

File No. 22080

Item No. 5

SUNSHINE ORDINANCE TASK FORCE  
AGENDA PACKET CONTENTS LIST

Education, Outreach and Training Committee

Date: July 26, 2022

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OTHER

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Completed by: C. Leger Date 7/22/22

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

## Sunshine Ordinance Task Force Complaint Summary

File No. 22080

Mukund Rathi vs Police Department

Date filed with SOTF: 07/14/2022

Contact information (Complainant information listed first):

Mukund Rathi and the Electronic Frontier Foundation ([mukund@eff.org](mailto:mukund@eff.org)); Dave Maass ([dm@eff.org](mailto:dm@eff.org)) (Complainants)

Lt. Lynn Reilly ([lynn.reilly@sfgov.org](mailto:lynn.reilly@sfgov.org)); Police Department (Respondent)

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**File No. 22080:** Complaint filed by Mukund Rathi and the Electronic Frontier Foundation against Lieutenant Lynn Reilly and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21(b)(e), 67.25(a)(b)(d), and 67.34, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

### Administrative Summary if applicable:

Summary by the Complainant:

On March 15, 2022, EFF submitted an immediate disclosure request under the Sunshine Ordinance for the ALPR report due to be issued on January 30. *See Ex. A.* Since SFPD previously committed to publishing this report, EFF has made a “simple, routine or otherwise readily answerable request” under Section 67.25(a).

On March 16, SFPD violated Sections 67.25(a) and 67.25(d) by failing to produce the report by the close of business. Section 67.25(a) required SFPD to disclose the report “no later than the close of business on the day following the day of the request.” 67.25(d) required SFPD to “produce any and all responsive public records as soon as reasonably possible on an incremental or “rolling” basis such that responsive records are produced as soon as possible by the end of the same business day that they are reviewed and collected.”

Instead, on March 16, SFPD claimed that locating responsive records would take a “significant amount of time” and therefore Section 67.25(a) did not apply. *See Ex. B.* SFPD claimed it would provide a response within 10 days and cited the California Public Records Act (CPRA).

On March 25, SFPD violated Sections 67.21(b) by failing to produce the ALPR report within 10 days of EFF’s request. Section 67.21(b) required SFPD to “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.” EFF’s request was a valid immediate disclosure request, but even if it was not, this section’s deadline applied and SFPD violated it. Instead, SFPD claimed it needed 14 additional days and cited the CPRA. *See Ex. C.*

On April 4, SFPD violated Section 67.25(b) by failing to produce the ALPR report within the permissible 10-day extension. 67.25(b) allows SFPD to use “an extension of 10 days”

if the information requested was “voluminous” or located in a “remote storage facility,” or there was a “need to consult with another interested department.” None of these apply to EFF’s request, which was for an SFPD report that should have been readily available, as it was due to be published two months prior. But even if SFPD could use the extension, SFPD violated this section.

On April 8, SFPD claimed it was still in the process of searching for responsive records. *See Ex. D.* Since then, SFPD has continued to claim to need more time and has not produced the requested report.

By willfully failing to timely produce the requested report, SFPD, its department head, and any of its managerial employees involved in processing this request have also violated Section 67.34 of the Sunshine Ordinance and should additionally be referred to the Ethics Commission.

# Petition/Complaint

**Leger, Cheryl (BOS)**

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**From:** Mukund Rathi <mukund@eff.org>  
**Sent:** Thursday, July 14, 2022 1:40 PM  
**To:** SOTF, (BOS)  
**Cc:** Dave Maass  
**Subject:** Re: Sunshine complaint about SFPD ALPR report

Hello Ms. Leger,

Yes, please do. The Sunshine Task Force's website ([link](#)) provides this email address as a way to file a complaint with the Task Force. My previous email's attachment contains the complaint.

Regards,

**Mukund Rathi**  
Stanton Fellow  
Electronic Frontier Foundation  
[mukund@eff.org](mailto:mukund@eff.org)

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**From:** SOTF, (BOS) <sotf@sfgov.org>  
**Sent:** Thursday, July 14, 2022 12:36 PM  
**To:** Mukund Rathi <mukund@eff.org>  
**Subject:** RE: Sunshine complaint about SFPD ALPR report

Mr. Rathi: Are you requesting that I open a Sunshine Complaint on your behalf?

I will be out of the office August 5 through August 8. For questions regarding the Sunshine Ordinance, please contact Victor Young at [Victor.Young@sfgov.org](mailto:Victor.Young@sfgov.org).

Cheryl Leger  
Assistant Clerk, Board of Supervisors  
[Cheryl.Leger@sfgov.org](mailto:Cheryl.Leger@sfgov.org)  
Tel: 415-554-7724  
Fax: 415-554-5163  
[https://url.avanan.click/v2/\\_\\_\\_www.sfbos.org\\_\\_\\_YXAzOnNmZHQyOmE6bzo5OWVjMGY4ODQwYjEwZTQ5OWQ0YzFjZmE5ZTkYMTBIZjo2OjRiOTY6OTcyNTc2ZDYyMmZhOWY4ZDg4YWJmZWNmNTA3NTc1MzQ3ZDFhNzA2Yjg0NGE2NmVIMjdkOTZIN2U4ZjZmMmJlNzp0OIQ](https://url.avanan.click/v2/___www.sfbos.org___YXAzOnNmZHQyOmE6bzo5OWVjMGY4ODQwYjEwZTQ5OWQ0YzFjZmE5ZTkYMTBIZjo2OjRiOTY6OTcyNTc2ZDYyMmZhOWY4ZDg4YWJmZWNmNTA3NTc1MzQ3ZDFhNzA2Yjg0NGE2NmVIMjdkOTZIN2U4ZjZmMmJlNzp0OIQ)



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

**From:** Mukund Rathi <mukund@eff.org>  
**Sent:** Thursday, July 14, 2022 11:56 AM  
**To:** SOTF, (BOS) <sotf@sfgov.org>  
**Cc:** Dave Maass <dm@eff.org>  
**Subject:** Sunshine complaint about SFPD ALPR report

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

Hello, please see the attached complaint.

Regards,

**Mukund Rathi**  
Stanton Fellow  
Electronic Frontier Foundation  
[mukund@eff.org](mailto:mukund@eff.org)



July 14, 2022

**VIA EMAIL TO:**

Sunshine Ordinance Task Force  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco CA 94102  
sotf@sfgov.org

**RE: Complaint about Immediate Disclosure Request for Annual  
Report on ALPR use**

To Whom It May Concern:

This letter is a complaint, under Section 67.21(e) of the San Francisco Sunshine Ordinance, about the San Francisco Police Department's (SFPD) violation of the Sunshine Ordinance as to EFF's immediate disclosure request for SFPD's annual report on ALPR use.

**Complaint against which Department or Commission:**  
San Francisco Police Department

**Name of individual contacted at Department or Commission:**  
Lieutenant Lynn Reilly #1141  
Officer in Charge  
Risk Management - Legal Division

**Alleged Violation:**  
Public records

**Sunshine Ordinance Section:**  
Sections 67.21(b), 67.21(e), 67.25(a), 67.25(b), 67.25(d), 67.34

**Please describe alleged violation:**

**Background**

SFPD operates Automated License Plate Reader (ALPR) technology, which combines cameras with software to document and track the location of vehicles based on their tags. California state law requires any agency that operates ALPR to implement and publish

online a usage and privacy policy.<sup>1</sup> San Francisco's Acquisition of Surveillance Technology Ordinance requires city departments to obtain approval from the Board of Supervisors of a use policy for surveillance technology, including ALPR, and to publish that policy online.<sup>2</sup> SFPD has posted a Surveillance Technology Policy for its use of ALPR.<sup>3</sup>

This policy states that SFPD will annually issue a report to "track ALPR alerts and subsequent law enforcement action."<sup>4</sup> The ALPR policy also states that "[o]n an annual basis, the Department will evaluate the impact of the technology on the following measures" and then lists exemplar "[p]rohibited use cases."<sup>5</sup> The first report was due to be issued on January 30, 2022, and posted on SFPD's public website, and through San Francisco Open Data – DataSF. However, there is no such report on ALPR use on either website.

### **EFF's Request and SFPD's Violations of the Sunshine Ordinance**

On March 15, 2022, EFF submitted an immediate disclosure request under the Sunshine Ordinance for the ALPR report due to be issued on January 30. *See* Ex. A. Since SFPD previously committed to publishing this report, EFF has made a "simple, routine or otherwise readily answerable request" under Section 67.25(a).

On March 16, SFPD violated Sections 67.25(a) and 67.25(d) by failing to produce the report by the close of business. Section 67.25(a) required SFPD to disclose the report "no later than the close of business on the day following the day of the request." 67.25(d) required SFPD to "produce any and all responsive public records as soon as reasonably possible on an incremental or "rolling" basis such that responsive records are produced as soon as possible by the end of the same business day that they are reviewed and collected."

Instead, on March 16, SFPD claimed that locating responsive records would take a "significant amount of time" and therefore Section 67.25(a) did not apply. *See* Ex. B. SFPD claimed it would provide a response within 10 days and cited the California Public Records Act (CPRA).

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<sup>1</sup>

[https://leginfo.ca.gov/faces/codes\\_displayText.xhtml?lawCode=CIV&division=3&title=1.81.23.&part=4.&chapter=&article=](https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=CIV&division=3&title=1.81.23.&part=4.&chapter=&article=)

<sup>2</sup> [https://codelibrary.amlegal.com/codes/san\\_francisco/latest/sf\\_admin/0-0-0-66153](https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_admin/0-0-0-66153)

<sup>3</sup> <https://www.sanfranciscopolice.org/sites/default/files/2021-09/SFPDALPRPolicy20210903.pdf>

<sup>4</sup> *Id.* at 27.

<sup>5</sup> *Id.* at 1.



On March 25, SFPD violated Sections 67.21(b) by failing to produce the ALPR report within 10 days of EFF's request. Section 67.21(b) required SFPD to "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." EFF's request was a valid immediate disclosure request, but even if it was not, this section's deadline applied and SFPD violated it. Instead, SFPD claimed it needed 14 additional days and cited the CPRA. *See* Ex. C.

On April 4, SFPD violated Section 67.25(b) by failing to produce the ALPR report within the permissible 10 day extension. 67.25(b) allows SFPD to use "an extension of 10 days" if the information requested was "voluminous" or located in a "remote storage facility," or there was a "need to consult with another interested department." None of these apply to EFF's request, which was for an SFPD report that should have been readily available, as it was due to be published two months prior. But even if SFPD could use the extension, SFPD violated this section.

On April 8, SFPD claimed it was still in the process of searching for responsive records. *See* Ex. D. Since then, SFPD has continued to claim to need more time and has not produced the requested report.

By willfully failing to timely produce the requested report, SFPD, its department head, and any of its managerial employees involved in processing this request have also violated Section 67.34 of the Sunshine Ordinance and should additionally be referred to the Ethics Commission.

