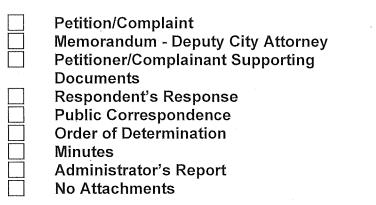
File No. 19124

Item No. 4

SUNSHINE ORDINANCE TASK FORCE AGENDA PACKET CONTENTS LIST

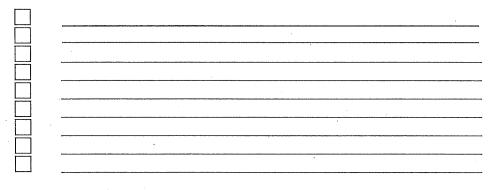
Compliance and Amendments Committee

Date: December 22, 2020



10 Page:_ Page:_ Page: Page:_ Page: Page: Page: Page:

OTHER



Completed by: C. Leger Date 12/17/20

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

Leger, Cheryl (BOS)

From: Sent: To: Subject: Google Forms <sfbdsupvrs@gmail.com> Wednesday, November 20, 2019 6:46 PM SOTF, (BOS) New Response Complaint Form

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

Your form has a new entry.

Here are the results.

Complaint against which Department or SFPD Commission

Name of individual contacted at Department or Commission

Chief William Scott, Lieutenant R. Andrew Cox

Alleged Violation

Public Records

Please describe alleged violation

See email from 81227-34819567@requests.muckrock.com

Name

Anonymous

Email

81227-34819567@requests.muckrock.com

If anonymous, please let us know how to contact you. Thank you.

81227-34819567@requests.muckrock.com

Sent via Google Forms Email

City and County of San Francisco



Dennis J. Herrera City Attorney

OFFICE OF THE CITY ATTORNEY

PEDER J. V. THOREEN Deputy City Attorney

Direct Dial: Email: (415) 554-3846 Peder.Thoreen@sfcityatty.org

MEMORANDUM PRIVILEGED AND CONFIDENTIAL

TO: Sunshine Ordinance Task Force

FROM: Peder J. V. Thoreen Deputy City Attorney

DATE: December 6, 2019

RE: Complaint No. 19124 – Anonymous v. San Francisco Police Department

COMPLAINT

An anonymous complainant ("Complainant") alleges that the San Francisco Police Department, Chief William Scott, and Lt. R. Andrew Cox (collectively, "Respondents"), violated the Sunshine Ordinance by failing to respond to Complainant's requests in a timely and complete manner.

COMPLAINANT FILES COMPLAINT

Complainant filed this complaint with the Task Force on November 21, 2019, specifically alleging that Respondents violated Administrative Code sections 67.21, 67.25, 67.26, and 67.27.

JURISDICTION

Respondents are subject to the Sunshine Ordinance and the California Public Records Act ("CPRA"). Respondents do not dispute jurisdiction.

APPLICABLE STATUTORY SECTION(S)

Section 67 of the San Francisco Administrative Code:

- Section 67.21 governs responses to a public records request in general.
- Section 67.25 governs immediate disclosure requests.
- Section 67.26 provides that withholding of public records shall be kept to a minimum.
- Section 67.27 sets forth requirements for justifying the withholding of information.

Cal. Government Code (CPRA)

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

APPLICABLE CASE LAW

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

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CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY

MEMORANDUM PRIVILEGED & CONFIDENTIAL

TO:	Sunshine Ordinance Task Force	
DATE:	December 6, 2019	
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RE:	Complaint No. 19124 – Anonymous v. San Francisco Police Department	

BACKGROUND

On October 4, 2019, Complainant submitted an immediate dislosure request seeking police misconduct records from January 1, 2019, until the date of the request.

Specifically, Complainant requested:

1. all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(A)(i)-(ii) on govt. property. All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included.

2. all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(B)(i)-(ii) on govt. property. All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included.

3. all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(C) on govt. property. All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included.

4. all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(A)(i)-(ii) on personal private property, subject to disclosure under City of San Jose v Superior Court (2017). All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included.

5. all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(B)(i)-(ii) on personal private property, subject to disclosure under City of San Jose v Superior Court (2017). All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included.

6. all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(C) on personal private property, subject to disclosure under City of San Jose v Superior Court (2017). All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included.

Additionally, Complainant requested, pursuant to S.F. Admin. Code § 67.21(c), a "statement as to the existence, quantity, form and nature of records relating to a particular subject

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TO: Sunshine Ordinance Task Force

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or questions with enough specificity to enable a requester to identify records in order to make a request...."

On October 17, 2019, Respondents responded to Complainant, stating that they had received Complainant's October 16, 2019 records request, and that it was not properly the subject of an immediate disclosure request because it was not "simple, routine or otherwise readily answerable."¹ On October 25, 2019, Respondents invoked a futher extension of time based on the "rule of reason," as set forth in the Good Government Guide, based on a backlog of requests for public records. Respondents provided a substantially similar response on November 8, 2019.

On November 20, 2019, Complainant filed a complaint with the Task Force alleging:

1. That Respondents violated S.F. Admin. Code § 67.21(c) by failing to provide a timely response regarding the existence of responsive records.

2. That Respondents violated their obligation to provide records on a rolling basis.

3. That Respondents failed to provide adequate justications for the withholding of records.

On November 25 and 26, 2019, Respondents, while noting that they "take[] responsibility for not providing a response to the requestor within the required time frame," provided Complainant with numerous responsive documents. On November 26, Complainant reasserted his first two allegations, and amended the third allegation, stating that the redactions and withholdings in the materials produced lacked a "clear reference" to the justifications for withholding, as required by S.F. Admin. Code § 67.26. Complainant also filed a petition with the Supervisor of Records on that day, contending that Respondents redacted documents and videos without adequate justification, that certain information from bodycam footage was

¹ Respondents contend that the initial October 4, 2019, request "was submitted to the Department via email to an email account that is not used by the Department for public records requests," which apparently explains the initial delay in responding.

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omitted, and that some bodycam footage was "compressed to incomprehensibility." It does not appear that a response from the Supervisor of Records is part of the record.

QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS

- Upon what basis did Respondents withhold or redact information? Did Respondents provide justifications for these withholdings and/or redactions?
- Did the Supervisor of Records respond to Complainant's petition? If so, what was the outcome?

LEGAL ISSUES/LEGAL DETERMINATIONS

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

CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

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

* * *

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City and County of San Francisco

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TO:	Sunshine Ordinance Task Force
DATE:	December 6, 2019
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CHAPTER 67, SAN FRANCISCO ADMINISTRATIVE CODE (SUNSHINE ORDINANCE)

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

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

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

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

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

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

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

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

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

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

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

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

OFFICE OF THE CITY ATTORNEY

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

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

SEC. 67.25. IMMEDIACY OF RESPONSE.

(a) Notwithstanding the 10-day period for response to a request permitted in Government Code Section 6256 and in this Article, a written request for information described in any category of non-exempt public information shall be satisfied no later than the close of business on the day following the day of the request. This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted. Maximum deadlines provided in this article are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request.

(b) If the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with another interested department warrants an extension of 10 days as provided in Government Code Section 6456.1, the requester shall be notified as required by the close of business on the business day following the request.

(c) The person seeking the information need not state his or her reason for making the request or the use to which the information will be put, and requesters shall not be routinely asked to make such a disclosure. Where a record being requested contains information most of which is exempt from disclosure under the California Public Records Act and this article, however, the City Attorney or custodian of the record may inform the requester of the nature and extent of the non-exempt information and inquire as to the requester's purpose for seeking it, in order to suggest alternative sources for the information which may involve less redaction or to otherwise prepare a response to the request.

(d) Notwithstanding any provisions of California Law or this ordinance, in response to a request for information describing any category of non-exempt public information, when so requested, the City and County shall produce any and all responsive public records as soon as reasonably possible on an incremental or "rolling" basis such that responsive records are produced as soon as possible by the end of the same business day that they are reviewed and collected. This section is intended to prohibit the withholding of public records that are

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responsive to a records request until all potentially responsive documents have been reviewed and collected. Failure to comply with this provision is a violation of this Article.

SEC. 67.26. WITHHOLDING KEPT TO A MINIMUM.

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

SEC. 67.27. JUSTIFICATION OF WITHHOLDING.

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

(a) A withholding under a specific permissive exemption in the California Public Records Act, or elsewhere, which permissive exemption is not forbidden to be asserted by this ordinance, shall cite that authority.

(b) A withholding on the basis that disclosure is prohibited by law shall cite the specific statutory authority in the Public Records Act or elsewhere.

(c) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any specific statutory or case law, or any other public agency's litigation experience, supporting that position.

(d) When a record being requested contains information, most of which is exempt from disclosure under the California Public Records Act and this Article, the custodian shall inform the requester of the nature and extent of the nonexempt information and suggest alternative sources for the information requested, if available.

CALIFORNIA GOVERNMENT CODE (CPRA)

SEC. 6253.

(a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

City and County of San Francisco

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(b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

(c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosablepublic records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

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

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

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

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

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

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

(f) In addition to maintaining public records forpublic inspection during the office hours of the public agency, a public agency may comply with subdivision (a) by posting any public record on its Internet Web site and, in response to a request for a public record posted on the Internet Web site, directing a member of the public to the location on the Internet Web site where the public

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record is posted. However, if after the public agency directs a member of the public to the Internet Web site, the member of the public requesting the public record requests a copy of the public record due to an inability to access or reproduce the public record from the Internet Web site, the public agency shall promptly provide a copy of the public record pursuant to subdivision (b).

SEC. 6253.9.

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

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

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

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

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

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

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

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

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

(f) Nothing in this sectionshall be construed to require the public agency to release an electronic record in the electronic form in which it is held by the agency if its release would jeopardize or

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compromise the security or integrity of the original record or of any proprietary software in which it is maintained.

(g) Nothing in this section shall be construed to permit public access to records held by any agency to which access is otherwise restricted by statute.

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Sunshine Ordinance Task Force Complaint Summary

File No. 19124

Anonymous v. Police Department

Date filed with SOTF: 11/21/2019

Contacts information (Complainant information listed first):

Anonymous <u>81227-34819567(@requests.muckrock.com;</u> (Complainant)

Chief William Scott (will.h.scott@sfgov.org), Lt. R. Andrew Cox (<u>r.andrew.cox@sfgov.org</u>) and the Police Department (Respondents)

File No. 19124: Complaint filed by Anonymous against Chief William Scott and Lt. R. Andrew Cox and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, 67.26, 67.27, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner, failing to respond to a public records request in a timely and/or complete manner, failing to justify withholding of records and failing to maintain a Proposition G calendar.

Administrative Summary if applicable:

Complaint Attached.

Complainant/Petitioner's Document Submission

IN THE SAN FRANCISCO SUNSHINE ORDINANCE TASK FORCE

Anonymous

v.

Sunshine Ordinance Petition and Complaint

Chief William Scott, Lt. R. Andrew Cox, San Francisco Police Department Nov. 20, 2019

SOTF No.

COMPLAINT

I allege Respondents failed to respond to a request for public records in a timely or complete manner and failed to assist in a timely or complete manner.

FACTS OF THE CASE

I made an IDR public records request from <u>81227-34819567@requests.muckrock.com</u> under the CPRA and Sunshine Ordinance on October 4, 2019, requesting police misconduct records between Jan. 1, 2019 to present under Cal. Penal Code §832.7(b)(1)(A)(i)-(ii), §832.7(b)(1)(B)(i)-(ii), §832.7(b)(1)(C) on both government and personal property subject to San Jose v Superior Court (Smith).

I also made a 7-day request under SFAC 67.21(c) for quantity, form, and nature of responsive records.

Since Oct. 4, 2019 through filing of this complaint, over 1.5 months, no records have ever been received. See Appendices for email thread and letters from SFPD.

ALLEGATIONS

1. Violations of SF Admin Code 67.21(c) - failure to assist in a timely or complete manner

I made a request for a statement under SF Admin Code 67.21(c) on Oct. 4. Because 67.21(c) dictates a seven day deadline for this statement, without any extensions, Respondent's failure to provide any such statement is unlawful.

2. Violations of SF Admin Code 67.21(b)/67.25 - incomplete or untimely response The law requires rolling responses if requested. I requested a rolling response. No records have ever been provided to us.

1

3. Violations of SF Admin Code 67.26, 67.27 - more than minimal withholding, failure to cite justification for withholding with clear reference to statute or case

law

Because no records have been provided as of this complaint, but records may be provided after filing the complaint but before SOTF judges the complaint, I reserve the right to allege withholding public parts of records and without justification.

REQUEST FOR RELIEF

Please find that the Respondents violated SF Admin Code sections 67.21, 67.25, 67.26, and/or 67.27, determine that some or all of the records or portions thereof withheld or not yet disclosed are public, and issue all appropriate orders.

Respectfully submitted,

ANONYMOUS Complainant/Petitioner

 $\mathbf{2}$

Anonymous v. Scott, et al. (re: Police Misconduct)

From: Anonymous Person

10/04/2019

Subject: California Public Records Act Request: Police Misconduct Audit (SFPD) - Immediate Disclosure Request and 67....

RE: Police Misconduct Audit (SFPD)

To Whom It May Concern:

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

This is an Oct. 4, 2019 Immediate Disclosure request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) for the following items from SFPD. This is an also a SF Admin Code 67.21(c) request for 6 statements (one for each numbered request below) for the quantity (including even records you claim are exempt), form, and nature of records responsive to each request below -- which must be provided in 7 days with no extensions are permitted.

I have a right to receive records by email (67.21(b)) and moreover I cannot be required to use your web portal which imposes Terms of Service conditions beyond the CPRA's requirements. Please email (attachments) all responsive records.

We remind you of your obligation to provide electronic records in the format we request them if that format is easily generated (SFAC 67.21(l)). Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are our choice. Other Documents may be provided in text (not scanned) PDF format.

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

If you use PDF, you must use properly redacted searchable or text pdfs. Don't use image PDFs to make it harder to analyze the records. Do not print out records and then re-scan them to PDF - simply redact them in Adobe Acrobat if needed for example. If you provide PDFs instead of original email files, only give a few of the headers or lacking attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of SF Admin Code and/or CPRA, and we may challenge your decision at the Sunshine Ordinance Task Force, Supervisor of Records, judicially, and/or via any other remedies available to us.

You must justify all withholding. All justifications must be made with particularity (every redaction must be specifically referenced to a justification).

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

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

Every violation of the Sunshine Ordinance will be appealed --- please follow the Ordinance exactly as I am auditing your agency's public records regimen.

I look forward to your immediate disclosure.

1. all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(A)(i)-(ii) on govt. property. All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included. 2. all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(B)(i)-(ii) on govt. property. All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included. 3. all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(C) on govt. property. All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included. 4. all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(C) on govt. property. All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included. 4. all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(A)(i)-(ii) on personal private property, subject to disclosure under City of San Jose v Superior Court (2017). All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included.

5. all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code \$832.7(b)(1)(B)(i)-(ii) on personal private property, subject to disclosure under City of San Jose v Superior Court (2017). All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included.

6. all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code \$832.7(b)(1)(C) on personal private property, subject to disclosure under City of San Jose v Superior Court (2017). All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included.

Sincerely,

Anonymous

From: Mucktock Staff

Subject: RE: California Public Records Act Request: Police Misconduct Audit (SFPD) - Immediate Disclosure Request an...

10/14/2019

10/17/2019

Emand

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on Oct. 4, 2019. Please let me know when I can expect to receive a response.

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

From: San Francisco Police Department

Subject: Public Records Request :: P009436-101619

Attachments:

