public safety campaign regarding e-scooter use, laws, safety and helmet use. This campaign should include TNC participation and utilize various means of outreach including ads on MUNI trains, buses, shelters, social media, and TNC apps no later than June 30, 2020.
- R2. Signage, stencils, visual symbols illustrating e-scooters, and/or other messaging should be provided to remind mobility device riders that these lanes are available for them to use. Further, additional visual symbols should be added on sidewalks and High-Injury Networks to discourage sidewalk use by e-scooters. The visual design(s) should be developed and implemented by SFMTA no later than June 30, 2020.
- R3. SFPD Traffic Company should implement one or more “Focus on Five” enforcement campaigns that target moving violations by motor vehicles as well as bicycles and powered mobility devices in all traffic lanes, with documented results no later than June 30, 2020.
- R4. ZSFG, SFDPH, SFPD, and TNCs should collectively improve injury data reporting to better support root cause analyses. SFMTA and the SFDPH should develop and oversee the revised data collection efforts and prepare a data acquisition plan for review by the above referenced organizations no later than June 30, 2020.
- R5. SFMTA, City Attorney, and TNCs should review and if necessary modify the City-Permittee agreement, the TNC-User agreement, and any other related agreements to assure that responsibility for risk management is allocated to the party/parties best able to manage such risks. This review and potential modification of terms across all agreements should be initiated prior to the end of the existing Pilot. Any necessary revisions should be incorporated and implemented in all agreements for the replacement program to follow at the conclusion of the Pilot.
- R6. The Board of Supervisors should allow the Public Safety Advisory Committee to terminate on October 1, 2019 as designated in the San Francisco Municipal Code.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the Civil Grand Jury requests responses as follows:

From the following City and County agencies and departments within 60 days:

- Office of the Mayor
 - Findings 1,2,3,4,5,6
 - Recommendations 1,2,3,4,5
- Office of the City Attorney
 - Findings 5,6
 - Recommendations 5
- Chief of Police, San Francisco Police Department
 - Findings 3,4
 - Recommendations 3,4
- Director of Transportation, San Francisco Municipal Transportation Agency
 - Findings 1,2, 4,5,6
 - Recommendations 1,2,4,5
- Director of Health, San Francisco Department of Public Health
 - Findings 4
 - Recommendations 4

From the Board of Supervisors and other governing bodies within 90 days:

- Findings 7
- Recommendations 6

GLOSSARY

DPW	Department of Public Works
e-scooters	General term used in this report to identify any and all motorized personal mobility devices.
PSAC	San Francisco Pedestrian Safety Advisory Committee
SFCGJ	San Francisco Civil Grand Jury
SFCTA	San Francisco County Transportation Authority
SFDPH	San Francisco Department of Public Health
SFMTA	San Francisco Municipal Transportation Agency
SFPD	San Francisco Police Department
SFPUC	San Francisco Public Utilities Commission
TNC	Transportation Network Company
UCLA	University of California - Los Angeles
ZSFG	Zuckerberg San Francisco General Hospital

APPENDICES

APPENDIX A

TABLE OF FINDINGS AND RECOMMENDATIONS

Findings	Recommendations
F1. The Pilot permittees advocate for safe behavior education for riders through community events and their web sites. However, SFMTA has not provided its own concurrent, updated safety awareness campaign.	R1. SFMTA in coordination with Vision Zero SF should design a public safety campaign regarding e-scooter use, laws, safety and helmet use. This campaign should include TNC participation and utilize various means of outreach including ads on MUNI trains, buses, shelters, social media, and TNC apps no later than June 30, 2020.
F2. The successful expansion of marked and protected bike lanes represents an opportunity to include signage indicating bike lanes are also for use by e-scooter riders. There is no signage currently indicating where e-scooters <i>should</i> ride, and insufficient signage to discourage riding on sidewalks.	R2. Signage, stencils, visual symbols illustrating e-scooters, and/or other messaging should be provided to remind mobility device riders that these lanes are available for them to use. Further, additional visual symbols should be added on sidewalks and High-Injury Networks to discourage sidewalk use by e-scooters. The visual design(s) should be developed and implemented by SFMTA no later than June 30, 2020.
F3. SF Traffic Company enforcement efforts are currently limited to street vehicular traffic and do not include enforcement of moving violations occurring on sidewalks.	R3. SFPD Traffic Company should implement one or more “Focus on Five” enforcement campaigns that target moving violations by motor vehicles as well as bicycles and powered mobility devices in all traffic lanes, with documented results no later than June 30, 2020.

APPENDIX A

TABLE OF FINDINGS AND RECOMMENDATIONS

Findings	Recommendations
F4. Injury data collected to-date by Zuckerberg San Francisco General Hospital (ZSFG), SF Department of Public Health (SFDPH), SF Police Department (SFPD), and Pilot permittees categorize types of injuries but not root causes such as damaged infrastructure (potholes or poorly marked lanes), education (inadequate safety and device training), or reckless use (speeding, distracted driving, and/or using sidewalks).	R4. ZSFG, SFDPH, SFPD, and TNCs should collectively improve injury data reporting to better support root cause analyses. SFMTA and the SFDPH should develop and oversee the revised data collection efforts and prepare a data acquisition plan for review by the above referenced organizations no later than June 30, 2020.
F5. The Pilot terms between the City and permittees require them to indemnify the City from injury and damage claims. However, Scoot and Skip Terms of Service put responsibility for injury, damage, and equipment inspection on the User. F6. Current terms and conditions in the Skip agreement expose a contractual gap that delegates initial responsibility for scooter inspection and maintenance to their independent contractors, Skip Rangers, who receive no specific training from Skip. Scoot, however, hires and trains its employees to provide the inspection and maintenance services.	R5. SFMTA, City Attorney, and TNCs should review all related agreements to assure responsibility for risk management is allocated to the party/parties best able to manage such risks. This review and modification of terms across all agreements should be initiated prior to the end of the existing Pilot. These revisions should be incorporated and implemented in all agreements for the replacement program to follow at the conclusion of the Pilot.