Since SFPD has failed to comply with the Sunshine Ordinance, EFF requests under Section 67.21(e) that the Sunshine Task Force determine "as soon as possible" whether the ALPR report is public and if it is, that the Task Force "immediately order [SFPD] to comply with [EFF's] request."

Please direct all correspondence to Mukund Rathi at [mukund@eff.org](mailto:mukund@eff.org) and Dave Maass at [dm@eff.org](mailto:dm@eff.org).

Best Regards,

Mukund Rathi  
Stanton Fellow

Dave Maass  
Director of Investigations

Electronic Frontier Foundation



March 15, 2022

**VIA ONLINE SUBMISSION TO:**

San Francisco Police Department  
Public Records Officer, Media Relations  
1245 3rd Street  
San Francisco, CA 94158  
<https://www.sanfranciscopolice.org/get-service/public-records-request>

**RE: Immediate Disclosure Request for Annual Report on ALPR use**

To Whom It May Concern:

This letter is an immediate disclosure request under the San Francisco Sunshine Ordinance (SFSO) and the California Public Records Act (CPRA), by the Electronic Frontier Foundation (EFF). EFF makes this request to the San Francisco Police Department (SFPD) as part of our ongoing effort to obtain government documents and make them widely available to the public.

**Background**

The SFPD uses Automated License Plate Reader (ALPR) technology and has posted a Surveillance Technology Policy for its use of ALPR.<sup>1</sup> This policy states that the SFPD will annually issue a report to “track ALPR alerts and subsequent law enforcement action.”<sup>2</sup> The first report was due to be issued on January 30, 2022, and posted on the SFPD public website, and through San Francisco Open Data – DataSF. However, there is no such report on ALPR use on either website.

The ALPR policy also states that “[o]n an annual basis, the Department will evaluate the impact of the technology on the following measures:” and then lists exemplar “[p]rohibited use cases.”<sup>3</sup>

**Records Request**

We request the following records for immediate disclosure under SFSO and CPRA:

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<sup>1</sup> <https://www.sanfranciscopolice.org/sites/default/files/2021-09/SFPDALPRPolicy20210903.pdf>

<sup>2</sup> *Id.* at 27.

<sup>3</sup> *Id.* at 1.

1. The annual report, due to be issued on January 30, 2022, about the SFPD's use of ALPR technology.
2. The datasets due to be included in the annual report, including:
  - a. Total number of ALPR devices used
  - b. Total number of traffic stops due to ALPR alerts and corresponding category of DOJ Stop/Felony want
  - c. District Station Jurisdiction of traffic stops due to ALPR alerts
  - d. Total number of manually entered ALPR canvas searches
  - e. District Station Jurisdiction of manually entered ALPR canvas searches
  - f. Number of stolen vehicles recovered due to ALPR alerts
  - g. Number of Missing Persons (Silver/Amber Alerts) associated with a vehicle's license plate number
  - h. Number of Missing Persons (Silver/Amber Alerts) associated with a vehicle's license plate number, located using ALPR
  - i. Total number of investigations aided by ALPR
3. The annual review of the impact of ALPR as required by page 1 of the ALPR policy, including any review of prohibited uses of ALPR.

In addition, we request the following information and assistance, as required under CPRA:

- a. Assistance in identifying additional records and information that will describe the SFPD's use of ALPR and its issuance of the annual report.
- b. A description of the information technology and physical location in which the records exist.
- c. Suggestions for overcoming any practical basis for denying access to the records and information sought.

### **SFSO Immediate Disclosure and CPRA Requirements**

We seek immediate disclosure of the requested records and look forward to your response by close of business on March 16, 2022.<sup>4</sup> This request is not extensive or demanding, as SFPD was due to publicly issue the requested report last month.

The CPRA also requires you to undertake reasonable efforts to locate responsive records and to work in good faith with requesters to respond to their request. *See CYAC v. City of National City*, 220 Cal.App.4th 1385, 1430 (2013). Thus, under the CPRA you are obligated to conduct a reasonable search and cannot deny a request merely because it might generate a large volume of records.

Independently of the SFSO's requirements, the CPRA requires you to respond to this request within 10 days by providing all the requested records or by providing a written

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<sup>4</sup> See S.F. Admin. Code 67.25.

response with the legal authority on which you rely in withholding or redacting any record, and the date on when you will provide the records.

### **Request for Fee Waiver**

We request that where available and appropriate, and to avoid copying costs, responsive records are provided electronically in their native format (such as a CSV file), or as text-searchable PDFs, and that the parent/child relationship between records is preserved.

Regardless, EFF requests that it not be charged fees because EFF is a representative of the news media and disclosure of the requested information is in the public interest. Police use of ALPR technology is controversial and, along with other surveillance technology, is the subject of an ongoing public policy debate in San Francisco.<sup>5</sup>

Moreover, EFF has no commercial interest in the disclosure of the requested records. EFF is a 501(c)(3) nonprofit organization and will not derive commercial benefit from the information at issue here.

If copying is necessary and you elect to charge, EFF will reimburse you for the direct costs of copying these records plus postage. If you anticipate that these costs will exceed \$25.00, or that the time needed to copy the records will delay their release, please contact me so that I can arrange to inspect the records or decide which records I wish to have copied. Please also provide an invoice and a cost breakdown of the fee estimate. If the fees are less than \$25.00, please copy and send the records and invoice as soon as possible, and EFF will promptly pay the required costs.

Thank you for your consideration of this request. **As the SFSO requires, please respond to this request by end of business tomorrow, March 15, with a determination as to the requested records.** If you have any questions or concerns, please contact me by email at [mukund@eff.org](mailto:mukund@eff.org) or phone at 415-436-9333 ext. 235.

Best Regards,

Mukund Rathi  
Stanton Fellow  
Electronic Frontier Foundation

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<sup>5</sup> <https://www.eff.org/cases/automated-license-plate-readers>;  
<https://www.eff.org/deeplinks/2022/03/victory-san-francisco-mayor-withdraws-harmful-measure-against-surveillance>.



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

March 16, 2022

*Via email mukund@eff.org*

RE: Public Records Request, dated March 15, 2022, Reference # P065358-031522

Dear Mukund Rathi:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated March 15, 2022.

You requested, "To Whom It May Concern:

This letter is an immediate disclosure request under the San Francisco Sunshine Ordinance (SFSO) and the California Public Records Act (CPRA), by the Electronic Frontier Foundation (EFF). EFF makes this request to the San Francisco Police Department (SFPD) as part of our ongoing effort to obtain government documents and make them widely available to the public.

### **Background**

The SFPD uses Automated License Plate Reader (ALPR) technology and has posted a Surveillance Technology Policy for its use of ALPR.<sup>1</sup> This policy states that the SFPD will annually issue a report to "track ALPR alerts and subsequent law enforcement action."<sup>2</sup> The first report was due to be issued on January 30, 2022, and posted on the SFPD public website, and through San Francisco Open Data – DataSF. However, there is no such report on ALPR use on either website.

The ALPR policy also states that "[o]n an annual basis, the Department will evaluate the impact of the technology on the following measures:" and then lists exemplar "[p]rohibited use cases."<sup>3</sup>

### **Records Request**

We request the following records for immediate disclosure under SFSO and CPRA:

1. The annual report, due to be issued on January 30, 2022, about the SFPD's use of ALPR technology.
2. The datasets due to be included in the annual report, including:
  - a. Total number of ALPR devices used
  - b. Total number of traffic stops due to ALPR alerts and corresponding category of DOJ Stop/Felony want
  - c. District Station Jurisdiction of traffic stops due to ALPR alerts



- d. Total number of manually entered ALPR canvas searches
- e. District Station Jurisdiction of manually entered ALPR canvas searches
- f. Number of stolen vehicles recovered due to ALPR alerts
- g. Number of Missing Persons (Silver/Amber Alerts) associated with a vehicle's license plate number
- h. Number of Missing Persons (Silver/Amber Alerts) associated with a vehicle's license plate number, located using ALPR
- i. Total number of investigations aided by ALPR

3. The annual review of the impact of ALPR as required by page 1 of the ALPR policy, including any review of prohibited uses of ALPR.

In addition, we request the following information and assistance, as required under CPRA:

- a. Assistance in identifying additional records and information that will describe the SFPD's use of ALPR and its issuance of the annual report.
- b. A description of the information technology and physical location in which the records exist.
- c. Suggestions for overcoming any practical basis for denying access to the records and information sought.

#### **SFSO Immediate Disclosure and CPRA Requirements**

We seek immediate disclosure of the requested records and look forward to your response by close of business on March 16, 2022.<sup>4</sup> This request is not extensive or demanding, as SFPD was due to publicly issue the requested report last month.

The CPRA also requires you to undertake reasonable efforts to locate responsive records and to work in good faith with requesters to respond to their request. *See CYAC v. City of National City*, 220 Cal.App.4th 1385, 1430 (2013). Thus, under the CPRA you are obligated to conduct a reasonable search and cannot deny a request merely because it might generate a large volume of records.

Independently of the SFSO's requirements, the CPRA requires you to respond to this request within 10 days by providing all the requested records or by providing a written response with the legal authority on which you rely in withholding or redacting any record, and the date on when you will provide the records.

#### **Request for Fee Waiver**

We request that where available and appropriate, and to avoid copying costs, responsive records are provided electronically in their native format (such as a CSV file), or as textsearchable PDFs, and that the parent/child relationship between records is preserved.

Regardless, EFF requests that it not be charged fees because EFF is a representative of

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Moreover, EFF has no commercial interest in the disclosure of the requested records. EFF is a 501(c)(3) nonprofit organization and will not derive commercial benefit from the information at issue here.

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Thank you for your consideration of this request. **As the SFSO requires, please respond to this request by end of business tomorrow, March 15, with a determination as to the requested records.** If you have any questions or concerns, please contact me by email at [mukund@eff.org](mailto:mukund@eff.org) or phone at 415-436-9333 ext. 235.”

The immediate disclosure process is for requests that are “simple, routine or otherwise readily answerable.” Please see San Francisco Administrative Code section 67.25(a). Your request is not simple or routine. The process of attempting to locate responsive records will take SFPD a significant amount of time, and is not a true immediate disclosure request. The maximum deadline for responding to a request applies. The Department is looking into your request, and we will provide you with a response within 10 calendar days but no later than by March 25, 2022. Please refer to California Government Code Section 6253(c).

If you have any questions, please contact the Legal Division at (415) 837-7394.

Thank you for your courtesy in this regard.

Sincerely,

Lieutenant Lynn Reilly #1141  
Risk Management - Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

March 25, 2022

*Via email mukund@eff.org*

RE: Public Records Request, dated March 15, 2022, Reference # P065358-031522

Dear Mukund Rathi:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated March 15, 2022.

You requested, "To Whom It May Concern:

This letter is an immediate disclosure request under the San Francisco Sunshine Ordinance (SFSO) and the California Public Records Act (CPRA), by the Electronic Frontier Foundation (EFF). EFF makes this request to the San Francisco Police Department (SFPD) as part of our ongoing effort to obtain government documents and make them widely available to the public.