PRA 9436 extension letter.pdf (https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsoIsnXbuEgm-2FN-

```
2B3KuyZ5YHnuXVUop6SBUj6Zl2gPWQsh2hjE0JdlwH66QdMJzrpYUZ4H0oDUn9cqKrPktPrLi0CPeV6J
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2FcvbgulkMdeA5Ce-
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2FNVhVGLDIjZ7BvDMBbcs7H33kfz7jx1JeVljmTEgBIXFyUYTU9wEM7dIDTcD1P24GWWJ1dtXIhgu0 3xSXUN80XxlHoXCevCn-2BIRgYty5x6q-2BJxg2peKvEh-2FZqAVk0EeNd7w4-2Fw-3D-3D)

--- Please respond above this line ---

October 17, 2019 Via email requests@muckrock.com

Anonymous DEPT MR 81227 411A Highland Ave Somerville, MA 02144-2516

RE: Public Records Request, dated October 16, 2019, Reference # P009436-101619

Dear Anonymous:

In response to your request, please see attached document(s).

Sincerely,

Lieutenant R. Andrew Cox #287

Officer in Charge

Risk Management - Legal Division

To monitor the progress or update this request please log into the SFPD Public Records Center. (https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsoIsnXbuEgm-2FN-

2B3KuyZ5YHnuXVUop6SBUj6Zl2gPWQsh2hjE0JdIwH66ZMXJDGxIkhWqlkMGRI8K8Y4-

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2BuBF0Wpa11d8qYfyLP59TrMFCPlQ5wEaS0vmuk8D29cKLlq0uSib9R8NNRzH7SGAk9jr2IE3pHREsqtn 9N6CjJCbWhsYWxZib4uKHTnEAyQbCKOtJ1hEZEHYvmR352WezbPc1Qu-2BaVP3-2Fncp0pgfaxSjAfDwM3A83k22g-3D-3D)

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

From: Anonymous Person

Subject: RE: California Public Records Act Request: Police Misconduct Audit (SFPD) - Immediate Disclosure Request an...

The dates on this letter do not make sense.

My records show my original email was sent Oct 3 or 4 (depending on timezone). Please search sfpdlegal email from this address and you should see the record.

--Anonymous

From: San Francisco Police Department

Subject: Public Records Request :: P009436-101619

Attachments:

PRA 9436 2nd extension letter.pdf (https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsoIsnXbuEgm-2FN-

2B3KuyZ5YHnuXVUop6SBUj6Zl2gPWQsh2hjE0JdIwH66QdMJzrpYUZ4H0oDUn9cqKrPktPrLi0CPeV6J

10/25/2019

10/17/2019

(Simaji)

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--- Please respond above this line ----

October 25, 2019 Via email requests@muckrock.com

Anonymous DEPT MR 81227 411A Highland Ave Somerville, MA 02144-2516

RE: Public Records Request, dated October 16, 2019, Reference # P009436-101619

Dear Anonymous:

In response to your request, please see attached document(s).

Sincerely,

Lieutenant R. Andrew Cox #287

Officer in Charge

Risk Management - Legal Division

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

(https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsoIsnXbuEgm-2FN-

2B3KuyZ5YHnuXVUop6SBUj6Zl2gPWQsh2hjE0JdlwH66ZMXJDGxIkhWqlkMGRI8K8Y4-2BoObP4Hl0zB8wvvSoDxxL4DMNqcoNuU-2BDNqP9hLtg_IYcLe-

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j),

PRA209436202nd20extension20letter.pdf

G Download

From: Anonymous Person

Subject: RE: California Public Records Act Request #P009436-101619

Ref P009436-101619

10/25/2019

(Enternille)

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

SFPD,

You are required by law to provide records in rolling fashion. However I have not received a single record. I expect at least some records by Oct. 28, which is 24 days after Oct. 4 when I sent my request.

I am also making this offer in compromise:

- I will not file a complaint to the SOTF about the timeliness of your response if:

- SFPD publishes whatever records re: police misconduct that have been released under PC 832.7 to me or other requesters to their public website and provide me a URL.

I do not waive any other rights.

Please let me know if you agree.

Thanks, Anonymous

From: San Francisco Police Department

Subject: Unrecognized Email :: U009560-102519

Hello,

Unfortunately your email was not recognized and has not been routed accordingly. Please be advised that if you wish to submit a new request or check on the status of an already submitted request, you should visit the Description: TO: "San Francisco Police Records Portal"[sanfranciscopd@mycusthelp.net]

10/25/2019

Ensil

San Francisco Police Department

PRA Office

1245 3rd Street

SF, CA 94158

October 25, 2019

This is a follow up to request number P009436-101619:

Ref P009436-101619

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

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I do not waive any other rights.

Please let me know if you agree.

Thanks,

Anonymous

Filed via MuckRock.com

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

Upload documents directly: https://accounts.muckrock.com/accounts/login/?

url_auth_token=AAAIhoft9NNEp8OnK6_3Ds3BnTQ%3A1iOBHP%3ALoBqkk5LqxTA_aQRzG3Ddp4-6nk&next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts %252Fagency_login%252Fsan-francisco-police-department-367%252Fpolice-misconduct-audit-sfpdimmediate-disclosure-request-and-6721c-request-

81227%252F%253Femail%253Dsanfranciscopd%252540mycusthelp.net

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know. For mailed responses, please address (see note):

MuckRock News

DEPT MR 81227

411A Highland Ave

Somerville, MA 02144-2516

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

On Oct. 25, 2019:

Subject: Public Records Request :: P009436-101619

Attachments:

PRA 9436 2nd extension letter.pdf (https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsoIsnXbuEgm-2FN-

2B3KuyZ5YHnuXVUop6SBUj6Zl2gPWQsh2hjE0JdlwH66QdMJzrpYUZ4H0oDUn9cqKrPktPrLi0CPeV6J hPmxHQrvEiRqHQz6uedWfSFdwV578jf8hhkxAHLZ9WbvckVhXbj23pAZPWHO0U0Bgckuomqi4rUtwT Y-2B-2FVAdozxmpy9hj5qMkWyns8YmyGMNPQjwSujE75Pv64lSYLA7cdgu5YM-3D_IYcLe-2FsBaxpVrnweThVZTLrJlHg6avRfAZPcxChOOXzzFxE-2FbbftNjHqoyaXKS2OEdtvy-2FPH-2B1IGWzLGfc-2FQgf6qFImUX-

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2FoEVbXG2BJm4KXfMP7AMIBAI0EptvrCJ8ep65ZbjeOvyypF-2Bc-2B3mLEHPcbTRx3C-

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From: Anonymous Person

Subject: RE: California Public Records Act Request #P009436-101619

10/25/2019

Ref P009436-101619

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

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I do not waive any other rights.

Please let me know if you agree.

Thanks, Anonymous

From: San Francisco Police Department

Subject: Public Records Request :: P009436-101619

Attachments:

PRA 9436 3rd extension letter.pdf (https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsoIsnXbuEgm-2FN-

11/08/2019

2B3KuyZ5YHnuXVUop6SBUj6Zl2gPWQsh2hjE0JdlwH66QdMJzrpYUZ4H0oDUn9cqKrPktPrLi0CPeV6J hPmxHQrvEiRqHQz6uedWfSFdwV57ux2Z3v3WBr5i-2BDpud3TWNWtVKR-2BWJQIt-

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--- Please respond above this line ---

November 08, 2019 Via email requests@muckrock.com

Anonymous DEPT MR 81227 411A Highland Ave Somerville, MA 02144-2516

RE: Public Records Request, dated October 16, 2019, Reference # P009436-101619

Dear Anonymous:

In response to your request, please see attached document(s).

Sincerely, Lieutenant R. Andrew Cox #287 Officer in Charge Risk Management - Legal Division To monitor the progress or update this request please log into the SFPD Public Records Center. (https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsoIsnXbuEgm-2FN-2B3KuyZ5YHnuXVUop6SBUj6Zl2gPWQsh2hjE0JdlwH66ZMXJDGxIkhWqlkMGRI8K8Y42BoObP4HI0zB8wvvSoDxxL4DMNqcoNuU-2BDNqP9hLtg_IYcLe-

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PRA209436203rd20extension20letter.pdf

C Download

From: Anonymous Person

Subject: RE: California Public Records Act Request #P009436-101619

Email

11/08/2019

P009436-101619

You are required by law to provide me records in a rolling manner. There must be at least some records already released to other requesters under Penal Code §832.7(b)(1) that you could also release to me, in identical form, but you have refused to do so. Complaints will be filed Nov. 13 if records are not released in a rolling manner by then.

You also refused to provide me a quantity under SFAC 67.21(c) within 7 days.

In a prior case, SOTF required 7000 pages to be disclosed to be a reasonable amount by another agency. You have disclosed to me nothing in over one month.

SFPD will not be able to escape its obligations for public disclosure by indefinite delay.

Sincerely, Anonymous

IN THE SAN FRANCISCO SUNSHINE ORDINANCE TASK FORCE

Anonymous

Supplemental Documentation

v.

Nov. 26, 2019

Chief William Scott, Lt. R. Andrew Cox, San Francisco Police Department SOTF No.

19124

SUPPLEMENTAL DOCUMENTATION

On. Nov 20, I alleged Respondents failed to respond to a request for public records in a timely or complete manner and failed to assist in a timely or complete manner. SOTF noticed Respondents on or around Nov. 21, and on Nov. 25, Respondents began a rolling response to my request. I maintain original allegations #1 and #2, and now provide additional detail for Allegation #3.

AMENDED ALLEGATIONS

3. Violations of SF Admin Code 67.26, 67.27 - more than minimal withholding, failure to cite justification for withholding with clear reference to statute or case

law

Some records have now been produced. However, they contain numerous redactions and withholdings, none of which have "clear reference" to justifications, which is a violation of SF Admin Code 67.26. The allegations of the attached Exhibit 1, a petition to the Supervisor of Records, are incorporated into this Allegation 3. I request the SOTF determine that some or all of the parts of records listed in Exhibit 1 are public parts of records and order them disclosed. Exhibit 2 shows some examples of the justifications provided by Respondents, which do not provide "clear reference" from redaction to exemption.

Respectfully submitted,

ANONYMOUS Complainant/Petitioner

1

Anonymous v. Scott, et al. (re: Police Misconduct)

EXHIBIT 1

Nov. 26 petition to Sup. of Records

81227-34819567@requests.muckrock.com

Supervisor of Records,

On Nov. 20 you received an SFAC 67.21(d) petition from this email address re: an Oct. 4 request from us to SFPD for certain police misconduct records. At the time I alleged that SFPD was simply refusing to provide us any records; that is no longer the case, and we have received on Nov. 25 the beginning of a rolling records response. We now allege instead that public records or parts of records are being improperly withheld.

You may consider the Nov. 20 petition from this email address withdrawn, and consider this a new SFAC 67.21(d) petition for a written determination that all or some of the following parts of records are public and for all associated orders to disclose. We will continue to pursue before the SOTF in 19124 Anonymous v. Scott et al., instead of before you, an SFAC 67.25 violation for SFPD's refusal to (prior to our complaint) provide rolling responses.

SFPD on Nov. 25 published 85 records online on "Sendgrid," with what appears to be 12 duplicates, for 73 unique records. The record names, our numbering scheme for reference, and the URLs that SFPD published are in Appendix A. You may get the records themselves from SFPD's published URLs below, or from SFPD itself, as they are too large to include in the petition and many are audio/video files that I cannot embed herein. On Nov. 26, SFPD published 41 additional documents listing general exemptions. However, since no "clear reference" is made indicating which redaction is associated with which exemption, these redactions remain unlawful under SFAC 67.26, and I still challenge all of them. Furthermore, the justification documents themselves have redactions (determination 3).

Please determine the following are public parts of records:

- PDF documents: All textual redactions in records #1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 81, 82, 83, 84 (which are all PDFs). None of these textual redactions have a clear reference to a statutory or case law exemption justifications, and are thus unlawful withholdings, and must be disclosed.
- 2. Bodycam footage:
 - a. The following parts of the original bodycam records #55-76 (inclusive): Office Name/Badge number, GPS location tags, and original timestamps. This information has been stripped from the MP4 files provided to us without any justification. From publicly available Axon documentation for the 'Body 2' cameras used, we believe this information does exist, was recorded, and must be disclosed. No justification has been provided for withholding this information. SFPD appears to store the original records in a service called

"Evidence.com" and we would like copies of the full record stored therein (except exempt parts).

- b. The original uncompressed bodycam audio and video footage in records #55-76 (inclusive). The CPRA requires exact copies, and the Sunshine Ordinance requires minimal withholding. Some of these videos have been compressed to incomprehensibility. SFPD may lawfully redact (with justification) exempt parts of the video, but has no authority to damage the rest of the video record through compression.
- c. All "visual" redactions in records #55-76 (inclusive). There are numerous blurrings of the record. I am challenging all of them as unlawful, since none have any clear reference to justification whatsoever.
- 3. **Record response redactions** redactions in the following responses appear to withhold the identity of a records requestor, however public records requests are themselves public records
 - a. PRA_6443_-_12-005_-_Response_9-25-19.pdf
 - (https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsoIsnXbuEgm-2FN-2B3KuyZ5YHnuXVUop6SBUj6Zl2gPWQsh2hjE0JdlwH66QdMJzrpYUZ4H0o DUn9cqKrPktPrLi0CPeV6JhPmxHQrvEiRqHQz6uedWfSFdwV57mEMmYJr wfGTBLMsxkMSVYFhF86CFZyt4AD1KBN52QmS6UjCUu-2BB8wiijjf7jVJH BMSmVkmhvmQ9-2B-2FZJ7Gx8revQ-2Fg8PUiiICtGuOzLOAKhk-3D IYcLe -2FsBaxpVrnweThVZTLrJlHg6avRfAZPcxChOOXzzFxE-2FbbftNiHqoyaXKS 2OEdtvy-2FPH-2B1lGWzLGfc-2FQgdq8woIeuWG-2FsZdp-2BtYHo3oB-2Bq-2 BL5d-2FJcc9LR3HWbMFUybrBRPbJdLBu4eCUhGdjGyN98Cd4TicQ5AT4R-2FHscXFhyLAl3-2F11t7MPFUymLPG-2BplCXBQBhlOYOrZlXd6BDNQJ0U Nbst1Sf5RMmauAZqxV769oQX2Y46Rd-2BL9irxcR0-2BuezMTQTQQxNbDZx NWrdlPoJ7tDv3YTDKlSgqOB-2FgHWRhCRmNYKRIWlC449oQPrijkHDev5 pXNx03Ess-2F2iW-2FscRTuAe2RWYHyNkwpttuQ1k4bUzKpTv6MqYZqrxC Qhk7xMvvLBWvD2S58E5DcFvAw-3D-3D)
 - b. PRA_6443_SFPD_Response_Letter.pdf
 (https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsoIsnXbuEgm-2FN-2B3KuyZ5YHnuXVUop6SBUj6Zl2gPWQsh2hjE0JdlwH66QdMJzrpYUZ4H00 DUn9cqKrPktPrLi0CPeV6JhPmxHQrvEiRqHQz6uedWfSFdwV57mEMmYJr wfGTBLMsxkMSVYFhF86CFZyt4AD1KBN52QmRrd57j-2BkMBTX0TubRUc Rk6k1APn5vTAcsknCIcr5ghOhPGkAAuGlGgkLf1el1mnsE-3D_IYcLe-2FsBa xpVrnweThVZTLrJlHg6avRfAZPcxChOOXzzFxE-2FbbftNjHqovaXKS2OEdt vy-2FPH-2B1lGWzLGfc-2FQgdq8woIeuWG-2FsZdp-2BtYHo3oB-2Bq-2BL5d-2FJcc9LR3HWbMFUybrBRPbJdLBu4eCUhGdjGvN98Cd4TicQ5AT4R-2FHsc XFhyLAl3-2F11t7MPFUymLPG-2BplCXBQBhlOYOrZIXd6BDNQJ0UNbst1S f5RMmauAZqxV769oQX2Y46Rd-2BL9irxcR0OQfDm2DPa6cAd7e0dZ-2BplN UopU6HMrUwKsfYQ5WMgHMAKkt0gH2fbkTYWUs8AzTQl21s4ceO8Eevp GOffTpn5iqQq9zaF1VUWo32-2BV4b3qybFUoKaDHv4kkx1-2Fqb55Wll5KE-2FKJsgXq-2BxsYvL3YWjA-3D-3D)

SFPD URL Name https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsolsnXbuEgm-2FN-2B3Ku yZ5YHnuXVUop6SBUj6Zl2gPWQsh2hjE0JdlwH66QdMJzrpYUZ4H0oDUn9cgKrPkt PrLi0CPeV6JhPmxHQrvEiRqHQz6uedWfSFdwV57hCoQrfRYwbA-2FMHQUOl4vv 0TQeDH9xTik6qthkZBaUPR1wNPutbmbUYGqGSILOTiPuNOApaENMWQMPCY-2 F-2F1x7iOuEHU7yHxdNGcJYyvHTAmI-3D IYcLe-2FsBaxpVrnweThVZTLrJIHq6av RfAZPcxChOOXzzFxE-2FbbftNiHgoyaXKS2OEdtvy-2FPH-2B1IGWzLGfc-2FQqRz 7r2r5PRHLbeVeStL83vpFeedbkBSM8PAIH9HBrq8QSHcYq7fpKXCLm5RvsF1Z7q <u>3ioeGOVXzGkr4iasG0GI7PGA3r1cNtoUFxcTcw-2BIMtdWNpKfVaZX3MH1ib-2BC8</u> W0a6OTQi0JN9PdHD1loHR-2B39-2BHSgyNKV6-2F1ZclpeUdqDgy-2B4EDxl0OS 004-06 - 0604284 Vu96-2BICvs8Rh4NxXDZzkHDZRp47YvX9hPMaHpIxStDUVxJw39R33b3P0RF44 36 - production 1.p Ccb7xTq6LaXqHMQ5TXFJthQuRyuu1Qc2iPfQGYcKQM1mDw4r6SlxJiA5HxlhL-2B df EJ5CfXuegmGdOFkvKA-3D-3D https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsolsnXbuEgm-2FN-2B3Ku vZ5YHnuXVUop6SBUj6Zl2gPWQsh2hjE0JdlwH66QdMJzrpYUZ4H0oDUn9cqKrPkt PrLi0CPeV6JhPmxHQrvEiRgHQz6uedWfSFdwV57-2FAdl7Oqib3GaqM4BdBcRa7i H72CvcUlx4FfrrdIdLf6XvjGKYS61MddT8fc9BVl2-2Bk-2FIBjWCNHVDv7FxLRmA6E wH8SUWrPsPFpcNRYBzu7k-3D_IYcLe-2FsBaxpVrnweThVZTLrJIHq6avRfAZPcx ChOOXzzFxE-2FbbftNjHgoyaXKS2OEdtvy-2FPH-2B1IGWzLGfc-2FQqQHp7dDCH GrVfZdNJyghjDfzfdcGUfNOVAacnkmLpSwDH8PPvwbJvcXEAQZLpIS0ZTsIIFK51 D9VhEZi6QJILLS0vqFXwaiLq2vfW8p0IFMOSoq-2BB6nqDVJ5te4PpqrLqNuPZivqi 7bZNZ0s9KHfncfZiTqnjBMbwBDydTZ-2FGCBRY9iVrQ84ezVCcLDjYtMTrLjYBQ4G aY-2FH5eCU17YgUhtE0iJNKrUVOSkz402Zgy2a1bofado-2BksFgoH5aYFYdQEQcl 02-006-051400918 - 2cDqUpVcdm1GVCC-2BLEwFQUmDn2dw6RoR7XwGv00pW8luIXwafsWce2OWe 2 Production 1.pdf RE3q-3D-3D https://u8387795.ct.sendqrid.net/wf/click?upn=Ow1KccipsolsnXbuEqm-2FN-2B3Ku yZ5YHnuXVUop6SBUj6Zl2qPWQsh2hjE0JdlwH66QdMJzrpYUZ4H0oDUn9cqKrPkt PrLi0CPeV6JhPmxHQrvEiRgHQz6uedWfSFdwV57sCHboz0e3jg7lUYCTy60WUpY -2Bc3N8dEJ5BSX4P5nCX1mwl3a89krlO0F4Gtn-2BIR5-2Ffu8iud-2B8RwzqY4N5N FrytC-2BisHQsKM6dRI-2BEOj9Ytk-3D_IYcLe-2FsBaxpVrnweThVZTLrJIHg6avRfA ZPcxChOOXzzFxE-2FbbftNjHqoyaXKS2OEdtvy-2FPH-2B1JGWzLGfc-2FQgW5nyT b4fOPmPXY4kmTb8B-2Bywry5Mi6XTp7XNWNT0G7DkwUkkdqTz3XaySC0yh-2B2 6yFUfAbetpWpAPPa3EAiHh1xlcrq-2BXiNGeJojlqOFmrq1W5iCX-2FRtFbwU-2FfDb ar9PnMboTh-2BEhnRjecr04OzqjqUrb3uiSTMx0hLpqifellc6UC-2BLHKxvPTbZUZR 4K8ePEFP0it0OYP7cZYM4mYi8uGFxPH1K6bD6HOzWe9f4lUgTP28XkdJd8Qwlwt 05-005_-_05099122 UXoajj81fCoLJ4BOKBUIZHzh2BEjaRJWpj5rKsZ7rp-2B9T9l55GIVkleBqQUDLOh6 7 - production 1.pdf EadrQFw-3D-3D

Records Listing - Appendix A

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		o5ZvYKVFzP3oGMgh4OlgZlgfAe2g6PG6QAh-2FB0sco6gM2ojkw-2FyXKgGi8mmc
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11-1-1-0-D-		mHJXpWexzE8gj9b7Vv98FK68TbCVXdUd1085LAfGT-2BO-2F4KHEj10jh3cc7PjL
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54	190011028 production 1.pdf	https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsolsnXbuEgm-2FN-2B3Ku yZ5YHnuXVUop6SBUj6Zl2gPWQsh2hjE0JdlwH66QdMJzrpYUZ4H0oDUn9cqKrPkt PrLi0CPeV6JhPmxHQrvEiRqHQz6uedWfSFdwV57e7jgdKwGV7ohAKvgjTvqZpOa nboCiHEcGuwxQfYKO5-2FzcxTHdMcvDcfRNzxuHxKuXQK4m8ljIWWSKgFvLRu-2 FZW790mhMp9APMAkPviGqm-2Bg-3D_IYcLe-2FsBaxpVrnweThVZTLrJlHg6avRf AZPcxChOQXzzFxE-2FbbftNjHqoyaXKS2OEdtvy-2FPH-2B1IGWzLGfc-2FQqW5ny Tb4fOPmPXY4kmTb8B-2Bywry5Mi6XTp7XNWNT0G7DkwUkkdqTz3XaySC0yh-2B 26yFUfAbetpWpAPPa3EAjHh1xlcrg-2BXjNGeJojlgOFmrq1W5iCX-2FRtFbwU-2FfD bar9PpBU07I1P0aDq-2BMAO5Cb3yXZ-2FU8ZPtlju6ZpVtP-2BeM3-2BYRFzJ-2BIg Vlzq2x2Xnjs89XIrMOTvN49-2BFFwisuueEu0HpnRxWlc-2Fh9YhKNoIR0bbUhRW4 EjBsippEC92d-2Bd9MoCHFFvxD-2FgpXw1LOR-2FB6JAEFrKUMDrA1IU9eHFzIBY P-2B87CQDVE8jPHAILloXkZ6g-3D-3D
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58	2019-0023 190011028 BWC 10.mp4	https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsolsnXbuEgm-2FN-2B3Ku yZ5YHnuXVUop6SBUj6Zl2gPWQsh2hjE0JdlwH66QdMJzrpYUZ4H0oDUn9cqKrPkt PrLi0CPeV6JhPmxHQrvEiRqHQz6uedWfSFdwV57e7jgdKwGV7ohAKvgjTvqZpOa nboCiHEcGuwxQfYKO58FqaMVhPkfLk1PFFDLZFzeF8-2BjW4euc-2FN6ll-2Fjxi9lw Y8gwM8Yau2xL0G1H-2FbvkTs-3D_IYcLe-2FsBaxpVrnweThVZTLrJlHq6avRfAZPc xChOOXzzFxE-2FbbftNjHqoyaXKS2OEdtvy-2FPH-2B1IGWzLGfc-2FQgW5nyTb4f OPmPXY4kmTb8B-2Bywry5Mi6XTp7XNWNT0G7DkwUkkdqTz3XaySC0yh-2B26y FUfAbetpWpAPPa3EAjHh1xlcrg-2BXjNGeJojIgOFmrq1W5iCX-2FRtFbwU-2FfDbar 9PpBU0711P0aDq-2BMAO5Cb3yXZ-2FU8ZPtlju6ZpVtP-2BeM3-2BiwOs4MlpkQsc V5WL-2B5KSYAnlphcraFpVWrVQPOd-2FXijmhCeyKrQOPRuRjz0sA99UrafjIt6nDk I-2FEs7fKXMTqnHriLHo0Gq5xQa3sOZEq5RH9XPEWYmr00tjP47JUTHM6xV3yNV c9KINGeTY7KC9zA-3D-3D
59	2019-0023 190011028 BWC 11.mp4	https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsolsnXbuEgm-2FN-2B3Ku yZ5YHnuXVUop6SBUj6Zl2gPWQsh2hjE0JdlwH66QdMJzrpYUZ4H0oDUn9cqKrPkt PrLi0CPeV6JhPmxHQrvEiRqHQz6uedWfSFdwV57e7jgdKwGV7ohAKvgjTvqZpOa nboCiHEcGuwxQfYKO5-2Fk0K1zHRM-2BCeZzY2LwQA2hRdrzxorVE-2BnW5uoEl CKuw5ceQ5JGKBFmXxjHhydkhk0-3D_IYcLe-2FsBaxpVrnweThVZTLrJIHg6avRfA ZPcxChOOXzzFxE-2FbbftNjHqoyaXKS2OEdtvy-2FPH-2B1IGWzLGfc-2FQqRdEce nJ6loAnXCJI0BPa9MCUZT1O-2Flh8DbLyxgNH4HnWm355-2Fi1g-2BdFNr4-2Bkad XaaXwCiOqiAgPf60RfLHBIBKgi8WPNNIa27smrGctgI-2BKe7-2FhO2ptcI-2FSewTF KVtig15irTZ8kvMUmHXNfpQmpmpQsDjwNBUClavE5YvhsrQpK-2B7H6jfUhakeCp nUfuVI3hwf9-2BhDi4-2FBAGZ1ObU-2FSa7MNets8OrBhgu7UC62taTzyjx1i5x75rT C-2FXepkiPrBCjQtEWJ17NCHSLL6FrjrLf7977DrGLG3fvbjCiYxofCW5kWTBdFbPC aD41YPeyn4Q-3D-3D
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62	2019-0023 190011028 BWC 2.mp4	https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsolsnXbuEgm-2FN-2B3Ku yZ5YHnuXVUop6SBUj6Zl2gPWQsh2hjE0JdlwH66QdMJzrpYUZ4H0oDUn9cqKrPkt PrLi0CPeV6JhPmxHQrvEiRqHQz6uedWfSFdwV57e7jgdKwGV7ohAKvgjTvqZpOa nboCiHEcGuwxQfYKO5-2F0BhDFnXjHTYBCMxGIQRe49wG9oaKqk4ulMMuxYV1I ZpHMVPsdqppZuWiuv4XWwXA-3D_IYcLe-2FsBaxpVrnweThVZTLrJlHg6avRfAZP cxChOOXzzFxE-2FbbftNjHqoyaXKS2OEdtvy-2FPH-2B1IGWzLGfc-2FQgW5nyTb4 fOPmPXY4kmTb8B-2Bywry5Mi6XTp7XNWNT0G7DkwUkkdqTz3XaySC0yh-2B26y FUfAbetpWpAPPa3EAjHh1xlcrg-2BXjNGeJojlgOFmrq1W5iCX-2FRtFbwU-2FfDbar 9PpBU07I1P0aDq-2BMAO5Cb3yXZ-2FU8ZPtlju6ZpVtP-2BeM3-2BR8dwg0LJvF-2 Bln8Xnp7RvzOmGl-2FuYYgNzSD0fBjvVCyqIJ-2FYgtAeiDPmbZeFCaEl-2BmKRCv 1evL1eLbDoDZCgluTi-2BPqv1rHQwqlhJKoeq4BWjlqyiex19ylhIN2wmo9HNmnbvU QZNJIe7uLwQl66T7Q-3D-3D
63	2019-0023 190011028 BWC 3.mp4	https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsolsnXbuEgm-2FN-2B3Ku vZ5YHnuXVUop6SBUj6Zl2gPWQsh2hjE0JdlwH66QdMJzrpYUZ4H0oDUn9cqKrPkt PrLi0CPeV6JhPmxHQrvEiRqHQz6uedWfSFdwV57e7jgdKwGV7ohAKvqjTvqZpOa nboCiHEcGuwxQfYKO59SVy0ZNdeZaLo7Z2cTTeFNd4J0V7i5qQVlQdmRxB9ooL FTu10jq2Dr7BWvAf9-2Fcgl-3D_IYcLe-2FsBaxpVrnweThVZTLrJlHg6avRfAZPcxCh OOXzzFxE-2FbbftNjHqoyaXKS2OEdtvy-2FPH-2B1IGWzLGfc-2FQgRdEcenJ6loAn XCJI0BPa9MCUZT1O-2FIh8DbLyxgNH4HnWm355-2Fi1q-2BdFNr4-2BkadXaaXw CiOqiAgPf60RfLHBIBKgi8WPNNIa27smrGctgl-2BKe7-2FhO2ptcl-2FSewTFKVtig1 5irTZ8kvMUmHXNfpQmpmpQsDjwNBUClavE5YvhsrQpUtffhQ893SEnyAHvmxcOK M-2F40rGyOZtsDpbfc3VFYH3PUx83rRpcJYVXfeEtzMWnWXdw5d2hH2ULgjoUXs OxOODt5hFIYrkTvIUya6WoN3fQxDv0bbXmNDmotvpfNXQOCoQirpNn3cSS2OAw LmH5MQ-3D-3D
64	2019-0023 190011028 BWC 3.mp4	https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsolsnXbuEgm-2FN-2B3Ku yZ5YHnuXVUop6SBUj6Zl2gPWQsh2hjE0JdlwH66QdMJzrpYUZ4H0oDUn9cqKrPkt PrLi0CPeV6JhPmxHQrvEiRqHQz6uedWfSFdwV57e7jgdKwGV7ohAKvgjTvqZpOa nboCiHEcGuwxQfYKO59SVy0ZNdeZaLo7Z2cTTeFNd4J0V7i5qQVlQdmRxB9ooL FTu10jq2Dr7BWvAf9-2FcgI-3D_IYcLe-2FsBaxpVrnweThVZTLrJIHg6avRfAZPcxCh OOXzzFxE-2FbbftNjHqoyaXKS2OEdtvy-2FPH-2B1IGWzLGfc-2FQgW5nyTb4fOP mPXY4kmTb8B-2Bywry5Mi6XTp7XNWNT0G7DkwUkkdqTz3XaySC0yh-2B26yFUf AbetpWpAPPa3EAjHh1xlcrg-2BXjNGeJojlgOFmrq1W5iCX-2FRtFbwU-2FfDbar9Pp BU0711P0aDq-2BMAO5Cb3yXZ-2FU8ZPtlju6ZpVtP-2BeM3-2BVF8cmqqdupm1Cs Y1RHbEjfipnEp-2Fy5Be8WrU4AQuWqMEuB6nOHmyyQStK1-2BBh3eXiY3zgeBA Wq6sIPI2z-2BWHzsfOySLnZiDFEpWZWDTswG2ej2RhPVzT9WAWYMEOqYbCIB 8wRk43rG5nXi4GOSMhDw-3D-3D

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65	2019-0023 190011028 BWC 4.mp4	https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsolsnXbuEgm-2FN-2B3Ku yZ5YHnuXVUop6SBUj6Zl2gPWQsh2hjE0JdlwH66QdMJzrpYUZ4H0oDUn9cqKrPkt PrLi0CPeV6JhPmxHQrvEiRqHQz6uedWfSFdwV57e7jgdKwGV7ohAKvgjTvqZpOa nboCiHEcGuwxQfYKO5-2BUXtxaYT-2BaMTyNTcFZAmoXTUQKaTbN2ryv1l2uRw An-2FJReHSZd6gg4zcQn1-2BiUdlE-3D_IYcLe-2FsBaxpVrnweThVZTLrJlHg6avRf AZPcxChOOXzzFxE-2FbbftNjHqoyaXKS2OEdtvy-2FPH-2B1IGWzLGfc-2FQgRdEc enJ6loAnXCJI0BPa9MCUZT1O-2FIh8DbLyxgNH4HnWm355-2Fi1g-2BdFNr4-2Bka dXaaXwCiOqiAgPf60RfLHBIBKgi8WPNNIa27smrGctgI-2BKe7-2FhO2ptcI-2FSewT FKVtig15irTZ8kvMUmHXNfpQmpmpQsDjwNBUClavE5YvhsrQpMKnx7AGp0237C vnKPw06l8k4Ax6XvdYcH6OGsoeNEJZb5rdw9DFxKaRZmUvsUejedhXgCbmoPKT EQImBILsC4zW0bux5vD5oUSzd3avhZwXnP-2B1dLMINva6Ojwdx33CpNb-2BgX0 4UFzklZpVYkg5Q2w-3D-3D
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67	2019-0023 190011028 BWC 5.mp4	https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsolsnXbuEgm-2FN-2B3Ku yZ5YHnuXVUop6SBUj6Zl2gPWQsh2hjE0JdlwH66QdMJzrpYUZ4H0oDUn9cqKrPkt PrLi0CPeV6JhPmxHQrvEiRqHQz6uedWfSFdwV57e7jgdKwGV7ohAKvgjTvqZpQa nboCiHEcGuwxQfYKO59sstJvAahJ0dxfz4fva-2Bo-2BxwX-2B8A7OzuSfk5QoESGx KPKmcAsdxflN1jprBlqr7bs-3D_lYcLe-2FsBaxpVrnweThVZTLrJlHg6avRfAZPcxCh OOXzzFxE-2FbbftNjHqoyaXKS2OEdtvy-2FPH-2B1lGWzLGfc-2FQgRdEcenJ6loAn XCJI0BPa9MCUZT1O-2Flh8DbLyxgNH4HnWm355-2Fi1g-2BdFNr4-2BkadXaaXw CiOqiAgPf60RfLHBIBKgi8WPNNIa27smrGctgI-2BKe7-2FhO2ptcI-2FSewTFKVtig1 5irTZ8kvMUmHXNfpQmpmpQsDjwNBUClavE5YvhsrQpZDirs1auyOhmtiBZUTObC LulZy5nyzquaYvy6C55G2uHIW-2FHEKHma-2Fa-2B9L5rpG-2B-2BFlazgIngpEXG HrG2VFAdo1md0gx-2BSASFSB5EpHc631V8imFsIP0rFFqNONTsr6tdOFAr9rq8eK RqCelzbDrVzA-3D-3D
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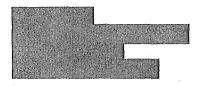
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Sincerely, Anonymous <u>EXHIBIT 2</u>

Justifications of Nov. 26



September 25, 2019



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



WILLIAM SCOTT CHIEF OF POLICE

RE: Public Records Request- reference # P006443-010119

Dear

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 01, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on August 27, 2012, involving member Regina Berrigan. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include documents related to Incident Report #120682172 and Internal Affairs Report #12-005.

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 19, 2019, June 21, 2019, June 26, 2019, July 3, 2019, July 5, 2019, July 11, 2019, July 19, 2019, July 24, 2019, July 31, 2019, August 2, 2019, August 7, 2019, August 14, 2019, August 21, 2019, August 30, 2019, September 4, 2019, September 11, 2019, September 13, 2019 and September 18, 2019.

- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies.

Sincerely,



April 12, 2019



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



WILLIAM SCOTT CHIEF OF POLICE

RE: Public Records Request- reference # P006443-010119

Dear

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 01, 2019. On January 11, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the *Good Government Guide*. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

On Friday, March 1, 2019, the San Francisco Police Officer's Association ("SFPOA") sued SFPD and the court ordered SFPD not to release responsive records under SB 1421 that predate January 1, 2019. Although SFPD could not release records that predated January 1, 2019 responsive records, SFPD continued to identify, review, redact and prepare records in response to SB 1421 requests.

On March 27th, 2019 the SFPOA dismissed its lawsuit and on March 29th, 2019, the court dissolved its order prohibiting SFPD from releasing responsive records that predate January 1, 2019.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer which occurred on July 3, 2010. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include the following:

- Incident Report
- Homicide Report
- Internal Affairs Report
- Return to Duty Report
- District Attorney Report
- Firearm Discharge Review Board Report
- Transcript of radio communication
- Transcripts of interviews with officers, victims, witnesses, and suspects
- Crime Scene Report including photographs

¹SFPD sent communications on January 25, 2019, February 15, 2019, March 1, 2019, March 15, 2019 and April 5, 2019.

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.
- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies.

Sincerely,



August 28, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on April 22, 2006 involving members Constantine Zachos #1049 and Patrick Griffin #1835. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include documents related to Incident Report #060428436 and Internal Affairs Report #004-06.

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.

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



CHIEF OF POLICE

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019, June 12, 2019, June 19, 2019, June 21, 2019, June 26, 2019, July 1, 2019, July 3, 2019, July 5, 2019, July 11, 2019, July 17, 2019, July 19, 2019, July 24, 2019, July 31, 2019, August 1, 2019, August 2, 2019, August 7, 2019, August 14, 2019 and August 23, 2019.

- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of and investigatory or security files compiled by local police agencies.

Sincerely,



November 20, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

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

WILLIAM SCOTT

CHIEF OF POLICE

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on September 2, 2005, involving member Brian Schaffer. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include documents related to Incident Report #050991227 and Internal Affairs Report #05-005.

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019, June 12, 2019, June 19, 2019, June 21, 2019, June 26, 2019, July 1, 2019, July 3, 2019, July 5, 2019, July 11, 2019, July 17, 2019, July 19, 2019, July 24, 2019, July 31, 2019, August 1, 2019, August 2, 2019, August 7, 2019, August 14, 2019, August 21, 2019, August 22, 2019, August 23, 2019, August 26, 2019, August 28, 2019, August 29, 2019, August 30, 2019, September 3, 4, 6, 11, 13, 18, 25, 27, 2019, October 2, 4, 11, 17, 22, 23, 25, 30, 2019, November 6, 8, 12, 13, 15, 18, 2019.

- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies.

Sincerely,



October 30, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on March 7, 2007, involving members Joseph Salazar and Monica MacDonald. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include documents related to Incident Report #070237697 and Internal Affairs Report #07-002.

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.

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



WILLIAM SCOTT CHIEF OF POLICE

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019, June 12, 2019, June 19, 2019, June 21, 2019, June 26, 2019, July 1, 2019, July 3, 2019, July 5, 2019, July 11, 2019, July 17, 2019, July 19, 2019, July 24, 2019, July 31, 2019, August 1, 2019, August 2, 2019, August 7, 2019, August 14, 2019, August 21, 2019, August 22, 2019, August 23, 2019, August 26, 2019, August 28, 2019, August 29, 2019, August 30, 2019, September 3, 4, 6, 11, 13, 18, 25, 27, 2019, October 2, 4, 11, 17, 22, 23, 25, 2019.

- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies.
- California Code of Civil Procedure § 129 photographs of the body, or any portion of the body, of a deceased person, taken by or for the coroner at the scene of death or in the course of a post mortem examination or autopsy.

Sincerely,



September 25, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on September 17, 2011, involving member(s) Ryan Jones. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include documents related to Incident Report #110748176 and Internal Affairs Report #11-005.

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.

CITY AND COUNTY OF SAN FRANCISCO POLICE DEPARTMENT HEADQUARTERS 1245 3^{R0} Street San Francisco, California 94158



WILLIAM SCOTT CHIEF OF POLICE

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019, June 12, 2019, June 19, 2019, June 21, 2019, June 26, 2019, July 1, 2019, July 3, 2019, July 5, 2019, July 11, 2019, July 17, 2019, July 19, 2019, July 24, 2019, July 31, 2019, August 1, 2019, August 2, 2019, August 7, 2019, August 14, 2019, August 21, 2019, August 22, 2019, August 23, 2019, August 26, 2019, August 28, 2019, August 29, 2019, August 30, 2019, September 3, 2019, September 4, 2019, September 6, 2019, September 11, 2019, September 13, 2019, September 18, 2019.

- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies.

Sincerely,



July 31, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