APPENDIX A
TABLE OF FINDINGS AND RECOMMENDATIONS

Findings	Recommendations
F7. A key obligation of the Pedestrian Safety Advisory Committee (PSAC) is to prepare and submit annual reports to the Board of Supervisors (BOS). These reports are to include pedestrian injury and fatality statistics and root cause analysis, to recommend changes in policies, funding and enforcement. PSAC has not prepared or submitted an annual report since 2011.	R6. The Board of Supervisors should allow the Public Safety Advisory Committee to terminate on October 1, 2019 as designated in the San Francisco Municipal Code.

APPENDIX B

TABLE OF FINDINGS WITH REQUIRED RESPONSES

Findings	Required Responses
F1. The Pilot permittees advocate for safe behavior education for riders through community events and their web sites. However, SFMTA has not provided its own concurrent, updated safety awareness campaign.	• Office of the Mayor • Director of Transportation, SF Municipal Transportation Agency (SFMTA)
F2. The successful expansion of marked and protected bike lanes represents an opportunity to include signage indicating bike lanes are also for use by e-scooter riders. There is no signage currently indicating where e-scooters <i>should</i> ride, and insufficient signage to discourage riding on sidewalks.	• Office of the Mayor • Director of Transportation, SFMTA
F3. SF Traffic Company enforcement efforts are currently limited to street vehicular traffic and do not include enforcement of moving violations occurring on sidewalks.	• Office of the Mayor • Chief of Police, SF Police Department
F4. Injury data collected to-date by Zuckerberg San Francisco General Hospital (ZSFG), SF Department of Public Health (SFDPH), SF Police Department (SFPD), and Pilot permittees categorize types of injuries but not root causes such as damaged infrastructure (potholes or poorly marked lanes), education (inadequate safety and device training), or reckless use (speeding, distracted driving, and/or using sidewalks).	• Office of the Mayor • Chief of Police, SF Police Department • Director of Transportation, SFMTA • Director of Health, SF Department of Public Health
F5. The Pilot terms between the City and permittees require them to indemnify the City from injury and damage claims. However, Scoot and Skip Terms of Service put responsibility for injury, damage, and equipment inspection on the User.	• Office of the Mayor • Office of the City Attorney • Director of Transportation, SFMTA

APPENDIX B

TABLE OF FINDINGS WITH REQUIRED RESPONSES

Findings	Required Responses
F6. Current terms and conditions in the Skip agreement expose a contractual gap that delegates initial responsibility for scooter inspection and maintenance to their independent contractors, Skip Rangers, who receive no specific training from Skip. Scoot, however, hires and trains its employees to provide the inspection and maintenance services.	• Office of the Mayor • Office of the City Attorney • Director of Transportation, SFMTA
F7. A key obligation of the Pedestrian Safety Advisory Committee (PSAC) is to prepare and submit annual reports to the Board of Supervisors (BOS). These reports are to include pedestrian injury and fatality statistics and root cause analysis, to recommend changes in policies, funding and enforcement. PSAC has not prepared or submitted an annual report since 2011.	• Board of Supervisors

APPENDIX C

TABLE OF RECOMMENDATIONS WITH REQUIRED RESPONSES

Recommendations	Required Responses
R1. SFMTA in coordination with Vision Zero SF should design a public safety campaign regarding e-scooter use, laws, safety and helmet use. This campaign should include TNC participation and utilize various means of outreach including ads on MUNI trains, buses, shelters, social media, and TNC apps no later than June 30, 2020.	• Office of the Mayor • Director of Transportation, SFMTA
R2. Signage, stencils, visual symbols illustrating e-scooters, and/or other messaging should be provided to remind mobility device riders that these lanes are available for them to use. Further, additional visual symbols should be added on sidewalks and High-Injury Networks to discourage sidewalk use by e-scooters. The visual design(s) should be developed and implemented by SFMTA no later than June 30, 2020.	• Office of the Mayor • Director of Transportation, SFMTA
R3. SFPD Traffic Company should implement one or more “Focus on Five” enforcement campaigns that target moving violations by motor vehicles as well as bicycles and powered mobility devices in all traffic lanes, with documented results no later than June 30, 2020.	• Office of the Mayor • Chief of Police, SF Police Department
R4. ZSFG, SFDPH, SFPD, and TNCs should collectively improve injury data reporting to better support root cause analyses. SFMTA and the SFDPH should develop and oversee the revised data collection efforts and prepare a data acquisition plan for review by the above referenced organizations no later than June 30, 2020.	• Office of the Mayor • Chief of Police, SF Police Department • Director of Transportation, SFMTA • Director of Health, SF Department of Public Health

APPENDIX C

TABLE OF RECOMMENDATIONS WITH REQUIRED RESPONSES

Recommendations	Required Responses
R5. SFMTA, City Attorney, and TNCs should review all related agreements to assure responsibility for risk management is allocated to the party/parties best able to manage such risks. This review and modification of terms across all agreements should be initiated prior to the end of the existing Pilot. These revisions should be incorporated and implemented in all agreements for the replacement program to follow at the conclusion of the Pilot.	• Office of the Mayor • Office of the City Attorney • Director of Transportation, SFMTA
R6. The Board of Supervisors should allow the Public Safety Advisory Committee to terminate on October 1, 2019 as designated in the San Francisco Municipal Code.	• Board of Supervisors

APPENDIX D

Assembly Bill AB2989: Motorized scooter: Use of helmet: maximum speed.

Chapter 552

An act to amend Section 21235 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 19, 2018. Filed with Secretary of State
September 19, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2989, Flora. Motorized scooter: use of helmet: maximum speed.

Existing law generally prescribes the operation of a motorized scooter, defined as 2-wheeled device that has handlebars, has a floorboard that is designed to be stood upon when riding, and is powered by an electric motor or by a source other than electric power. Existing law requires a driver's license or permit to operate a motorized scooter. Existing law prohibits the operation of a motorized scooter on a highway with a speed limit in excess of 25 miles per hour unless the motorized scooter is operated within a Class II bike lane. Existing law prohibits an operator of a motorized scooter from operating the motorized scooter without wearing a properly fitted and fastened helmet meeting specified standards. Existing law prohibits a person from operating a motorized scooter at a speed in excess of 15 miles per hour. A violation of prescriptions or prohibitions regarding motorized scooters is a crime.