### **Background**

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#### **SFSO Immediate Disclosure and CPRA Requirements**

We seek immediate disclosure of the requested records and look forward to your response by close of business on March 16, 2022.<sup>4</sup> This request is not extensive or demanding, as SFPD was due to publicly issue the requested report last month.

The CPRA also requires you to undertake reasonable efforts to locate responsive records and to work in good faith with requesters to respond to their request. *See CYAC v. City of National City*, 220 Cal.App.4th 1385, 1430 (2013). Thus, under the CPRA you are obligated to conduct a reasonable search and cannot deny a request merely because it might generate a large volume of records.

Independently of the SFSO's requirements, the CPRA requires you to respond to this request within 10 days by providing all the requested records or by providing a written response with the legal authority on which you rely in withholding or redacting any record, and the date on when you will provide the records.

#### **Request for Fee Waiver**

We request that where available and appropriate, and to avoid copying costs, responsive records are provided electronically in their native format (such as a CSV file), or as textsearchable PDFs, and that the parent/child relationship between records is preserved.

Regardless, EFF requests that it not be charged fees because EFF is a representative of

the news media and disclosure of the requested information is in the public interest. Police use of ALPR technology is controversial and, along with other surveillance technology, is the subject of an ongoing public policy debate in San Francisco.<sup>5</sup>

Moreover, EFF has no commercial interest in the disclosure of the requested records. EFF is a 501(c)(3) nonprofit organization and will not derive commercial benefit from the information at issue here.

If copying is necessary and you elect to charge, EFF will reimburse you for the direct costs of copying these records plus postage. If you anticipate that these costs will exceed \$25.00, or that the time needed to copy the records will delay their release, please contact me so that I can arrange to inspect the records or decide which records I wish to have copied. Please also provide an invoice and a cost breakdown of the fee estimate. If the fees are less than \$25.00, please copy and send the records and invoice as soon as possible, and EFF will promptly pay the required costs.

Thank you for your consideration of this request. **As the SFSO requires, please respond to this request by end of business tomorrow, March 15, with a determination as to the requested records.** If you have any questions or concerns, please contact me by email at [mukund@eff.org](mailto:mukund@eff.org) or phone at 415-436-9333 ext. 235.”

On March 16, SFPD acknowledged your request, and informed you that the 10-day maximum deadline to respond applies. Please refer to California Government Code Section 6253(c).

SFPD is invoking the extension of time to respond to your request pursuant to Government Code section 6253(c) due to the need to search and review our records. Once it has been determined whether the information you request is available, we will advise you within 14 days, but no later than April 8.

If you have any questions, please contact the Legal Division at (415) 837-7394.

Thank you for your courtesy in this regard.

Sincerely,

Lieutenant Lynn Reilly #1141  
Risk Management - Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

April 8, 2022

*Via email mukund@eff.org*

RE: Public Records Request, dated March 15, 2022, Reference # P065358-031522

Dear Mukund Rathi:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated March 15, 2022.

You requested, "To Whom It May Concern:

This letter is an immediate disclosure request under the San Francisco Sunshine Ordinance (SFSO) and the California Public Records Act (CPRA), by the Electronic Frontier Foundation (EFF). EFF makes this request to the San Francisco Police Department (SFPD) as part of our ongoing effort to obtain government documents and make them widely available to the public.

### **Background**

The SFPD uses Automated License Plate Reader (ALPR) technology and has posted a Surveillance Technology Policy for its use of ALPR.<sup>1</sup> This policy states that the SFPD will annually issue a report to "track ALPR alerts and subsequent law enforcement action."<sup>2</sup> The first report was due to be issued on January 30, 2022, and posted on the SFPD public website, and through San Francisco Open Data – DataSF. However, there is no such report on ALPR use on either website.

The ALPR policy also states that "[o]n an annual basis, the Department will evaluate the impact of the technology on the following measures:" and then lists exemplar "[p]rohibited use cases."<sup>3</sup>

### **Records Request**

We request the following records for immediate disclosure under SFSO and CPRA:

1. The annual report, due to be issued on January 30, 2022, about the SFPD's use of ALPR technology.
2. The datasets due to be included in the annual report, including:
  - a. Total number of ALPR devices used
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  - c. District Station Jurisdiction of traffic stops due to ALPR alerts

- d. Total number of manually entered ALPR canvas searches
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- f. Number of stolen vehicles recovered due to ALPR alerts
- g. Number of Missing Persons (Silver/Amber Alerts) associated with a vehicle's license plate number
- h. Number of Missing Persons (Silver/Amber Alerts) associated with a vehicle's license plate number, located using ALPR
- i. Total number of investigations aided by ALPR

3. The annual review of the impact of ALPR as required by page 1 of the ALPR policy, including any review of prohibited uses of ALPR.

In addition, we request the following information and assistance, as required under CPRA:

- a. Assistance in identifying additional records and information that will describe the SFPD's use of ALPR and its issuance of the annual report.
- b. A description of the information technology and physical location in which the records exist.
- c. Suggestions for overcoming any practical basis for denying access to the records and information sought.

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On March 16, SFPD acknowledged your request, and informed you that the 10-day maximum deadline to respond applies. Please refer to California Government Code Section 6253(c).

On March 25, SFPD invoked the extension of time to respond to your request pursuant to Government Code section 6253(c) due to the need to search and review our records.

SFPD is still in the process of searching for responsive records. We will continue to be in contact with you and provide you with an update by April 22.

If you have any questions, please contact the Legal Division at (415) 837-7394.

Thank you for your courtesy in this regard.

Sincerely,

Lieutenant Lynn Reilly #1141  
Risk Management - Legal Division

# Respondent's Response



**Leger, Cheryl (BOS)**

---

**From:** Walton, Briseida (POL)  
**Sent:** Friday, July 22, 2022 9:07 AM  
**To:** SOTF, (BOS)  
**Cc:** Reilly, Lynn (POL)  
**Subject:** FW: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 22080  
**Attachments:** SOTF File No. 22080 - 7.22.22 sfpd response.pdf

Good morning,

In response to:

File No. 22080: Complaint filed by Mukund Rathi and the Electronic Frontier Foundation against Lieutenant Lynn Reilly and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21(b)(e), 67.25(a)(b)(d), and 67.34, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner, please see attached documents.

Thank you.

Sincerely,

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

Notice: The information contained in this electronic message may be confidential and may be subject to the attorney-client privilege and/or the attorney work product doctrine. It is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, you are hereby notified that any use, dissemination or copying of this communication is strictly prohibited. If you have received this electronic message in error, please delete the original message from your e-mail system. Thank you.

---

**From:** SOTF, (BOS) <[sotf@sfgov.org](mailto:sotf@sfgov.org)>  
**Sent:** Wednesday, July 20, 2022 2:50 PM  
**To:** Reilly, Lynn (POL) <[Lynn.Reilly@sfgov.org](mailto:Lynn.Reilly@sfgov.org)>  
**Cc:** Mukund Rathi <[mukund@eff.org](mailto:mukund@eff.org)>; Dave Maass <[dm@eff.org](mailto:dm@eff.org)>  
**Subject:** SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 22080

Good Afternoon:

Lt. Lynn Reilly and the San Francisco Police Department have been named as Respondents in the attached complaint filed with the Sunshine Ordinance Task Force (SOTF). In an effort to provide the SOTF information in an easy to understand format the SOTF has prepared a revised request format for responding to complaints (attached). **The SOTF requests that you submit your response to our office the allegations including any and all supporting documents, recordings, electronic media, etc., to the Task Force by 9:00 am, July 22, 2022, within two business days of receipt of this notice.** In developing and submitting your response, please

use the attached instructions, "Preparing San Francisco Sunshine Ordinance Task Force Respondents Materials," to address your defense of this complaint. This is your opportunity to provide a detailed explanation to allow the Task Force to be fully informed in considering your response prior to the meeting.

Please refer to the File Number 22080 when submitting any new information and/or supporting documents pertaining to this complaint.

Notice is also hereby given that the Education, Outreach and Training Committee (Committee) of the Sunshine Ordinance Task Force (Task Force) shall hold hearings on the complaints listed below to: 1) determine if the Task Force has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the Task Force. **PLEASE CONFIRM YOUR ATTENDANCE BY FRIDAY, July 22, 2022, 5:00 PM.**

Date: July 26, 2022

Location: Remote Meeting

Time: 5:30 p.m.

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

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

Complaints:

**File No. 22079:** Complaint filed by Itika Robinsonson-Currington against the Bureau of Fire Investigation (Fire Department) for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond for public records in a timely and/or complete manner.

**File No. 22080:** Complaint filed by Mukund Rath and the Electronic Frontier Foundation against Lieutenant Lynn Reilly and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21(b)(e), 67.25(a)(b)(d), and 67.34, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

**File No. 22081:** Complaint filed by David Piercy against Lara Bazelon, former District Attorney Chesa Boudin and the Office of the District Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a public records request in a timely and/or complete manner.

For a document to be considered, it must be received at least four (4) working days before the hearing. ***For inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, May 19, 2022..***

The Complainant alleges:

*Complaint Attached.*

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724



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

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

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







**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

July 22, 2022

Via email [sotf@sfgov.org](mailto:sotf@sfgov.org)

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

Re: Complaint No. 22080 - filed by the Electric Frontier Foundation against the Police Department

Dear Sunshine Ordinance Task Force:

The San Francisco Police Department (SFPD) is in receipt of the Complaint filed by the Electronic Frontier Foundation with the Sunshine Ordinance Task Force (SOTF) alleging that SFPD violated Administrative Code (Sunshine Ordinance), Section(s) 67.21(b)(e), 67.25(a)(b)(d), and 67.34, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

SFPD takes responsibility for not providing a response in a timely manner. SFPD received public records request regarding SFPD's use of ALPR technology on March 15, 2022. We maintained communication with requester via email [mukund@eff.org](mailto:mukund@eff.org), and provided updates. (Attachment 1).

SFPD has provided requester with the responses produced by SFPD's, Special Investigations Division via email [mukund@eff.org](mailto:mukund@eff.org), dated July 22, 2022. We are still searching for a response for item 1 of public records. As such, we are unable to provide a response at this time. We will provide a response to the requester by July 29.

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

**Attachment 1**

- 1) SFPD response letters, to date for Reference # P065358-031522
- 2) Public Records request, dated March 15, 2022

Thank you for your courtesy in this regard.

Sincerely,

Lieutenant Lynn Reilly #1141  
Risk Management - Legal Division

## Attachment 1



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

March 16, 2022

*Via email mukund@eff.org*

RE: Public Records Request, dated March 15, 2022, Reference # P065358-031522

Dear Mukund Rathi:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated March 15, 2022.

You requested, "To Whom It May Concern:

This letter is an immediate disclosure request under the San Francisco Sunshine Ordinance (SFSO) and the California Public Records Act (CPRA), by the Electronic Frontier Foundation (EFF). EFF makes this request to the San Francisco Police Department (SFPD) as part of our ongoing effort to obtain government documents and make them widely available to the public.