On Friday, March 1, 2019, the San Francisco Police Officer's Association ("SFPOA") sued SFPD and the court ordered SFPD not to release responsive records under SB 1421 that predate January 1, 2019. Although SFPD could not release records that predated January 1, 2019 responsive records, SFPD continued to identify, review, redact and prepare records in response to SB 1421 requests.

On March 27, 2019, the SFPOA dismissed its lawsuit and on March 29, 2019, the court dissolved its order prohibiting SFPD from releasing responsive records that predate January 1, 2019.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by an officer, which occurred on December 14, 2011, involving Thomas Minkel. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include the following:

- Incident report
- CAD report
- Photographs

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



WILLIAM SCOTT CHIEF OF POLICE

P75

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019, June 12, 2019, June 19, 2019, June 21, 2019, June 26, 2019, July 1, 2019, July 3, 2019, July 5, 2019, July 11, 2019, July 17, 2019, July 19, 2019 and July 24, 2019.

- Crime scene investigation and firearm report
- Firearm Discharge Review Board Report
- Transcripts of Interviews
- Report of Investigative Findings to Police Commission
- District Attorney Decision Letter
- Internal Affairs Reports

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.
- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of and investigatory or security files compiled by local police agencies.
- California Code of Civil Procedure § 129 photographs of the body, or any portion of the body, of a deceased person, taken by or for the coroner at the scene of death or in the course of a post mortem examination or autopsy.

Sincerely,



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



WILLIAM SCOTT

CHIEF OF POLICE

LONDON N. BREED MAYOR

October 30, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on May 9, 2012, involving member(s) Joshua Hinds and Ronald Liberta. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include documents related to Incident Report #120370151 and Internal Affairs Report #12-001.

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019, June 12, 2019, June 19, 2019, June 21, 2019, June 26, 2019, July 1, 2019, July 3, 2019, July 5, 2019, July 11, 2019, July 17, 2019, July 19, 2019, July 24, 2019, July 31, 2019, August 1, 2019, August 2, 2019, August 7, 2019, August 14, 2019, August 21, 2019, August 22, 2019, August 23, 2019, August 26, 2019, August 28, 2019, August 29, 2019, August 30, 2019, September 3, 4, 6, 11, 13, 18, 25, 27, 2019, October 2, 4, 11, 17, 22, 23, 25, 2019.

- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies.
- California Code of Civil Procedure § 129 photographs of the body, or any portion of the body, of a deceased person, taken by or for the coroner at the scene of death or in the course of a post mortem examination or autopsy.

Sincerely,



September 4, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Mr. Dillon,

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on May 13, 2012 involving member Walter Ware #66. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include documents related to Incident Report #120381255 and Internal Affairs Report #12-002.

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.
- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest

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



WILLIAM SCOTT CHIEF OF POLICE

¹ SFPD sent communications on February 15th and 28th, March 15th, April 5th, 12th, and 26th, May 10th, 17th, 23rd, and 31st, June 5th, 7th, 11th, 12th, 19th and 26th, July 1st, 3rd, 5th, 11th, 17th, 19th, 24th and 31st, August 1st, 2nd, 7th, 14th, 21st, 22nd, and 23rd 2019

in records about misconduct and serious use of force by peace officers and custodial officers.

• Penal Code § 832.7(b)(5)(D) – disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.

- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of and investigatory or security files compiled by local police agencies.

Sincerely,



LONDON N. BREED MAYOR

November 21, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

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

WILLIAM SCOTT

CHIEF OF POLICE

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on 02/14/13, involving member Kohl O'Keefe #4291. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include documents related to Incident Report #130131711 and Internal Affairs Report #13-001.

Please note, redactions have been made to these records pursuant to the following exemptions:

Penal Code § 832.7(b)(5)(A) – personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.

Penal Code § 832.7(b)(5)(B) - to preserve the anonymity of complainants and witnesses.

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019, June 12, 2019, June 19, 2019, June 21, 2019, June 26, 2019, July 1, 2019, July 3, 2019, July 5, 2019, July 11, 2019, July 17, 2019, July 19, 2019, July 24, 2019, July 31, 2019, August 1, 2019, August 2, 2019, August 7, 2019, August 14, 2019, August 21, 2019, August 22, 2019, August 23, 2019, August 26, 2019, August 28, 2019, August 29, 2019, August 30, 2019, September 3, 4, 6, 11, 13, 18, 25, 27, 2019, October 2, 4, 11, 17, 22, 23, 25, 30, 2019, November 6, 8, 12, 13, 15, 18, 20, 2019.

- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies.

Sincerely,

Lt. Kathryn Waaland





WILLIAM SCOTT CHIEF OF POLICE

LONDON N. BREED MAYOR

August 21, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on April 17, 2013, involving member Aaron Cowhig. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include documents related to Incident Report #130315028 and Internal Affairs Report #13-006:

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019, June 12, 2019, June 19, 2019, June 21, 2019, June 26, 2019, July 1, 2019, July 3, 2019, July 5, 2019, July 11, 2019, July 17, 2019, July 19, 2019, July 24, 2019, July 31, 2019, August 1, 2019, August 2, 2019, August 7, 2019, and August 14, 2019.

- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of and investigatory or security files compiled by local police agencies.
- California Code of Civil Procedure § 129 photographs of the body, or any portion of the body, of a deceased person, taken by or for the coroner at the scene of death or in the course of a post mortem examination or autopsy.

Sincerely,



LONDON N. BREED MAYOR

August 21, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on July 20, 2013, involving member(s) Ryan Doherty. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include documents related to Incident Report #130598478 and Internal Affairs Report #13-007.

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.

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



WILLIAM SCOTT CHIEF OF POLICE

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019, June 12, 2019, June 19, 2019, June 21, 2019, June 26, 2019, July 1, 2019, July 3, 2019, July 5, 2019, July 11, 2019, July 17, 2019, July 19, 2019, July 24, 2019, July 31, 2019, August 1, 2019, August 2, 2019, August 7, 2019, August 14, 2019.

- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of and investigatory or security files compiled by local police agencies.

Sincerely,



LONDON N. BREED MAYOR

September 18, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on March 21, 2014, involving members Jason Sawyer, Nathan Chew, Roger Morse and Richard Schiff. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include documents related to Incident Report #140240512 and Internal Affairs Report #14-004.

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.



WILLIAM SCOTT CHIEF OF POLICE

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019, June 12, 2019, June 19, 2019, June 21, 2019, June 26, 2019, July 1, 2019, July 3, 2019, July 5, 2019, July 11, 2019, July 17, 2019, July 19, 2019, July 24, 2019, July 31, 2019, August 1, 2019, August 2, 2019, August 7, 2019, August 14, 2019, August 21, 2019, August 22, 2019, August 23, 2019, August 26, 2019, August 28, 2019, August 29, 2019, August 30, 2019, September 3, 2019, September 4, 2019, September 6, 2019, September 11, 2019 and September 13, 2019.

- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies.
- California Code of Civil Procedure § 129 photographs of the body, or any portion of the body, of a deceased person, taken by or for the coroner at the scene of death or in the course of a post mortem examination or autopsy.

Sincerely,



LONDON N. BREED MAYOR

October 23, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on September 25, 2014, involving member(s) Omar Alvarenga, Christopher Cotter, James Johnson, Kurt Macaulay, Gordon Wong and Ryan McEachern. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include documents related to Incident Report #140808085 and Internal Affairs Report #14-005.

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.

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



WILLIAM SCOTT CHIEF OF POLICE

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019, June 12, 2019, June 19, 2019, June 21, 2019, June 26, 2019, July 1, 2019, July 3, 2019, July 5, 2019, July 11, 2019, July 17, 2019, July 19, 2019, July 24, 2019, July 31, 2019, August 1, 2019, August 2, 2019, August 7, 2019, August 14, 2019, August 21, 2019, August 22, 2019, August 23, 2019, August 26, 2019, August 28, 2019, August 29, 2019, August 30, 2019, September 3, 4, 6, 11, 13, 18, 25, 27, 2019, October 2, 4, 11, 17, 2019.

- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies.
- California Code of Civil Procedure § 129 photographs of the body, or any portion of the body, of a deceased person, taken by or for the coroner at the scene of death or in the course of a post mortem examination or autopsy.

Sincerely,





WILLIAM SCOTT CHIEF OF POLICE

MAYOR

November 13, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on October 7, 2014, involving member(s) David Goff. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include documents related to Incident Report #140847895 and Internal Affairs Report #14-006.

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.
- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest

¹ SFPD sent communications on February 15, 28, 2019. March 15, 2019. April 5, 12, 26, 2019. May 10, 17, 23, 31, 2019. June 5, 7, 11, 12, 19, 21 26, 2019. July 1, 3, 5, 11, 17, 19, 2019. July 24, 31, 2019. August 1, 2, 7, 14, 21, 22, 23, 26, 28, 29, 30, 2019. September 3, 4, 6, 11, 13, 18, 25, 27, 2019. October 2, 4, 11, 17, 22, 23, 25, 30, 2019. November 6, 8, 2019.

in records about misconduct and serious use of force by peace officers and custodial officers.

- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies.
- California Code of Civil Procedure § 129 photographs of the body, or any portion of the body, of a deceased person, taken by or for the coroner at the scene of death or in the course of a post mortem examination or autopsy.

Sincerely,





WILLIAM SCOTT

CHIEF OF POLICE

LONDON N. BREED MAYOR

October 02, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

SFPD has identified responsive records related to an incident involving the **discharge of a firearm** at a person by a peace officer, which occurred on November 6, 2014, involving member Eduard Ochoa. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include documents related to Incident Report #140941732 and Internal Affairs Report #14-007.

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.
- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019, June 12, 2019, June 19, 2019, June 21, 2019, June 26, 2019, July 1, 2019, July 3, 2019, July 5, 2019, July 11, 2019, July 17, 2019, July 19, 2019, July 24, 2019, July 31, 2019, August 1, 2019, August 2, 2019, August 7, 2019, August 14, 2019, August 21, 2019, August 22, 2019, August 23, 2019, August 26, 2019, August 28, 2019, August 29, 2019, August 30, 2019, September 3, 2019, September 4, 2019, September 6, 2019, September 11, 2019, September 13, 2019, September 18th 25th, 27th, 2019.

- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies.

You requested, for member Eduard Ochoa all disclosable records relating to the report, investigation, or findings regarding an incident in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury. After a diligent and extensive search, SFPD has determined there are no responsive documents to your request under SB 1421 in regards to this portion of your request. Please note our database is limited to use of force records that occurred from 2006 to present.

You requested, for member Eduard Ochoa, all disclosable records relating to the report, investigation, or findings regarding an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public. SFPD has determined there are no responsive documents to your request under SB 1421 in regards to this portion of your request.

You requested, for member Eduard Ochoa, all disclosable records relating to the report, investigation, or findings regarding an incident in which a sustained finding was made by any law enforcement agency or oversight agency of **dishonesty by a peace officer** or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence. SFPD has determined there are **no responsive documents** to your request under SB 1421 in regards to this portion of your request.

Sincerely,





WILLIAM SCOTT CHIEF OF POLICE

LONDON N. BREED MAYOR

September 4, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on February 26, 2015 involving members Eric Reboli and Craig Tiffe. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include documents related to Incident Report #150178555 and Internal Affairs Report #15-003.

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019, June 12, 2019, June 19, 2019, June 21, 2019, June 26, 2019, July 1, 2019, July 3, 2019, July 5, 2019, July 11, 2019, July 17, 2019, July 19, 2019, July 24, 2019, July 31, 2019, August 1, 2019, August 2, 2019, August 7, 2019, August 14, 2019, August 23, 2019, August 26, 2019, August 28, 2019, August 29, 2019 and August 30, 2019.

- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of and investigatory or security files compiled by local police agencies.
- California Code of Civil Procedure § 129 photographs of the body, or any portion of the body, of a deceased person, taken by or for the coroner at the scene of death or in the course of a post mortem examination or autopsy.

Sincerely,





WILLIAM SCOTT

CHIEF OF POLICE

LONDON N. BREED MAYOR

August 7, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

On Friday, March 1, 2019, the San Francisco Police Officer's Association ("SFPOA") sued SFPD and the court ordered SFPD not to release responsive records under SB 1421 that predate January 1, 2019. Although SFPD could not release records that predated January 1, 2019 responsive records, SFPD continued to identify, review, redact and prepare records in response to SB 1421 requests.

On March 27, 2019, the SFPOA dismissed its lawsuit and on March 29, 2019, the court dissolved its order prohibiting SFPD from releasing responsive records that predate January 1, 2019.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on October 24, 2015, involving members Damon Hart and Dino Zografos. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include the following:

- Incident report #150929217
- CAD report
- Photographs

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019, June 12, 2019, June 19, 2019, June 21, 2019, June 26, 2019, July 1, 2019, July 3, 2019, July 5, 2019, July 11, 2019, July 17, 2019, July 19, 2019, July 24, 2019, July 31, 2019 and August 1, 2019.

- Crime scene investigation and firearm report
- Firearm Discharge Review Board Report
- Transcripts of Interviews
- Report of Investigative Findings to Police Commission
- District Attorney Decision Letter
- Internal Affairs Reports #15-008

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.
- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of and investigatory or security files compiled by local police agencies.

Sincerely,



LONDON N. BREED MAYOR

November 6, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on November 9, 1997, involving member Shaughn Ryan. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include documents related to Incident Report #971519077 and Internal Affairs Report #97-006.

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.

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



CHIEF OF POLICE

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019, June 12, 2019, June 19, 2019, June 21, 2019, June 26, 2019, July 1, 2019, July 3, 2019, July 5, 2019, July 11, 2019, July 17, 2019, July 19, 2019, July 24, 2019, July 31, 2019, August 1, 2019, August 2, 2019, August 7, 2019, August 14, 2019, August 21, 2019, August 22, 2019, August 23, 2019, August 26, 2019, August 28, 2019, August 29, 2019, August 30, 2019, September 3, 4, 6, 11, 13, 18, 25, 27, 2019, October 2, 4, 11, 17, 22, 23, 25, 30, 2019.

- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies.
- California Code of Civil Procedure § 129 photographs of the body, or any portion of the body, of a deceased person, taken by or for the coroner at the scene of death or in the course of a post mortem examination or autopsy.

Sincerely,



LONDON N. BREED

July 17, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

On Friday, March 1, 2019, the San Francisco Police Officer's Association ("SFPOA") sued SFPD and the court ordered SFPD not to release responsive records under SB 1421 that predate January 1, 2019. Although SFPD could not release records that predated January 1, 2019 responsive records, SFPD continued to identify, review, redact and prepare records in response to SB 1421 requests.

On March 27, 2019, the SFPOA dismissed its lawsuit and on March 29, 2019, the court dissolved its order prohibiting SFPD from releasing responsive records that predate January 1, 2019.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by an officer, which occurred on October 6, 1998, involving Ian Furminger and Jason Sawyer. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include the following:

- Forensic reports
- Crime Scene Investigation Reports
- CAD Report
- Photographs

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



WILLIAM SCOTT

CHIEF OF POLICE

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019, June 12, 2019, June 19, 2019, June 21, 2019, June 26, 2019, July 1, 2019 and July 3, 2019.

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.
- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of and investigatory or security files compiled by local police agencies.
- California Code of Civil Procedure § 129 photographs of the body, or any portion of the body, of a deceased person, taken by or for the coroner at the scene of death or in the course of a post mortem examination or autopsy.

Sincerely,



MAYOR

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



CHIEF OF POLICE

November 6, 2019

LONDON N. BREED

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference # P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

SFPD has identified responsive records related to an incident involving the use of force by a peace officer that resulted in great bodily injury, which occurred on April 18, 2012, involving member(s) Eric Eastlund and Aaron Cowhig. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include documents related to Incident Report #120286592.

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.
- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an

¹ SFPD sent communications on February 15, 28, 2019. March 15, 2019. April 5, 12, 26, 2019. May 10, 17, 23, 31, 2019. June 5, 7, 11, 12, 19, 21, 26, 2019. July 1, 3 5, 11, 17, 19, 24, 31, 2019. August 1 2, 7, 14 21, 22, 23, 26, 28, 29, 30, 2019. September 3 4, 6, 11, 13, 18, 25, 27, 2019. October 2, 4, 11, 17, 22, 23, 25, 30, 2019.

unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.

- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies.

Sincerely,





CHIEF OF POLICE

LONDON N. BREED MAYOR

September 4, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on December 13, 2005 involving member Troy Carrasco #1599. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include documents related to Incident Report #051400918 and Internal Affairs Report #02-006.

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.
- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019, June 12, 2019, June 19, 2019, June 21, 2019, June 26, 2019, July 1, 2019, July 3, 2019, July 5, 2019, July 11, 2019, July 17, 2019, July 19, 2019, July 24, 2019, July 31, 2019, August 1, 2019, August 2, 2019, August 7, 2019, and August 14, 2019.

of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.

- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies.

Sincerely,

San Francisco Police Department Legal Division

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MAYOR

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



WILLIAM SCOTT CHIEF OF POLICE

May 10, 2019

Matt Gonzalez San Francisco Public Defender's Office 555 7th Street San Francisco, CA. 94103

RE: Public Records Request- reference # P006455-010219

Dear Matt Gonzalez:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 1, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the *Good Government Guide*. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

On Friday, March 1, 2019, the San Francisco Police Officer's Association ("SFPOA") sued SFPD and the court ordered SFPD not to release responsive records under SB 1421 that predate January 1, 2019. Although SFPD could not release records that predated January 1, 2019 responsive records, SFPD continued to identify, review, redact and prepare records in response to SB 1421 requests.

On March 27th, 2019 the SFPOA dismissed its lawsuit and on March 29th, 2019, the court dissolved its order prohibiting SFPD from releasing responsive records that predate January 1, 2019.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer which occurred on June 7, 2011 involving SFPD members Alert Lieu and Scott Ryan. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include the following:

- Incident Report
- Homicide Report
- Internal Affairs Report
- Return to Duty Report
- District Attorney Report

¹SFPD sent communications on January 11, 2019, January 25, 2019, February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019 and April 26, 2019.

- Firearm Discharge Review Board Report
- Medical Examiner Report
- Transcript of radio communication
- Transcripts of interviews with officers
- Crime Scene Report including photographs

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.
- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies.
- California Code of Civil Procedure § 129 photographs of the body, or any portion of the body, of a deceased person, taken by or for the coroner at the scene of death or in the course of a post mortem examination or autopsy.

SFPD will provide you with a brief update by Friday, May 24, 2019.

Sincerely,





WILLIAM SCOTT

CHIEF OF POLICE

LONDON N. BREED MAYOR

August 14, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

On Friday, March 1, 2019, the San Francisco Police Officer's Association ("SFPOA") sued SFPD and the court ordered SFPD not to release responsive records under SB 1421 that predate January 1, 2019. Although SFPD could not release records that predated January 1, 2019 responsive records, SFPD continued to identify, review, redact and prepare records in response to SB 1421 requests.

On March 27, 2019, the SFPOA dismissed its lawsuit and on March 29, 2019, the court dissolved its order prohibiting SFPD from releasing responsive records that predate January 1, 2019.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by an officer, which occurred on December 16, 2011, involving Gabriel Alcaraz. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include the following:

- Incident report
- CAD report

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019, June 12, 2019, June 19, 2019, June 21, 2019, June 26, 2019, July 1, 2019, July 3, 2019, July 5, 2019, July 11, 2019, July 17, 2019, July 19, 2019, July 24, 2019, July 31, 2019 and August 2, 2019.

- Photographs
- Crime scene investigation and firearm report
- Firearm Discharge Review Board Report
- Transcripts of Interviews
- Report of Investigative Findings to Police Commission
- District Attorney Decision Letter
- Internal Affairs Reports

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.
- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies.

Sincerely,



LONDON N. BREED MAYOR

July 24, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

On Friday, March 1, 2019, the San Francisco Police Officer's Association ("SFPOA") sued SFPD and the court ordered SFPD not to release responsive records under SB 1421 that predate January 1, 2019. Although SFPD could not release records that predated January 1, 2019 responsive records, SFPD continued to identify, review, redact and prepare records in response to SB 1421 requests.

On March 27, 2019, the SFPOA dismissed its lawsuit and on March 29, 2019, the court dissolved its order prohibiting SFPD from releasing responsive records that predate January 1, 2019.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a police officer, which occurred on September 20, 2012, involving member Toney Chaplin. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include the following:

- Incident report #120756460
- CAD report
- Photographs

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



WILLIAM SCOTT CHIEF OF POLICE

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019, June 12, 2019, June 19, 2019, June 21, 2019, June 26, 2019, July 1, 2019, July 3, 2019, July 5, 2019, July 11, 2019, July 17, 2019 and July 19, 2019.

- Crime scene investigation and firearm report
- Firearm Discharge Review Board Report
- Transcripts of Interviews
- Report of Investigative Findings to Police Commission
- District Attorney Decision Letter
- Internal Affairs Reports #12-006

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.
- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of and investigatory or security files compiled by local police agencies.

Sincerely,



LONDON N. BREED MAYOR

June 26, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

On Friday, March 1, 2019, the San Francisco Police Officer's Association ("SFPOA") sued SFPD and the court ordered SFPD not to release responsive records under SB 1421 that predate January 1, 2019. Although SFPD could not release records that predated January 1, 2019 responsive records, SFPD continued to identify, review, redact and prepare records in response to SB 1421 requests.

On March 27, 2019, the SFPOA dismissed its lawsuit and on March 29, 2019, the court dissolved its order prohibiting SFPD from releasing responsive records that predate January 1, 2019.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on February 26, 2015 involving Craig Tiffe and Eric Reboli. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include the following:

• Case Summary Report

Please note, redactions have been made to these records pursuant to the following exemptions:

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



WILLIAM SCOTT CHIEF OF POLICE

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019, June 12, 2019, June 19, 2019 and June 21, 2019.

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.
- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of and investigatory or security files compiled by local police agencies.

Sincerely,





WILLIAM SCOTT CHIEF OF POLICE

LONDON N. BREED MAYOR

September 11, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on October 15, 2015, involving members Michael Koniaris and Joseph McCloskey. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include documents related to Incident Report #150902467 and Internal Affairs Report #15-007.

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019, June 12, 2019, June 19, 2019, June 21, 2019, June 26, 2019, July 1, 2019, July 3, 2019, July 5, 2019, July 11, 2019, July 17, 2019, July 19, 2019, July 24, 2019, July 31, 2019, August 1, 2019, August 2, 2019, August 7, 2019, August 14, 2019, August 21, 2019, August 22, 2019, August 23, 2019, August 26, 2019, August 28, 2019, August 29, 2019, August 30, 2019, September 3, 2019, September 4, 2019 and September 6, 2019.

- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies.
- California Code of Civil Procedure § 129 photographs of the body, or any portion of the body, of a deceased person, taken by or for the coroner at the scene of death or in the course of a post mortem examination or autopsy.

Sincerely,



September 11, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on May 19, 2016, involving members Justin Erb and Eric Eastlund. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include documents related to Incident Report #160409196 and Internal Affairs Report #16-002.

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.

CITY AND COUNTY OF SAN FRANCISCO POLICE DEPARTMENT HEADQUARTERS 1245 3^{R0} Street San Francisco, California 94158



WILLIAM SCOTT CHIEF OF POLICE

P117

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019, June 12, 2019, June 19, 2019, June 21, 2019, June 26, 2019, July 1, 2019, July 3, 2019, July 5, 2019, July 11, 2019, July 17, 2019, July 19, 2019, July 24, 2019, July 31, 2019, August 1, 2019, August 2, 2019, August 7, 2019, August 14, 2019, August 21, 2019, August 22, 2019, August 23, 2019, August 26, 2019, August 28, 2019, August 29, 2019, August 30, 2019, September 3, 2019, September 4, 2019 and September 6, 2019.

- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies.
- California Code of Civil Procedure § 129 photographs of the body, or any portion of the body, of a deceased person, taken by or for the coroner at the scene of death or in the course of a post mortem examination or autopsy.

Sincerely,



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



WILLIAM SCOTT CHIEF OF POLICE

LONDON N. BREED MAYOR

September 18, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

SFPD has identified responsive records related to an incident involving the use of force by a peace officer that resulted in great bodily injury, which occurred on January 5, 2019, involving members Bernard Rabsatt and Ryan Vail. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include documents related to Incident Report #190011028.

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019, June 12, 2019, June 19, 2019, June 21, 2019, June 26, 2019, July 1, 2019, July 3, 2019, July 5, 2019, July 11, 2019, July 17, 2019, July 19, 2019, July 24, 2019, July 31, 2019, August 1, 2019, August 2, 2019, August 7, 2019, August 14, 2019, August 21, 2019, August 22, 2019, August 23, 2019, August 26, 2019, August 28, 2019, August 29, 2019, August 30, 2019, September 3, 2019, September 4, 2019, September 6, 2019, September 11, 2019 and September 13, 2019.

- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies.

Sincerely,



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



WILLIAM SCOTT CHIEF OF POLICE

LONDON N. BREED MAYOR