This bill would permit a local authority to authorize the operation of a motorized scooter on a highway with a speed limit of up to 35 miles per hour and would additionally allow for operation of a motorized scooter on a highway with a higher speed limit if the motorized scooter is operated within a Class IV bikeway. The bill would specify that the existing maximum 15 mile per hour speed limit for the operation of a motorized scooter applies regardless of a higher speed limit applicable to the highway. The bill would require the operator of a motorized scooter to wear a helmet only if the operator is under 18 years of age.

Digest Key

Vote: MAJORITY Appropriation: NO Fiscal Committee: NO Local Program: NO

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

Section 21235 of the Vehicle Code is amended to read:

21235.

The operator of a motorized scooter shall not do any of the following:

(a) Operate a motorized scooter unless it is equipped with a brake that will enable the operator to make a braked wheel skid on dry, level, clean pavement.

- (b) Operate a motorized scooter on a highway with a speed limit in excess of 25 miles per hour unless the motorized scooter is operated within a Class II or Class IV bikeway, except that a local authority may, by ordinance or resolution, authorize the operation of a motorized scooter outside of a Class II or Class IV bikeway on a highway with a speed limit of up to 35 miles per hour. The 15 mile per hour maximum speed limit for the operation of a motorized scooter specified in Section 22411 applies to the operation of a motorized scooter on all highways, including bikeways, regardless of a higher speed limit applicable to the highway.
- (c) Operate a motorized scooter without wearing a properly fitted and fastened bicycle helmet that meets the standards described in Section 21212, if the operator is under 18 years of age.
- (d) Operate a motorized scooter without a valid driver's license or instruction permit.
- (e) Operate a motorized scooter with any passengers in addition to the operator.
- (f) Operate a motorized scooter carrying any package, bundle, or article that prevents the operator from keeping at least one hand upon the handlebars.
- (g) Operate a motorized scooter upon a sidewalk, except as may be necessary to enter or leave adjacent property.
- (h) Operate a motorized scooter on the highway with the handlebars raised so that the operator must elevate his or her hands above the level of his or her shoulders in order to grasp the normal steering grip area.
- (i) Leave a motorized scooter lying on its side on any sidewalk, or park a motorized scooter on a sidewalk in any other position, so that there is not an adequate path for pedestrian traffic.
- (j) Attach the motorized scooter to him or herself while on the roadway, by any means, to any other vehicle on the roadway.

APPENDIX E

E-scooter-Related Injury Data

Injury Data from States outside of California

Consumer Reports (CR) found in an investigation that 1,500 people across the United States was injured in an e-scooter-related crash since late 2017. In their investigation, CR contacted 110 hospitals and five agencies in 47 cities where at least one or two of the largest scooter companies, Bird or Lime operate.⁷²

CR wanted to determine:

- how many patients were treated for scooter-related injuries;
- the capability of the hospital to track injuries.

A sample of their findings:

- The Emergency Department Chief at Grady Memorial Hospital in Atlanta estimated that the Emergency room had treated 360 people with injuries;
- The Medical Director of the Trauma Intensive Care Unit at Vanderbilt Hospital in Nashville has seen 250 people with injuries;
- “We’ve had multiple concussions, nasal fractures, bilateral forearm fractures and some people have required surgery”, said Beth Rupp, M.D., Indiana University Heath Center in Bloomington, Indiana.

CR received a response from 60 medical facilities and other entities as of January 31, 2019. Of those responses:

- 23 including one police department, a City transportation department, a City emergency medical services provider, and a smaller medical clinic reported 1545 patients for scooter-involved injuries over the past year;
- the other 37 or 62% said they do not track scooter injuries, lack the capability entirely, or had no reports of injuries on file.

Many of the medical professionals that CR spoke to mentioned that the total number of injuries is “unquestionably higher” than reported because so many hospitals don’t have the medical record capability needed to accurately track specific scooter-related injuries.

Dr. Christopher Ziebell, ER Department at Dell Seton Medical Center at the University of Texas, Austin, said “all of our datasets are incomplete”. His staff has counted 53 injuries from e-scooters since they arrived in Austin last May. 16 were head injuries equaling 30% of the total. “If you hit the ground at 20 mph (on a scooter) or a baseball bat hit your head at 20 mph, that’s about the same thing”, stated Dr. Christopher Ziebell.⁷³

⁷² <https://www.consumerreports.org/product-safety/e-scooter-ride-share-industry-leaves-injuries-and-angered-cities-in-its-path/>, accessed February 5, 2019.

⁷³ <https://www.cnet.com/news/electric-scooters-by-bird-and-lime-are-causing-injuries-and-accidents/>, posted November 28, 2018, accessed May 3, 2019.