### **Background**

The SFPD uses Automated License Plate Reader (ALPR) technology and has posted a Surveillance Technology Policy for its use of ALPR.<sup>1</sup> This policy states that the SFPD will annually issue a report to "track ALPR alerts and subsequent law enforcement action."<sup>2</sup> The first report was due to be issued on January 30, 2022, and posted on the SFPD public website, and through San Francisco Open Data – DataSF. However, there is no such report on ALPR use on either website.

The ALPR policy also states that "[o]n an annual basis, the Department will evaluate the impact of the technology on the following measures:" and then lists exemplar "[p]rohibited use cases."<sup>3</sup>

### **Records Request**

We request the following records for immediate disclosure under SFSO and CPRA:

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  - a. Total number of ALPR devices used
  - b. Total number of traffic stops due to ALPR alerts and corresponding category of DOJ Stop/Felony want
  - c. District Station Jurisdiction of traffic stops due to ALPR alerts

- d. Total number of manually entered ALPR canvas searches
- e. District Station Jurisdiction of manually entered ALPR canvas searches
- f. Number of stolen vehicles recovered due to ALPR alerts
- g. Number of Missing Persons (Silver/Amber Alerts) associated with a vehicle's license plate number
- h. Number of Missing Persons (Silver/Amber Alerts) associated with a vehicle's license plate number, located using ALPR
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3. The annual review of the impact of ALPR as required by page 1 of the ALPR policy, including any review of prohibited uses of ALPR.

In addition, we request the following information and assistance, as required under CPRA:

- a. Assistance in identifying additional records and information that will describe the SFPD's use of ALPR and its issuance of the annual report.
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The immediate disclosure process is for requests that are “simple, routine or otherwise readily answerable.” Please see San Francisco Administrative Code section 67.25(a). Your request is not simple or routine. The process of attempting to locate responsive records will take SFPD a significant amount of time, and is not a true immediate disclosure request. The maximum deadline for responding to a request applies. The Department is looking into your request, and we will provide you with a response within 10 calendar days but no later than by March 25, 2022. Please refer to California Government Code Section 6253(c).

If you have any questions, please contact the Legal Division at (415) 837-7394.

Thank you for your courtesy in this regard.

Sincerely,

Lieutenant Lynn Reilly #1141  
Risk Management - Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

March 25, 2022

*Via email mukund@eff.org*

RE: Public Records Request, dated March 15, 2022, Reference # P065358-031522

Dear Mukund Rathi:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated March 15, 2022.

You requested, "To Whom It May Concern:

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Thank you for your courtesy in this regard.

Sincerely,

Lieutenant Lynn Reilly #1141  
Risk Management - Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

April 8, 2022

*Via email mukund@eff.org*

RE: Public Records Request, dated March 15, 2022, Reference # P065358-031522

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  - a. Total number of ALPR devices used
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  - c. District Station Jurisdiction of traffic stops due to ALPR alerts

- d. Total number of manually entered ALPR canvas searches
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- f. Number of stolen vehicles recovered due to ALPR alerts
- g. Number of Missing Persons (Silver/Amber Alerts) associated with a vehicle's license plate number
- h. Number of Missing Persons (Silver/Amber Alerts) associated with a vehicle's license plate number, located using ALPR
- i. Total number of investigations aided by ALPR

3. The annual review of the impact of ALPR as required by page 1 of the ALPR policy, including any review of prohibited uses of ALPR.

In addition, we request the following information and assistance, as required under CPRA:

- a. Assistance in identifying additional records and information that will describe the SFPD's use of ALPR and its issuance of the annual report.
- b. A description of the information technology and physical location in which the records exist.
- c. Suggestions for overcoming any practical basis for denying access to the records and information sought.

#### **SFSO Immediate Disclosure and CPRA Requirements**

We seek immediate disclosure of the requested records and look forward to your response by close of business on March 16, 2022.<sup>4</sup> This request is not extensive or demanding, as SFPD was due to publicly issue the requested report last month.

The CPRA also requires you to undertake reasonable efforts to locate responsive records and to work in good faith with requesters to respond to their request. *See CYAC v. City of National City*, 220 Cal.App.4th 1385, 1430 (2013). Thus, under the CPRA you are obligated to conduct a reasonable search and cannot deny a request merely because it might generate a large volume of records.

Independently of the SFSO's requirements, the CPRA requires you to respond to this request within 10 days by providing all the requested records or by providing a written response with the legal authority on which you rely in withholding or redacting any record, and the date on when you will provide the records.

#### **Request for Fee Waiver**

We request that where available and appropriate, and to avoid copying costs, responsive records are provided electronically in their native format (such as a CSV file), or as textsearchable PDFs, and that the parent/child relationship between records is preserved.

Regardless, EFF requests that it not be charged fees because EFF is a representative of

the news media and disclosure of the requested information is in the public interest. Police use of ALPR technology is controversial and, along with other surveillance technology, is the subject of an ongoing public policy debate in San Francisco.<sup>5</sup>

Moreover, EFF has no commercial interest in the disclosure of the requested records. EFF is a 501(c)(3) nonprofit organization and will not derive commercial benefit from the information at issue here.

If copying is necessary and you elect to charge, EFF will reimburse you for the direct costs of copying these records plus postage. If you anticipate that these costs will exceed \$25.00, or that the time needed to copy the records will delay their release, please contact me so that I can arrange to inspect the records or decide which records I wish to have copied. Please also provide an invoice and a cost breakdown of the fee estimate. If the fees are less than \$25.00, please copy and send the records and invoice as soon as possible, and EFF will promptly pay the required costs.

Thank you for your consideration of this request. **As the SFSO requires, please respond to this request by end of business tomorrow, March 15, with a determination as to the requested records.** If you have any questions or concerns, please contact me by email at [mukund@eff.org](mailto:mukund@eff.org) or phone at 415-436-9333 ext. 235.”

On March 16, SFPD acknowledged your request, and informed you that the 10-day maximum deadline to respond applies. Please refer to California Government Code Section 6253(c).

On March 25, SFPD invoked the extension of time to respond to your request pursuant to Government Code section 6253(c) due to the need to search and review our records.

SFPD is still in the process of searching for responsive records. We will continue to be in contact with you and provide you with an update by April 22.

If you have any questions, please contact the Legal Division at (415) 837-7394.

Thank you for your courtesy in this regard.

Sincerely,

Lieutenant Lynn Reilly #1141  
Risk Management - Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

April 22, 2022

*Via email mukund@eff.org*

RE: Public Records Request, dated March 15, 2022, Reference # P065358-031522

Dear Mukund Rathi:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated March 15, 2022.

You requested, "To Whom It May Concern:

This letter is an immediate disclosure request under the San Francisco Sunshine Ordinance (SFSO) and the California Public Records Act (CPRA), by the Electronic Frontier Foundation (EFF). EFF makes this request to the San Francisco Police Department (SFPD) as part of our ongoing effort to obtain government documents and make them widely available to the public.

### **Background**

The SFPD uses Automated License Plate Reader (ALPR) technology and has posted a Surveillance Technology Policy for its use of ALPR.<sup>1</sup> This policy states that the SFPD will annually issue a report to "track ALPR alerts and subsequent law enforcement action."<sup>2</sup> The first report was due to be issued on January 30, 2022, and posted on the SFPD public website, and through San Francisco Open Data – DataSF. However, there is no such report on ALPR use on either website.

The ALPR policy also states that "[o]n an annual basis, the Department will evaluate the impact of the technology on the following measures:" and then lists exemplar "[p]rohibited use cases."<sup>3</sup>

### **Records Request**

We request the following records for immediate disclosure under SFSO and CPRA:

1. The annual report, due to be issued on January 30, 2022, about the SFPD's use of ALPR technology.
2. The datasets due to be included in the annual report, including:
  - a. Total number of ALPR devices used
  - b. Total number of traffic stops due to ALPR alerts and corresponding category of DOJ Stop/Felony want
  - c. District Station Jurisdiction of traffic stops due to ALPR alerts



- d. Total number of manually entered ALPR canvas searches
- e. District Station Jurisdiction of manually entered ALPR canvas searches
- f. Number of stolen vehicles recovered due to ALPR alerts
- g. Number of Missing Persons (Silver/Amber Alerts) associated with a vehicle's license plate number
- h. Number of Missing Persons (Silver/Amber Alerts) associated with a vehicle's license plate number, located using ALPR
- i. Total number of investigations aided by ALPR

3. The annual review of the impact of ALPR as required by page 1 of the ALPR policy, including any review of prohibited uses of ALPR.

In addition, we request the following information and assistance, as required under CPRA:

- a. Assistance in identifying additional records and information that will describe the SFPD's use of ALPR and its issuance of the annual report.
- b. A description of the information technology and physical location in which the records exist.
- c. Suggestions for overcoming any practical basis for denying access to the records and information sought.

#### **SFSO Immediate Disclosure and CPRA Requirements**

We seek immediate disclosure of the requested records and look forward to your response by close of business on March 16, 2022.<sup>4</sup> This request is not extensive or demanding, as SFPD was due to publicly issue the requested report last month.

The CPRA also requires you to undertake reasonable efforts to locate responsive records and to work in good faith with requesters to respond to their request. *See CYAC v. City of National City*, 220 Cal.App.4th 1385, 1430 (2013). Thus, under the CPRA you are obligated to conduct a reasonable search and cannot deny a request merely because it might generate a large volume of records.

Independently of the SFSO's requirements, the CPRA requires you to respond to this request within 10 days by providing all the requested records or by providing a written response with the legal authority on which you rely in withholding or redacting any record, and the date on when you will provide the records.

#### **Request for Fee Waiver**

We request that where available and appropriate, and to avoid copying costs, responsive records are provided electronically in their native format (such as a CSV file), or as textsearchable PDFs, and that the parent/child relationship between records is preserved.

Regardless, EFF requests that it not be charged fees because EFF is a representative of

the news media and disclosure of the requested information is in the public interest. Police use of ALPR technology is controversial and, along with other surveillance technology, is the subject of an ongoing public policy debate in San Francisco.<sup>5</sup>

Moreover, EFF has no commercial interest in the disclosure of the requested records. EFF is a 501(c)(3) nonprofit organization and will not derive commercial benefit from the information at issue here.

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Thank you for your consideration of this request. **As the SFSO requires, please respond to this request by end of business tomorrow, March 15, with a determination as to the requested records.** If you have any questions or concerns, please contact me by email at [mukund@eff.org](mailto:mukund@eff.org) or phone at 415-436-9333 ext. 235.”

On March 16, SFPD acknowledged your request, and informed you that the 10-day maximum deadline to respond applies. Please refer to California Government Code Section 6253(c).

On March 25, SFPD invoked the extension of time to respond to your request pursuant to Government Code section 6253(c) due to the need to search and review our records.