September 18, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on August 4, 2012, involving member Shante Williams #2336. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include documents related to Incident Report #120617185 and Internal Affairs Report #12-004.

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019, June 12, 2019, June 19, 2019, June 21, 2019, June 26, 2019, July 1, 2019, July 3, 2019, July 5, 2019, July 11, 2019, July 17, 2019, July 19, 2019, July 24, 2019, July 31, 2019, August 1, 2019, August 2, 2019, August 7, 2019, August 14, 2019, August 21, 2019, August 22, 2019, August 23, 2019, August 26, 2019, August 28, 2019, August 29, 2019, August 30, 2019, September 3, 2019, September 4, 2019, September 6, 2019 and September 11, 2019.

- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies.

Sincerely,



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



WILLIAM SCOTT CHIEF OF POLICE

LONDON N. BREED MAYOR June 5, 2019

> Matt Gonzalez San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Matt Gonzalez:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

On Friday, March 1, 2019, the San Francisco Police Officer's Association ("SFPOA") sued SFPD and the court ordered SFPD not to release responsive records under SB 1421 that predate January 1, 2019. Although SFPD could not release records that predated January 1, 2019 responsive records, SFPD continued to identify, review, redact and prepare records in response to SB 1421 requests.

On March 27, 2019, the SFPOA dismissed its lawsuit and on March 29, 2019, the court dissolved its order prohibiting SFPD from releasing responsive records that predate January 1, 2019.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on December 2, 2015, involving Charles August, Nicholas Cuevas, Shaun Navarro, Winston Seto, Scott Phillips, Jennifer Traw, Jessie Ortiz and Antonio Santos. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include the following:

Case Summary Report

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019 and May 31, 2019.

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.
- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies.

Sincerely,



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



WILLIAM SCOTT CHIEF OF POLICE

June 12, 2019

Matt Gonzalez San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Matt Gonzalez:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

On Friday, March 1, 2019, the San Francisco Police Officer's Association ("SFPOA") sued SFPD and the court ordered SFPD not to release responsive records under SB 1421 that predate January 1, 2019. Although SFPD could not release records that predated January 1, 2019 responsive records, SFPD continued to identify, review, redact and prepare records in response to SB 1421 requests.

On March 27, 2019, the SFPOA dismissed its lawsuit and on March 29, 2019, the court dissolved its order prohibiting SFPD from releasing responsive records that predate January 1, 2019.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on October 6, 1998, involving Jason Sawyer. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include the following:

- Incident report and statements
- Crime scene log
- Report of Investigative Findings to Police Commission

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, and June 6, 2019.

IA Reports

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.
- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies.

Sincerely,



June 19, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

On Friday, March 1, 2019, the San Francisco Police Officer's Association ("SFPOA") sued SFPD and the court ordered SFPD not to release responsive records under SB 1421 that predate January 1, 2019. Although SFPD could not release records that predated January 1, 2019 responsive records, SFPD continued to identify, review, redact and prepare records in response to SB 1421 requests.

On March 27, 2019, the SFPOA dismissed its lawsuit and on March 29, 2019, the court dissolved its order prohibiting SFPD from releasing responsive records that predate January 1, 2019.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on October 3, 2011 involving William Heppler. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include the following:

Case Summary Report

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019 and June 12, 2019.

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



WILLIAM SCOTT CHIEF OF POLICE

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.
- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of and investigatory or security files compiled by local police agencies.

Sincerely,



June 26, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

On Friday, March 1, 2019, the San Francisco Police Officer's Association ("SFPOA") sued SFPD and the court ordered SFPD not to release responsive records under SB 1421 that predate January 1, 2019. Although SFPD could not release records that predated January 1, 2019 responsive records, SFPD continued to identify, review, redact and prepare records in response to SB 1421 requests.

On March 27, 2019, the SFPOA dismissed its lawsuit and on March 29, 2019, the court dissolved its order prohibiting SFPD from releasing responsive records that predate January 1, 2019.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on December 14, 2011 involving Thomas Minkel. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include the following: • Case Summary Report

Please note, redactions have been made to these records pursuant to the following exemptions:

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



WILLIAM SCOTT CHIEF OF POLICE

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019, June 12, 2019, June 19, 2019 and June 21, 2019.

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.
- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of and investigatory or security files compiled by local police agencies.

Sincerely,



July 3, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

On Friday, March 1, 2019, the San Francisco Police Officer's Association ("SFPOA") sued SFPD and the court ordered SFPD not to release responsive records under SB 1421 that predate January 1, 2019. Although SFPD could not release records that predated January 1, 2019 responsive records, SFPD continued to identify, review, redact and prepare records in response to SB 1421 requests.

On March 27, 2019, the SFPOA dismissed its lawsuit and on March 29, 2019, the court dissolved its order prohibiting SFPD from releasing responsive records that predate January 1, 2019.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on October 3, 2011 involving William Heppler. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include the following:

- Incident Report
- Homicide Report
- Internal Affairs Report

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



WILLIAM SCOTT CHIEF OF POLICE

P131

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019, June 12, 2019, June 19, 2019, June 21, 2019, June 26, 2019, and July 1, 2019.

- Return to Duty Report
- District Attorney Report
- Firearm Discharge Review Board Report
- Medical Examiner Report
- Transcript of radio communication
- Transcripts of interviews with officers
- Crime Scene Report
- Photographs

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.
- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of and investigatory or security files compiled by local police agencies.
- California Code of Civil Procedure § 129 photographs of the body, or any portion of the body, of a deceased person, taken by or for the coroner at the scene of death or in the course of a post mortem examination or autopsy.

Sincerely,



July 11, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

On Friday, March 1, 2019, the San Francisco Police Officer's Association ("SFPOA") sued SFPD and the court ordered SFPD not to release responsive records under SB 1421 that predate January 1, 2019. Although SFPD could not release records that predated January 1, 2019 responsive records, SFPD continued to identify, review, redact and prepare records in response to SB 1421 requests.

On March 27, 2019, the SFPOA dismissed its lawsuit and on March 29, 2019, the court dissolved its order prohibiting SFPD from releasing responsive records that predate January 1, 2019.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by Sergeant Walter Ware #66, which occurred on May 13, 2012. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include the following:

- Incident Report #120381255
- Crime Scene Log
- Report of Investigative Findings to Police Commission
- Internal Affairs Report #12-002
- Return to Duty Report

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



CHIEF OF POLICE

P133

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019, June 12, 2019, June 19, 2019, June 21, 2019, June 26, 2019, July 1, 2019 and July 3, 2019.

- District Attorney Report
- Transcript of radio communication
- Transcript of officer interview
- Crime Scene Report
- Photographs

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.
- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of and investigatory or security files compiled by local police agencies.
- California Code of Civil Procedure § 129 photographs of the body, or any portion of the body, of a deceased person, taken by or for the coroner at the scene of death or in the course of a post mortem examination or autopsy.

Sincerely,



June 19, 2019

Zachary Dillon San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Zachary Dillon:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

On Friday, March 1, 2019, the San Francisco Police Officer's Association ("SFPOA") sued SFPD and the court ordered SFPD not to release responsive records under SB 1421 that predate January 1, 2019. Although SFPD could not release records that predated January 1, 2019 responsive records, SFPD continued to identify, review, redact and prepare records in response to SB 1421 requests.

On March 27, 2019, the SFPOA dismissed its lawsuit and on March 29, 2019, the court dissolved its order prohibiting SFPD from releasing responsive records that predate January 1, 2019.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on September 17, 2011 involving Ryan Jones. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include the following:

Case Summary Report

Please note, redactions have been made to these records pursuant to the following exemptions:

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



WILLIAM SCOTT CHIEF OF POLICE

P135

¹ SFPD sent communications on February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019, May 23, 2019, May 31, 2019, June 5, 2019, June 7, 2019, June 11, 2019 and June 12, 2019.

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.
- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of and investigatory or security files compiled by local police agencies.

Sincerely,



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



WILLIAM SCOTT

CHIEF OF POLICE

LONDON N. BREED MAYOR

May 17, 2019

Matt Gonzalez San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Matt Gonzalez:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

On Friday, March 1, 2019, the San Francisco Police Officer's Association ("SFPOA") sued SFPD and the court ordered SFPD not to release responsive records under SB 1421 that predate January 1, 2019. Although SFPD could not release records that predated January 1, 2019 responsive records, SFPD continued to identify, review, redact and prepare records in response to SB 1421 requests.

On March 27th, 2019 the SFPOA dismissed its lawsuit and on March 29th, 2019, the court dissolved its order prohibiting SFPD from releasing responsive records that predate January 1, 2019.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer which occurred on March 21, 2014, involving Roger Morse, Richard Schiff, Nathan Chew and Jason Sawyer. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include the following:

• Case Summary Report

¹ SFPD sent communications on January 11, 2019, January 25, 2019, February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019 and May 10, 2019.

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.
- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies.

Sincerely,



May 29, 2019

Matt Gonzalez San Francisco Public Defender's Office 555 7th Street San Francisco, CA 94103

RE: Public Records Request- reference #P006455-010219

Dear Matt Gonzalez:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated January 02, 2019. On January 25, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

On Friday, March 1, 2019, the San Francisco Police Officer's Association ("SFPOA") sued SFPD and the court ordered SFPD not to release responsive records under SB 1421 that predate January 1, 2019. Although SFPD could not release records that predated January 1, 2019 responsive records, SFPD continued to identify, review, redact and prepare records in response to SB 1421 requests.

On March 27, 2019, the SFPOA dismissed its lawsuit and on March 29, 2019, the court dissolved its order prohibiting SFPD from releasing responsive records that predate January 1, 2019.

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on December 16, 2011, involving Gabriel Alcaraz. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include the following:

• Case Summary Report

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



WILLIAM SCOTT CHIEF OF POLICE

¹ SFPD sent communications on January 11, 2019, January 25, 2019, February 15, 2019, February 28, 2019, March 15, 2019, April 5, 2019, April 12, 2019, April 26, 2019, May 10, 2019, May 17, 2019 and May 24, 2019.

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.
- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies.

Sincerely,



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



WILLIAM SCOTT CHIEFOFPOLICE

LONDON N. BREED MAYOR

October 29, 2019

Danielle Harris San Francisco Public Defender's Office 555.7th Street San Francisco, CA 94103

RE: Public Records Request- reference # P009555-102519

Dear Danielle Harris:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated October 24, 2019.

Request No. 1

You requested, for member Mario Marino, all disclosable records relating to the report, investigation, or findings regarding an incident in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury as it relates to Incident Report #160177939.

SFPD has identified responsive records related to an incident involving the use of force by a peace officer that resulted in great bodily injury, which occurred on February 29, 2016, involving member(s) Mario Marino. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include documents related to Incident Report #160177939.

Please note, reductions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.
- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.

- Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies.

SFPD is continuing its review of records and documents and will endeavor to identify any responsive records for the remaining members listed in your request on an incremental or rolling basis.

Sincerely,

Lieutenant Kathryn Waaland Officer in Charge Risk Management - Legal Division

IN THE SAN FRANCISCO SUNSHINE ORDINANCE TASK FORCE

Anonymous

v.

Supplemental Documentation #2

Nov. 27, 2019

Chief William Scott, Lt. R. Andrew Cox, San Francisco Police Department SOTF No.

19124

SUPPLEMENTAL DOCUMENTATION #2

On Nov 20, I alleged Respondents failed to respond to a request for public records in a timely or complete manner and failed to assist in a timely or complete manner. SOTF noticed Respondents on or around Nov. 21, and on Nov. 25, Respondents began a rolling response to my request. On Nov. 26, I supplemented my complaint on the basis of additional documents Respondents provided. Due to further disclosures by the Respondent, I further supplement my complaint below. I maintain original allegations #1 and #2, and now provide further additional detail for Allegation #3.

AMENDED ALLEGATIONS

3. Violations of SF Admin Code 67.26, 67.27 - more than minimal withholding, failure to cite justification for withholding with clear reference to statute or case

law

This supplements, and does not replace, allegation #3 in the Nov. 20 complaint and in the Nov. 26 supplemental documentation.

A. Further additional records have now been produced. However, they contain numerous redactions and withholdings, none of which have "clear reference," such as by footnote, to justifications, which is a violation of SF Admin Code 67.26. SFPD provided a Nov. 27 response letter in Exhibit 1 with a generic list of justifications. Due to lack of clear reference for justification, all redactions are unlawful, and I request the SOTF determine that all of the redactions are public parts of records and order them disclosed. Exhibit 2 shows a 102 pg excerpt of the record produced on Nov. 27.

One problem with a generic list of justifications is it is quite possible that that list is just an ex post facto justification, and no custodian has actually verified each redaction has a valid justification.

Anonymous v. Scott, et al. (re: Police Misconduct)

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Without limiting the foregoing, the following are examples of unjustified redactions or withholdings (by Bates number in production SFPD 130188386, in Exhibit 2), which should all be determined public parts of records and ordered disclosed:

- 1. 000001, 000002, 000011, 000042, 000044, 000045, 000047 Street address of incident
- 2. 000003, Driver's name, Dates of entries
- 3. 000004, Dates of entries, Suspect block
- 4. 000009, redactions on line 1, 2, and 3 (police officer names and/or bodycam company names)
- 5. 000014, name of laboratory
- 6. 000026, Para 3 completely blacked out
- 7. 000042, four redactions on line "3/14/13 0935" location of arrest, two clauses about suspect, identity of suspect
- 8. 000042, redaction on line "3/21/13 0600"
- 9. 000044, bottom redaction on page identifying person who updated the report narrative
- 10.000047
 - a. What did the Mission District suspect drop?
 - b. What Park District store was robbed?
- 11.000049
 - a. "see carjacking from [redacted]"
- 12. 000050 "Heading" section redactions
- 13. 000051 "Heading" section redactions, "DECL" section redactions
- 14. 000061, 000062 these copies are illegible, and information is thus being withheld
- 15. 000091-000102 exact copies of these photo files should be provided. These photos have been printed on paper, hole-punched, and then scanned back in.

B. Furthermore, Respondents have claimed a generic exemption for (emphasis mine): "Penal Code \$832.7(b)(5)(C) – to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or *would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.*"

The first part - privacy protections enshrined in law - appears to be a valid exemption (though, see above, we do not know which redactions use this exemption). The second part, which invokes a balancing test, does not appear valid under SFAC 67.24(g,i), and thus is a violation of SFAC 67.27, which requires that exemptions not be prohibited by the Sunshine Ordinance.

Respectfully submitted,

ANONYMOUS Complainant/Petitioner

Anonymous v. Scott, et al. (re: Police Misconduct)

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Original URLs published by Respondents on Nov. 27:

13-002_-_130188386_-_production_1.pdf

https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsoIsnXbuEgm-2FN-2B3KuyZ5YHn uXVUop6SBUj6Zl2gPWQsh2hjE0JdlwH66QdMJzrpYUZ4H0oDUn9cqKrPktPrLi0CPeV6Jh PmxHQrvEiRqHQz6uedWfSFdwV57Bc0zxXqe-2BBoVO4d4AU5mrVb8oCfCzYfcs0v3Od2AF U6W8JedEBkwL4q9ccfaspmX6VHNCGfVy6P0ywJqzlhh7E-2Fn8RH7g9I2MZJ4YJ0ehG4-3 D IYcLe-2FsBaxpVrnweThVZTLrJlHg6avRfAZPcxChOOXzzFxE-2FbbftNjHqoyaXKS2OEd tvy-2FPH-2B1IGWzLGfc-2FQgcf1gYFK3V-2BFINBoHy9XDzKHZIbFD11DTRQzpZvE4sSfX qnc4o-2F0dAyXrI2xNvncXqfb6y2NfTVkZhxN8NQ5s8VSrGozKjFMf-2B8Pb-2BrWphkR4c3J RtrdM7i7sgTsswFGooI0vEhgP-2BFb8kP-2BphTvaY5u-2BSnSD54uMhvQ5yPdOVJTclgZ9 WgJjsgOfRj0R86sxVeoVU0irug6BwIKTkTvsjj-2B0aOM12ox-2B8kQmZdF2ZXXXdIh7rrensz tRIX9qdTuz2rX9jA55Z40q17v5NhfbIYhOgxii0zJAbtBtLegTHfSZP9gSWs1Y53k97ckao8FFA -3D-3D

PRA_9436_-_13-002_-_Response_11-27-19.pdf

https://u8387795.ct.sendgrid.net/wf/click?upn=Ow1KccipsoIsnXbuEgm-2FN-2B3KuyZ5YHn uXVUop6SBUj6Z12gPWQsh2hjE0JdlwH66QdMJzrpYUZ4H0oDUn9cqKrPktPrLi0CPeV6Jh PmxHQrvEiRqHQz6uedWfSFdwV57-2BHevene2L6RFvkOcL7TV0e8PEK8Bv4jhmTwBwK VVSpJ3fiXCLUPu3QmudZY64CUvMTFL9zRY0fwWzeLNCgEDRDTBt907ObKvE2dduuqD xiI-3D_IYcLe-2FsBaxpVrnweThVZTLrJlHg6avRfAZPcxChOOXzzFxE-2FbbftNjHqoyaXKS2 OEdtvy-2FPH-2B1IGWzLGfc-2FQgcf1gYFK3V-2BFINBoHy9XDzKHZIbFDl1DTRQzpZvE4 sSfXqnc4o-2F0dAyXrI2xNvncXqfb6y2NfTVkZhxN8NQ5s8VSrGozKjFMf-2B8Pb-2BrWphkR 4c3JRtrdM7i7sgTsswFGooI0vEhgP-2BFb8kP-2BphTvaY5u-2BSnSD54uMhvQ5vPdOVJTTI nrrWk7fqcJC3SbG6a3JAOud2qQfgzGXx+2FU-2BSLqvxt2uoIaxE-2FhosZaS6xQgXHhsGga RdEwncZCriJJODzgo8cLF-2B0grlXyWihM6WZ8G-2FCfNaLL1WgHOqVJF3N3KP0xM6XZ odB9vT2w7qE3wHkFyA-3D-3D

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EXHIBIT 1 -

SFPD Letter of Nov 27, 2019

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November 27, 2019

Anonymous DEPT MR 81227 411A Highland Ave Somerville, MA 02144-2516

RE: Public Records Request- reference # P009436-101619

Dear Anonymous:

The San Francisco Police Department (SFPD) received your records request pursuant to Senate Bill 1421 dated October 16, 2019. On October 17, 2019, SFPD invoked a rule of reason to guide the timing of our response to your public records request as stated on pages 97-98 of the Good Government Guide. The law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. SFPD has remained in regular¹ communication with you regarding the status of your public records request.

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

WILLIAM SCOTT

CHIEF OF POLICE

SFPD has identified responsive records related to an incident involving the discharge of a firearm at a person by a peace officer, which occurred on March 5, 2013, involving members Kevin Rightmire and Edric Talusan. SFPD will endeavor to produce responsive records to your entire request on an incremental or rolling basis.

The responsive records in this production include documents related to Incident Report #130188386 and Internal Affairs Report #13-002.

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) to preserve the anonymity of complainants and witnesses.
- Penal Code § 832.7(b)(5)(C) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.

¹ SFPD sent communications on October 25, 2019, November 8, 2019, November 25, 2019 and November 26, 2019.

- PAGE 2
 - Penal Code § 832.7(b)(5)(D) disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
 - Penal Code § 832.7(a) except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
 - Penal Code § 11105 et. seq. CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
 - California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies.

Sincerely,

EXHIBIT 2 -

SFPD 130188386, compressed excerpt of Bates 000001-000102

Record disclosed Nov 27, 2019

Internal Affairs Division Report



Officer Involved Shooting 2013-002

Date of Occurrence:

March 5, 2013

Location of Occurrence:

Involved Officers:

George Ct.

Officer Edric Talusan #1114 Officer Kevin Rightmire #1965

Incident Number:

130-188-386

SFPD 130188386

Memorandum

San Francisco Police Department

fō: Gregory P. Suhr Chief of Police San Francisco Police Department

From: Lieutenant Robert Yick #1264 Commanding Officer Internal Affairs Division-Admin

Date: January 12, 2015

Subject: Officer-Involved Shooting #13-002

MEMBERS:

Officer Kevin Rightmire #1965 Officer Edric Talusan #1114

TYPE OF INVESTIGATION:

Administrative- Officer-Involved Shooting

CASE NUMBER:

OIS 13-002 Case #130-188-386

DATE, TIME AND PLACE

OF OCCURRENCE:

March 5, 2013

1849 hours

George Court, San Francisco, CA

INVESTIGATOR:

Inspector (now Sergeant) Monica Macdonald #1267

Asencover, VEs No





INCIDENT BRIEF:

On Tuesday, March 5, 2013, Officer Kevin Rightmire #1965, Officer Edric Talusan #1114, Officer Alvaro Mora #2349, and Officer Thomas Ly #793 were assigned to the Housing Unit in the Bayview District. While patrolling the area of Palou St. and Ingalls St., they observed a vehicle double parked on Palou St. This vehicle matched the description of a recently carjacked vehicle the officers had been briefed on at the start of the shift.

As Officer Talusan maneuvered the marked patrol vehicle to get into a position to conduct a suspicious vehicle take-on, the vehicle sped off. A pursuit ensued ending on George Ct. where the BMW struck Officer Ly. Officer Talusan and Officer Rightmire discharged their Department-issued firearms at the driver, later identified as

FOCUS OF INVESTIGATION:

Were the firearm discharges involving Officer Kevin Rightmire #1965 and Officer Edric Talusan #1114 within Department policy and procedure?

IDENTIFIED/INVOLVED PARTIES:

Member(s):

Officer Kevin Rightmire #1965 Bayview Station Housing Unit Date of Entry:

Officer Edric Talusan #1114 Bayview Station Housing Unit Date of Entry:

SFPD 130188386

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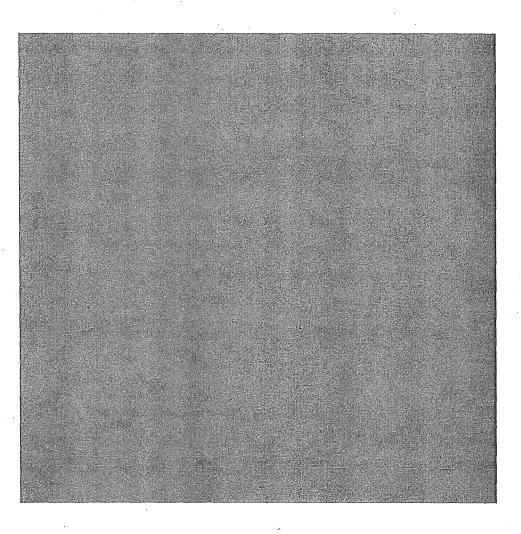
000003

Witness(es):

Officer Thomas Ly #793 Bayview Station Housing Unit Date of Entry:

Officer Alvaro Mora #2349 Bayview Station Housing Unit Date of Entry:

Sergeant Patrick Griffin #1834 Bayview Station Plainclothes Supervisor Date of entry:



Suspect:

INVESTIGATIVE CHRONOLOGY:

Refer to Attachment A.

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INVESTIGATIVE FINDINGS:

The following investigative findings rely substantially upon interviews of involved officers: Officer Kevin Rightmire #1965 and Officer Edric Talusan #1114; witness officers: Officer Thomas Ly #793, Officer Alvaro Mora #2349, and Sergeant Patrick Griffin #1834, that were conducted by Homicide Detail investigators (handling the criminal investigation memorialized in incident report 130-188-386) and by Internal Affairs Division investigators (handling the administrative investigation of case number OIS 13-002). These findings are based on additional sources of information related to this incident, including the findings of the Inspector Gianrico Pierucci's #1604 criminal investigation and the Office of the District Attorney's review, as well as incident reports, written statements by responding officers, physical evidence, CSI reports and analysis, and DEM CAD and audio records.

Incident Overview

On March 5, 2013, at approximately 1849 hours, Officer Kevin Rightmire #1965, Officer Edric Talusan #1114, Officer Alvaro Mora #2349, and Officer Thomas Ly #793 were assigned to the Housing Unit in the Bayview District. They were in a marked SFPD vehicle. Officer Talusan was the driver, Officer Rightmire the front passenger, Officer Mora the left, rear passenger, and Officer Ly the right, rear passenger.

While traveling westbound on Palou, the officers observed a silver BMW, double parked and also facing west on Palou. The BMW did not have a front or rear license plate and a male, later identified as male, was

standing outside the passenger door. Officers Talusan and Ly recalled a similar vehicle being described in a carjacking incident with a gun and alerted the other officers. This carjacking incident, which was part of a series of robberies throughout the city, involved a suspect pointing a shot-gun at a resident while in garage. After the suspect had threatened to shoot the resident if gidid not get back into a house, he drove off in her silver BMW.

Officer Talusan passed the vehicle, north on Ingalls to Hudson and then turned back towards Palou to reexamine the vehicle. When they returned to the vehicle, was now inside the driver seat of the BMW. Officer Talusan maneuvered the patrol vehicle to get behind it and gain a tactical advantage. While maneuvering the vehicle, filed at a high rate of speed, and a pursuit ensued.

Officer Rightmire radioed for a "Code-33" in order to clear radio traffic for his emergency, and then broadcasted the particulars of the pursuit as it was unfolding. As filed, he disregarded all stop signs and made no attempt to stop for the officers.

The pursuit route went from westbound Palou, to northbound Ingalls St. turned left (west) on Harbor Rd. which turns into Bertha Ln. in the eastbound direction. Then turned left (east) onto Hudson Ave., then turned right (south) back onto Ingalls St. Continued on Ingalls St. until he turned right onto to George Ct., a dead end street, where the pursuit ended.

Believing that was going to flee from his vehicle on George Ct., based on his actions of taking them on a pursuit, Officer Talusan attempted to tactically get close enough to the BMW to give the officers a chance to catch before he fled. When got to George Ct., he stopped abruptly causing Officer

SFPD 130188386

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Talusan to veer around to the left of the BMW to avoid a collision. Officer Talusan stopped the patrol vehicle at a slight angle on the driver side of the BMW. The BMW turned slightly to the left, contacting the right, front quarter panel of the patrol vehicle. Once both vehicles stopped, Officer Ly was the first to exit from the right, rear door, putting him at the rear bumper of the BMW. put the BMW in reverse and accelerated backwards, pushing Officer Ly backwards then in constant contact with the right side of the vehicle as it reversed to its left. Officer Ly disappeared from the view of the other officers who were exiting the patrol vehicle. Unbeknownst to the other officers, Officer Ly managed to get to the sidewalk in front of the path of the BMW. As reversed the BMW, he collided with a stationary, unmarked, police vehicle, operated by Sergeant Patrick Griffin, who had responded to the area as back-up.

Believing that Officer Ly had been badly injured and stuck underneath the vehicle, Officers Talusan gave commands to stop the vehicle and to put his hands up. failed to heed Officer Talusan's commands and accelerated forward. Officer Talusan and Officer Rightmire fired their Department issued firearms at firearms at firearms at firearms to get him to stop and prevent further perceived harm to Officer Ly.

had apparently been hit by either the gunfire, or the shattered glass caused by the gunfire as he was slumped over towards the front passenger seat. When Officer Talusan opened the driver side door, status sat up and said something to the effect of, "You didn't have to shoot me!"

was removed from the vehicle by Officers Talusan and Ly and was handcuffed with the assistance of Officer Rightmire.

who was conscious, was transported to San Francisco General Hospital where he was treated for a gunshot wound to the left side of his chest. would later tell the Investigators, after waiving Miranda, that his friend let him drive the car and did not know the police were after him. In regards to the pursuit, he acknowledged seeing the lights and hearing the siren but did not want to get pulled over. Per the Inspector, seeplained that he did feel a bump when attempting to drive out of the Osceola area but did not know that he hit an officer with the car. would the inspectors that he did hear the officers telling him to stop but was afraid and did not want to stop.