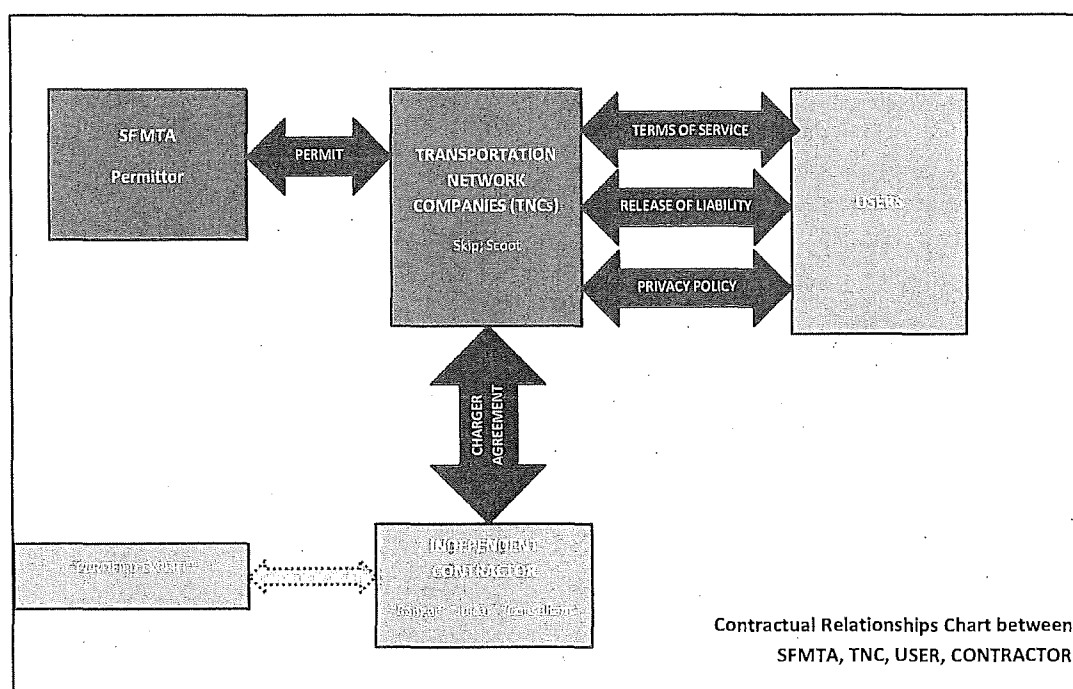
APPENDIX F

Liability Issues and e-scooter-Related Agreements

There are four key parties actively involved in the shared personal mobility device Pilot program:

1. the City as Permitter;
2. The User of the device and related services (i.e., the App User);
3. The Transportation Network Companies (TNCs Scoot and Skip, respectively) as Permittees; and
4. The Workers that inspect, maintain, recharge, and re-distribute the devices on behalf of the permittee.

Legal agreements bind respective parties to assigned liabilities and indemnifications of liabilities. The Figure below illustrates how the individual agreements bind parties. This Appendix presents specific text and sections that highlight key terms of the various agreements.



Indemnification

The permit terms between San Francisco and the two permittees require the permittees to indemnify the City and Port against "...any and all ... claims thereof for injury to or death of a person... arising directly or indirectly from the activity authorized by the Permit, including but

not limited to... claims brought by customers of Permittee, regardless of the negligence of, and regardless of whether liability without fault is imposed...⁷⁴

The Terms of Service between the permittees and Users of the shared device services state (with no option to modify by User other than decline the Service) require the User to:

[Skip]...indemnify and hold Skip, its predecessors, successors, subsidiaries, affiliates, and each of its directors, shareholders, investors, employees and authorized agents harmless from and against all third party claims arising out of or in any way relating to any injury, illness, death or loss of or damage to property allegedly suffered as a result of your use of the Skip Services including the e-scooters or anything that relates to or concerns your use of Skip Services, including the Scooters.”⁷⁵

[Scoot] “...indemnify, defend, and hold Scoot Networks harmless from all losses, liabilities, damages, injuries, claims, demands, costs, attorneys’ fees, and other expenses incurred by Scoot Networks arising from or related to User’s use of a Scoot Networks LEV [Light Electric Vehicle] or any person permitted by User to use a Scoot Networks LEV.”⁷⁶

For those permittee Maintenance Services outsourced to workers that are not “W-2 employees”, such as the “Skip Rangers”, the Skip Charger Agreement between the Ranger and the permittee requires the Ranger to

“...indemnify, protect and hold harmless Skip from any and all claims, demands, damages, suits, losses, liabilities and causes of action arising directly or indirectly from, as a result of or in connection with, your actions (or omissions) arising from the performance of services under this Agreement, including personal injury or death to any person or liability for civil and/or criminal conduct (e.g., assault, battery, fraud), or any liability arising from your failure to comply with the terms of this Agreement.”⁷⁷

Limitations of Liability

The Permit Terms between San Francisco and the two permittees place limited liability for infractions by Users on the permittee: “If the SFMTA determines in its sole discretion that the Permittee’s users’ failure to comply with applicable laws ... has created a threat to public health

⁷⁴ (General Requirements, Section 1.5, Skip permit at https://www.sfmta.com/sites/default/files/reports-and-documents/2018/10/skip_permit_final_10.12.18.pdf, accessed April 2, 2019;

Scoot permit at https://www.sfmta.com/sites/default/files/reports-and-documents/2018/10/scoot_permit_final_10.12.18.pdf), accessed April 2, 2019.

⁷⁵ Skip Agreement Section 12.5 at https://skipscooters.com/terms_of_service.html, Effective Date: September 7, 2018, accessed April 2, 2019.

⁷⁶ Scoot Agreement Section 10 at <https://scoot.co/legal/united-states/terms-of-service/> last updated 10/13/2018], accessed April 2, 2019.

⁷⁷ Skip Charger Agreement dated 9/18/2018, Section 10, Indemnification, at https://skipscooters.com/wp-content/uploads/2018/09/SkipChargerAgreement_9_18_2018_.html, accessed April 2, 2019.

and safety, such determination shall be grounds for permit suspension or revocation at the discretion of the Director.”⁷⁸

The Terms of Service between the permittees and Users limit the liability of the permittee for damages or injuries:

[Skip] “You acknowledge and agree that, to the maximum extent permitted by law, the entire risk arising out of your access to and use of the skip services or anything that relates to or concerns your use of a scooter OR THE SKIP SERVICES, remains with you.”⁷⁹

[Scoot Section 12] “In no event shall Scoot Networks or its licensors or suppliers be liable in the aggregate for any damages incurred by you that exceed the greater of

(A) One Hundred Dollars or

(B) The amount of fees you have paid Scoot Networks in the 12 months prior to the Action giving rise to the liability.”⁸⁰

[Scoot Section 13] LIMITATIONS; BASIS OF THE BARGAIN
APPLICABLE LAW MAY NOT ALLOW THE LIMITATION OR EXCLUSION OF
LIABILITY OR INCIDENTAL OR CONSEQUENTIAL DAMAGES, SO THE ABOVE
LIMITATION OR EXCLUSION MAY NOT APPLY TO YOU.