On April 8, SFPD informed you that we were still in the process of searching for responsive records.

SFPD is still in the process of searching for responsive records. We will continue to be in contact with you and provide you with an update by May 6.

If you have any questions, please contact the Legal Division at (415) 837-7394.

Thank you for your courtesy in this regard.

Sincerely,

Lieutenant Lynn Reilly #1141  
Risk Management - Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

May 6, 2022

*Via email mukund@eff.org*

RE: Public Records Request, dated March 15, 2022, Reference # P065358-031522

Dear Mukund Rathi:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated March 15, 2022.

You requested, "To Whom It May Concern:

This letter is an immediate disclosure request under the San Francisco Sunshine Ordinance (SFSO) and the California Public Records Act (CPRA), by the Electronic Frontier Foundation (EFF). EFF makes this request to the San Francisco Police Department (SFPD) as part of our ongoing effort to obtain government documents and make them widely available to the public.

### **Background**

The SFPD uses Automated License Plate Reader (ALPR) technology and has posted a Surveillance Technology Policy for its use of ALPR.<sup>1</sup> This policy states that the SFPD will annually issue a report to "track ALPR alerts and subsequent law enforcement action."<sup>2</sup> The first report was due to be issued on January 30, 2022, and posted on the SFPD public website, and through San Francisco Open Data – DataSF. However, there is no such report on ALPR use on either website.

The ALPR policy also states that "[o]n an annual basis, the Department will evaluate the impact of the technology on the following measures:" and then lists exemplar "[p]rohibited use cases."<sup>3</sup>

### **Records Request**

We request the following records for immediate disclosure under SFSO and CPRA:

1. The annual report, due to be issued on January 30, 2022, about the SFPD's use of ALPR technology.
2. The datasets due to be included in the annual report, including:
  - a. Total number of ALPR devices used
  - b. Total number of traffic stops due to ALPR alerts and corresponding category of DOJ Stop/Felony want
  - c. District Station Jurisdiction of traffic stops due to ALPR alerts



- d. Total number of manually entered ALPR canvas searches
- e. District Station Jurisdiction of manually entered ALPR canvas searches
- f. Number of stolen vehicles recovered due to ALPR alerts
- g. Number of Missing Persons (Silver/Amber Alerts) associated with a vehicle's license plate number
- h. Number of Missing Persons (Silver/Amber Alerts) associated with a vehicle's license plate number, located using ALPR
- i. Total number of investigations aided by ALPR

3. The annual review of the impact of ALPR as required by page 1 of the ALPR policy, including any review of prohibited uses of ALPR.

In addition, we request the following information and assistance, as required under CPRA:

- a. Assistance in identifying additional records and information that will describe the SFPD's use of ALPR and its issuance of the annual report.
- b. A description of the information technology and physical location in which the records exist.
- c. Suggestions for overcoming any practical basis for denying access to the records and information sought.

### **SFSO Immediate Disclosure and CPRA Requirements**

We seek immediate disclosure of the requested records and look forward to your response by close of business on March 16, 2022.<sup>4</sup> This request is not extensive or demanding, as SFPD was due to publicly issue the requested report last month.

The CPRA also requires you to undertake reasonable efforts to locate responsive records and to work in good faith with requesters to respond to their request. *See CYAC v. City of National City*, 220 Cal.App.4th 1385, 1430 (2013). Thus, under the CPRA you are obligated to conduct a reasonable search and cannot deny a request merely because it might generate a large volume of records.

Independently of the SFSO's requirements, the CPRA requires you to respond to this request within 10 days by providing all the requested records or by providing a written response with the legal authority on which you rely in withholding or redacting any record, and the date on when you will provide the records.

### **Request for Fee Waiver**

We request that where available and appropriate, and to avoid copying costs, responsive records are provided electronically in their native format (such as a CSV file), or as textsearchable PDFs, and that the parent/child relationship between records is preserved.

Regardless, EFF requests that it not be charged fees because EFF is a representative of

the news media and disclosure of the requested information is in the public interest. Police use of ALPR technology is controversial and, along with other surveillance technology, is the subject of an ongoing public policy debate in San Francisco.<sup>5</sup>

Moreover, EFF has no commercial interest in the disclosure of the requested records. EFF is a 501(c)(3) nonprofit organization and will not derive commercial benefit from the information at issue here.

If copying is necessary and you elect to charge, EFF will reimburse you for the direct costs of copying these records plus postage. If you anticipate that these costs will exceed \$25.00, or that the time needed to copy the records will delay their release, please contact me so that I can arrange to inspect the records or decide which records I wish to have copied. Please also provide an invoice and a cost breakdown of the fee estimate. If the fees are less than \$25.00, please copy and send the records and invoice as soon as possible, and EFF will promptly pay the required costs.

Thank you for your consideration of this request. **As the SFSO requires, please respond to this request by end of business tomorrow, March 15, with a determination as to the requested records.** If you have any questions or concerns, please contact me by email at [mukund@eff.org](mailto:mukund@eff.org) or phone at 415-436-9333 ext. 235.”

On March 16, SFPD acknowledged your request, and informed you that the 10-day maximum deadline to respond applies. Please refer to California Government Code Section 6253(c).

On March 25, SFPD invoked the extension of time to respond to your request pursuant to Government Code section 6253(c) due to the need to search and review our records.

On April 8 and April 22, SFPD informed you that we were still in the process of searching for responsive records.

On April 25, we received your voicemails and reached out to you via phone and email but we were unable to discuss this request.

SFPD is still in the process of searching for responsive records. We will continue to be in contact with you and provide you with an update by May 20.

If you have any questions, please contact the Legal Division at (415) 837-7394.

Thank you for your courtesy in this regard.

Sincerely,

Lieutenant Lynn Reilly #1141  
Risk Management - Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

May 20, 2022

*Via email mukund@eff.org*

RE: Public Records Request, dated March 15, 2022, Reference # P065358-031522

Dear Mukund Rathi:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated March 15, 2022.

You requested, "To Whom It May Concern:

This letter is an immediate disclosure request under the San Francisco Sunshine Ordinance (SFSO) and the California Public Records Act (CPRA), by the Electronic Frontier Foundation (EFF). EFF makes this request to the San Francisco Police Department (SFPD) as part of our ongoing effort to obtain government documents and make them widely available to the public.

### **Background**

The SFPD uses Automated License Plate Reader (ALPR) technology and has posted a Surveillance Technology Policy for its use of ALPR.<sup>1</sup> This policy states that the SFPD will annually issue a report to "track ALPR alerts and subsequent law enforcement action."<sup>2</sup> The first report was due to be issued on January 30, 2022, and posted on the SFPD public website, and through San Francisco Open Data – DataSF. However, there is no such report on ALPR use on either website.

The ALPR policy also states that "[o]n an annual basis, the Department will evaluate the impact of the technology on the following measures:" and then lists exemplar "[p]rohibited use cases."<sup>3</sup>

### **Records Request**

We request the following records for immediate disclosure under SFSO and CPRA:

1. The annual report, due to be issued on January 30, 2022, about the SFPD's use of ALPR technology.
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- d. Total number of manually entered ALPR canvas searches
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3. The annual review of the impact of ALPR as required by page 1 of the ALPR policy, including any review of prohibited uses of ALPR.

In addition, we request the following information and assistance, as required under CPRA:

- a. Assistance in identifying additional records and information that will describe the SFPD's use of ALPR and its issuance of the annual report.
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#### **Request for Fee Waiver**

We request that where available and appropriate, and to avoid copying costs, responsive records are provided electronically in their native format (such as a CSV file), or as textsearchable PDFs, and that the parent/child relationship between records is preserved.

Regardless, EFF requests that it not be charged fees because EFF is a representative of

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On April 8, April 22, and May 6, SFPD informed you that we were still in the process of searching for responsive records.

On April 25, we received your voicemails and reached out to you via phone and email but we were unable to discuss this request.

SFPD is still in the process of searching for responsive records. We will continue to be in contact with you and provide you with an update by June 3.

If you have any questions, please contact the Legal Division at (415) 837-7394.

Thank you for your courtesy in this regard.

Sincerely,

Lieutenant Lynn Reilly #1141  
Risk Management - Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

June 3, 2022

*Via email mukund@eff.org*

RE: Public Records Request, dated March 15, 2022, Reference # P065358-031522

Dear Mukund Rathi:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated March 15, 2022.

You requested, "To Whom It May Concern:

This letter is an immediate disclosure request under the San Francisco Sunshine Ordinance (SFSO) and the California Public Records Act (CPRA), by the Electronic Frontier Foundation (EFF). EFF makes this request to the San Francisco Police Department (SFPD) as part of our ongoing effort to obtain government documents and make them widely available to the public.

### **Background**

The SFPD uses Automated License Plate Reader (ALPR) technology and has posted a Surveillance Technology Policy for its use of ALPR.<sup>1</sup> This policy states that the SFPD will annually issue a report to "track ALPR alerts and subsequent law enforcement action."<sup>2</sup> The first report was due to be issued on January 30, 2022, and posted on the SFPD public website, and through San Francisco Open Data – DataSF. However, there is no such report on ALPR use on either website.

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SFPD is still in the process of searching for responsive records. We will continue to be in contact with you and provide you with an update by June 17.

If you have any questions, please contact the Legal Division at (415) 837-7394.

Thank you for your courtesy in this regard.

Sincerely,

Lieutenant Lynn Reilly #1141  
Risk Management - Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

June 17, 2022

*Via email mukund@eff.org*

RE: Public Records Request, dated March 15, 2022, Reference # P065358-031522

Dear Mukund Rathi:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated March 15, 2022.

You requested, "To Whom It May Concern:

This letter is an immediate disclosure request under the San Francisco Sunshine Ordinance (SFSO) and the California Public Records Act (CPRA), by the Electronic Frontier Foundation (EFF). EFF makes this request to the San Francisco Police Department (SFPD) as part of our ongoing effort to obtain government documents and make them widely available to the public.

### **Background**

The SFPD uses Automated License Plate Reader (ALPR) technology and has posted a Surveillance Technology Policy for its use of ALPR.<sup>1</sup> This policy states that the SFPD will annually issue a report to "track ALPR alerts and subsequent law enforcement action."<sup>2</sup> The first report was due to be issued on January 30, 2022, and posted on the SFPD public website, and through San Francisco Open Data – DataSF. However, there is no such report on ALPR use on either website.

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1. The annual report, due to be issued on January 30, 2022, about the SFPD's use of ALPR technology.
2. The datasets due to be included in the annual report, including:
  - a. Total number of ALPR devices used
  - b. Total number of traffic stops due to ALPR alerts and corresponding category of DOJ Stop/Felony want
  - c. District Station Jurisdiction of traffic stops due to ALPR alerts

- d. Total number of manually entered ALPR canvas searches
- e. District Station Jurisdiction of manually entered ALPR canvas searches
- f. Number of stolen vehicles recovered due to ALPR alerts
- g. Number of Missing Persons (Silver/Amber Alerts) associated with a vehicle's license plate number
- h. Number of Missing Persons (Silver/Amber Alerts) associated with a vehicle's license plate number, located using ALPR
- i. Total number of investigations aided by ALPR

3. The annual review of the impact of ALPR as required by page 1 of the ALPR policy, including any review of prohibited uses of ALPR.