A public safety statement was taken. A Crime Scene was established as was a command post that was headed by Captain O'Sullivan #44 and Lieutenant Ng.

Notifications were made regarding the Officer-Involved Shooting (OIS) incident, and investigators from the Homicide Detail and Internal Affairs Division responded to the scene, as well as the Office of Citizen Complaints and the District Attorney's Office.

Homicide Investigators, Inspector Pierucci #1604, Inspector Hoffsass #2184, and Inspector Miller #1157, arrived on scene and took over the criminal investigation. Sergeant Macdonald was the lead Administrative Investigator. D.A.I. Diane Kenny and A.D.A. Michael Sullivan also arrived.

Crime Scene Investigations (CSI), Officer Rouede #1974, Insp. Evans #1820, Officer Rodelas #729, Officer Cunningham #278, Officer Lynch #1029, and Lieutenant Yee #1298, arrived to process the scene. Officer Rouede seized the two Department issued firearms involved in the incident, later, at Bayview Station.

A compact disk containing video from a camera controlled by was located Officers Cloud #1159 and Gritsch #2284. They obtained a copy of the footage from Security Captain **1999** #800 and the security dispatch Supervisor **1999**. The officers gave the video disk to Lt. Ng who provided it to Inspector Pierucci.

A summary of the video is as follows: The video starts at the conclusion of the vehicle pursuit on George Ct. with the BMW making contact with the marked police vehicle. An officer, later identified as Officer Ly, is seen exiting the right rear passenger seat of the patrol vehicle and appears to be struck by the rear end of the BMW as it backs up. Officer Ly's hands remain in contact with the trunk of the BMW, then continue onto the right side of the vehicle as he rapidly tries to create distance and get out of the way while the vehicle is reversing. While in reverse, the suspect, later identified as sideswipes the right side of his vehicle with the front end of an unmarked Police vehicle that had pulled up, driven by Sergeant Sean Griffin #1834. Officer Ly gets to the sidewalk in front of the BMW. The BMW appears to stop momentarily at which time an officer, later determined to be Officer Talusan, approaches the driver side window with his gun pointed at the driver,

Officer Ly, who is now on the sidewalk, has his gun drawn and trained at through the front windshield. Officer Ly changes position to get out of the path of the BMW, and moves toward Officer Talusan's right side in the street as the BMW moves forward, nearly striking Officer Ly again. As Officer Ly makes his move, he crosses the path of another officer, later determined to be Officer Rightmire.

Officer Talusan appears to fire just before Officer Ly had gotten next to him and Officer Rightmire appears to fire his weapon just after Officer Ly crosses his path.

The two firing officers are seemingly completely unaware that Officer Ly had made it to safety and was himself engaging the suspect driver. The BMW then comes to rest by striking a building directly in front of it. Officer Talusan and Officer Ly contact followed by Officer Rightmire. The actions of the officers are blocked by the BMW.

Of consideration in viewing the video is that it is somewhat grainy and slightly choppy. While the time counter on the screen moves in a smooth and sequential order, there are scenes that appear to jump. A clear example of this is at the 8:45 mark on the video: an officer is standing in one spot and then appears in a spot roughly three feet away split seconds later without his movement being seen.

was later booked on several charges related to this incident including:

- 664/187 PC
- 245(c) PC
- 496(a) PC
- 20002(b) CVC
- 2800.2(b) CVC
- 23103(a) CVC
- 12500(a) CVC

Tillman would later plea guilty to the 245(c)PC- Assault Peace Officer/Great Bodily Injury- 2yr State Prison.

Dispatch Records

Certified copies of the Computer Aided Dispatch (CAD) records and the certified audio recordings were obtained from the Department of Emergency Management (DEM). The following noteworthy broadcasts and CAD entry provide a sequence of events and approximate timeframe for the incident.

18:49:25 (3C73/ Officer Rightmire):
18:49:28 (3C73/ Officer Rightmire):
18:49:35 (3C73/ Officer Rightmire):
18:49:46 (3C73/ Officer Rightmire):
18:49:53 (3C73/ Officer Rightmire):
18:49:58 (3C73/ Officer Rightmire):
18:50:04: (3C73/ Officer Rightmire):
18:50:09: (3C73/ Officer Rightmire):
18:50:15: (Dispatch via MVT):
18:50:32: (3C73/ Officer Rightmire):
18:50:35: (3C73/ Officer Rightmire):
18:50:42: (3C73/ Officer Rightmire):
18:50:51: (3C73/ Officer Rightmire):

"Silver BMW"
"Possible CJ (car jack) vehicle"
"NB Ingalls"
"Going WB Harbor"
"On Bertha"
"Traffic Low"
"Poss 221 (person w/a gun), Poss 2 ab"
"SB Ingalls"
Ingalls St./ Kiska Rd.
"SB Ingalls approaching Kiska"
"Ingalls/Oakdale"
"Traf lite...Oakdale"
"George Ct, Bailing"

"Shots Fired"

*1 minute 26 seconds from on-view of the BMW to "Shots fired" broadcast

Crime Scene Investigations/Laboratory Examination

Crime Scene Investigations responded to the scene located at George Ct. Evidence was seized and photos were taken. A written report was submitted and attached to this investigation.

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CSI collected evidence at the scene which included, but was not limited to, the following:

- Eleven .40 caliber casings located at scene
- One bullet fragment (copper w/white residue)
- License plate with frame (

CSI collected evidence not at the scene which included, but was not limited to, the following:

- Two department-issued firearms of involved shooting officers- Sig Sauer P226
- Bullet fragment (SFGH)
- One rifle- Squire-Bingham, Model 20, Kmart, .22LR (serial# broken rear stock, sawed off barrel) (trunk of BMW)
- One magazine (trunk of BMW)

The 2011, silver BMW 328i, was delivered to the CSI secure lot and processed for evidence.

The unmarked, dark green/blue, Ford Crown Victoria SFPD police unit was photographed

The marked, black and white, Ford Crown Victoria SFPD police unit was photographed.

The following information was gathered from the Criminalistics Laboratory Report:

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Officer Talusan's .40 caliber S&W Sig Sauer Model P226 semi-automatic pistol (serial #) was examined and found to be functional using the submitted magazine. The trigger pull was found to be within manufacturer's specifications. Four of the .40 caliber casings collected from the scene were determined to be fired from this pistol. Seven of the recovered bullets "could have been fired from this pistol; however, a lack of sufficient individual characteristics precludes and identification."

The rifle was nonfunctional as received. The magazine was not examined further.

Criminal Investigation

The Homicide Detail of the San Francisco Police Department conducted a criminal investigation into the officer-involved shooting incident. Inspector Gianrico Pierucci #1604, Homicide Detail, was the lead criminal investigator. He was assisted by then Inspector Pamela Hofsass #2184, and Inspector John Miller #1157. The Homicide investigation was reviewed as part of this administrative investigation.

Inspector Pierucci's report included interviews with Officers Talusan, Rightmire, Ly and Mora, as well as Sergeant Griffin. Despite there being civilians in the area, there were none that may have seen the incident who came forward. Also

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included in the report by Inspector Pierucci was an interview with the suspect, Lab results, and the District Attorney's findings.

Homicide Interview summaries:

Witnesses:

Sergeant Sean Griffin #1834

Sergeant Griffin said that he was the supervisor for the plain-clothes units that evening and was driving an unmarked Crown Victoria. He heard the housing unit broadcasting a pursuit of a car-jacked vehicle and responded to the location where it had come to an end. He said he observed the marked SFPD unit positioned next to and behind the suspect vehicle. He said he saw Officer Ly exit the patrol vehicle putting him behind the suspect vehicle. He observed Officer Ly get struck by the suspect vehicle and thought that he had been run over. He said it appeared that the remaining officers had exited the patrol vehicle at that time. Sergeant Griffin said he heard gunshots and then the suspect vehicle backed into his unmarked vehicle.

Officer Alvaro Mora #2349

Officer Mora said he was working in uniform assigned to the housing unit. He was working with three other officers in a marked Patrol vehicle and was seated in the left rear position of the vehicle. Officer Ly was to his right, Officer Talusan the driver, and Officer Rightmire the front passenger. They were headed westbound on Palou and saw the BMW which had no license plates attached. He said Officer Talusan had asked if that was the carjacked vehicle. Officer Mora said the vehicle then drove off at a high rate of speed and ran several stop signs. The lights and siren were activated on the patrol vehicle. The vehicle finally turned right on to George Ct. where he thought the suspect was going to flee on foot because it was a dead end street. He said the front end of the patrol vehicle struck the driver's side of the BMW.

Officer Mora said he exited the patrol vehicle and saw Officer Ly in the path of the reversing BMW, then saw Officer Ly disappear from his view. Officer Mora said he saw the reverse lights on the BMW, heard the engine revving, and thought Officer Ly might have been stuck underneath the BMW.

Officer Mora said he saw Officer Talusan fire his weapon several times and heard at least one shot come from Officer Rightmire. He said the BMW was still moving when the shots were fired. He said he had his weapon drawn as he feared Officer Ly had been run over, but did not have a clear view of the suspect. Officer Mora said he heard the other officers tell the suspect to stop the car after it had struck the building. He heard the suspect say, "You shot me!"

Officer Mora handcuffed the suspect and saw that he was bleeding from his upper left side. Officer Talusan then stayed with the suspect while Officer Mora assisted with the crime scene.

Officer Mora further told Inspector Pierucci that he had been discussing information about the carjacked vehicle earlier in the day and had knowledge that it involved a shotgun.

Officer Thomas Ly #793

Officer Ly said prior to going on patrol that day, he was informed by another officer that there was a carjacking of a 2011 BMW involving a gun.

He began his shift assigned to the housing unit and was the right rear passenger of the patrol vehicle that day. As they were travelling westbound on Palou, there was a vehicle double parked on the north side of the street facing west. He

noticed that the vehicle was newer, had no plates, and no temporary registration displayed.

Officer Ly said Officer Rightmire asked if they were looking for a BMW, at which time they made a u-turn in their patrol vehicle to drive back by it. As they attempted to get behind it, the BMW started driving off. Officer Rightmire broadcast that they were in pursuit.

As the pursuit ensued, the vehicle ended up on George Ct. which Officer Ly pointed out was a dead end street. When the vehicle slowed down, he thought the suspect was either going to run or shoot. He was the first to get out of the patrol vehicle and when he did so, he saw the vehicle reverse toward him. Upon being struck by the suspect's car, he put his arms up and made contact with the trunk. Officer Ly said he rolled to get out of the way, "to keep from dying" and fell on the ground resulting in scraped knees.

Officer Ly said he saw the vehicle continue moving in reverse and strike the unmarked police vehicle that was behind it. Officer Ly said he heard officers yelling but could not tell what was being said before the shots were fired. He said he pointed his firearm at the suspect then heard gunshots coming from his left and right — describing them as police shooting. Officer Ly saw that the suspect had been wounded in the upper, left, chest area.

Officer Ly said Officer Talusan took the suspect out of the vehicle. Officer Ly said he could see blood on the suspect's left side and heard the suspect say something to the effect of, "I can't believe you shot me" or "Why'd you shoot me?"

Involved Members:

Officer Edric Talusan #1114

Officer Talusan told Inspector Pierucci that he had heard at line-up that there had been a carjacking involving a silver BMW. He heard that the carjack involved a victim and the car was taken by a suspect armed with a gun.

When Officer Talusan started his shift, he was the driver of the marked patrol vehicle and with him were Officers Mora, Ly, and Rightmire. While they were on patrol, he observed a male near a passenger door to a BMW that was facing westbound on Palou, east of Ingalls.

Officer Talusan said that as he neared the BMW, Officer Ly advised him that it appeared the vehicle was taking off, northbound on Ingalls. Officer Rightmire put out an emergency radio broadcast and Officer Talusan activated his lights and siren. They followed the vehicle as it continued through stop signs then to Harbor and Bertha Ln. As the vehicle got to Harbor and Bertha, it cut off another patrol vehicle. The vehicle continued eastbound on Hudson to Ingalls and then made a right turn onto George Ct.

Officer Talusan said he drove after the vehicle onto George Ct. where the vehicle struck the right front quarter panel of the marked police car. Officer Talusan said he saw the suspect back up as it struck Officer Ly who yelled out.

Officer Talusan said he had his gun out and told the suspect to stop and to put his hands up. He stated that it appeared Officer Ly fell to the ground. Officer Talusan stated,

> "I thought that Officer Ly was down on the ground hurt. That he was getting run over by the car...That he was getting dragged underneath the car."

He heard the suspect's engine revving as it backed into the unmarked police vehicle that had pulled up. The BMW then stopped, at which point he was at the driver's side window, "yelling at the top of his lungs". The vehicle started

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moving forward, and because he thought Officer Ly was being run over—pulled under the suspect vehicle, he fired his weapon in order to "stop the threat." Officer Talusan said he fired again as the vehicle continued moving forward, and heard other shots being fired as well. The vehicle then stopped.

Officer Talusan said he approached the suspect vehicle and opened the door, he saw the suspect bent over toward the passenger seat. The suspect "popped up" and said, "You didn't have to shoot me!" Officer Talusan said he pulled the suspect out of the vehicle by his jacket and someone handcuffed him.

Officer Kevin Rightmire #1965

Officer Rightmire told the inspectors that he vaguely remembered hearing about the carjacking. That evening he was riding with Officers Ly, Mora, and Talusan when they saw a BMW.

Officer Talusan turned the vehicle around and the BMW "took off" westbound on Ingalls, failing to stop at the stop signs. Officer Rightmire said he put out an emergency broadcast regarding the pursuit. The vehicle ended up going westbound onto George Ct. Upon stopping, the vehicle struck the right front area of the marked police vehicle.

Officer Rightmire continued, to say that as the suspect vehicle backed up into a "1/2 U-turn" Officer Ly was bumped and goes down on the ground. He heard Officer Ly yell that he had hit him. He said Officer Talusan attempted to stop the threat by firing his weapon and a few seconds later, he fired his weapon as well.

Officer Rightmire said the vehicle crashed into the north side of the building, and Officer Talusan and Officer Ly removed the suspect from the vehicle. He said that he used his knee to control the suspect until he was handcuffed, and then Sergeant Griffin arrived on scene.

Suspect:

Inspector Pierucci, Inspector Miller, D.A.I. Kenny, and A.D.A. Sullivan responded to the hospital where they interviewed

explained that he got the car from a friend and thought it was stolen because it was an expansive car and did not have any license plates. On the night of the incident, his friend let him drive the car and he did know that the police were after him. He acknowledged seeing the lights and hearing the sirens but did not want to get pulled over.

said that he felt a bump when he attempted to drive out of the Osceola area but did not know that he hit an officer with the car. He admitted to hearing the officers telling him to stop but was afraid and did not want to stop. He said that he ended up hitting the cop and the car just stopped. He thought the police had hit his car. He then stated that "they" just started shooting into the car and he thought he had been shot in the face. He said he got out of the car and lay down.

Findings of the Office of the District Attorney:

The District Attorney's office responded to the scene of this officer-involved shooting and participated in witness/officer interviews. On June 24, 2014 the District Attorney's office concluded that Officer Edric Talusan and Officer Kevin Rightmire "were acting lawfully in self-defense and in defense of others when they discharged their weapons at **Self-Methods** as he drove a stolen BMW."

The District Attorney's findings also concluded,

"In the facts in the present case, when Officers Talusan and Rightmire discharged their weapons they were trying to stop firther injury to Officer Ly, who they believed could be trapped under the BMW, and they reasponbably believed that posed a deadly threat to everyone in the vicinity of the incident. The officers continued firing until posed in longer appeared to pose a risk to anyone-when his car came to a stop. It is our conclusion that Officers Talusan and Rightmire acted lawfully."

Administrative Investigation:

Upon notification of the Officer Involved Shooting, the Internal Affairs Division initiated an administrative investigation into the incident. The investigation was initially led by then Inspector, Sergeant Monica Macdonald #1267 who responded to the scene with, then Sergeant, Lieutenant Timothy Paine #763, and Sergeant John Crudo #1694.

When Sergeant Macdonald was transferred due to her promotion, her case file was reassigned to Sergeant Jayme Campbell #759.

Sergeant Macdonald's investigative chronological, administrative interviews, notes, and preliminary report were reviewed in the preparation of this summary report.

Internal Affairs Division Interviews:

On March 25, 2013, Sergeant Macdonald and Sergeant Paine conducted separate, compelled interviews with Officer Rightmire and Officer Talusan. Both officers were represented by POA attorney, Christopher Shea. Both officers were advised of their Peace Officer Bill of Rights and provided a Lybarger Admonition.

These interviews were conducted twenty days after the incident. It is not uncommon after a life-threatening encounter—as the body works through the natural release of adrenaline and other physiological reactions—that additional things are remembered or memories and perceptions become clearer. This phenomenon should not be ruled out as an explanation for any discrepancies between the Homicide interviews and the Internal Affairs interviews.

Officer Rightmire:

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Officer Rightmire's statement to Sergeant Macdonald was very similar to that of the Homicide statement. Officer Rightmire explained to Sergeant Macdonald that when they came upon the BMW, nothing stuck out to him about it until Officer Talusan indicated there had been some information given out regarding a 2011 BMW being involved in a carjack. He said this information was confirmed by Officer Ly.

Officer Rightmire said that when they attempted to investigate the vehicle further, it sped off and a pursuit ensued with the suspect vehicle failing to stop at any of the stop signs. When the suspect turned onto George Ct., the suspect stopped abruptly with the patrol vehicle pulling nearly parallel with it.

Officer Rightmire said that their vehicles were close enough that he could not open his door to get out. The suspect then reversed his vehicle and as he cleared Officer Rightmire's door, that was when he was able to exit the patrol vehicle. Officer Rightmire remembered Officers Talusan and Mora exiting the patrol vehicle but was not clear as to when Officer Ly had exited.

When Officer Rightmire exited his vehicle he was focused on the suspect vehicle as it was making a three point turn. He could see, in his peripheral vision, Officer Ly who is behind the suspect vehicle. Officer Rightmire said that it looked like an officer had gotten hit and then he heard Officer Ly yell out that he had been hit.

After that, he did not see where Officer Ly went. Officer Rightmire later explained to Sergeant Macdonald,

"I'm thinking he's [Off. Ly] underneath the car, I'm like focused on the car now and I'm like where the fuck's Tom [Ly] at and as you're going through this you know it's kind of your worst fear, like your guys is going to have great bodily injury, he's going to be dead, I don't know."

Once the vehicle had backed up and was perpendicular to their patrol vehicle, Officer Righmire did not give any commands to Officer Rightmire said he could hear Officer Talusan yelling something but was so focused on the suspect and the vehicle that he did not know what Officer Talusan was saying. The vehicle proceeded forward and then he heard the shots by Officer Talusan almost simultaneously to when he fired his own weapon. Officer Rightmire explained that he had experienced some auditory exclusion as the shots sounded muffled.

The vehicle then crashed into the building. Officer Rightmire said he could see the suspect put his hands up and he noticed Officer Talusan and Officer Ly pull the suspect out of the vehicle.

Officer Rightmire said he went over the radio and reported the shots fired, the OIS, and then assisted in securing the suspect while he was being handcuffed. Officer Rightmire said as he was utilizing his knee to hold down while the officers handcuffed he was having difficulty holstering his firearm.

Sergeant Macdonald asked Officer Rightmire if he had considered any other force options in this incident and he stated,

"At that point no...Due to-because I thought Tom was underneath the car, the guy is using deadly force, hitting an officer, I didn't know if Tom-what happened to Tom. It's kind of a scary thing that you know if

he had great bodily injury, if he's just down dead. Even prior to that it's being a carjacked vehicle, 221 vehicle, him striking our vehicle, 245 an officer, then a 245 on an officer, you know. I know in my heart that I discharged my weapon because I thought Tom was down, injured, and I thought he was underneath the car. I mean, I can say in addition, you know, apprehension was delayed, this guy, I think this guy was going to do anything to get out of there and hurt additional officers or citizens to get away."

Officer Macdonald asked Officer Rightmire why he stopped firing and he stated that he felt the threat was no longer there. He explained that after the suspect crashed the car, he put his hands up.

Officer Rightmire said he did not remember seeing Officer Ly until after the shooting, when Officer Ly came up to help pull the suspect out of the vehicle.

Officer Talusan:

Officer Talusan's statement to Sergeant Macdonald was similar to that of his interview with Homicide. He confirmed that he had received information on a carjacked BMW from the night before and that it had been taken by force with a gun. While on patrol that evening, he, Officers Rightmire, Mora and Ly, drove past a vehicle that matched the description. He pointed it out to the other officers and one of them confirmed this (unknown which officer).

Officer Talusan said as the vehicle sped away, he initiated a pursuit and (activated his lights and siren. Once the suspect vehicle turned onto George Ct., Officer Talusan said everyone in the car believed the suspect was going to bail on foot. Officer Talusan said,

"So we were calling out that he's going to foot bail, I think it went on the air as well. And then we thought—I thought he was going to go to the end of the court to get out and run into the cuts but he slammed on his breaks."

Officer Talusan explained that he was right behind the suspect and thought he was going to the end of the court where they would conduct a Felony car stop. The vehicle stopped abruptly and in order to avoid rear-ending the suspect vehicle, he utilized his accident avoidance training and went around the lefthand side of the suspect vehicle.

Officer Talusan recalled angling his vehicle so that his partner officers would not get pinned in. He said that it looked to him the suspect vehicle lurched forward and struck the front, quarter panel of the patrol vehicle after they had both come to an initial stop.

It was after that first collision that Officer Talusan believed Officer Ly had exited the vehicle. He stated,

"...I guess at that time Tom was already out of the car because when I got out of the car I could see that—I could see him getting struck by the car and then him falling and him screaming out."

Officer Talusan continued to say that he had lost sight of Officer Ly and the suspect vehicle kept backing up and hit the unmarked police vehicle that had pulled up behind him. Officer Talusan said,

"I ran up to the driver's side window , I already had my gun pointed out, I had it pointed at him telling him to stop, put his hands up on the car, stop the car. And then he looked at me and then I saw the car lurch forward and then I thought Tom was still

on the ground so I thought the guy was going to run him over so I discharged my firearm."

Officer Talusan said he was approximately two to three feet away from the driver when he fired his weapon. He went on to explain that when the suspect vehicle did not stop, he fired at the driver again and also heard other shots being fired. He said he stopped firing once the vehicle had come to a stop. He approached the driver side and saw the suspect slumped over onto the passenger side. He said he pulled the door handle and the suspect sat up and looked at him. Officer Talusan said he told the suspect put his hands up in the air and when the suspect did not comply, he grabbed the suspect by the jacket and pulled him out of the seat, onto the ground where another officer handcuffed him.

Officer Talusan said he did not recall seeing Officer Ly until after the suspect was handcuffed.

Post-Discharge Actions

Officer Talusan and Officer Rightmire were placed on administrative assignment immediately following his discharge, in accordance with Department policy, as set forth in Department General Order 8.11.G.4, as follows:

Officers who discharge a firearm in an officer-involved shooting will be reassigned to his or her respective Bureau Headquarters. Officers shall not return to regular assignment for a minimum of 10 calendar days. This reassignment is administrative only and in no way shall be considered punitive.

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While on administrative assignment, the officers completed a mandated Critical Incident Response Team (CIRT) debriefing at the Behavioral Science Unit on March 8, 2013.

Officer Talusan and Officer Rightmire responded to the San Francisco Police Department's Regional Training Center on March 12, 2013 for a post-discharge force options debrief. Officer Ryan Seto #4068 conducted these separate debriefings. The officers satisfactorily completed three use of force scenarios.

Officer Talusan and Officer Rightmire responded to the Lake Merced Range on March 12, 2013 for a post-discharge weapon debrief. Officer Nicholas Shihadeh #1612, assigned to the Academy/Range, conducted this debriefing, reviewing the proper manipulation of his replacement firearm and related Department policies and procedures

On March 12, 2013, Deputy Chief Michael Biel convened a Return to Duty panel to consider whether to recommend to Chief Suhr the return of Officer Edric Talusan #1114 and Officer Kevin Rightmire #1965 to their regular assignments. Lieutenant Timothy Plyer, Officer-in-Charge of the Homicide Detail, provided a summary of the initial findings of the criminal investigation. The panel recommended the return of both officers to their regular duties, and forwarded their recommendation to Chief Suhr.

Chief Suhr concurred with the Return to Duty panel's recommendations. A letter informing the Police Commission of his decision, dated March 12, 2013, was sent to Police Commission President Thomas Mazzucco. The Chief's decision was presented to the Police Commission on March 13, 2013, after which Officer Edric Talusan and Officer Kevin Rightmire returned to their regular assignments.

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Officer(s) Training and Experience

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Officer Talusan entered the San Francisco Police Department on He completed the Basic Academy training on Officer Talusan was within compliance of Department Bulletin 12-277 (Range Qualification and Weapons Storage) which was in effect at the time of this incident.

Officer Rightmire entered the San Francisco Police Department on ______. He completed the Basic Academy training on ______. Officer Rightmire was also within compliance of Department Bulletin 12-277.

Conclusion

The focus of this administrative investigation is whether Officer Edric Talusan #1114 and Officer Kevin Rightmire #1965 discharged their Department-issued firearms on March 5, 2013 in accordance with San Francisco Police Department policy and procedure.

The criminal investigations, conducted by the San Francisco Police Department Homicide Detail and by the Office of the District Attorney of the City and County of San Francisco, concluded that Officers Talusan and Rightmire had acted lawfully on March 5, 2013. Assistant Chief District Attorney June Cravett specifically noted in the D.A.'s charging decision that, "Officer Talusan and Officer Rightmire reasonably believed that they were acting in self-defense and in defense of others when they discharged their weapons."

The administrative investigation considered the criminal investigative findings, statements, and evidence, as well as applicable San Francisco Police Department policies and procedure, with particular attention paid to Department General Orders 5.01, *Use of Force* and 5.02, *Use of Firearms* (revised March 16, 2011).

Policy Review

Department General Order 5.01, *Use of Force* sets forth the conditions under which force may be used by San Francisco Police Officers to protect individuals from injury by another person, to prevent the commission of a crime, to overcome resistance, and to prevent escape.

Section D of DGO 5.01, *Use of Force* identifies the authorized force options for the San Francisco Police Department.

D. CATEGORIES OF FORCE TO EMPLOY (In ascending order of gravity)