IN SUCH CASES, YOU AGREE THAT BECAUSE SUCH WARRANTY DISCLAIMERS
AND LIMITATIONS OF LIABILITY REFLECT A REASONABLE AND FAIR
ALLOCATION OF RISK BETWEEN YOU AND SCOOT NETWORKS, AND ARE
FUNDAMENTAL ELEMENTS OF THE BASIS OF THE BARGAIN BETWEEN YOU AND
SCOOT NETWORKS, SCOOT NETWORKS’ LIABILITY WILL BE LIMITED TO THE
MAXIMUM EXTENT PERMITTED BY LAW. YOU UNDERSTAND AND AGREE THAT
SCOOT NETWORKS WOULD NOT BE ABLE TO OFFER THE SERVICES TO YOU ON
AN ECONOMICALLY FEASIBLE BASIS WITHOUT THESE LIMITATIONS.”

Inspection and Maintenance: Independent Contractors and User Obligations

The Permit Terms between San Francisco and the two permittees require the permittees [Permittees] to “...keep a record of maintenance activities, including but not limited to Powered

⁷⁸ Skip permit Section 34 at https://www.sfmta.com/sites/default/files/reports-and-documents/2018/10/skip_permit_final_10.12.18.pdf, accessed April 2, 2019, and Scoot permit at https://www.sfmta.com/sites/default/files/reports-and-documents/2018/10/scoot_permit_final_10.12.18.pdf, accessed April 2, 2019.

⁷⁹ Skip Terms of Service Section 12.2, Limitation of Liability at https://skipscooters.com/terms_of_service.html, accessed April 2, 2019.

⁸⁰ Scoot Terms of Service Sections 12. Limitation of Liability, and 13. Limitations; Basis of the Bargain, at <https://scoot.co/legal/united-states/terms-of-service/>, accessed April 2, 2019. Text in all upper case font is as presented in the Terms of Service.

Scooter identification number and maintenance performed. These records shall be sent to the SFMTA on a monthly basis.”⁸¹

Section 4 of the Skip Charger Agreement requires the Ranger to:

“...remain responsible for (or assume the risk of not) having a certified expert review and approve your location for safely charging Skip Scooters prior to charging a Scooter, not overloading any electrical equipment while charging a Scooter, providing reasonable spacing and ventilation of Scooters while charging to prevent overheating of the Scooters and Bricks, and for procuring at your sole expense any insurance required under applicable law or private agreements (e.g. leases, condo association rules and similar) relating to the conduct of your independent business.”⁸²

Section 3 of the Skip Charger Agreement requires inspection of devices to be the responsibility of the Ranger:

“...[Y]ou agree to perform the following services:

Perform a visual inspection (and other agreed upon services) of the Scooter prior to returning it to an authorized Scooter location or to Skip and notify Skip immediately if the Scooter requires maintenance or repairs.”⁸³

Insurance Requirements: User

The Skip Terms of Service between Skip and User place responsibility for safe operation of the Scooter on the User:

“By choosing to operate a Scooter, you assume all responsibility and risk for all medical conditions that may interfere with your safe operation of a Scooter and and/or all risk of injuries to yourself or others.”⁸⁴

Scoot provides liability coverage:

“2.1. Scoot Networks provides liability coverage for damages arising from a User’s use of Scoot Networks LEVs if the User complies with all rules and requirements of the Terms. The User agrees to use [sic] their own motor vehicle insurance as the primary insurance if available.”

⁸¹ Skip permit Section 43 at https://www.sfmta.com/sites/default/files/reports-and-documents/2018/10/skip_permit_final_10.12.18.pdf, accessed April 2, 2019;

Scoot permit Section 43 at https://www.sfmta.com/sites/default/files/reports-and-documents/2018/10/scoot_permit_final_10.12.18.pdf, accessed April 2, 2019.

⁸² Skip Charger Agreement dated 9/18/2018, Section 4. Assumption of Risk, at https://skipscooters.com/wp-content/uploads/2018/09/SkipChargerAgreement_9_18_2018_.html, accessed April 2, 2019.

⁸³ Skip Charger Agreement dated 9/18/2018, Section 4. Assumption of Risk, at https://skipscooters.com/wp-content/uploads/2018/09/SkipChargerAgreement_9_18_2018_.html, accessed April 2, 2019.

⁸⁴ Skip Terms of Service Section 9, Rental and Permissible Use of Scooters at https://skipscooters.com/terms_of_service.html, accessed March 15, 2019.

Scoot Networks and our insurance provider offer coverage to the User for up to \$2,000,000 of third party liability for Kick-Scooters and up to \$1,000,000 of third party liability for all other types of LEVs.”⁸⁵

Disclaimers Regarding Fitness for a Particular Purpose

The Terms of Service between the permittees and Users require the User to agree that:

[Skip] “By accessing or using the Skip Services, including our scooters, you agree that: Scooters and Related Equipment are provided “As-Is.” Scooters are provided on an “as-is” basis. You are responsible for inspecting a Scooter and any related materials that Skip provides to you, such as helmets, locks, etc. to ensure that they are in good working condition prior to using them.”⁸⁶

[Scoot] The Services... made available ... are provided on an “As Is”, “As Available”, “With all faults” basis without representations or warranties of any kind, either expressed or implied, including, but not limited to, in terms of correctness, accuracy, reliability or otherwise. ... Scoot Networks and its affiliates, partners, licensors, and suppliers hereby disclaim all express, implied and statutory warranties of any kind, including, but not limited to, the implied warranties of merchantability [and] fitness for a particular purpose....”⁸⁷

⁸⁵ Scoot Terms of Service Sections 2. Liability Coverage and Deductibles, at <https://scoot.co/legal/united-states/terms-of-service/>, accessed March 15, 2019.

⁸⁶ Skip Terms of Service Section 9, Rental and Permissible Use of Scooters at https://scootscooters.com/terms_of_service.html, accessed March 15, 2019.