In addition, we request the following information and assistance, as required under CPRA:

- a. Assistance in identifying additional records and information that will describe the SFPD's use of ALPR and its issuance of the annual report.
- b. A description of the information technology and physical location in which the records exist.
- c. Suggestions for overcoming any practical basis for denying access to the records and information sought.

#### **SFSO Immediate Disclosure and CPRA Requirements**

We seek immediate disclosure of the requested records and look forward to your response by close of business on March 16, 2022.<sup>4</sup> This request is not extensive or demanding, as SFPD was due to publicly issue the requested report last month.

The CPRA also requires you to undertake reasonable efforts to locate responsive records and to work in good faith with requesters to respond to their request. *See CYAC v. City of National City*, 220 Cal.App.4th 1385, 1430 (2013). Thus, under the CPRA you are obligated to conduct a reasonable search and cannot deny a request merely because it might generate a large volume of records.

Independently of the SFSO's requirements, the CPRA requires you to respond to this request within 10 days by providing all the requested records or by providing a written response with the legal authority on which you rely in withholding or redacting any record, and the date on when you will provide the records.

#### **Request for Fee Waiver**

We request that where available and appropriate, and to avoid copying costs, responsive records are provided electronically in their native format (such as a CSV file), or as textsearchable PDFs, and that the parent/child relationship between records is preserved.

Regardless, EFF requests that it not be charged fees because EFF is a representative of

the news media and disclosure of the requested information is in the public interest. Police use of ALPR technology is controversial and, along with other surveillance technology, is the subject of an ongoing public policy debate in San Francisco.<sup>5</sup>

Moreover, EFF has no commercial interest in the disclosure of the requested records. EFF is a 501(c)(3) nonprofit organization and will not derive commercial benefit from the information at issue here.

If copying is necessary and you elect to charge, EFF will reimburse you for the direct costs of copying these records plus postage. If you anticipate that these costs will exceed \$25.00, or that the time needed to copy the records will delay their release, please contact me so that I can arrange to inspect the records or decide which records I wish to have copied. Please also provide an invoice and a cost breakdown of the fee estimate. If the fees are less than \$25.00, please copy and send the records and invoice as soon as possible, and EFF will promptly pay the required costs.

Thank you for your consideration of this request. **As the SFSO requires, please respond to this request by end of business tomorrow, March 15, with a determination as to the requested records.** If you have any questions or concerns, please contact me by email at [mukund@eff.org](mailto:mukund@eff.org) or phone at 415-436-9333 ext. 235."

On March 16, SFPD acknowledged your request, and informed you that the 10-day maximum deadline to respond applies. Please refer to California Government Code Section 6253(c).

On March 25, SFPD invoked the extension of time to respond to your request pursuant to Government Code section 6253(c) due to the need to search and review our records.

On April 8, April 22, May 6, May 20, June 3, SFPD informed you that we were still in the process of searching for responsive records.

On April 25, we received your voicemails and reached out to you via phone and email but we were unable to discuss this request.

SFPD is still in the process of searching for responsive records. We will continue to be in contact with you and provide you with an update by July 1.

If you have any questions, please contact the Legal Division at (415) 837-7394.

Thank you for your courtesy in this regard.

Sincerely,

Lieutenant Lynn Reilly #1141  
Risk Management - Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

July 1, 2022

*Via email mukund@eff.org*

RE: Public Records Request, dated March 15, 2022, Reference # P065358-031522

Dear Mukund Rathi:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated March 15, 2022.

You requested, "To Whom It May Concern:

This letter is an immediate disclosure request under the San Francisco Sunshine Ordinance (SFSO) and the California Public Records Act (CPRA), by the Electronic Frontier Foundation (EFF). EFF makes this request to the San Francisco Police Department (SFPD) as part of our ongoing effort to obtain government documents and make them widely available to the public.

### **Background**

The SFPD uses Automated License Plate Reader (ALPR) technology and has posted a Surveillance Technology Policy for its use of ALPR.<sup>1</sup> This policy states that the SFPD will annually issue a report to "track ALPR alerts and subsequent law enforcement action."<sup>2</sup> The first report was due to be issued on January 30, 2022, and posted on the SFPD public website, and through San Francisco Open Data – DataSF. However, there is no such report on ALPR use on either website.

The ALPR policy also states that "[o]n an annual basis, the Department will evaluate the impact of the technology on the following measures:" and then lists exemplar "[p]rohibited use cases."<sup>3</sup>

### **Records Request**

We request the following records for immediate disclosure under SFSO and CPRA:

1. The annual report, due to be issued on January 30, 2022, about the SFPD's use of ALPR technology.
2. The datasets due to be included in the annual report, including:
  - a. Total number of ALPR devices used
  - b. Total number of traffic stops due to ALPR alerts and corresponding category of DOJ Stop/Felony want
  - c. District Station Jurisdiction of traffic stops due to ALPR alerts



- d. Total number of manually entered ALPR canvas searches
- e. District Station Jurisdiction of manually entered ALPR canvas searches
- f. Number of stolen vehicles recovered due to ALPR alerts
- g. Number of Missing Persons (Silver/Amber Alerts) associated with a vehicle's license plate number
- h. Number of Missing Persons (Silver/Amber Alerts) associated with a vehicle's license plate number, located using ALPR
- i. Total number of investigations aided by ALPR

3. The annual review of the impact of ALPR as required by page 1 of the ALPR policy, including any review of prohibited uses of ALPR.

In addition, we request the following information and assistance, as required under CPRA:

- a. Assistance in identifying additional records and information that will describe the SFPD's use of ALPR and its issuance of the annual report.
- b. A description of the information technology and physical location in which the records exist.
- c. Suggestions for overcoming any practical basis for denying access to the records and information sought.

### **SFSO Immediate Disclosure and CPRA Requirements**

We seek immediate disclosure of the requested records and look forward to your response by close of business on March 16, 2022.<sup>4</sup> This request is not extensive or demanding, as SFPD was due to publicly issue the requested report last month.

The CPRA also requires you to undertake reasonable efforts to locate responsive records and to work in good faith with requesters to respond to their request. *See CYAC v. City of National City*, 220 Cal.App.4th 1385, 1430 (2013). Thus, under the CPRA you are obligated to conduct a reasonable search and cannot deny a request merely because it might generate a large volume of records.

Independently of the SFSO's requirements, the CPRA requires you to respond to this request within 10 days by providing all the requested records or by providing a written response with the legal authority on which you rely in withholding or redacting any record, and the date on when you will provide the records.

### **Request for Fee Waiver**

We request that where available and appropriate, and to avoid copying costs, responsive records are provided electronically in their native format (such as a CSV file), or as textsearchable PDFs, and that the parent/child relationship between records is preserved.

Regardless, EFF requests that it not be charged fees because EFF is a representative of

the news media and disclosure of the requested information is in the public interest. Police use of ALPR technology is controversial and, along with other surveillance technology, is the subject of an ongoing public policy debate in San Francisco.<sup>5</sup>

Moreover, EFF has no commercial interest in the disclosure of the requested records. EFF is a 501(c)(3) nonprofit organization and will not derive commercial benefit from the information at issue here.

If copying is necessary and you elect to charge, EFF will reimburse you for the direct costs of copying these records plus postage. If you anticipate that these costs will exceed \$25.00, or that the time needed to copy the records will delay their release, please contact me so that I can arrange to inspect the records or decide which records I wish to have copied. Please also provide an invoice and a cost breakdown of the fee estimate. If the fees are less than \$25.00, please copy and send the records and invoice as soon as possible, and EFF will promptly pay the required costs.

Thank you for your consideration of this request. **As the SFSO requires, please respond to this request by end of business tomorrow, March 15, with a determination as to the requested records.** If you have any questions or concerns, please contact me by email at [mukund@eff.org](mailto:mukund@eff.org) or phone at 415-436-9333 ext. 235.”

On March 16, SFPD acknowledged your request, and informed you that the 10-day maximum deadline to respond applies. Please refer to California Government Code Section 6253(c).

On March 25, SFPD invoked the extension of time to respond to your request pursuant to Government Code section 6253(c) due to the need to search and review our records.

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SFPD is still in the process of searching for responsive records. We will continue to be in contact with you and provide you with an update by July 15.

If you have any questions, please contact the Legal Division at (415) 837-7394.

Thank you for your courtesy in this regard.

Sincerely,

Lieutenant Lynn Reilly #1141  
Risk Management - Legal Division



**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

July 15, 2022

*Via email mukund@eff.org*

RE: Public Records Request, dated March 15, 2022, Reference # P065358-031522

Dear Mukund Rathi:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated March 15, 2022.

You requested, "To Whom It May Concern:

This letter is an immediate disclosure request under the San Francisco Sunshine Ordinance (SFSO) and the California Public Records Act (CPRA), by the Electronic Frontier Foundation (EFF). EFF makes this request to the San Francisco Police Department (SFPD) as part of our ongoing effort to obtain government documents and make them widely available to the public.

### **Background**

The SFPD uses Automated License Plate Reader (ALPR) technology and has posted a Surveillance Technology Policy for its use of ALPR.<sup>1</sup> This policy states that the SFPD will annually issue a report to "track ALPR alerts and subsequent law enforcement action."<sup>2</sup> The first report was due to be issued on January 30, 2022, and posted on the SFPD public website, and through San Francisco Open Data – DataSF. However, there is no such report on ALPR use on either website.

The ALPR policy also states that "[o]n an annual basis, the Department will evaluate the impact of the technology on the following measures:" and then lists exemplar "[p]rohibited use cases."<sup>3</sup>

### **Records Request**

We request the following records for immediate disclosure under SFSO and CPRA:

1. The annual report, due to be issued on January 30, 2022, about the SFPD's use of ALPR technology.
2. The datasets due to be included in the annual report, including:
  - a. Total number of ALPR devices used
  - b. Total number of traffic stops due to ALPR alerts and corresponding category of DOJ Stop/Felony want
  - c. District Station Jurisdiction of traffic stops due to ALPR alerts

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  - e. District Station Jurisdiction of manually entered ALPR canvas searches
  - f. Number of stolen vehicles recovered due to ALPR alerts
  - g. Number of Missing Persons (Silver/Amber Alerts) associated with a vehicle's license plate number
  - h. Number of Missing Persons (Silver/Amber Alerts) associated with a vehicle's license plate number, located using ALPR
  - i. Total number of investigations aided by ALPR
3. The annual review of the impact of ALPR as required by page 1 of the ALPR policy, including any review of prohibited uses of ALPR.

In addition, we request the following information and assistance, as required under CPRA:

- a. Assistance in identifying additional records and information that will describe the SFPD's use of ALPR and its issuance of the annual report.
- b. A description of the information technology and physical location in which the records exist.
- c. Suggestions for overcoming any practical basis for denying access to the records and information sought.