1. When the use of force is necessary and appropriate, officer shall, to the extent possible, utilize an escalating scale of options and not employ more forceful measures unless it is determined that a lower level of force would not be adequate, or such a level of force is attempted and actually found to be inadequate. The scale of options, in order of increasing severity, is set forth below:

a. Verbal Persuasion

 Physical Control (e.g, passive resister, bent wrist control, excluding the carotid restraint)

c. Liquid Chemical Agent (Mace/Oleoresin Capsicum)

d. Carotid Restraint

e. Department Issued Baton

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f. Firearm

2. It is not the intent of the order to require officers to try each of the options before escalating to the next. Clearly, good judgment and the circumstances of each situation will dictate the level at which an officer will start. Officers using any type of force are accountable for its use.

Section E of DGO 5.01, *Use of Force* defines reasonable force and reiterates the right of an officer under Section 835a of the California Penal Code to use reasonable force to effect and arrest, prevent escape, effect or overcome resistance.

E. REASONABLE FORCE

- 1. Officers must frequently employ the use of force to effect arrests and ensure the public safety. It is not intended that any suspect should ever be allowed to be the first to exercise force, thus gaining an advantage in a physical confrontation. Nothing in this order should be interpreted to mean that an officer is required to engage in prolonged hand-to-hand combat with all its risks before resorting to use of force that more quickly, humanely, and safely brings an arrestee under physical control.
- 2. Penal Code Section 835a provides that, "Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall

such officer be deemed the aggressor or lose his/her right to self defense by the use of reasonable force to effect the arrest, or to prevent escape, or to overcome resistance." [Italicized text is the author's, as in the printed order.]

Section F of DGO 5.01, *Use of Force* enumerates when and how force may be justifiably used by San Francisco Police Officers.

F. CIRCUMSTANCES JUSTIFYING THE USE OF FORCE

- 1. Officers may use force in the performance of their duties in the following circumstances:
 - a. To prevent the commission of a public offense.
 - b. To prevent a person from injuring himself/herself.
 - c. To effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention.
 - d. In self defense or in the defense of another person.

2. Before using force, the officer should consider these questions:

- a. What actions on the part of the suspect justify the use of force?
- b. What crime is being or has been committed?
- c. Does the situation require the immediate use of force?

Department General Order 5.02, *Use of Firearms* sets forth how and when San Francisco Police Officers are permitted to draw and utilize a firearm.

Section 1.B HANDLING AND DRAWING FIREARMS sets forth the conditions under which an officer may draw his firearm, as follows:

- HANDLING FIREARMS. An officer shall handle and manipulate a firearm in accordance with Department-approved firearms training. An officer shall not manually cock the hammer of the Department-issued handgun to defeat the first shot double-action feature.
- 2. AUTHORIZED CIRCUMSTANCES. An officer may draw or exhibit a firearm in the line of duty when the officer has reasonable cause to believe it may be necessary for his or her own safety or for the safety of others. When an officer determines that the threat is over, the officer shall holster his or her firearm or hold the shoulder weapon in port arms position pointed or slung in a manner consistent with Department-approved firearms training. If an officer points a firearm at a person and the person is not arrested, and if the circumstances permit, the officer should tell the individual the reason the officer drew the firearm.
- 3. DRAWING OTHERWISE PROHIBITED. An officer shall not draw a Department-issued firearm except as authorized by this order, for inspection by a superior, maintenance, safekeeping, or Department-approved training.

Department General Order 5.02, *Use of Firearms*, Section I.C.1 PERMISSIBLE CIRCUMSTANCES enumerates the circumstances in which an officer is permitted to fire his weapon.

C. DISCHARGE OF FIREARMS

 PERMISSIBLE CIRCUMSTANCES. Except as limited by sections C,4 and C.5, an officer may discharge a firearm in any of the following circumstances:

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- a. In self-defense when the officer has reasonable cause to believe that he or she is in imminent danger of death or serious bodily injury.
- b. In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury. However, an officer may not discharge a firearm at a person who presents a danger only to him or herself, and there is no reasonable cause to believe that the person poses an imminent danger of death or serious bodily injury to the officer or any other person.
- c. To apprehend a person when both of the following circumstances exist:
 - The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of deadly force; and
 - (2) The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed.
- d. To kill a dangerous animal. To kill an animal that is so badly injured that humanity requires its removal from further suffering where other alternatives are impractical and the owner, if present, gives permission.
- e. To signal for help for an urgent purpose when no other reasonable means can be used.

- 2. VERBAL WARNING. If feasible, and if doing so would not increase the danger to the officers or others, an officer shall give a verbal warning to submit to the authority of the officer before discharging a firearm.
- REASONABLE CARE. To the extent practical, an officer shall take reasonable care when discharging his or her firearm so as not to jeopardize the safety of innocent members of the public.
- 4. GENERALLY PROHIBITED CIRCUMSTANCES. As a warning.
- MOVING VEHICLES. The following policies shall govern the discharge of firearms at or from a moving vehicle or at the operator or occupant of a moving vehicle:
 - a. <u>At a Moving Vehicle.</u> An officer shall not discharge a firearm at a moving vehicle with the intent to disable the vehicle.
 - b. <u>From a Moving Vehicle</u>. An officer shall not discharge a firearm from a moving vehicle unless the officer has reasonable cause to believe there is an imminent danger of death or serious bodily injury to the officer or to the others.
 - c. Discharging a firearm at the operator or occupant of a moving vehicle is inherently dangerous to officers and the public. Disabling the operator will not necessarily eliminate an imminent danger of death or serious bodily injury. Further a moving vehicle with a disabled operator may crash and cause injury to innocent members of the public or officers. Accordingly, it is the policy of the Department that officers are prohibited from discharging their firearm at the operator or

occupant of a moving vehicle except in the narrow circumstances set in this subsection (c). An officer shall not discharge a firearm at the operator or occupant of a moving vehicle, except under the following circumstances: [Bold text is the author's, as in the printed order.]

- (1) If the operator or occupant of a moving vehicle is threatening the officer with imminent death or serious bodily injury by means other than the vehicle itself.
- (2) If the operator of the moving vehicle is threatening the officer with imminent death or serious bodily injury by means of the vehicle, and the officer has no reasonable or apparent way to retreat or otherwise move to a place of safety.
- (3) In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury.
- (4) To apprehend a person when both of the following circumstances exist:
 - (a) The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony
 - involving the use or threatened use of deadly force; AND
 - (b) The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if apprehension is delayed.

In reviewing incidents involving the discharge of firearms from a moving vehicle or at an operator or occupant of a moving vehicle, the Department will consider the totality of the circumstances, including but not limited to whether the officer or others were in imminent danger of death or serious bodily injury and whether the officers who were present employed tactics consistent with Departmentapproved training.

Analysis concerning the Officers' inability to see Officer Ly

There was an approximately thirty minute video of the incident obtained by Lt. Ng from the scene that was provided to Homicide. The series of events captured by the camera appear to be in sequence, with some sporadic millisecond jumps, from the time the suspect vehicle comes to the end of George Ct., to well after the Officers and suspect were removed from the scene.

Based on watching the video multiple times, it would seem almost unbelievable that Officers Talusan and Rightmire would not have seen Officer Ly standing on the sidewalk in front of the vehicle after it had reversed, and then Officer Ly moving directly next to Officer Talusan prior to him firing. However, extensive studies in science and physiology show an officer can only attend to one thing at a time.

Attention is selective, meaning we can concentrate on one thing or another, and what we focus our attention on is reliant upon the amount of stress involved. Chapter 4, "Arousal & Attention," in the California Training Institute (CTI) text <u>Force Encounters Analysis: Understanding Human Performance During Critical</u> <u>Incidents</u> (Version 13, November 2013), overviews how stress affects our levels of attention, or that which we can "attend" to. As described in pages 56-59, there are a four types of attention: Inattention (low arousal), Global Attention (optimum arousal), Selective Attention (high arousal), and Hyper-Vigilance (very

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high arousal). Based on the explanations of each, Officers Talusan and RIghtmire would arguably fall within the "Hyper-Vigilant" phase. Page 59 states, "Several things can trigger hyper-vigilance...a startling stimulus or sudden event," and/or "[i]ndications of extreme threat or danger to oneself or others." In this case, the suspect backing up his vehicle instead of fleeing from the vehicle, as they had anticipated, would be the "startling stimulus or sudden event." Then, an indication of "extreme threat or danger to others" was when the vehicle began to suddenly reverse and the officers heard Officer Ly yell out that he had been struck then disappeared from their sight, for however brief a moment.

At this point, the officers' hyper-vigilance would cause them to "automatically shift to extreme selective attention." The CTI text states, "This extreme level of selective attention is commonly known as attentional blindness or inattention[al] blindness," or tunnel vision. With tunnel vision, there is a loss of peripheral vision as an officer focuses on the perceived threat. The officers focused on attending to that which they believed was most important; in this case, it was stopping the threat-- the driver who the officers believed was running over their partner. They became completely "blind" to the fact that Officer Ly was standing in front of the vehicle, and then moved directly next to Officer Talusan. Officer Rightmire did not even realize that Officer Ly cut in front of his line of vision. In Officer Talusan's interview with Internal Affairs, he stated,

"...the shots were muffled. I was tunneled into the car. Everything is kind of sped up and slowed down and then sped up again."

In Officer Rightmire's case, when the pursuit had initially stopped at the end of George Ct., the unexpected abrupt stop of the suspect vehicle caused the front, passenger side of the patrol vehicle to end up directly next to, and at a slight angle with, the driver side of the suspect vehicle. In Officer Rightmire's interview with Internal Affairs, he states,

"In my mind it was quick. I mean, you're chasing a vehicle and it's a carjacked vehicle, a guy with a 221, you're going to be jacked up a little bit and then I wasn't expecting him to- I kind of got- I was worried when I got pinned in because I was like fuck, this guy's got a gun, he can just reach right over and start blasting. And then in your mind, it's just going so quick, I'm just like trying to get my gun, I'm like get me the fuck out of this car."

Officer Rightmire entered and extremely high level of arousal as he realized he was trapped in the car, and his stress level was at a very high level. It would be reasonable to believe that his attention was on the suspect and what the suspect was doing after he heard Officer Ly yell out that he had been hit. Further indication of the level of stress Officer Rightmire was under was his inability to easily holster his weapon after he fired it. When the heart rate is increased due to hormonal stress; i.e. being trapped in a vehicle next to a potentially armed suspect, in other words, very high arousal; our complex motor skills begin to deteriorate. We may get faster and stronger, but our ability to manipulate things with our hands decreases. (CTI text page79).

Conclusion Summary

After the examination of the totality of this incident, the relevant policies, the investigative conclusions, and other considerations described in this report, it is concluded that on March 5, 2013, based on the preponderance of evidence:

Both Officer Edric Talusan and Officer Kevin Rightmire reasonably
perceived that Officer Ly was at risk of serious bodily injury when believed to be an armed carjack suspect, took them on a pursuit
then struck Officer Ly with the stolen vehicle as furthered his
attempts to flee. Officer Talusan's and Officer Rightmire's drawing and

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exhibiting their weapons was in accordance with DGO 5.02, *Use of Firearms*, Section I.B.2.

- After Suspect had struck Officer Ly, both Officer Talusan and
 Officer Rightmire believed that Officer Ly was stuck under the vehicle
 facing immediate danger of death or serious bodily injury. Officer Talusan
 and Officer Rightmire both fired their Department-issued weapons at
 Suspect fin accordance with the conditions set forth in DGO
 5.01, Use of Force, Subsections I.F.1.c and I.F.1.d and DGO 5.02, Use of
 Firearms, Subsections I.C.1.b, and conforming to exceptions related to
 the prohibition of shooting at the operator of a motor vehicle as
 enumerated in Section I.C.5.c.(3).
- In Officer Rightmire's interview with Internal Affairs, he was asked why he did not consider any other force options to stop Suspect He stated that he thought Officer Ly was underneath the car, that the suspect was using deadly force by hitting Officer Ly, and that prior to this, it was a carjacked vehicle involving a gun. He stated, "I can say in addition, you know, if apprehension was delayed, this guy, I think this guy was going to do anything to get out of there and hurt additional officers or citizens to get away." Officer Rightmire's discharge of his Department-issued weapon was also in accordance with DGO 5.02, Section I.C.5.c.(4)(a)&(b).
- Both Officer Talusan and Officer Rightmire were in their SFPD uniforms, patrolling in a marked, black and white vehicle with a red and blue light-bar affixed to the roof. When the officers attempted to stop Suspect
 the red and blue lights and siren were being utilized. When Officer Talusan approached Suspect
 after the suspect vehicle collided with the unmarked unit on George Ct., he had his Department-issued firearm drawn and told

· 37 P187

car. The totality of these circumstances would satisfy the requirement of DGO 5.02, Section I.C.2.

 Officer Rightmire immediately notified supervisors, radioing that shots were fired, and that it was an officer involved shooting enabling an immediate response for supervisors to the scene, in accordance with DGO 5.02, Section I.D.

Recommendations

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Based on the above findings, it is recommended that Officer Edric Talusan's use of his Department-issued firearm on March 5, 2013 be deemed *In Policy* and *Proper Conduct*.

Based on the above findings, it is recommended that Officer Kevin Rightmire's use of his Department-issued firearm on March 5, 2013 be deemed *In Policy* and *Proper Conduct*.

Submitted By: Jayme Campbell Star 759 Sergeant 15 '1' **Date:** January 12, 2015

Approved By:

Robert Yick Lieufenant Star 1264 Date: January 12, 2015

SFPD 130188386

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Internal Affairs Division CHRONOLOGICAL RECORD OF INVESTIGATION

IAD CASE: 13-002			DATE OF INCIDENT: 03/05/13	MEMBER INVOLVED: Off. Talusan #1114/ Off. Rightmire #1965			
3304 DAT	E:		DETAIL	INVESTIGATOR ASSIGNED:			
			IAD	Sergeant Jayme Campbell #759			
DATE	TIME	ACTIVITY					
06/30/14	0700	I received a co file.	opy of the D.A.'s Investigation	Summary Letter. A copy was added to the case			
11/13/14	1515	-	g an email requesting the range -March 5, 2013.	qualification records for Offs. Talusan and			
11/14/14	0700	I received the email containing the range qualification records for Offs. Talusan and Rightmire pre OIS. It appears Off. Rightmire was in compliance prior to the incident. It appears that Off. Talusan may have been out of compliance or there is an error in the rec keeping for his qualification month. While he was excused for his apparent qual, month Sept. 2012, it appears he attended the range in Aug, but the record shows "N" in the "Passed?" column seemingly indicating he did not pass. There does not appear to be a m up date for his Sept. excusal. Sent Sgt. Ting a follow-up email to see if there is an unforeseeable explanation for this.					
11/14/14	1030	Range on 8/27	7/12 and did pass his qualificati	alusan had responded to the Lake Merced on. Per Sgt. Ting, it appears someone forgot to was why it indicated "N" on the report.			
-			was in compliance with the rang ords added to file.	e qualification policy prior to the OIS.			
11/14/14	1400	I received the Transcript add		lomicide interview from Roomian & Associates.			
11/25/14	1130	I received the Homicide Summary Report. A copy was added to the case file. In the "Overview of Incident" Insp. Pierucci indicates that Off. Ly exited the right rear passen seat of the patrol vehicle and attempted to run behind the suspect vehicle which reverse Off. Ly put his arms up and made contact with the suspect vehicle's trunk. The overvie then explains that Off. Ly, "fearing for his life; he rolled out of the way and fell to the g scraping his knees." While this account of the incident is consistent with Off. Ly's perc of what happened, it does not corroborate the video that was retrieved. This discrepance no affect on the perceptions of the officers who discharged their firearms.					
12/2/14	0700	I received an t copy.	I received an updated copy of the Homicide Summary Report. Added to file, shredded old copy.				

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01/12/15	1300	I turned in the final IAD Summary Report to Lt. Yick for approval.
01/14/15	0800	I received the signed copy of the summary report from Lt. Yick.
	1315	Turned in the FDRB packet to Sgt. A. Wilhelm.
01/20/15	0900	FDRB held from 0900-1200 hrs. The FDRB unanimously recommended a finding of Proper Conduct/In Policy .

Internal Affairs Division CHRONOLOGICAL RECORD OF INVESTIGATION

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INTERNAL AFFAIRS DIVISION CHRONOLOGICAL RECORD OF INVESTIGATION

	IAD 13-00		DATE OF INCIDENT 3/5/13	DATE DEPARTMENT NOTIFIED 3/5/13					
	3304 DA		DETAIL IAD ADMIN	SERGEANT ASSIGNED Insp. Monica Macdonald					
DATE	TIME		ACTIVI	TY					
3/5/13	1715	Notified of shooting at Ingalls/Oakdale by Sgt. Paine.							
	2015	Arrived at IAD of	fice printed CAD #130642880. Responde	ed to crime scene at Ingalls/Oakdale.					
	2050	Arrived at scene for walkthrough with Sgt. Paine and Sgt. Crudo. Scene is at 🔀 George Ct.							
	2135	Returned to IA of	fice. Sgt. Crudo sent request for dispatch	a records including CAD and audio recordings.					
	2210		tage of incident at George Ct. Insp. Peire	Off, Mora, Off, Ly, Off. Talusan and Off. Rightmire. ucci is the lead investigator on the case, assisted by					
3/7/13	1100	Range and FATS	scheduled for 3/12/13 0900 and 1100 hot	urs for Off Talusan And Off Rightmire.					
3/11/13	1100	Printed incident re	port # 130188386 and 130184889.						
3/12/13	1100	RTD Panel room	505 HOJ.						
	1445		otage and photographs from Lt. Jackson. ficers and audio of interview with suspec	Left message for Insp. Miller for video of ct.					
3/13/13	1015	1	info, photos, audio and video recordings						
·	1.045	Responded to EC	D to pick up CAD and audio recordings.						
3/14/13	0925	Sent Email to Sgt	gt. Wibunsin regarding long gun robbery series.						
	0935	- Carlos - Carlos	bunsin who told me that a suspect in the suspect is a suspect of the suspect is supported by the subscripts of the supervised by the	he series was under arrest in This suspect Another suspect is also possibly he next few days.					
3/18/13	1100			Rightmire and Talusan on March 26. Left message.					
3/20/13	1015		Called Off. Ritghmire and Talusan regarding interviews on March 26 asked them to call Chris Shea and verify date and time. Left message for both.						
	1020	Called CSI to req	uest total station of scene. Winnie at CSI	I stated she would cal when it was ready.					
	1430 Rec'd message from Chris Shea confirming interviews for 3/25/13. Stated he was available all what time would be best for interviews.								
3/21/13	0600		Rec'd message from Off Shouldice from CSI regarding total station for George Ct. Stated it would be available this afternoon pending Lt approval.						
	0915 Left message for Chris Shea setting interviews time for 1400 hours. Stated I would make Homici available at front desk for Officers to review prior to interview or they could review interviews Monday.								
3/25/13	1400	Interviews with Officer Rightmire, Officer Talusan and Chris Shea. Prior to interview Officer's advised me the they had looked at a copy of the security video from the incident and Mr. Shea wanted to see the video as we I showed Mr. Shea the video prior to the interview.							
3/26/13 0900 Discussed video issue with Lt. Generated memo to Captain regarding video release									

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INTERNAL AFFAIRS DIVISION CHRONOLOGICAL RECORD OF INVESTIGATION

	1145	Received RTD memo and letter to Commission from DC Tomioka.
3/27/13	1800	Presented RTD to Commission.
3/28/13	0700	Emailed interviews to be transcribed.
4/15/13	0945	Called CSI to check on crime scene preliminary report and total station sketch. Both still pending. Sgt. Chacon is lead CSI on case.
6/6/13	1400	Sent email to Sgt. Chacon regarding CSI prelim report.
		Rec'd CSI preliminary report.
7/29/13	1000	Picked up CSI photos and video.

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San Francisco Police Department

		OIS R	leport !	Summ	ary	
Case Type:	Officer Involved	Shooting			Case Number:	OIS-2013-0002
Incident Date	e: 03/12/2013			•	Date Reported:	03/12/2013
Origin:			· .		Report Number:	130-188-386
Location:	George Ct.					
Address:					• ·	
Bureau:				Di	strict: Bayview	
Status:	Open ·				Date Closed:	•
						·
Employee((a)		-			
y	·····					
Rightmire, Supervisor:	Kevin J	ID#:	Badge:	1965	Race: Assignment: POTR	Sex: M
Allegation: Violation:	Administrative	Investigation				
Finding:	Open-Pending					
Talusan, Ec Supervisor:	Iric D	ID#:	Badge:	1114	Race: Assignment: POTR	Sex: M
Allegation:					· .	,
Violation: Finding:	Open-Pending	(Automated)				
Tracking:						
Group: MCD	Investigation	Assigned To:	MacDo	nald. Mc	nica E Role :	
Assign Date:		Due Date:			Completion	Date:
Narrative:		•				
On Tuesday, Rightmire wer assigned to h Officers Right	e attempting to st ousing operations	t 1849 hours, C op a vehicle the in the Bayview fired their depa	at had po / District. artment i	ossibly b While a ssued fi	ora, Thomas Ly, Edric T een stolen in a carjacki ttempting to stop the fla rearms at the suspect. A	ing. Officers were eeing suspect,

Printed: 1/9/15 1:46:44 PM

Page 1 of 1

					Case No.	, with a	
II.	TERNAL	AFFAD	RS DIVISION CAS	5 E	OIS 13-002		
(2) Day, Date, Time Receiv	ved		······	(3) How Received		······································	
Tuesday, March 12,	2013, 18:49	nrs.			PERSON 🗌 LETTER 🗌 PHO	NE 🛛 SFPD	
(4) Complainant (Primary)) Last Name First			(5) Complainant's Addre	ess City Zip		
(6) Complainant's Home P	hone/Business Ph	one (includin	g area code)	(7) CDL #, D.O.B., SS#			
(8) Complainant's (Second	ary)	******	- <u> </u>	(9) Complainant's Addre	ess City Zip		
(10) Complainant's Home	Phone/Business P	hone	· · · · · · · · · · · · · · · · · · ·	(11) California Driver's	License/Identification Card No.		
(12) Place of Occurrence George Ct			District of Occurrence C	(13) Day, Date, Time of Occurrence(14) In Uniform?Tuesday, March 12, 2013, 18:49 hrs.⊠ YES □ NO □ UNK.			
(15) Type of Misconduct	· · · · · · · · · · · · · · · · · · ·		· · ·	(16) Activity Being Performed Failure to Appear			
🛛 ADMIN. INVESTIG	ATION .			ARREST BOOKING CITATION WRITING CUSTODY			
UNNECESSARY FC		[] UNWAI	RRANTED ACTIONS	☐ INVESTIGATION			
CONDUCT UNBEC			NEGLECT OF DUTY	TRAFFIC DIRECTION SECONDARY EMPLOYMENT			
(17) Day, Date Assigned			ation Assigned To		(19) Allegation Against		
Tuesday, March 12,	2013	Insp. Mon	ica Macdonald 1267		PERSONNEL PROCEDURE	POLICY	
Civil Syc. Class.		Person (s) and ID or Star Number (s)	Involved	Assignment/Unit Invo		
Q-2	Officer Edri	c Talusan #	¥1114		C		
Q-2	Officer Kev	in Rightmire	e #1965		C		
· · · · · · · · · · · · · · · · · · ·							
Remarks:							

On Tuesday,March 12, 2013 at 1849 hours, Officer Alvaro Mora, Officer Thomas Ly, Officer Edric Talusan and Officer Kevin Rightmire were attempting to stop a vehicle that had possibly been stolen in a carjacking. Officer were assigned to housing operations in the Bayview District. While attempting to stop the fleeing suspect Officer Rightmire and Officer Talusan fired their department issued firearms at the suspect. An administrative investigation pursuant to Department policy will be conducted.

SFPD CASE #130-188-386

Referred by:_

SFPD 130188386

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San Francisco Police Dept. OFFICER SAFETY BOLO



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Patrol Officer's throughout the city should be made aware of the below incidents involving long guns, they are occurring in ALL districts:

2/28/13 @ 2125hrs Mission District

Church St

Robbery w/Gun. Suspects-1 (thin build, blk hoodie, blk jeans)

Gun - victim stated "large gun" also described by victim -like our shotgun but "larger barrel" Summary-Victim approached from front while on foot, gun pointed at and SI said dropped and suspects fled w/ _____. (Case # 130173694)

3/1/13 @1218hrs **Park District**

Divisåderő

Robbery w/ Gan- Commerical

Suspects- 1 (light beard, dark colored long sleeve shirt, dark pants, BB-cap with NY on it.)

2 (colored long sleeve shirt, dark pants, BB-cap)

Gun – sawed off rifle or shotgun, victim described it as "single barrel with a rifle like wooden stock" Summary-Suspects enter store and produce the above weapon and say "Give me the i-Phone mother fitcker!", SI then says "Open the register?" and S2 reached and took US Currency. (Case # 130175189)

3/4/13 @ 1452hrs **Taraval District**

Robbery w/ Gun, Attempt/Residence

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dark BB-cap, Red Hoodie, dark pants)

Suspects - I blk hoodie, dark pants, brown bkpk.)

dark top, dark pants

Gun-victim described, "Brown shotgim, with one barrel" pointed at him Vehicle- Jeep, Cherokee, 1989 or later, dark green

Summary - Victim was ummary – Victim was ______ when SI ordered _____al gun point ______ . The victim ______ went to side walk where a witness saw what when S1 ordered at gun point was happening and called 911. A witness saw the 3 suspects running down 33^m and get into a green Jeeps. (Case # 130184259)

3/4/13 @ 1605hrs

Irving Ŝt

Theft from Locked Vehicle. Suspects - 1 (hat, red/orange jacket, blue baggy jeans)

Vehicle - Green vehicle:

Summary- One hour after above attempted home invasion, a victim's vehicle was broken into with similar suspect and vehicle description. (Case # 130184475) -

3/4/13 @ 1500hrs Southern District (Treasure Island) Suspicious Occurrence Suspect-1 (, "unknown color clothing" 20 blk jacket) blk jacket) Summary - Victim hears a knock at door, S1 is standing at door holding what believed was a shotgun concealed partially in a blk bag ..., S1 asked, "Is there?" and victim said no one lived there by that name. S2/S3 stood behind S1 and all three left after victim responded. (Case # 130184180) 3/4/13 @1750 hrs. **Bayyiew** District Carjacking with long gun Suspects-1 (brown or red sport type jacket-221 12.(T, NFD) 3 (6'0, NFD') Gun - foot long with wooden frame Vehicle - 2D grey late model Honda with 49er flags affixed to both doors Summary - Victim parking star in garage, exits to move trash can. S1 approaches with firearm (foot long with wooden frame) and states, "Get back in the house or I'll shoot you.". S2 and S3 in the background. Witness saw suspects near Honda. S1 drove off in silver BMW () (Case #130184889) [See OIS below on 3/5 @1849 hours case #130188386. BMW recovered] 3/5/13 @0340hrs Southern District 11th St/ Markel Robbery, w/ Gun, Attempt in Public Place Suspects -1 ([...], blk puffy jacket, blue jeans, clean shaven) 2 ([...], blk hooked sweatshirt, blue jeans) 3-never seen, driver of vehicle Gun - victim described "black single barrel, sawed off shotgun" Vehicle - dark blue, 80's model, 4-door, Toyota Sedan parked mid-block from robbery Summary- S1 points shotgun at victim and says, "We saw you had a phone, give it to us," and then pumps the shotgun with a round. Victim runs away. A passerby hears the shotgun sound and furns to see S1. S1 demands cell phone and that victims turis and flees the area. Victim 2 observed the S1/S2 enter the

above vehicle that was parked mid-block on 11th Si. (Case # 130185978)

P197 - Care

3/5/13 @0350 hours Ingleside District

Robbery with Shotgan

2.0

Suspects – 1 (, , blk hooded sweatshirt)

, blk hooded sweatshirt with hood carrying 221

Gun - long blk pump action shotgun

Vehicle – 4D white Toyota

Summary – S1 exited white Toyota parked at Geneva. Pulled knocking V to ground. Said, "Don't call the cops or I'll shoot you." Witness walking by saw incident. S2 pointed shotgun at and said, "Give me your phone." Witness did not give it up. Vehicle fled east on Geneva. (Case # 130185990)

3/5/13 @0455 hours Bayview District

Quesada and Newhall

Robbery with Shotgun

Suspects – 1 (June 1997), light gray sweatshirt, dark jeans, 221) 2 (Unk- driver)

Gun – Double barreled sawed-off shotgun

Vehicle – silver BMW (see carjacking from

Summary – Victim made late counter report at Co E. When walking to catch bus, S1 exited BMW, pointed shotgun at and said, "Give me your stuff." When victim asked suspect not to take said, "I'm not giving you anything back " S1 got in passenger side of BMW and fled east Newhall. Property later recovered by Millbrae P.D. (Case # 130188132)