⁸⁷ Scoot Terms of Service Section 11, Disclaimers at <https://scoot.co/legal/united-states/terms-of-service/>, accessed March 15, 2019.



CITY AND COUNTY OF SAN FRANCISCO 2018 - 2019 CIVIL GRAND JURY

July 15, 2019

John Sanchez
Director of Forensic Services
San Francisco Police Department
1245 3rd Street, 6th Floor
San Francisco, CA 94158

Dear Director Sanchez,

The 2018-2019 Civil Grand Jury will release a report entitled, *"Improving Continuity Review for Increased Public Accountability: The 2018-2019 San Francisco Civil Grand Jury Continuity Report"* to the public on Wednesday, July 17, 2019. Enclosed is an advanced copy. By order of the Presiding Judge of the Superior Court, Hon. Garrett L. Wong, this report is to be kept confidential until the date of release.

You are not required to respond to the finding and recommendations included in this report. If you would like to respond, please e-mail your response to Presiding Judge Wong at CGrandJury@sftc.org or mail to 400 McAllister Street, Room 008, San Francisco, CA 94102-4512.

Respectfully,

A handwritten signature in black ink, appearing to read "Rasha Harvey".

Rasha Harvey, Foreperson



**CITY AND COUNTY OF SAN FRANCISCO
2018 - 2019 CIVIL GRAND JURY**

July 15, 2019

William Scott
Chief of Police
San Francisco Police Department
1245 3rd Street, 6th Floor
San Francisco, CA 94158

Dear Chief Scott,

The 2018-2019 Civil Grand Jury will release a report entitled, *"Improving Continuity Review for Increased Public Accountability: The 2018-2019 San Francisco Civil Grand Jury Continuity Report"* to the public on Wednesday, July 17, 2019. Enclosed is an advanced copy. By order of the Presiding Judge of the Superior Court, Hon. Garrett L. Wong, this report is to be kept confidential until the date of release.

You are not required to respond to the finding and recommendations included in this report. If you would like to respond, please e-mail your response to Presiding Judge Wong at CGGrandJury@sftc.org or mail to 400 McAllister Street, Room 008, San Francisco, CA 94102-4512.

Respectfully,

A handwritten signature in black ink, appearing to read "Rasha Harvey".

Rasha Harvey, Foreperson



CITY AND COUNTY OF SAN FRANCISCO 2018 - 2019 CIVIL GRAND JURY

July 15, 2019

William Scott
Chief of Police
San Francisco Police Department
1245 3rd Street, 6th Floor
San Francisco, CA 94158

Dear Chief Scott,

The 2018-2019 Civil Grand Jury will release a report entitled, "*Pedestrian Safety in the Era of Electric Mobility Devices*" to the public on Wednesday, July 17, 2019. Enclosed is an advanced copy. By order of the Presiding Judge of the Superior Court, Hon. Garrett L. Wong, this report is to be kept confidential until the date of release.

California Penal Code §933(c) requires a response to be submitted to the Presiding Judge no later than September 15, 2019.

California Penal Code §933.05 states that as to each finding, the response must indicate one of the following:

1. The respondent agrees with the finding; or
2. The respondent disagrees with the finding, wholly or partially, with an explanation.

As to each recommendation, the response must indicate one of the following:

1. The recommendation has been implemented, with a summary of the implementation;
2. The recommendation has not yet been, but will be implemented in the future, with a timeframe for implementation;
3. The recommendation requires further analysis, with an explanation, scope, and parameters of that analysis, and a timeframe for discussion not more than six months from the publication of the grand jury report; or
4. The recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

Please e-mail your response to Presiding Judge Wong at CGrandJury@sftc.org or mail to 400 McAllister Street, Room 008, San Francisco, CA 94102-4512.

Respectfully,

Rasha Harvey, Foreperson



**CITY AND COUNTY OF SAN FRANCISCO
2018 - 2019 CIVIL GRAND JURY**

July 15, 2019

Gregory Yee
Deputy Chief of Administration
San Francisco Police Department
1245 3rd Street, 6th Floor
San Francisco, CA 94158

Dear Deputy Chief Yee,

The 2018-2019 Civil Grand Jury will release a report entitled, *"Improving Continuity Review for Increased Public Accountability: The 2018-2019 San Francisco Civil Grand Jury Continuity Report"* to the public on Wednesday, July 17, 2019. Enclosed is an advanced copy. By order of the Presiding Judge of the Superior Court, Hon. Garrett L. Wong, this report is to be kept confidential until the date of release.

You are not required to respond to the finding and recommendations included in this report. If you would like to respond, please e-mail your response to Presiding Judge Wong at CGrandJury@sftc.org or mail to 400 McAllister Street, Room 008, San Francisco, CA 94102-4512.

Respectfully,

A handwritten signature in black ink, appearing to read "Rasha Harvey".

Rasha Harvey, Foreperson

Leger, Cheryl (BOS)

From: Bruce Wolfe <sotf@brucewolfe.net>
Sent: Thursday, September 26, 2019 5:31 PM
To: SOTF, (BOS)
Subject: Re: FW: Request for 2 complaint waiver

The two-complaint rule is against the same respondent, not individual and distinct respondents, as there may be specific and differing aspects of operations and (other) applicable law. The request is DENIED.