#### **SFSO Immediate Disclosure and CPRA Requirements**

We seek immediate disclosure of the requested records and look forward to your response by close of business on March 16, 2022.<sup>4</sup> This request is not extensive or demanding, as SFPD was due to publicly issue the requested report last month.

The CPRA also requires you to undertake reasonable efforts to locate responsive records and to work in good faith with requesters to respond to their request. *See CYAC v. City of National City*, 220 Cal.App.4th 1385, 1430 (2013). Thus, under the CPRA you are obligated to conduct a reasonable search and cannot deny a request merely because it might generate a large volume of records.

Independently of the SFSO's requirements, the CPRA requires you to respond to this request within 10 days by providing all the requested records or by providing a written response with the legal authority on which you rely in withholding or redacting any record, and the date on when you will provide the records.

#### **Request for Fee Waiver**

We request that where available and appropriate, and to avoid copying costs, responsive records are provided electronically in their native format (such as a CSV file), or as textsearchable PDFs, and that the parent/child relationship between records is preserved.

Regardless, EFF requests that it not be charged fees because EFF is a representative of

the news media and disclosure of the requested information is in the public interest. Police use of ALPR technology is controversial and, along with other surveillance technology, is the subject of an ongoing public policy debate in San Francisco.<sup>5</sup>

Moreover, EFF has no commercial interest in the disclosure of the requested records. EFF is a 501(c)(3) nonprofit organization and will not derive commercial benefit from the information at issue here.

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Thank you for your consideration of this request. **As the SFSO requires, please respond to this request by end of business tomorrow, March 15, with a determination as to the requested records.** If you have any questions or concerns, please contact me by email at mukund@eff.org or phone at 415-436-9333 ext. 235.”

On March 16, SFPD acknowledged your request, and informed you that the 10-day maximum deadline to respond applies. Please refer to California Government Code Section 6253(c).

On March 25, SFPD invoked the extension of time to respond to your request pursuant to Government Code section 6253(c) due to the need to search and review our records.

On April 8, April 22, May 6, May 20, June 3, July 17, and July 1, SFPD informed you that we were still in the process of searching for responsive records.

On April 25, we received your voicemails and reached out to you via phone and email, but we were unable to discuss this request.

SFPD is still in the process of searching for responsive records. We will continue to be in contact with you and provide you with an update by July 29.

If you have any questions, please contact the Legal Division at (415) 837-7394.

Thank you for your courtesy in this regard.

Sincerely,

Lieutenant Lynn Reilly #1141  
Risk Management - Legal Division





**LONDON N. BREED**  
MAYOR

CITY AND COUNTY OF SAN FRANCISCO  
**POLICE DEPARTMENT**  
HEADQUARTERS  
1245 3<sup>RD</sup> Street  
San Francisco, California 94158



**WILLIAM SCOTT**  
CHIEF OF POLICE

July 22, 2022

*Via email mukund@eff.org*

RE: Public Records Request, dated March 15, 2022, Reference # P065358-031522

Dear Mukund Rathi:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated March 15, 2022.

On March 16, SFPD acknowledged your request, and informed you that the 10-day maximum deadline to respond applies. Please refer to California Government Code Section 6253(c).

On March 25, SFPD invoked the extension of time to respond to your request pursuant to Government Code section 6253(c) due to the need to search and review our records.

On April 8, April 22, April 25, May 6, May 20, June 3, June 17, July 1, and July 15, SFPD informed you that we were still in the process of searching for responsive records.

On April 25, we received your voicemails and reached out to you via phone and email, but we were unable to discuss this request.

You requested, "To Whom It May Concern:

This letter is an immediate disclosure request under the San Francisco Sunshine Ordinance (SFSO) and the California Public Records Act (CPRA), by the Electronic Frontier Foundation (EFF). EFF makes this request to the San Francisco Police Department (SFPD) as part of our ongoing effort to obtain government documents and make them widely available to the public.

### **Background**

The SFPD uses Automated License Plate Reader (ALPR) technology and has posted a Surveillance Technology Policy for its use of ALPR.<sup>1</sup> This policy states that the SFPD will annually issue a report to "track ALPR alerts and subsequent law enforcement action."<sup>2</sup> The first report was due to be issued on January 30, 2022, and posted on the SFPD public website, and through San Francisco Open Data – DataSF. However, there is no such report on ALPR use on either website.

The ALPR policy also states that "[o]n an annual basis, the Department will evaluate the impact of the technology on the following measures:" and then lists exemplar "[p]rohibited use cases."<sup>3</sup>

### **Records Request**

We request the following records for immediate disclosure under SFSO and CPRA:



**SFPD, Special Investigations Division Responses**

1. You requested, "The annual report, due to be issued on January 30, 2022, about the SFPD's use of ALPR technology."

SFPD is still in the process of searching for responsive records. We will continue to be in contact with you and provide you with an update by July 29.

2. You requested, "The datasets due to be included in the annual report, including:

a. Total number of ALPR devices used"

SFPD currently uses and operates 3 ALPR devices.

b. You requested, "Total number of traffic stops due to ALPR alerts and corresponding category of DOJ Stop/Felony want"

SFPD has no responsive records.

c. You requested, "District Station Jurisdiction of traffic stops due to ALPR alerts."

SFPD has no responsive records.

d. You requested, "Total number of manually entered ALPR canvas searches."

SFPD has no responsive records.

e. You requested, "District Station Jurisdiction of manually entered ALPR canvas searches."

SFPD has no responsive records.

f. You requested, "Number of stolen vehicles recovered due to ALPR alerts."

SFPD has no responsive records.

g. You requested, "Number of Missing Persons (Silver/Amber Alerts) associated with a vehicle's license plate number."

SFPD has no responsive records. This record is maintained by the State of California Department of Justice (CAL DOJ). You may submit a public records request with CAL DOJ and request a "hotlist" used for ALPR via the following link: [Online Request Form | State of California - Department of Justice - Office of the Attorney General](#).

h. You requested, "Number of Missing Persons (Silver/Amber Alerts) associated with a vehicle's license plate number, located using ALPR."

SFPD has no responsive records.

i. You requested, "Total number of investigations aided by ALPR."

SFPD has no responsive records.

3. The annual review of the impact of ALPR as required by page 1 of the ALPR policy, including any review of prohibited uses of ALPR.

In addition, we request the following information and assistance, as required under CPRA:

a. You requested, "Assistance in identifying additional records and information that will describe the SFPD's use of ALPR and its issuance of the annual report."

No responsive records were located.

b. You requested, "A description of the information technology and physical location in which the records exist."

Please provide clarification. Such as reasonably describing an identifiable record for "a description of the information technology?"

The physical location of the server: NCRIC. The location of the devices: police vehicles.

c. You requested, "Suggestions for overcoming any practical basis for denying access to the records and information sought."

Please refer to item 2g above.

#### **SFSO Immediate Disclosure and CPRA Requirements**

We seek immediate disclosure of the requested records and look forward to your response by close of business on March 16, 2022.<sup>4</sup> This request is not extensive or demanding, as SFPD was due to publicly issue the requested report last month.

The CPRA also requires you to undertake reasonable efforts to locate responsive records and to work in good faith with requesters to respond to their request. *See CYAC v. City of National City*, 220 Cal.App.4th 1385, 1430 (2013). Thus, under the CPRA you are obligated to conduct a reasonable search and cannot deny a request merely because it might generate a large volume of records.

Independently of the SFSO's requirements, the CPRA requires you to respond to this request within 10 days by providing all the requested records or by providing a written response with the legal authority on which you rely in withholding or redacting any record, and the date on when you will provide the records.

#### **Request for Fee Waiver**

We request that where available and appropriate, and to avoid copying costs, responsive records are provided electronically in their native format (such as a CSV file), or as textsearchable PDFs, and that the parent/child relationship between records is preserved.

Regardless, EFF requests that it not be charged fees because EFF is a representative of the news media and disclosure of the requested information is in the public interest. Police use of ALPR

technology is controversial and, along with other surveillance technology, is the subject of an ongoing public policy debate in San Francisco.<sup>5</sup>

Moreover, EFF has no commercial interest in the disclosure of the requested records. EFF is a 501(c)(3) nonprofit organization and will not derive commercial benefit from the information at issue here.

If copying is necessary and you elect to charge, EFF will reimburse you for the direct costs of copying these records plus postage. If you anticipate that these costs will exceed \$25.00, or that the time needed to copy the records will delay their release, please contact me so that I can arrange to inspect the records or decide which records I wish to have copied. Please also provide an invoice and a cost breakdown of the fee estimate. If the fees are less than \$25.00, please copy and send the records and invoice as soon as possible, and EFF will promptly pay the required costs.

Thank you for your consideration of this request. **As the SFSO requires, please respond to this request by end of business tomorrow, March 15, with a determination as to the requested records.** If you have any questions or concerns, please contact me by email at [mukund@eff.org](mailto:mukund@eff.org) or phone at 415-436-9333 ext. 235.”

If you have any questions, please contact the Legal Division at (415) 837-7394.

Thank you for your courtesy in this regard.

Sincerely,

Lieutenant Lynn Reilly #1141  
Risk Management - Legal Division



March 15, 2022

**VIA ONLINE SUBMISSION TO:**

San Francisco Police Department  
Public Records Officer, Media Relations  
1245 3rd Street  
San Francisco, CA 94158  
<https://www.sanfranciscopolice.org/get-service/public-records-request>

**RE: Immediate Disclosure Request for Annual Report on ALPR use**

To Whom It May Concern:

This letter is an immediate disclosure request under the San Francisco Sunshine Ordinance (SFSO) and the California Public Records Act (CPRA), by the Electronic Frontier Foundation (EFF). EFF makes this request to the San Francisco Police Department (SFPD) as part of our ongoing effort to obtain government documents and make them widely available to the public.

**Background**

The SFPD uses Automated License Plate Reader (ALPR) technology and has posted a Surveillance Technology Policy for its use of ALPR.<sup>1</sup> This policy states that the SFPD will annually issue a report to “track ALPR alerts and subsequent law enforcement action.”<sup>2</sup> The first report was due to be issued on January 30, 2022, and posted on the SFPD public website, and through San Francisco Open Data – DataSF. However, there is no such report on ALPR use on either website.

The ALPR policy also states that “[o]n an annual basis, the Department will evaluate the impact of the technology on the following measures:” and then lists exemplar “[p]rohibited use cases.”<sup>3</sup>

**Records Request**

We request the following records for immediate disclosure under SFSO and CPRA:

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<sup>1</sup> <https://www.sanfranciscopolice.org/sites/default/files/2021-09/SFPDALPRPolicy20210903.pdf>

<sup>2</sup> *Id.* at 27.

<sup>3</sup> *Id.* at 1.