3/5/13 @ 1849 hours Bayview District

Kiska and Ingalls Officer-Involved Shooting

Vehicle Recovered – 2011 4D silver BMW 328i (Victim carjack vehicle from) 3/4 (CJ case # 130184889) (OIS case # 130188132)

İ	nitial	INC	DIDENT F	REPORT \	/EHIC	LE		130184	889
H E	Type of Incident RECOVE STOLEN ☑ RECOVERED □ UNFOUND			· ·		FRONT [len Plates	CAD Number 130632527	
$\langle \rangle$	Type of Vehicle AUTO Ø TRUCK □ MOTORCYCLE □	BOAT TR				Type of V GUN	Veapon Used	/Description	- 30
l N	Type of Offense Vehicle Taken in Vehicle, Stolen, Auto 07021		· ·			Related Case	No Re	lated Case No	00
·G	Reporting UnitOccurrence FRC3C15D03/04/2013 17:4	5		ice TO Date/		03/04/2013		/Time	400
	Location of Occurrence	Location of F	Recovery			Location Sent	Го		õ
D E	I DECLARE, UNDER PENALTY OF PERJURY, TH INFORMATION AND BELIEF FOLLOWING AN IN	IIS REPORT OF _1	1_ PAGES IS THE EVENTS A	UE AND CORR	ECT, BAS	ED ON MY PERSO	NAL KNOWLED	OGE, OR IS BASED ON	
G	PROP 115 CERTIFIED 5 Year/Post	·						•	
L	Reporting Officer		Station Bayview Slatior	-		Watch	31	Date	
	Guzman, Daniel E Reviewlng Officer	2066 Star	Station	l		Watch		03/04/13 19:10 Date	
	Creed, Christopher D	1170	BayView Station	1		·		03/04/13 19:21	
	OIC Knight, Laura A	10	Station Bayview Station			Watch		Date 03/04/13 21:52	
A S	3*300 07021	1	Secondary C				DG 2066	by (Print Initials/Star)	
G N	Coples to (Name of Units) 3*300			atis Contact ONG 4695				axed to Auto Statis By 8:45 DG 2066	/
R	Code Name (Last Name/Firm Nar R/V 1	me if Business)			•	DOB/	Ag		10
E P	Residence Address	City		State		<u>Cip</u>	Day Phon	ie Type Cell	
O R	Business Address	City .		State		Zip	Night Pho	ine Type	
T. F	Name (Last Name/Firm Name if Busine	uss) R/O F	irst Name, N	liddle		7.2284 ¹² 22004800000000000000000000000000000000	Day Phon	Home Ie Type	
Ϋ́,	Residence Address	City		State		<u>Lip</u>	Day Phon	е Туре	
V E	Code Plate No. State S 1 CA	Reg Yr. 2013	Pla PC	ate type		/IN/Hull No.			
H I C		2011 B	lake MW	Model 328l		St 4[yle (Car/Boat)) Color SIL	
L E		oat Propulsion Typ: NBOARD □ . OUT NTHER □		SAIL 🗆 MA	NUAL 🗆	Boat Length	Other Info	ormation	
S T O	Was Vehicle Locked? Owner Given Anyone YES □ NO ☑ YES □ NO ☑	Consent to Drive?	Plates not FRONT	on Vehicle at Tin] REAR []					
L E N	Suspect Description (Atlach 377 C and F) Skinny Build.	. Tow Check Blount	`18 [`]		Informati Vas Car	on Jacked			
R	Outside Agency		ne Number			ORI		OCA	
E C	Plate(s) Missing? Plate(s) Switc FRONT TREAR FRONT REAR		hed Plate No.	Stale		l Condition TCHES REG 🛛			DП
0 V	Point of Entry Method of Entry SMASHED WIND		NG WINDOW	s 🛛 Locks	FORCE				
ER	Vehicle Started By KEY IN IGNITION I JUMPER WIRES I CRO		IGNITION PUN		RD ·	-	Tow	Approved (Name)	Star
E D	Condition (Check all that apply)		- <u></u>	Damage		Towed	to (Name/Add	iress)	
	Missing Parts (Check all that apply) ENGINE TRANSMISSION DIGNITION E SEAT RADIO/TAPE/CD BATTERY	.windows 🛛	TRUNK DH		ER(S) 🛛		Recovered Pa	art(s)(Auto Detail Only)	ļ
	CSI PHOTO LAB Arrest Made?	Hold	d for (Unit)		Other Info	ormation			
(Name	L	**************************************	Time	SVS E				
Ŭ		ry Notification I RD □ PHONE			stem Do		m Date/Time		

Supplemental

San Francisco Police Department INCIDENT REPORT VEHICLE

* *		
Н.		Lost/Stolen Plates CAD Number
E	Type of Vehicle	FRONT □ REAR □ 130642880 □ Type of Weapon Used/Description G
· ·		GUN . C
] N	Type of Offense Vehicle Taken in Vehicle, Recovered, Auto 07041	Related Case No 130-188-386 -
G	Reporting Unit Occurrence FROM Date/Time Occurrence TO Date/Time 3C11D 03/05/2013 18:49 Occurrence TO Date/Time	Reported to Police Date/Time
	Location of Occurrence Location of Recovery GEORGE CT / INGALLS	Location Sent To INGALLS ST / KISKA
D	DECLARE, UNDER PENALTY OF PERJURY, THIS REPORT OF _1_ PAGES IS TRUE AND CORRECT, BAS INFORMATION AND BELIEF FOLLOWING AN INVESTIGATION OF THE EVENTS AND PARTIES INVOLVED.	ED ON MY PERSONAL KNOWLEDGE, OR IS BASED ON
E	PROP 115 CERTIFIED 5 Year/Post	
C L	Reporting Officer Star Station	Watch Date
<u></u>	Guzman, Daniel E 2066 Bayview Station	03/06/13 00:36
	Reviewing Officer Star Station	Watch Date
	Creed, Christopher D 1170 Bayview Station	03/06/13 00:50
•	OIC Star Station Knight, Laura A 10 Bayvlew Station	Watch Date 03/06/13 00:59
A	Assigned to Re-assigned to Incident Code Secondary Codes	Assigned by (Print Initials/Star)
S	3*300 07041	DG 2066
G N	Copies to (Name of Units) Auto Statis Contact 3*300 ETCHEVERRY #4716	Date/Time Faxed to Auto Statis By 03/06/2013 00:15 DG 2066
R	Code Name (Last Name/Firm Name if Business) First Name, Middle R/V 1 Ofc. Guzman #2066, Ofc. Wise #4208	DOB/ Age Relationship to R/O
E P	h	Day Phone Type
0 R		ip Night Phone Type 4124- (415) 671-2300 Work
T F	Name (Last Name/Firm Name If Business) R/O First Name, Middle	Day Phone Type (
***	Residence Address City State Z	Ip Day Phone Type Cell
v	Code Plate No. State Reg Yr. Plate type V	/IN/Hull No.
E H	R 1 CA 2013 PC Motorcycle Engine No. Veh Yr. Make Model	Style (Car/Boat) Color
1 C	2011 BMW 328	4D SIL
L	Boat Hull Material Boat Propulsion Type METAL WOOD PLASTIC IIINBOARD OUTBOARD SAIL MANUAL	Boat Length Other Information
E		
s T	Was Vehicle Locked? Owner Given Anyone Consent to Drive? Plates not on Vehicle at Time of Theft	
Ó L	YES INO YES NO FRONT REAR Suspect Description (Attach 377 C and F) Tow Check (Name) Star Other Information	
Ē		
R	Outside Agency Phone Number	ORI OCA
E C		Condition
õ	FRONT I REAR I MAT Point of Entry Method of Entry	
V F	Driver Door SMASHED WINDOWS MISSING WINDOWS LOCKS FORCED	
E R E	Vehicle Started By Key in ignition $arDelta$ jumper wires \Box crossed wires \Box ignition punched \Box other \Box	Tow Approved (Name) Star LT. NG 338
D	Condition (Check all that apply) Damage APPARENTLY DRIVABLE BURNED? DAMAGED? STRIPPED? Front Pass, Pass Side	Towed to (Name/Address) Auto Return
	Missing Parts (Check all that apply) ENGINE □ TRANSMISSION □ IGNITION □ WINDOWS □ TRUNK □ HOOD □ BUMPER(S) □	Recovered Part(s)(Auto Detail Only)
	SEAT CADIO/TAPE/CD BATTERY WHEELS FENDER TIRES_OTHER CADION TRES_OTHER CADION (Unit) Other Info	
1	Vame Time SVS E	
Ŭ	FCN Recovery Notification Made by System Do	
	POST CARD PHONE FIELD RELEASE	· · · · · · · · · · · · · · · · · · ·

130-238-599

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1	TYPE OF CASE			CASE NO.	VICTIM
í.		with Gun.	Dobbon	130184889	Multiple Victims
Ę.				130104009	
1	Series with	sawed on	ritie.		
	DATE	A) OF (0040	DETAIL	INSPECTOR ASSIGNED
	Tuesday, N		2013	Criminal Investigations Unit	Sgt. Wibunsin #2052
	DATE	TIME		ACTIVIT	Y
	03/05/13	1700	I was assign	ed to investigate a series of robbery i	neidents that occurred in the City and
				an Francisco, CA involving multiple	• •
	·			barreled rifle. The below incidents w	
	•				
•		•		ics; particularly suspect descriptions,	
					robberies, and the manner and method
			in which the	e robberies were carried out.	
				· .	· · · · · · · · · · · · · · · · · · ·
			Summary of	of Incidents:	
	•		· · ·		
			1. SFPD Ca	ise #130-173-694	
			On Februar	y 28th, 2013 at approx. 2125 hrs, an a	rmed robbery occurred at Church
•				victim was robbed at gun point by two	
					thin build, last seen wearing a black
		1			as a large barrel shotgun. The second
			- energy brack	described as a thi	n, last seen wearing a black jacket, and
			block icons	Property taken from the victim consi	sted of
i					IS currency, and a black T-Mobile flip
	· .			t 04 GB willte if ou, a wallet, \$40 m C	is currency, and a brack 1-mobile mp
4×.			phone.	· .	
			A (7777) (1	11400 AMM 400	
				ase #130-175-189	
				st, 2013 at approx: 1218 hrs, an arme	
				cated at Divisadero Street. The vie	
	. ·		robbed at gi	in point by two suspects. The first sus	
			a second and		irk colored long sleeved shirt, dark
	•		-	arrying a gun described as a sawed off	
			wooden sto	ck. The second suspect was described	as a,
			dark BB caj	p. Property taken from the victim cons	sisted of a black Apple iPhone 4 and
			\$90 of US c	urrency.	
	-				
			3. SFPD Ca	ase #130-842-259	
				th, 2013 at approx. 1452 hrs, an attem	npted residential robbery occurred at
				Ave. The victim was approached by th	
			beeren and a state of the state	lescribed as a shortened single barrel	
				arm was described as a	dark
				hoodie, and dark pants. The second s	
			DD cap, reu		g a black hoodie, dark pants, and a
			harry hoals		
				pack. The third suspect was described	
					k pants. The victim was able to escape
	-		and the susp	pects fled in a dark colored Ford Explo	orer. There was no loss.
١ţ					
2	<u>ا</u> .			ase #130-184-475	
				th, 2013 at approx. 1605 hrs, an auto	
		· · .	Street. The	witness to the incident described the s	suspect as a second s

Page 2 of 9

to a series		CHRONOLOGICAL REPORT OF INVESTIGATION Page 2 of 9
DATE	TIME	ACTIVITY
		last seen wearing a red/orange jacket, and blue jeans. The suspect broke into a parked and unattended vehicle and took a backpack containing school homework. The suspect was seen getting into a getaway vehicle described as a two door sedan occupied by two additional with no further description. The backpack and its content was later discarded by the suspects along the side of the road and returned to the victim.
		5. SFPD Case #130-184-889 On March 4th, 2013 at approximately 1750 hrs, a carjacking incident occurred at Jennings Court. The victim along with were parking vehicle (a silver BMW bearing California license plate of) at their residence when was approached by three suspects described as males armed with firearm described as a long barrel firearm with wooden frame. The suspects drove off with vehicle. Property inside the victim's vehicle included several keys to residence and business, 8 library books, eye drops, and a green jacket.
•		6. SFPD Case #130-185-978 On March 5th, 2013 at approx. 0340 hrs, an attempted armed robbery occurred in the area of 11th Street and Market Street. The victims were approached by two suspects armed with a firearm described as a single barrel sawed off shotgun. The armed suspec was described as a, last seen wearing black puff jacket, and blue jeans. The second suspect was described as a, last seen wearing black hooded sweatshirt, and blue jeans. The victims were able to run away and sustained no loss of property.
		7. SFPD Case #130-185-990 On March 5th, 2013 at approx. 0350 hrs, an armed robbery occurred at Geneva Avenue. One of the victim was snatched by a suspect described as a last seen wearing a black hooded sweatshirt. The other victim was standing in the immediate area, where the second suspect pointed a firearm described as a long black pump action shotgun at and demanded cell phone. The second victim did not comply and sustained no loss. Property taken from the first victim consisted containing credit cards and unknown amount of currency.
		8. SFPD Case #130-881-132 On March 5th, 2013 at approximately 0455 hrs, an armed robbery occurred at Quesada Avenue and Newhall Street. The victim was approached by two suspects in a vehicle described as a newer model silver 4-door BMW. One of the suspects described as wearing a light gray sweatshirt and dark jeans, armed with a short, black, double- barreled gun exited the passenger side of the vehicle and robbed Property taken from the victim consisted of a "Timbuktu" shoulder bag, Property taken from the victim consisted of a "Timbuktu" shoulder bag, Property taken Subsequently recovered by Police Department (Department

Page 3 of 9

On March 5th, 2013 at approx 1849 hrs, SPED Officers located the stolen vehicle. A vehicle pursuit ensued and the stolen vehicle was used to assault police officers at the termination point of the pursuit resulting in an officer involved shooting incident. The driver and sole occupant of the vehicle was identified as incident with driver and sole occupant of the vehicle was identified as incident. The driver and sole occupant of the vehicle was identified as incident. The driver and sole occupant of the vehicle was identified as incident set officers. Refer to initial and supplemental report #130-188-386. The officer-involved shooting incident is being investigated by members of the SFPE Homicide Detail with Sgt. Insp. Pierucci #1604 as the lead investigator. 03/06/13 2300 Sgt. Brophy informed me first be conducted an interview with toold set in any of the robberies. During the course of the interview, and tool set of the interview with toold Sgt. Brophy that the other cellular phone found in the vehicle belonged to his coursin with conducted a computer query into the vehicle belonged to his coursin with the conducted a computer query into the vehicle belonged to his set of the interview, refer to recorded statements by James to Sgt. Brophy. 3/07/13 1305 I responded to Property Control and signed out for the following evidence items from SFPD Case 130-184-259. 1 CD-R containing surveillance video of the suspects from the attempted residential robbery. 2 Statement and paper. 1335 I responded to SPIPD CSI hot and met with Insp. Ganster who was processing the stolen/recovered vehicle. Insp. Ganster showed me a social security cand bearing the name of the intervise as the lead inte	DATE	TIME	ACTIVITY
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	DATE	TIME	ACTIVITY
1			J
			Through his analysis of the devices and the information within, Sgt. Batchelder identified a possible suspect by the name of
	03/08/13	1725	See Sgt. Batchelder's Chron for further details. Sgt. Brophy responded to the was
	· · · · · · · ·		being held for a curfew violation. Sgt. Brophy conducted an interview with and under Miranda admonition admitted to being involved in and having knowledge of the following robberies that occurred in the City and County of San Francisco:
			1. March 5th, 2013 at approx. 0340 hrs. Location: 11th St and Market St. SFPD Case 130-185-978.
			2. March 5th, 2013 at approx. 0350 hrs. Location: Geneva Ave. SFPD Case 130- 185-990.
			3. March 5th, 2013 at approx. 0455 hrs. Location: Quesada Ave and Newhall St. SFPD Case 130-188-132
			In the interview, described role in the robberies as being an extra person whose presence was only for the purpose of intimidation. admitted that the stolen BMW was used in the above robberies and that handled several stolen items
			from the robberies. described the weapon used in the robberies as a rifle with a cutoff stock, which admitted to having handled on a previous occasion prior to the
· '*******			above robberies. further identified and another unknown individual as being active participants in the above mentioned robbery incidents. fold Sgt. Brophy that resides on formation.
	·		For complete account of the interview, refer to recorded statements by setting to Sgt. Brophy.
			Officer Friedman #2048 assisted me in developing and disseminating a Crime Alert Notification regarding the robbery series.
	03/11/13	1500 .	I received CSI vehicle processing report and two CDs from Insp. Hoffas.
		1630	I authored a search warrant for and and residences and which was reviewed and signed by the Honorable Judge Kahn of Department 16.
	03/12/13	1400	SFPD officers executed the search warrant on See Search Warrant Service supplemental reports #130-184-889 for details.
		1520	Based on confession to Sgt. Brophy regarding involvement in the above specified three robberies, was placed under arrest at the
	• • •		was transported to the Criminal Investigations Unit, where Sgt. Brophy and I conducted a recorded interview with states. Sgt. Brophy read Miranda Rights, which understood, waived rights, and agreed to talk to Sgt. Brophy and me.
		• .	reiterated the accounts of the events previously told Sgt. Brophy during the first interview.

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Pro A services		ACTIVITY
DATE	TIME	ACTIVITY
	· ·	picked up in the stolen BMW around 1900-2000 hours on 3/4/13 in with was identified as , stated that the unknown suspect, and were involved in the following robberies and attempted robberies:
		 1. 11th and Market St Attempted Robbery Incidentandattempted to rob (V)(664/211PC) and (V)(664/211PC) while the other unknown co-conspirator waited in the vehicle. 2Geneva Avenue Robbery and Attempted Robberyand the other unknown co-conspirator robbed the (V)(211PC) and attempted to rob (V)(664/211PC). 3. Quesada Ave and Newhall St Robbery - James was the passenger of the same stolen vehicle that pulled up to the (V), who was then robbed at gunpoint by the unknown co-conspirator (211PC).
		identified victims' property/items (recovered from PD as mentioned above) from the robberies that was involved in, particularly from those belonging to (V) and (V) and (V) also identified the photo of the firearm recovered from the trunk of the stolen BMW as the same weapon used in the robberies in which was involved.
		also identified the black LG Optimus L9 associated with telephone # as belonging to provided the correct pass-code to unlock the phone.
		 Insp. Maguire and I showed the video surveillance footage from the attempted residential robbery at d Ave (130-842-259). identified the driver of the Ford Explorer as discussion in the ford Explorer as discussion in the ford Explorer as belonging to had previously been inside of the Ford Explorer and had ridden around in it. described the Ford Explorer as having a police-car-type push bar in the front bumper.
		Refer to CD Disc for complete account of the interview.
		was subsequently booked for two counts of 211 PC/F, three counts of 664/211 PC/F, and one count of 602 W&I.
	1930	See supplemental arrest report for further, Sgt. Discenza responded toand obtained a work schedule forfor the period of 2/28 – 3/7 from
03/13/13	1640	Insp. Horan responded to and collected DNA sample via an oral swab from pursuant to the search warrant.
31,4/13	1330	I responded to and met with one of the victims from the robbery incident at Geneva Ave.

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DATE	TIME	ACTIVITY
· · · · · · · · · · · · · · · · · · ·		
	-	I conducted 3 sets of photo lineups with
:		1 st set consisted of a booking photo of and 5 other fillers. I identified James and another filler as being one of the suspects.
		2 nd set consisted of a booking photo of and 5 other fillers. did not identify anyone.
		3 rd set consisted of a booking photo of and 5 other fillers. did not identify anyone.
		 also identified property that was recovered by bag containing a wallet, pills photos, cards, phone bill, loose coins amounting to \$10.74, lottery tickets, and miscellaneous paperwork. Property in a bag (s bag): 2 sets of house keys, photos, pens, lotions, miscellaneous papers and cards bearing name.
·	2200	I took photos of the property and returned them to I spoke to Sgt. Brophy who told me that he met with the victim from the robbery incident at Quesada Ave and Newhall Street.
	•	Sgt. Brophy told me that he re-interviewed and conducted 3 sets of photo lineup with did not make any identification in any of the lineups.
•		identified the photos of the stolen/recovered BMW as being similar to the one used in probbery.
		also identified the photos of the seized sawed off rifle as being similar to the one used in Constant robbery.
		 Manzana also identified property that was recovered by PD. 1. bag containing a literature and miscellaneous printed cards, and handwritten paperwork. 2. Timbuk2 bag containing a CADL, a debit card, and name tag, all of which bore the name of .
		See Sgt. Brophy's Chron for details of his interactions with
03/15/13	1445	I spoke to Insp. Maguire who told me that he met with the victim from the attempted residential robbery incident at
		Insp. Maguire told me that during the photo lineup process, identified as one of the suspects from the incident who was wearing the backpack. (It should be noted that identified the male with the backpack seen in the surveillance video as being
	•	also identified the gun as being similar as the one used in the incident.

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٦ /	DATE	TIME	ACTIVITY
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	· . · ·	-	See Insp. Maguire's Chron for details of his interaction with
		1615	I spoke with who told me that is in fact on and has an address of and a cell phone number (
			It is noted that the above number is the same phone number found in the same phone book under the name
		1825	I responded to and met with the victim from the robbery incident at Geneva Ave.
		-	I re-interviewed could not however identify anybody and did not wish to participate in the photo lineup process.
		•	See recorded statements for further details.
ł		2138	I responded to and met with the victim from the carjacking incident.
			I showed CSI photos of several items found in the BMW. The following are items
		•	of note:
4			Photo #675418_DSC_2502: McDonald's bag – did not belong to Photo #675445_DSC_2511: Red hat – described as being worn by the suspect who
			was holding the gun. Photo #675451_DSC_2513: wallet – did not belong to . Photo #675499_DSC_2529: Glove – did not belong to .
	· ·		Photo #675580_DSC_2556: Car cover – did not belong to Photo #675586_DSC_2558:Bag – did not belong to Photo #675589_DSC_2559: Backpack – did not belong to
	·		Photo #675595_DSC_2561: Red Jacket – described as being worn by the same suspect who was holding the gun and wearing the above red hat.
			Photo #675619_DSC_2569: Gun – described as the one was used by the same suspect wearing the above red hat and the above red jacket.
	· .		I re-interviewed and conducted 3 sets of photo lineups with
	-		1 st set consisted of a booking photo of and 5 other fillers. identified as being the suspect who was holding the gun.
			2 nd set consisted of a booking photo of and 5 other fillers. identified as one of the suspects in the background. immediately had a fearful reaction upon being shown the photo of and avoided maintaining a prolonged observation of photograph.
·/=== ·			3 rd set consisted of a booking photo of and 5 other fillers. identified and another filler as being one of the suspects.

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ľ	DATE	TIME	
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1			See recorded statements for further details.
	03/16/13	2200	I spoke to Sgt. Mason #1703, who told me that he met with, the victim from the robbery incident that occurred at Church Street (SFPD Case #130-173-694).
			Sgt. Mason re-interviewed and conducted 3 sets of photo lineups with
		· · ·	1 st set consisted of a booking photo of and 5 other fillers. identified a filler as being one of the suspects.
			2 nd set consisted of a booking photo of and 5 other fillers. did not identify anyone.
			3 rd set consisted of a booking photo of and 5 other fillers. did not identify anyone.
			See Sgt. Mason's Chron for further details.
	03/18/13	1300	Members of the CIU conducted a surveillance operation based on scheduled court appearance and observed driving a dark green Ford Explorer, CALP# The vehicle had a front push bar/grill; a unique physical characteristic which corresponds with description and which can be seen in the video footage from the sequence given by the witness from the same incident.
	······	1400	I updated ADA Flores on the case involving and .
		1430	Sgt. Boes #1470 responded to Divisadero St, to conduct photo spreads with Victim
			did not identify anyone from the lineups. Refer to Sgt. Boes' Chron for details.
	03/22/13	1600	While on a continuing surveillance operation, Sgt. Mason, Sgt. Discenza, Insp. Maguire, and I responded to the Chevron gas station at Harrison Street where was observed as a passenger in the same Ford Explorer. A marked police unit was summoned to assist in the arrest of See Initial Arrest Report #130-238- 599.
	•	-	Sgt. Discenza and I conducted a recorded interview with I read I read Miranda Rights, which understood, waived rights, and told me the following in summary:
-		·	 adamantly denied any part of any robbery incident described above. did not know or either by name or via visual identification (knew there was against from against from 4. admitted to running from the police in an attempt to avoid capture.
	- · ·		5. said his phone number is
***	•		Refer to recorded interview for further details.
			clothing items were seized and booked as evidence at Southern Station.

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	DATE	TIME	ACTIVITY											
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			Items of note are shoes which closely resemble those from the video surveillance footage in the attempted residential robbery incident (130-184-259)											
,			Sgt. Discenza collected DNA sample from via an oral swab procedure and booked it as evidence at Southern Station. Evidence envelope: 130-238-599 SFPD 235b Form: 130-184-889											
	03/25/13	1300	I received CSI response/report for Divisadero St (130-175- 189). The report indicated that there was no latent print developed from the scene.											
		1640	I responded to CJ #3, where I added the following charges on with Sr. Dep. Macksoud #1698: N/W 215 PC, N/W211 PC (2 counts), N/W 664/211 (3 counts), and N/W273a (a) PC.											
	03/26/13	1530	 The following charges on and were rebooked by ADA Forman. 1 215 PC, 211 PC (3 counts), 664/211 PC (2 counts), 273a(a) PC, and 496(a). 2 215 PC, 211 PC (3 counts), 664/211 PC (2 counts), 273a (a) PC, 496 PC, 148(a)(1) PC, and 166(a)(4) PC. 											

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Report Type: Initial

San Francisco Police Department INCIDENT REPORT

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	P,	PFS 2	PEARL TYPE BRA	CELET									
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PERTY PROP	2 P	Serial No. Selzed by (Star 4270 Additional Desc Approx 8" brack Code/No PFS 3 Serial No.	PEARL TYPE BRA	Gun Make From Whe (B) umbers type beads and y L TYPE BRACEL Gun Make	FRONT LE	WHI	Narcotics Lab No.	Quantity 1 Model	TBD				
PERTY PROPER	2 P	Serial No. Selzed by (Star 4270 Additional Desc Approx 8" brack Code/No PFS 3 Serial No. Seized by (Star	PEARL TYPE BRA	Gun Make From Whe (B) Umbers type beads and y L TYPE BRACEL Gun Make From Whe	FRONT LE Ellow metal colo ET Caliber re	WHI EFT PANTS POCK pred clasp Color WHI	Narcotics Lab No. KET - AT SFGH Brand Narcofics Lab No.	Quantity 1 Model Quantity	TBD				
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Report Type: Initial

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T		4270			(B)		PR(OPER	TY REM	IOVED E	Y SF	GH STAFF					
Y	Y Additional Description/Identifying Numbers Approx 8" long, 1/2" wide yellow metal link type bracelet																
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Report Type: Initial

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NARRATIVE

On 3/5/13, at approximately 1849 hrs, Ofc. Lyons #2438 and I were working as SFPD patrol unit 3C6D and wearing full police uniforms. I was driving fully marked patrol vehicle #1267 and Ofc. Lyons was the right front passenger.

Ofc. Lyons and I were at Hudson Ave. and Cashmere Ct. when we heard Ofc. Rightmire #1965 broadcast they were in pursuit of a (F1) silver BMW related to a possible armed carjacking, refer to Case #130184889. Officers pursued the suspect vehicle northbound Ingalls Ave. near Kiska Rd. We responded to the area for assistance. Ofc. Talusan #1114 was driving fully marked patrol vehicle #087, Ofc. Rightmire was the right front passenger, Ofc. Mora #2349 was the left rear passenger, and Ofc. Ly #793 was the right rear passenger.

Ofc. Rightmire advised the suspect vehicle fled westbound Harbor Rd. and then onto Bertha Ln. Ofc. Lyons and I were at Hudson Rd. at Bertha Ln. when we observed the silver BMW with no license plates travel eastbound Bertha Ln. with one marked patrol vehicle in pursuit. The suspect vehicle was driven by a male who was later identified as (S1) for a lobserved the suspect vehicle failed to stop at the stop sign at Bertha Ln. and Hudson Rd. I activated the patrol lights and siren as we joined in the vehicle pursuit.

We were the second marked patrol vehicle in the pursuit as it continued eastbound Hudson Ave. and then northbound Ingails Ave. failing to stop at the stop sign at the T-intersection. The vehicle continued southbound Ingalls Ave. at a high rate of speed and fled through the stop sign at Ingalls Ave. and Kiska Rd. Ofc. Talusan pursued the suspect vehicle as it furned onto the dead-end of George Ct.

Ofc. Lyons and I continued southbound Ingalls Ave. and then westbound towards the dead-end of Oakdale Ave. to 'tempt to cut off the suspect(s) should they run from officers on George Ct. We exited our patrol vehicle and ran ...wards the embankment which leads towards George Ct. I heard numerous gunshots from George Ct. and Ofc. Lyons advised there were shots fired.

Officers on George Ct. advised it was an officer involved shooting and requested an ambulance. Officers also broadcasted no officers were injured with one suspect in custody and no one outstanding.

We drove to George Ct. to assist officers at the scene. Ofc. Gritsch #2284 rendered first aid to Engine #17 and Medic #81 arrived on scene for medical assistance.

At about 1920 hrs, Lt. Ng # 338 contacted Ofc. Peters #127 at the Department Operations Center (DOC) and advised of the incident to make the appropriate notifications.

Sgt. Creed #1170 instructed me to ride in the ambulance to San Francisco General Hospital (SFGH) with was not wearing a shirt but had on blue jeans, black/white shorts, black boxer briefs, white socks, and black sneakers. I seized clothing. I told paramedics his name is and provided an initial date of birth date of free to the left side of his chest. Ofc. Lyons followed the ambulance in a marked patrol vehicle.

At SFGH, emergency room (ER) staff treated for his injuries. ER physician, advised was in stable condition with non-life threatening injuries. told ER staff his date of birth was and then later stated it was .

ER staff removed a (PFS5) band bracelet from and I placed it in his clothing bag. I took photographs of Ofc. Alvarenga #1630 and Ofc. Fong #4270 relieved us from the emergency room. I gave custody of the clothing to Ofc. Alvarenga. Ofc. Fong also located the following in left front pants pocket: (PFS1) ...og, (PFS2), pearl type bracelet, (PFS3) bead/pearl type bracelet, and (PFS4) heart bead bracelet. Ofc. Fong seized these items. As of the writing of this report, remained at SFGH for medical treatment and was being guarded by Ofc. Wong #2330 and Ofc. Barranco #2363.

Report Type: Initial

130188386

Ofc. Lyons and I drove back to the crime scene at George Ct. Ofc. Alcaraz #590 maintained the (EVD1) Crime Scene Log. A command post was established on scene at the unit block of George Ct. headed by Capt. O'Sullivan '4 and Lt. Ng. Homicide Insp. Hoffass #2184, Insp. Pierucci #1604, Insp. Miller #1157 were on scene and took Jver the investigation.

Ofc. Guzman #2066, Ofc. Wise #4208, and Ofc. August #1119 conducted a walk-through of the areas of the vehicle pursuit to include Ingalls Ave., Harbor Rd., Bertha Ln., and Hudson Rd. in an attempt to locate any weapons or discarded evidence with negative results.

Ofc. Guzman conducted a computer query of the vehicle identification number (VIN) which returned as a carjacking vehicle considered armed and dangerous. Ofc. Guzman recovered the vehicle out of the Stolen Vehicle System (SVS) and completed a Supplemental Report. Case #130184889.