*Bruce Wolfe, Chair
SF Sunshine Ordinance Task Force*

(Response is very limited during business hours on business days and holidays)
~~~~~

On Thu, Sep 26, 2019 at 1:45 PM SOTF, (BOS) <sotf@sfgov.org> wrote:  
Dear Chair Wolfe:

Please see the email from Anonymous below and his request. I have included the complaint descriptions also below for your reference. Thank you.

File No. 19091: Complaint filed by Anonymous against Mayor London Breed, Hank Heckel and the Office of the Mayor for allegedly violating Administrative Code, (Sunshine Ordinance) Sections 67.21, 67.26, 67.27 and 67.29-7, by failing to respond to a request for public records in a timely and/or complete manner.

File No. 19097: Complaint filed by Anonymous against Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26 and 67.27, by failing to respond to a public records request in a timely and/or complete manner.

File No. 19098: Complaint filed by Anonymous against Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26 and 67.27, by failing to respond to a public records request in a timely and/or complete manner.

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.

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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.

-----Original Message-----

From: Anonymous <[arecordsrequestor@protonmail.com](mailto:arecordsrequestor@protonmail.com)>

Sent: Thursday, September 26, 2019 10:46 AM

To: SOTF, (BOS) <[sotf@sfgov.org](mailto:sotf@sfgov.org)>

Subject: Request for 2 complaint waiver

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

Ms. Leger and/or Chair Wolfe,

I ask that you waive your 2-complaint rule and schedule 19091, 19097, and 19098 (all regarding text messages, chat messages, personal accounts and email) together at an available committee meeting -- while they are directed towards different respondents, the legal issues will be quite similar (but not identical, since each respondent's degree of following the Ordinance varies). Furthermore, jurisdictional issues at the committee level should be essentially identical, and it appears the task force does occasionally waive its limit.

Thanks,

Anonymous complainant in 19091, 19097, and 19098

## Leger, Cheryl (BOS)

---

**From:** SOTF, (BOS)  
**Sent:** Tuesday, September 17, 2019 10:08 AM  
**To:** Waaland, Kathryn (POL)  
**Cc:** 76435-93915115@requests.muckrock.com  
**Subject:** SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 19098  
**Attachments:** SOTF - Complaint Procedure 2018-12-05 FINAL.pdf; 19098 Complaint.pdf

Good Morning:

The Police Department has been named as a Respondent in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the following 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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## **Leger, Cheryl (BOS)**

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**From:** SOTF, (BOS)  
**Sent:** Friday, December 6, 2019 11:53 AM  
**To:** 81412-71801448@requests.muckrock.com; Cox, Andrew (POL); 76435-93915115@requests.muckrock.com; Mo Green; COTE, JOHN (CAT); Peters, Michelle (PUC)  
**Subject:** SOTF - Notice of Appearance - Complaint Committee: December 17, 2019, 5:30 p.m.

Good Morning:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Complaint Committee of 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.

**Date:** December 17, 2019

**Location:** City Hall, Room 408

**Time:** 5:30 p.m.

**File No. 19112:** Complaint filed by Anonymous against Chief William Scott and Lt. R. Andrew Cox and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26, 67.27, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner, failing to justify withholding of records and failing to maintain a Proposition G calendar.

**File No. 19098:** Complaint filed by Anonymous against Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26 and 67.27, by failing to respond to a public records request in a timely and/or complete manner.

**File No. 19084:** Complaint filed by Mo Green against the City Attorney's Office for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to a request for documents in a timely and/or complete manner.

**File No. 19085:** Complaint filed by Mo Green against the Public Utilities Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 and 67.25, by failing to respond to a request for documents in a timely and/or complete manner.

### **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, December 10, 2019.**

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

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

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## Leger, Cheryl (BOS)

---

**From:** Anonymous <arecordsrequestor@protonmail.com>  
**Sent:** Friday, December 6, 2019 12:04 PM  
**To:** SOTF, (BOS)  
**Subject:** Dec 17 Appearance Confirmation - Request for Conf Call  
**Attachments:** signature.asc

Thank you for the Notices of Appearance.

I am confirming my appearance for the following and requesting a conference call as usual:

19098 - full committee hearing

19112 -full committee hearing

I will also provide brief summary testimony for the jurisdictional cases, and will also note to the committee that there are multiple different Anonymous petitioners in the list.

If the IT committee meets on Dec. 17 as well, I intend to also appear for public comment there (I assume its the same conference call?), and will enter further documents for the 19105 general Metadata file by Dec. 10, 5pm.

***NOTE: 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. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be public records.***

Sincerely,

Anonymous

**Leger, Cheryl (BOS)**

---

**From:** Anonymous <arecordsrequestor@protonmail.com>  
**Sent:** Wednesday, December 4, 2019 1:06 PM  
**To:** SOTF, (BOS)  
**Subject:** Question for Admin - 19098  
**Attachments:** signature.asc

Ms. Leger,

If I withdraw the metadata allegations in Complaint 19098 vs SFPD, would it be scheduled? I had asked SOTF to divide this case but it hasn't happened and is now long past the 45 days. So I can withdraw the metadata allegations from 19098 and file only those in a separate new complaint if that will let you schedule 19098.

***NOTE: 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. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be public records.***

Thanks!

Anonymous



**Leger, Cheryl (BOS)**

---

**From:** Anonymous <arecordsrequestor@protonmail.com>  
**Sent:** Thursday, October 24, 2019 3:14 PM  
**To:** SOTF, (BOS)  
**Subject:** RE: SOTF Admin - Case Management

Mr. Young and I previously conferred regarding the state of my cases and where there are metadata issues.

I believe my cases are now in the following state. If you believe otherwise, please do let me know.

- 19047 - On Oct 24, Order issued; completed for now, until Mayor's office gives redacted non-Prop G and ICS records
- 19044 - On Oct. 2, Referred by SOTF to IT committee for email metadata discussion, which created new file 19105
- -----
- 19089 - On Sept. 24, Referred by committee to full SOTF (no metadata)
- 19091 - On Oct. 15, Referred by committee to full SOTF (no metadata)
- 19091-B (you haven't given me a new case number) - On Oct. 15, a new file was divided from 19091 to send the email metadata portion to IT committee while 19091 continues to full SOTF
- 19094 - On Oct. 15, Referred by committee to full SOTF (no metadata)
- 19095 - On Oct. 22, Referred by committee to full SOTF (no metadata)
- -----