1. The annual report, due to be issued on January 30, 2022, about the SFPD's use of ALPR technology.
2. The datasets due to be included in the annual report, including:
  - a. Total number of ALPR devices used
  - b. Total number of traffic stops due to ALPR alerts and corresponding category of DOJ Stop/Felony want
  - c. District Station Jurisdiction of traffic stops due to ALPR alerts
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  - f. Number of stolen vehicles recovered due to ALPR alerts
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3. The annual review of the impact of ALPR as required by page 1 of the ALPR policy, including any review of prohibited uses of ALPR.

In addition, we request the following information and assistance, as required under CPRA:

- a. Assistance in identifying additional records and information that will describe the SFPD's use of ALPR and its issuance of the annual report.
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### **SFSO Immediate Disclosure and CPRA Requirements**

We seek immediate disclosure of the requested records and look forward to your response by close of business on March 16, 2022.<sup>4</sup> This request is not extensive or demanding, as SFPD was due to publicly issue the requested report last month.

The CPRA also requires you to undertake reasonable efforts to locate responsive records and to work in good faith with requesters to respond to their request. *See CYAC v. City of National City*, 220 Cal.App.4th 1385, 1430 (2013). Thus, under the CPRA you are obligated to conduct a reasonable search and cannot deny a request merely because it might generate a large volume of records.

Independently of the SFSO's requirements, the CPRA requires you to respond to this request within 10 days by providing all the requested records or by providing a written

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<sup>4</sup> See S.F. Admin. Code 67.25.

response with the legal authority on which you rely in withholding or redacting any record, and the date on when you will provide the records.

### **Request for Fee Waiver**

We request that where available and appropriate, and to avoid copying costs, responsive records are provided electronically in their native format (such as a CSV file), or as text-searchable PDFs, and that the parent/child relationship between records is preserved.

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Thank you for your consideration of this request. **As the SFSO requires, please respond to this request by end of business tomorrow, March 15, with a determination as to the requested records.** If you have any questions or concerns, please contact me by email at [mukund@eff.org](mailto:mukund@eff.org) or phone at 415-436-9333 ext. 235.

Best Regards,

Mukund Rathi  
Stanton Fellow  
Electronic Frontier Foundation

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<sup>5</sup> <https://www.eff.org/cases/automated-license-plate-readers>;  
<https://www.eff.org/deeplinks/2022/03/victory-san-francisco-mayor-withdraws-harmful-measure-against-surveillance>.



**From:** SOTF, (BOS)  
**Sent:** Wednesday, July 20, 2022 2:50 PM  
**To:** Reilly, Lynn (POL)  
**Cc:** Mukund Rathi; Dave Maass  
**Subject:** SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 22080  
**Attachments:** SOTF - Complaint Procedure 2019-10-02 FINAL.pdf; Preparing SOTF Respondent Materials FINAL for PILOT.pdf; 22080 Complaint.pdf; Affirmation Letter 22080.pdf

Good Afternoon:

Lt. Lynn Reilly and the San Francisco Police Department have been named as Respondents in the attached complaint filed with the Sunshine Ordinance Task Force (SOTF). In an effort to provide the SOTF information in an easy to understand format the SOTF has prepared a revised request format for responding to complaints (attached). **The SOTF requests that you submit your response to our office the allegations including any and all supporting documents, recordings, electronic media, etc., to the Task Force by 9:00 am, July 22, 2022, within two business days of receipt of this notice.** In developing and submitting your response, please use the attached instructions, "Preparing San Francisco Sunshine Ordinance Task Force Respondents Materials," to address your defense of this complaint. This is your opportunity to provide a detailed explanation to allow the Task Force to be fully informed in considering your response prior to the meeting.

Please refer to the File Number 22080 when submitting any new information and/or supporting documents pertaining to this complaint.

Notice is also hereby given that the Education, Outreach and Training Committee (Committee) of the Sunshine Ordinance Task Force (Task Force) shall hold hearings on the complaints listed below to: 1) determine if the Task Force has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the Task Force. ***PLEASE CONFIRM YOUR ATTENDANCE BY FRIDAY, July 22, 2022, 5:00 PM.***

Date: July 26, 2022

Location: Remote Meeting

Time: 5:30 p.m.

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

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

Complaints:

**File No. 22079:** Complaint filed by Itika Robinsonson-Currington against the Bureau of Fire Investigation (Fire Department) for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond for public records in a timely and/or complete manner.

**File No. 22080:** Complaint filed by Mukund Rathi and the Electronic Frontier Foundation against Lieutenant Lynn Reilly and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21(b)(e), 67.25(a)(b)(d), and 67.34, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

**File No. 22081:** Complaint filed by David Piercy against Lara Bazelon, former District Attorney Chesa Boudin and the Office of the District Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a public records request in a timely and/or complete manner.

For a document to be considered, it must be received at least four (4) working days before the hearing. ***For inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, May 19, 2022.***

The Complainant alleges:  
*Complaint Attached.*

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



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

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

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

## Preparing San Francisco Sunshine Ordinance Task Force Respondent Packets

A clear, concise, and well-documented response will help the Task Force evaluate the information, arguments, and evidence presented and will increase your chances of resolving the complaint without having to appear before the SOTF multiple times.

Follow the instructions below to compose your response. **You must submit your response within five working days of receiving the complaint notice.** You can update your response or submit additional material up until five working days before a scheduled hearing.

**Failure to respond in a complete and timely manner to a complaint or to appear at a SOTF hearing may result in a determination that you are in violation of the Sunshine Ordinance, and you may be ordered to disclose additional information.**

**Remember:** If the complainant makes specific allegations in their complaint, you must affirm, deny, or declare “no contest” with respect to each allegation.

- If you affirm or do not contest the allegations, the SOTF may issue, at its discretion, an Order of Determination finding Sunshine Ordinance violations and/or ordering additional disclosure without conducting a hearing. In such cases, SOTF will forward the complaint to its Compliance and Amendments Committee for monitoring.
- If you deny an allegation, you must explain your reasoning for **each** denied allegation.

### Instructions for Preparing Your Response Materials

Please create a clear and concise **cover memo**, using the questions below to order and structure your memo, justifying any decisions or actions pertaining to public information, records, or meetings with reference to specific sections of the Sunshine Ordinance, and including evidence or documentation to support your responses.

To ensure that your packet is accessible, please pay careful attention to the following:

- Include the **file number** in your memo’s “re:” line.
- Include a **documentation index** in your memo, a list of all of the evidence included in support of the memo in the order it appears in your packet.
- Include information **only once** (for instance, do not reproduce email chains unnecessarily). Do not include **extraneous information**. Respond directly to the allegations in the complaint.
- When relevant, include copies of **email attachments and other linked material** – do not expect the SOTF administrator to include any linked documents.

Answer the following questions in your cover memo. (If you believe a question does not apply to this complaint, please indicate your reasoning.)

**NOTE:** If you believe that your agency or body is exempt from public records and meetings laws, address this first in your memo. Explain what type, as defined in the Brown Act or Sunshine Ordinance, your body constitutes by choosing one or more of these: Policy Body, Passive Meeting Body, Legislative Body, or none of the above. Include evidence in your explanation.

If the complaint references an **information or records request**:

1. **What was the original request you received?** Attach a copy of the original request.
2. **What records have you provided in response to the request, and on what date did you provide them?** We suggest a simple table here with three columns: name of record, brief description, date provided.
3. **What method did you use to locate these records?** Your response should include:
  - a. The name and job title of the **person who performed the search**.
  - b. The **method and search terms** utilized.
  - c. The **devices, forms of communication, and/or systems** that were searched.
  - d. The **dates** of these searches.
  - e. Copies of **communications used to conduct the search** (such as emails to staff directing them to conduct a search, IT tickets/queries, etc.).
  - f. Any other information that will help us understand your search methods.
4. **Did you withhold any information or documents from the requester prior to the filing of the complaint?** If yes, explain what documents were withheld and why. Drawing primarily on the Sunshine Ordinance, provide any supporting argument or evidence that each exemption in fact applies.

**Did you provide written justification for all withholding of information prior to the filing of the complaint?** If yes, attach evidence.

5. **Did you redact any information from the documents prior to the filing of the complaint?** If yes, explain what information you redacted and why. Drawing primarily on the Sunshine Ordinance, provide any supporting argument or evidence that each exemption in fact applies.

**Did you provide a written justification keyed to each instance of redaction prior to the filing of the complaint?** If yes, attach the original keyed justifications provided to the requester (if any), and any new keyed justifications for each redaction. Drawing primarily

on the Sunshine Ordinance, provide any supporting argument or evidence that each exemption in fact applies.

6. **At the time the request was made, did you search employee personal property (such as mobile phones and computers) for responsive records about the conduct of public business?** If yes, describe your method for conducting this search. If appropriate, provide supporting documentation in your packet.
7. **At the time the request was made, did you request relevant records from contractors your agency has funded, managed or hired?** If yes, describe how you communicated this request. Provide supporting documentation in your packet, including communications to and from the contractor.
8. **Are there any known responsive records that you have yet to review for potential redaction and disclosure to the respondent?** If yes, provide the approximate quantity and timeline of future expected disclosures.

If the complaint is related to a meeting:

1. **Was an agenda for the meeting published? If yes, on what date?** Attach each version of the agenda published and any meeting minutes that are available.
2. **Is there a publicly available online audio and/or video recording of the meeting?** If yes, provide a link to the recording of the meeting(s) at issue.

SUNSHINE ORDINANCE TASK FORCE

Tel: 415 554-7724  
Fax: 415 554-7854  
TDD/TTY: 415 554-5227



City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco 94102-4689

July 20, 2022

Lt. Lynn Reilly  
San Francisco Police Department  
[Lynn.reilly@sfgov.org](mailto:Lynn.reilly@sfgov.org)

Re: Sunshine Ordinance Task Force, File No. 22080

Dear Lt. Reilly:

Please review the complaint as described below and acknowledge your department's position on File No. 22080 regarding an alleged violation of the Sunshine Ordinance.

**File No. 22080:** Complaint filed by Mukund Rathi and the Electronic Frontier Foundation against Lieutenant Lynn Reilly and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21(b)(e), 67.25(a)(b)(d), and 67.34, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Please choose ONE answer. You may, if you wish, also attach any additional explanation.

- [a] acknowledge noncompliance for all allegations below
- [b] department/agency declares no-contest to all allegations below
- [c] deny one or more allegations below (please state an additional explanation which of the allegations you deny, and supporting evidence and/or argument)

If you or your entity acknowledges noncompliance or declares no-contest, the SOTF may, at its discretion, issue an Order of Determination against you or your entity for the allegations listed above without a hearing, and thereafter refer the matter to the Compliance & Amendments Committee for monitoring as needed.



Please respond within the next two business days of the date on this notice, with your acknowledgment. If it is not received within five business days, we will assume that you have acknowledged no-contest.

Very Truly Yours,

Matthew Yankee, Chair  
Sunshine Ordinance Task Force

MY:cal

cc: Mukund Rathi (mukund@eff.org)

7/20/2022