- 19097 - Waiting for committee (a few non-metadata issues, but mostly metadata issues, probably easiest to send the whole file to IT committee)
- 19098 - Waiting for committee (lots of non-metadata issues; a few metadata issues, which should be split off into its own file and sent to IT committee)
- 19103 - Waiting for committee (no metadata), respondent has not responded to SOTF by due date
- 19108 - Waiting for committee (no metadata), respondent has not responded to SOTF by due date

Thanks,

Anonymous

----- Original Message -----

On Thursday, October 3, 2019 6:08 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

Thank you. Until I hear otherwise, I still intend to present 19091 and 19094 as agendized to Oct. 15 and will have documents to you by the deadline. (19095 is not about email headers as stated previously.)

Re: the other complaints: If the Technology Committee will hear 19044 (as referred), 19097, and 19098 and make whatever splitting decisions it needs to, that makes sense. There is no justification however to delay the numerous non-email-header issues in 19097 and 19098.

Please let me know your conclusion when you have one.

Thanks,

Anonymous

----- Original Message -----

On Thursday, October 3, 2019 4:58 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:

Anonymous:

I will work with Chair Wolfe to determine the best way to handle 19097, 19098 and the other complaints. Please note that the Technology Committee can also hear complaints and divide the issues at their discretion.

Victor Young  
Assistant Clerk

Board of Supervisors  
phone 415-554-7723 | fax 415-554-5163

[victor.young@sfgov.org](mailto:victor.young@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

**From:** Anonymous <arecordsrequestor@protonmail.com>  
**Sent:** Thursday, October 3, 2019 3:45 PM  
**To:** SOTF, (BOS) <sotf@sfgov.org>; Young, Victor (BOS) <victor.young@sfgov.org>  
**Cc:** Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>  
**Subject:** RE: SOTF Admin - Case Management 19089, 19091, 19094, 19095, 19097, and 19098

\*\* For inclusion in all file numbers in the subject line, and for (acting) Administrator response \*\*

Thanks! 2 corrections I believe:

1) 19095 has no email header allegations so I believe it should go only to the normal committee on Oct. 22 and not to TBD Technology.

2) 19097 and 19098 should also be in the normal queue to be heard for jurisdiction at the (non-Technology) committee whenever the agenda permits -- just like 19091, they have numerous non-email-header allegations and the (non-Technology) Committee I assume can split the files and refer the email header issues to Technology Committee while sending the remainder to SOTF (if they find jurisdiction).

Thanks,

Anonymous

----- Original Message -----

On Thursday, October 3, 2019 3:25 PM, SOTF, (BOS) <[sotf@sfgov.org](mailto:sotf@sfgov.org)> wrote:

Anonymous:

Regarding the October 15, 2019, Complaint Committee Meeting:

19091 - We will present to possibility of divide the file during the meeting.

19094 – Will proceed as scheduled.

October 22, 2019, File No. 19095, Compliance and Amendments Committee Meeting

19095 – tentatively scheduled for hearing

TBD Technology Committee

19097

19098

19095

19044 (heard by the SOTF and referred to the Technology Committee)

TBD SOTF

19089- previously heard and committee and pending scheduling before the SOTF.

Please contact me if my understanding is incorrect.

**Victor Young**

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**From:** Anonymous <[arecordsrequestor@protonmail.com](mailto:arecordsrequestor@protonmail.com)>

**Sent:** Thursday, October 3, 2019 1:41 PM

**To:** Young, Victor (BOS) <[victor.young@sfgov.org](mailto:victor.young@sfgov.org)>; SOTF, (BOS) <[sotf@sfgov.org](mailto:sotf@sfgov.org)>

**Subject:** SOTF Admin - Case Management 19089, 19091, 19094, 19095, 19097, and 19098

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*Please see and respond as needed on separate threads for 19047 and 19044; sent earlier today, to keep everything well-organized.*

Mr. Young,

Thank you for your work last evening, and for the task force's extensive investigation as well. I understand it is 'after hours' for you, and the commissioners are volunteers and these meetings can go on for a long time.

You pointed out during the hearing we should discuss the disposition of my other pending cases re: IT Committee referral. (As a disclaimer, I have a right to remain anonymous and have no legal obligation to acknowledge that various anonymous requests are from the same person; while I am voluntarily indicating that I am the same anonymous complainant below, I am under no obligation to do so in the future, nor do I voluntarily undertake any such obligation in the future or in any case not specifically numbered below. Please do not simply assume all anonymous complaints are from me, or impute responsibility for them to me.)

The following are some of my pending cases with a summary of the allegations (the summaries are not exhaustive and not limiting):

- **19089** vs City Atty - jurisdiction found, awaiting Full Task Force - subject matter: whether the Supervisor of Records must provide timely/complete determinations to petitions under 67.21(d) in 10 days
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Therefore, 19089, 19094, and 19095 should proceed completely unaffected.

I would suggest that the Oct. 15 committee use its power at the hearing to split 19091 into two files, a new file (say 19091-B) for the email headers allegation sent to the IT committee for its recommendation for overall city guidelines, and keep all the other important allegations in 19091 which should proceed undelayed.

I would suggest that 19097 and 19098 are similarly split at initial committee.

Some upcoming un-filed complaints may involve (without limitation): police misconduct records, secrecy of City contracts, secrecy of City financials, use of non-profits as a shield, privatized govt functions; improper use of Attorney-Client privilege, and more. I intend to continue to file requests, and if needed complaints, comprehensively auditing all parts of the City's public records regime, and subject to SFAC 67.21(e) requiring Task Force determination within 45 days, and I expect my complaints continue to be fairly heard in my "queue" order, subject to your 2-item-per-meeting procedure, and not delayed based on my identity.

In some of the future cases, a portion will again be related to email headers (simply because the evidence of what the govt is doing is usually *in* the emails), but the remainder will not be. I assume your committees will split them if and as needed. However I intend to file them before the IT committee recommendation is complete because the Respondent is always required to respond within 5 business days and is on notice that they should not destroy responsive records, and to

preserve any statutes of limitation if imposed by future Court proceedings.

I will call later today if I don't hear from you by email, as I need to start working on the correct set of case presentations.

Thanks a lot!

Anonymous

**Leger, Cheryl (BOS)**

---

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**Sent:** Thursday, October 3, 2019 3:45 PM  
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**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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## Leger, Cheryl (BOS)

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