Crime Scene Investigations (CSI) Ofc. Rouede #1974 processed the crime scene and seized two Department-issued firearms. CSI also responded to SFGH and seized clothing from Ofc. Alvarenga.

Ofc. Wise located (EVD3) one bullet in front of M George Ct. and seized it.

Ofc. Cuevas #2295 and Ofc. Larsen #2341 followed the (D2) unmarked patrol vehicle which was towed to the CSI Secure Lot. Ofc. Dizon #710 and Ofc. Gummo #607 followed the (D1) marked patrol vehicle #087 which was towed to the CSI Secure Lot. Ofc. Lentz #2338 and Ofc. Bernstein #2304 conducted an inventory search of the suspect vehicle which was later towed and they followed to the CSI Secure Lot.

⁻ 'c. Wise gave me custody of the bullet he seized. Ofc. Alcaraz gave me custody of the Crime Scene Log. Ofc. , ons transferred the photographs to a (EVD2) compact disc (CD) and gave me custody of the CD. Ofc. Hargreaves #2321 took photographs of Ofc. Ly, transferred it to a (EVD2) CD, and gave me custody of it.

I booked EVD1-EVD3 as evidence at Bayview Station.

At SFGH, Ofc. Fong seized (EVD4) blood samples retrieved from and the (EVD5) patient specimen request form from

Ofc, Fong booked EVD 5 as evidence and PFS1-PFS5 for safekeeping at Bayview Station. Ofc. Fong handdelivered EVD4 into the safe at Southern Station.

Sgt. Cole #1135 made an entry into the Use of Force Log.

At the direction of Lt. Jackson #1405, Homicide Officer in Charge (OIC), Homicide Inspectors would complete a Supplemental Report with the appropriate report titles following the interviews of the involved officers. Homicide Inspectors will also determine booking charges upon the conclusion of their investigation.

Report Type: Initial

San Francisco Police Department INCIDENT REPORT

130188386

Incident Report Statement

INC	IDENT	NO.

1 3 0 1 8	Ö,	3	8	6							
Name (Last,Fírst,Mi Cruz, Jesse L 2326)OB/Age	Reside	ence Phone(Day/Night)	Business Phone (Day/Night) 415/671-2300				
Residence					lip Code	Code Business Address / City if not San Francisco 201 Williams Street, SF			Zip Code 94124-2558		
Date of Statement Time Started 03/05/13 21:30					Time Comple 21:36	eted	Location Where Statement Taken At Scene 디 Other: POTR				

03/05/2013 at approximately 1849 hours, Officer Scott #441 and I were working in plainclothes capacity driving an unmarked patrol car when we heard over Police radio that Housing Officers were in pursuit of a carjacked vehicle with a possible gun.

We heard the suspect was bailing out on George court and we were enroute to that location. I heard "shots fired" over the radio. We arrived on scene approximately 20 seconds from that previous radio transmission. When I arrived, I observed a silver BMW facing NB on the north side of the sidewalk. I observed for the cement near the driver's door of the BMW. He was conscious, breathing, handcuffed, and talking to Officers on scene. I observed blood on his shirt near the left side of his chest. I helped to lift his shirt and observed a small hole near his left nipple. Officer Gritsch applied pressure on the wound. An ambulance was called for for and he was later transported to SFGH.

. assisted in securing the crime scene by setting up crime scene tape, outlining found casings with chalk, and ensuring the evidence was not tampered with.

Once the scene was secure, I canvassed the area for potential evidence

130188386

Incident Report Statement

INCIDENT NO.

Name (Last,First,Mi Scott, Reginald L 441	jdle)			DOB/Age	Resid	lence Phone(Day/Night)	ght) Business Phone (Day/Night) 415/671-2300		
Residence			Zip Code	p Code Business Address / City if not San Francisco 201 Williams Street, SF			Zip Code 94124-2558		
Date of Statement 03/05/13	Star	ted	Time Con 21:50	npleted	Location Where Statem At Scene Other:				

On Tuesday 03/05/2013. At approximately 1849 hours I heard Officer Rightmire #1965 broadcast that he was following a silver BMW and that the subject may be in possession of a firearm. Moments later Officer Rightmire #1965 broadcast via pic radio, his direction of travel. I responded along with Officer Cruz #2326 to George Court at Ingalls Street, the termination of the vehicle pursuit. I saw a silver BMW smashed up against a residence on north side of George Court. I further saw that the driver side door was open and the sole occupant was lying down outside the vehicle. I saw several bullet holes on the outside door of the silver BMW. The driver was conscious, breathing and talking. He stated that his name was and that the further saw an entrance bullet wound to the left side of his chest. I requested an ambulance respond code three to our location. SFSD fire engine #17 responded first and began cutting the clothing off of Medic 81 responded moments later and took over medical treatment at the scene. I contacted DOC at approximately 1915 hours and spoke to Officer Peters #127 and advised her of the officer involved shooting.

Report Type: Initial

San Francisco Police Department INCIDENT REPORT

130188386

Incident Report Statement

INCIDENT NO.

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Name (Last,First,Middle) August, Charles D 1119								DO	B/Age	Reside	ence Phone(Day/Night)	e (Day/Night)			
Residence						Zip	Code	1	ss Address / City if not Sa Iliams Street, SF	Zip Code 94124-2558					
Date of StatementTime Started03/05/1321:20					Time Comp 20:45	leted	Location Where Statement Taken At Scene D Other: POTR								

On 03/05/2013 at 1815 hours Officers, Ortiz #1131, Norment #641 and I responded to the area of George Court regarding a vehicle pursuit which was followed by shots fired.

Upon arrival and once the scene was safe I knocked on unit doors that were in the immediate area of the shooting to make sure no one was injured and to locate any possible witnesses.

I knocked on a and spoke with who told me no one inside was injured. I asked if had heard or saw anything and stated, "I heard a lot of shots but that was it, I didn't see anything".

I knocked on answer.

, knocked on and spoke with and spoke with and spoke with a who told me no one inside was injured. I asked if the had seen or heard anything and old me, could hear the shots but did not see anything.

Report Type: Initial

San Francisco Police Department INCIDENT REPORT

130188386

Incident Report Statement

INCIDENT NO.

1 3 0 1 8	8 3 8 6					• • •
Name (Last,First,Mid Ortiz, Jessie A 1131	tle)	DOB/Age	Reside	ence Phone(Day/Night)	ay/Night)	
Residence		1 ·	1	ss Address / City if not Sa Iliams Street, SF	Zip Code 94124-2558	
Date of Statement	Time Started 21:30	Time Compl 21:46	eted	Location Where Stateme At Scene Other:		

On 03-05-13 at 1851 hrs, Officer August #1119, Officer Norment #641 and I responded to unit block of George Ct to secured the scene after an Officer involved shooting.

I did a well being check at _____. There was no answer to the door at _____.

I did speak with ______and asked _____if ___ was ok. ____told me ____was ok. I asked _____if ___ heard anything ______ apartment regarding the shooting and ____told me that _____heard Police sirens but did not hear anything else. I asked _____if he saw anything and _____did not. _____allowed me to check ______and there was no damaged to _____

Incident Report Statement

INCIDENT NO.

1 3 0 1 8 Name (Last,First,Mic Norment, John J 641	8 3 8 6 Idle)	DOB/Age	Business Phone (I 415/671-2300	ie (Day/Night)		
Residence		Zip Code	1	ss Address / City if not Sa illiams Street, SF	an Francisco	Zíp Code 94124-2558
Date of Statement 03/05/13	Time Started	Time Compl 21:39	eted	Location Where Statem At Scene Other:	•	

On 03/05/2013, at 1851 hours, Ofc August #1119, Ofc Ortiz #1131 and I arrived at the end of George Ct to assist in securing the scene of an officer involved shooting.

At the scene Ofc Ortiz and I searched the exterior of non-suspect vehicles parked in the cul-de-sac and we were unable to see any new damage caused by the incident.

Vehicles license plates listed in counter clockwise order:

Ofc Ortiz, Ofc Cruz #2326, Ofc Scott #441 and I searched both sides of Ingalls St from George Ct to Harbor Rd with negative results for a weapon or contraband.

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San Francisco Police Department INCIDENT REPORT

130188386

Incident Report Statement

INCIDENT NO.

Name (Last,First,Middle) Hargreaves, Louis B 2321					DO	B/Age	Reside	ence Phone(Day/Night)	Business Phone (Day/Night) 415/671-2300		
Residence					Zip Code Business Address / City if not San Francisco 201 Williams Street, SF				Zip Code 94124-2558		
Date of StatementTime StartedTime Comp03/05/1321:5022:00						Time Comple 22:00		Location Where Stateme At Scene Other:			

On March 5 2013 at about 1849 hours, I responded to Bayview Station to assist with the investigation of an officer involved shooting. Upon my arrival, I was directed by Sgt Hall #567 to photograph injuries to Officer Ly #793. I took four photographs of Ly; one full body photograph with face included, one picture of both of Ly's knees, one picture of Ly's right knee, and one picture of Ly's left knee. I stored the images on a (E) photo CD which I relinquished to Officer Barrientos #2276.

I spoke to Officer Talusan #1114. Officer Talusan described the route taken by the fleeing vehicle as westbound from the 1100 block of Palou Ave, northbound Ingalls St to westbound Harbor Rd, eastbound Bertha Lane to eastbound Hudson Ave, and then southbound Ingalls St to George Ct. Officer Rosenberg and I searched the entire route as described by Officer Talusan on foot for additional evidence and discarded contraband to no avail. Officer Rosenberg retraced the route in SFPD vehicle 1300 and measured the route to be approximately one mile.

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San Francisco Police Department INCIDENT REPORT

130188386

Incident Report Statement

Name (Last,First,Middle) Maher, Erik P 1513	DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night) 415/671-2300		
Residence	Zip Code	Business Address / City if not Sa 201 Williams Street, SF	Zip Code 94124-2558		
Date of Statement Time Started 03/05/13 21:49	Time Comp 22:00		ent Taken POTR	1	

and stated that _____ only heard a crashing sound.

answer, no answer, no answer, ano answer,

stated through intercom "I heard nothing, I seen nothing", _____ no answer.

at heard gun shots and wished to remain no answer, no answer, no answer, no answer, no answer, no answer.

wished to remain anonymous.

INCIDENT NO.

San Francisco Police Department INCIDENT REPORT

130188386

Incident Report Statement

1 3 0 1 8	8 3 8 6				· .	
Name (Last,First,Mid Fong, Kevin C 4270	dle)	DOB/Age	Age Residence Phone(Day/Night) Business Phone (Day 671-2300			
Residence		Zip Code Business Address / City if not San 201 Williams Street, SF			an Francisco	Zip Code 94124-2558
Date of Statement 03/05/13	Time Started 22:35	Time Compl 22:55	eted	Location Where Statement Taken At Scene D Other: POTR		

On 3/5/13 at approximately 2015 hours I was on patrol in full uniform and in a marked patrol vehicle with FTO Alvarenga #1630. We responded to SFGH where we relieved 3C6D (Ofc. Barrientos) on hospital watch of (B1)

We arrived at SFGH and relieved 3C6D and took custody of clothing. We were inside Zone 1 Trauma Room 2 when removed a single bullet from chest at 2015 hours. The bullet was placed in a sterile container and kept in the possession of Alvarenga until CSI could come to collect it.

3C170 (Sgt. Hall #567) called us and requested we seize clothing as evidence and inventory it. We seized the clothing at 2038 hours. During our inventory, we located four pieces of jewelry that were inside the front left pants pocket of clothing at zonal jeans. The four pieces of jewelry were: a pearl-like strand with yellow colored metal, a pearl-like 'rand with clear stones, a shiny gray colored ring with a clear stone and an engraving of 'clothing'' on the ...,side of it, and a yellow colored bracelet with heart shaped stones that had floral patterns on the hearts. Another yellow colored weave bracelet was found inside its own bag inside the larger bag containing clothing.

I took six photos of the jewelry as evidence. Alvarenga retained custody of the five items of jewelry until it could be booked at a later time.

We maintained custody of the bullet in the sterile container and the large bag with clothing until CSI responded to SFGH and took custody of these items at 2140 hours.

Per Sgt. Skover #2115, I went to the blood lab of SFGH to retrieve the blood sample taken from when he was in the ER. from the blood lab released the blood sample to me at approximately 0045 hours on 3/6/12 and I took custody of the sample. I had make a copy of the SFGH Lab's patient specimen request form for me, which I later booked as evidence at Bayview Station.

When I arrived at Bayview Station, Alvarenga gave me the five pieces of Jewelry and I booked it as property for safekeeping at Bayview Station.

I transported blood sample to Southern Station, where I placed the blood sample into an evidence envelope for blood, Ofc. Zeltser #2297 signed as the witnessing officer. I filled out the logbook and dropped the packaged sample into the safe at Southern Station at 0310 hours on 3/6/13.

San Francisco Police Department INCIDENT REPORT

130188386

Incident Report Statement

INCIDENT NO.

Name (Last,First,Mic Cole, Daniel J 1135	ldle) .	DOB/Age	Resid	ence Phone(Day/Night)	Business Phone (Day/Night) 415/671-2300		
Residence		Zip Code Business Address / City if not San Francisco 201 Williams Street, SF			an Francisco	Zip Code 94124-2558	
Date of Statement 03/05/13 -	Time Started 23:45	Time Comp 23:45	leted	Location Where Statem At Scene Other:			

On 03/05/13 at approximately 1852 hrs., I responded to the area of George Ct. in response to an Officer involved shooting. Upon arrival, I immediately met with Ofc. Rightmire #1965 who was one of the involved officers. He notified me of his use of force. I quickly obtained the Public Safety Statement from Ofc. Rightmire of which I later notified the Homicide Investigators at the scene. I began my use of force investigation and assisted in crime scene management.

I later logged the use of force by Ofc. Rightmire and Ofc. Talusan #1114 on the Bayview Station Use of Force Log,

Report Type: Initial

130188386

Incident Report Statement

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Name (Last,First,Middle) Wise, Richard J 4208							DOB/Age	Resid	ence Phone(Day/Night)	ne (Day/Night)			
Residence							Zip Code	1	ss Address / City if not Sa illiams Street, SF	Zip Code 94124-2558			
Date of Statement Time Started 03/05/13 23:45				rted	Tíme Com 00:30	pleted	Location Where Statem At Scene □ Other:						

On 3/5/2013 at approximately 1849 hrs, Ofc Guzman #2066 and I responded to the area of Ingalls St and George Ct regarding a pursuit and officer involved shooting. The active incident was concluded prior to our arrival. When we arrived on scene we established the outer crime scene by taping off the Ingalls St corridor from Oakdale Ave to La Salle Ave.

We controlled vehicular and pedestrian traffic at La Salle Ave and Ingalls St until we were relieved by Ofc Maher #1513 and Ofc Oropeza #205. We were then directed to search the route of the prior vehicle pursuit for any evidence that may have been discarded from the suspect vehicle. Ofc Guzman, Ofc August #1119, and I searched the area on foot from Bertha Ln, to Harbor Rd, to Ingalls St, up to Kiska Rd with negative results.

We then responded to the inner crime scene perimeter. Ofc Guzman verified that the suspect vehicle was the rune vehicle taken in an armed robbery/carjacking incident that we reported on the previous day (refer to SFPD _ase# 130184889).

I relieved Ofc Alcaraz #590 as the crime scene log officer at approximately 2110 hrs and remained in that capacity until the crime scene was closed at approximately 2245 hrs.

As the suspect vehicle (silver BMW) was being towed from the scene I located a projectile on the ground in front of George Ct. It was on the driveway stall in front the **Second Scene Projectile**. St Mahoney #578 (MAIT) marked the object as item E-16. CSI personnel directed me to collect the projectile and book it at Co. C. I collected the projectile and gave it to Ofc Lyons #2438 who booked it at Co. C.

Incident Report Statement

INCIDENT NO.

1 3 0 1 8 8 Name (Last, First, Mido Gritsch, Stephen J 2284	lie)	DOB/Age	Resid	ence Phone(Day/Night)	Business Phone (D 415/671-2300	ay/Night)
Residence		Zip Code	1	ss Address / City if not Sa Iliams Street, SF	an Francisco	Zip Code 94124-2558
Date of Statement	Time Started 00:01	Time Comp 12:22	leted	Location Where Statement Taken At Scene D Other: POTR		

On 3/5/13 at approximately 1850 hours, 3C38J- Officer Cloud #1159 and I responded to George Ct to assist officers at the end of a vehicle pursuit.

As we were responding to George Ct, I heard an officer yell over the radio "Shots fired" multiple times. An officer then stated that an ambulance was needed for the suspect. Upon our arrival, Ofc Cloud and I ran over to where a silver BMW sedan had hit a wall. I confirmed that no officers had been shot, and I saw a needed for the ground. Was handcuffed, and I saw blood on the left side of his white T-shirt. I began first aid on wurtil SFFD arrived and took over.

Ofc Cloud and I then went to to meet with met us there. Advised us that and (R1)Security Dispatch Supervisor met us there. Advised us that ere was video footage of the pursuit termination point. Ofc Cloud and I had save the available recorded de footage of the incident. We confirmed that the video footage was saved to the DVD disc. I then hand carried the DVD to 3C203- Lt Ng #338 at George Ct.

130188386

Incident Report Statement

INCIDENT NO.

1	3	0	1	8	8	3	8	6						
Name (Last,First,Middle) Navarro, Shaun A 1435						DO	B/Age	Reside	ence Phone(Day/Night)	ay/Night)				
Residence						Zip	1		ss Address / City if not Sa lliams Street, SF	Zip Code 94124-2558				
Date of Statement Time Started 03/06/13 00:15					Time Comple	eted	Location Where Stateme At Scene Other:							

On 3/6/2013 at approximately 1849 hours, Officer Seto #2370 and I were in full police uniform and in marked patrol car #008. We responded to Ingalls and George Court for an officer involved shooting.

Upon our arrival, our assignment was to meet with residents to conduct well-being checks and locate any witnesses. I checked the following residences:

I had no answer to the door.

I had no answer to the door.

I met with told me everyone at home was fine. did not see anything but heard did not want to provide me any urther information.

but heard five gunshots. Total me was home alone.

130188386

Incident Report Statement

INCIDENT NO.

1 3 0 1 8	3 8	3	8	6					
Name (Last,First,I Skover, Jeffrey R 21	e)			DOB/Age	Resid	Residence Phone(Day/Night) Business Phone 415/671-2300		Day/Night)	
Residence					Zip Code	1	ss Address / City if not Si illiams Street, SF	Zip Code 94124-2558	
					Tîme Comp 20:30	leted Location Where Statement Taken At Scene □ Other: POTR			

I responded to George Court and assisted with the crime scene management. The perimeters had been established with the inner perimeter secured. I expanded the outer perimeter to allow officers to search for possible victims and collateral damage. Officer Alcaraz #590 started and maintained the Crime Scene Log. I instructed Officers Maher #1513 and Oropeza #205 to canvas the units and vehicles on the east side of George Ct. Officer August #1119 was instructed to canvas the west side of George Ct along with Officers Seto #2370 and Navarro #1435. I also had Officer August canvas the units on Oakdale Ave that abutted George Ct.

INFORMENT NO

- 645-

San Francisco Police Department INCIDENT REPORT

130188386

Incident Report Statement

HACIDEIAL 190.							
1 3 0 1 8	8 3 8	6					
Name (Last,First,Mid Dizon, John O 710	dle)	D	OB/Age	Reside	Business Phone (415/671-2300	те (Day/Night)	
Residence		Zi	Zip Code Business Address / City if not San Francisco 201 Williams Street, SF				Zip Code 94124-2558
Date of Statement 03/06/13	Time Sta 00:24	irted	Time Comple	ted	Location Where Stateme At Scene Other:		· ·

On 03/05/13 at approximately 2141 hours, while in full uniform and in a marked SFPD vehicle, Officer Gummo # 607 and I responded to George Ct per the request of 3C203, Lt Ng # 338. I was the driver and Officer Gummo was the passenger. Upon our arrival Lt Ng advised me that three vehicles would be towed to the Auto return CSI lot located at 450 7th St.

At 2217 hours SFPD vehicle 087 was towed from M George Ct to Auto return arriving there at approximately 2239 hours.

Once in the Auto return lot Officer Gummo unlocked the CSI gate at which point SFPD vehicle 087 was placed within. After the tow truck released the vehicle, I closed the gate and secured it with a chain and lock.

Officer Gummo and I then returned to Bayview Station.

SFRCide: 1488386

130188386

Incident Report Statement

INCIDENT NO.

Name (Last,First,Mic Creed, Christopher D 1	•	DOB/Age	Resid	Residence Phone(Day/Night) Business Pho 415/671-2300		ne (Day/Night)	
Residence		Zip Code	* 1	ss Address / City if not Si illiams Street, SF	an Francisco	Zip Code 94124-2558	
Date of Statement 03/06/13	Time Started 00:25	Time Com 00:50	oleted	Location Where Statem At Scene D Other,			

On Tuesday, March 5, 2013 at about 1850 hrs while working uniformed patrol and driving a marked SFPD Police Vehicle in the Bayview District, I became aware of a vehicle pursuit in my district. The pursuit involved a Silver BMW which was a possible carjacking vehicle from the previous day. When I heard the description of the vehicle, I recognized it as a vehicle which had been taken at gun point the previous day.

I responded to the area in order to assist the officers involved. I heard over the radio, that the pursuit had come to a conclusion at the end of George Court. I then heard that officers on the scene had become involved in an Officer Involved Shooting. I responded immediately to the scene to supervisor the scene and help in the investigation. Upon my arrival, I found that Officers Rightmire # 1965 and Talusan # 1114 were the officers that had discharged their firearms. Sgt. Cole and Sgt. Griffin were also on scene and conducted the public safety questions to the two officers. I lefty started to help set up the crime scene when Sgt. Hall and I decided we would transport the involved officer Talusan was comfortable and had been given some water. I later completed the Shooting Summary Report and the Environmental Assessment Form.

San Francisco Police Department INCIDENT REPORT

130188386

Incident Report Statement

INCIDENT NO.

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1	3	0	1	8	8	3	8	6					
Name (Last,First,Middle) Larsen, Peter E 2341							DOB/Age	Resid	ence Phone(Day/Night)	e (Day/Night)			
Residence							Zip Code	1	ss Address / City if not Sa Illiams Street, SF	Zip Code 94124-2558			
Date of Statement Time Started 03/06/13 00:36						irted	Time Com 00:45	pleted	Location Where Statem At Scene D Other:		·		

On 3/5/13 at 1918 hours, Officer Ceuvas #2295 and I arrived at the intersection of Ingalls Street and Oakdale Avenue. We assumed the role of traffic control at this intersection.

At 2249 hours, at the direction of Lt. Ng (3C203), we followed an Auto Return tow truck (From George Court and Ingalls Street to 450 7th Street (Auto Return). The tow truck had a Ford Crown Victoria sedan (CA) on its flatbed.

We arrived at Auto Return at 2302 hours. We secured the Ford Crown Victoria sedan in the secured lot inside Auto Return.

San Francisco Police Department -INCIDENT REPORT

130188386

Incident Report Statement

INCIDENT NO.

Name (Last, First, Mic Seto, Winson A 2370	ldle)	DOB/Age	Resid	ence Phone(Day/Night)	Business Phone (Day/Night) 415/671-2300	
Residence	·	Zip Code	1	ess Address / City if not S illiams Street, SF	Zip Code 94124-2558	
Date of Statement 03/06/13	Time Started	Time Completed 00:55		Location Where Statem At Scene D Other:		

On 03/05/13 at approximately 1853 hours, while on duty in full uniform and on patrol in a marked police vehicle, Officer Navarro #1435 and I responded to the area of George Ct and Ingalls St regarding a police car chase of a carjacked vehicle with a possible gun which resulted in an officer involved shooting.

Upon arrival, multiple SFPD units were on scene with crime scene tape blocking off the scene on Ingalls St from La-Salle Ave to Oakdale Ave. While on scene, Officer Navarro and I were tasked to conduct well-being checks and to locate any witnesses of the residences on the

I spoke with the residents in

stated that first heard and observed a marked police vehicle traveling at a high rate of speed S/B on Ingalls St. first heard several loud sounds shortly after, which described as sounding like "someone punching a cardboard box." and observed a male that was standing at the corner of Ingalls St and Oakdale Ave ducking, as if to avoid getting hit by something. immediately told did not observe anything further.

advised by that something was happening outside

I also assisted with securing and maintaining the scene until the crime scene was broken down.

130188386

Incident Report Statement

INC	D	ΞN	TI	NO.	

1	3	0	1	8	8	3	8	6						
Name (Last,First,Middle) Hall, Hugh D 567					,	DOB,	/Age	Residence Phone(Day/Night)		Business Phone (Day/Night) 415/671-2300				
Residence								Zip C		Busine: 201 Wi	Zip Code 94124-2558			
Date of Statement Time Started 03/06/13 00:30							rted		Time Comple 11:00	eted	Location Where Stateme At Scene Other:			

On the above date and time, I overheard 3C73 Officer Rightmire #1965 broadcast that he was in pursuit of a suspect driving a possible carjack vehicle. Soon thereafter, we heard via radio that there was an officer involved shooting at the end of the pursuit (in the area of Geroge Ct & Ingalls St). Myself and Sgt Cole #1135 responded in a code 3 manner to the area. Upon arrival I observed that the officers involved were Ofcr Ly #793, Ofcr Mora #2349, Ofcr Talusan #1114, and Ofcr Rightmire #1965. I observed a silver BMW and a male laying near the driver side of the vehicle. The vehicle was stopped in a driveway near male for the area of the driver and suffered what appeared to be a gunshot wound to the chest area.

Officers were rendering aid as I quickly connected with Sgt Cole, Sgt Creed #1170, and Sgt Griffin #1834. It was soon determined that Sgt Cole would conduct a public safety interivew with Ofcr Rightmire, and Sgt Griffin would conduct a public safety briefing with Ofcr Talusan. Ofcr Ly advised me that he was struck by the silver BMW, but refused edical aid.

I took the following steps; I ordered Ofr Ortiz #1131 to do a well being check on the residents of because I observed what appeared to be bullet holes which entered the garage door. Myself and Sgt Creed arranged transportation for the above officers to Bayview Station.

Once at Bayview Station, Ofcr Ly advised me that he was feeling somewhat sore. I ordered an SFFD paramedic and they arrived shortly therafter. Ofcr Ly complained of pain to his body and had visible scrapes to both knees. Ly was not transported to a medical facility. Ly's injuries were photographed.

Later in the evening, Ofcr Spagnoli #1704(range staff) arrived at Bayview and provided replacement department issued firearms to both Talusan and Rightmire, respectively. I retained the firearms and locked each of them into separate gun lock boxes. The department issued firearms were later seized by CSI Officer Rouede #1974. I was present and supervised all firearm transactions.

130188386

Incident Report Statement

INCIDENT NO.

	ა	0	1	Ø	Ø	3	o	10						
Name (Last,First,Middle) Ng, Julian W 338						DC)B/Age	Resid	ence Phone(Day/Night)	Business Phone (E 415/671-2300				
Residence						Zip	Code		ss Address / City if not Sa Iliams Street, SF	an Francisco	Zip Code 94124-2558			
Date of Statement Time Started 03/06/13 02:59					rteo	ţ	Time Compl 03:19	eted	Location Where Statement Taken At Scene D Other: POTR					

On Tuesday, March 5, 2013 at approximately 1850 hrs, 3C73 (Officers Rightmire and Mora) advised Headquarters that they were involved in a pursuit of a Silver BMW that was possibly involved in a carjacking, which was taken at gun point the previous day. I heard over the radio that the suspect vehicle lead Officers to the dead end of George Court. Soon after, I heard radio transmissions of "Shots Fired" and that Officers on-scene were involved in a shooting. I responded to George Court and assumed command of the incident. I established a command post at George Court and Ingalls. I also notified 3X300 Captain O'Sullivan regarding the incident. Captain O'Sullivan responded to the scene. Sergeants Hall, Creed, Griffin and Cole were all on-scene. I was immediately notified by Sergeant Hall that the Officers involved in the shooting were identified and would be escorted separately from the scene. Additionally, public safety Information from both Officers Involved were obtained by Sergeants Cole and Griffin. I directed Sergeant Skover to coordinate a neighborhood canvass for any possible witnesses, additional victims or physical evidence (see Sgt Skover's statement). Both outer and inner perimeters were established and crime scene log initiated.

JFPD Department Operations Center was notified of the incident and Inspectors Pierucci, Miller and Hoffass from the Homicide Detail responded and took control of investigation.

Officers Gritsch and Cloud responded to meet with staff and obtained video footage of the incident, Officer Gritsch hand carried two (2) DVD discs containing the video footage and gave it to me. I then gave Inspector Pierucci the above discs.

At approximately 2205 hours, both the crime scene and command post were broken down.

San Francisco Police Department INCIDENT REPORT

130188386

Incident Report Statement

INCIDENT NO.

Name (Last,First,Mic Lentz, Alexander N 23		DOB/Age	Residence Phone(Day/Night)		Business Phone (Day/Night) 415/671-2300	
Residence			Business Address / City if not San Francisco 201 Williams Street, SF			Zip Code 94124-2558
Date of Statement 03/06/13	Time Started	Time Comple 06:29	eted	Location Where Statem At Scene D Other:		

On 03/06/2013 at approximately 2130 hours, Officer Bernstein #2304 and I responded to George Court in order to assist with this investigation. I was instructed by Lt. Ng to tow a silver BMW that had been involved in the shooting. I conducted an inventory of the vehicle and noted the following items in the passenger area:

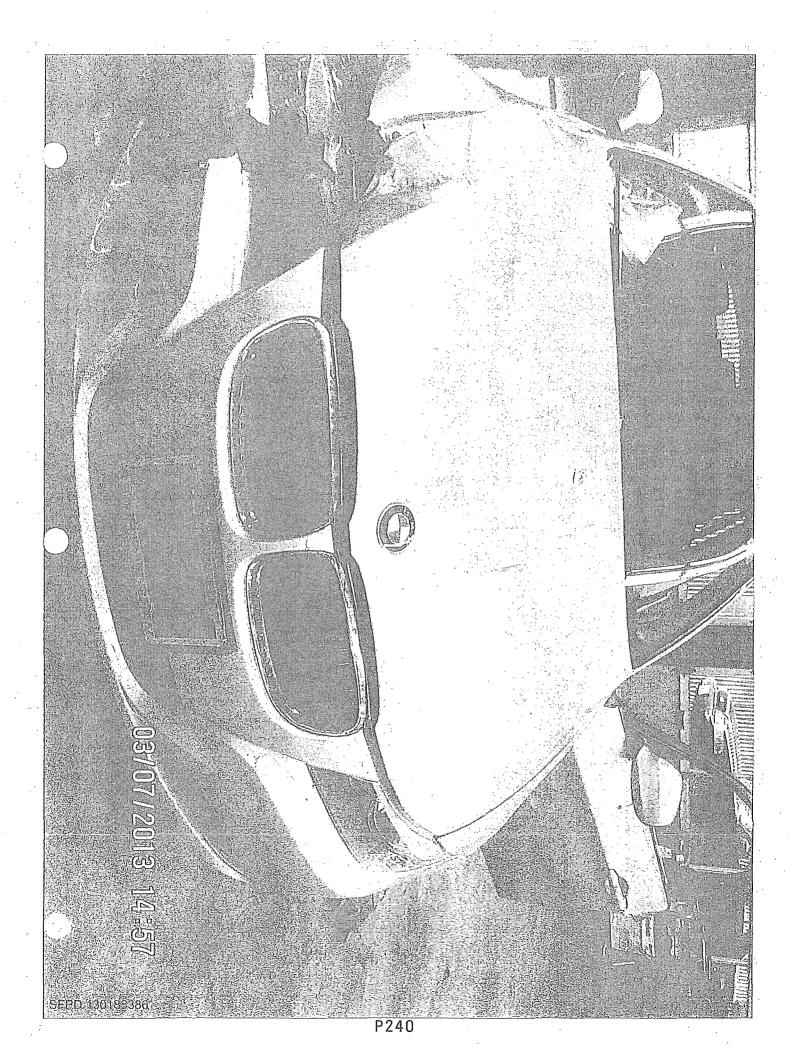
- 1: a shipping receipt
- 2: a "True Religion" baseball cap
- 3: 1 white pill on rear floorboard
- 4: 2 iPod/iPhone chargers
- 5: CocaCola bottle containing clear liquid
- - , with "_____identity card

Social Security card

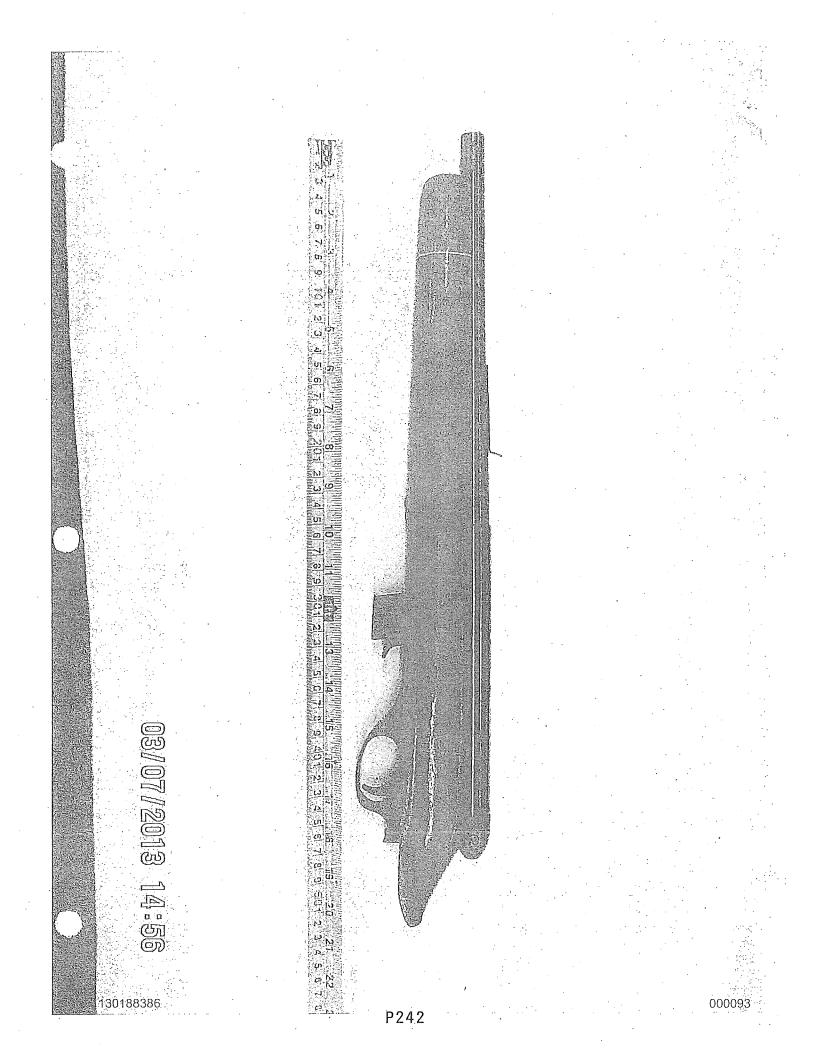
The following items were in the glove box:

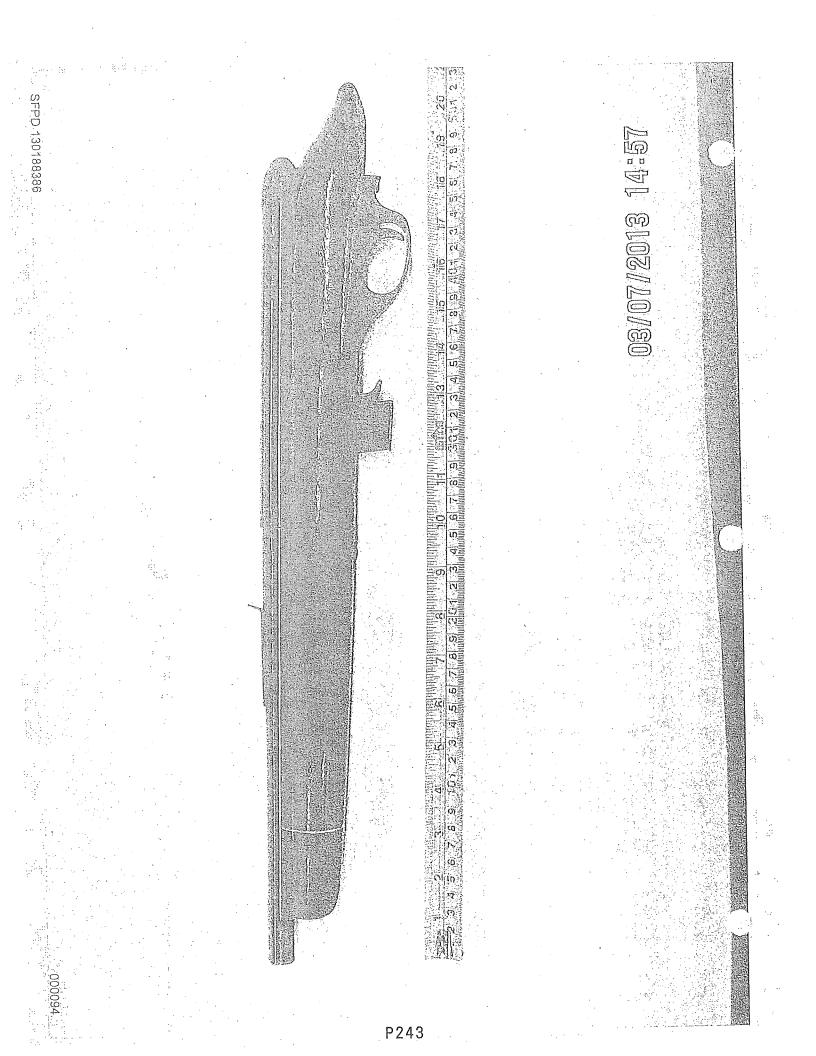
- 1: 2 black gloves
- 2: 4 white gym socks
- 3: 1 package of Cigarellos
- The following items were in the trunk:
- 1: License plate #
- 2: tan car cover
- 3: Green backpack
- 4: Blue Jeans
- 5: Black backpack
- 6: Blue Jacket
- 7: Red Jacket

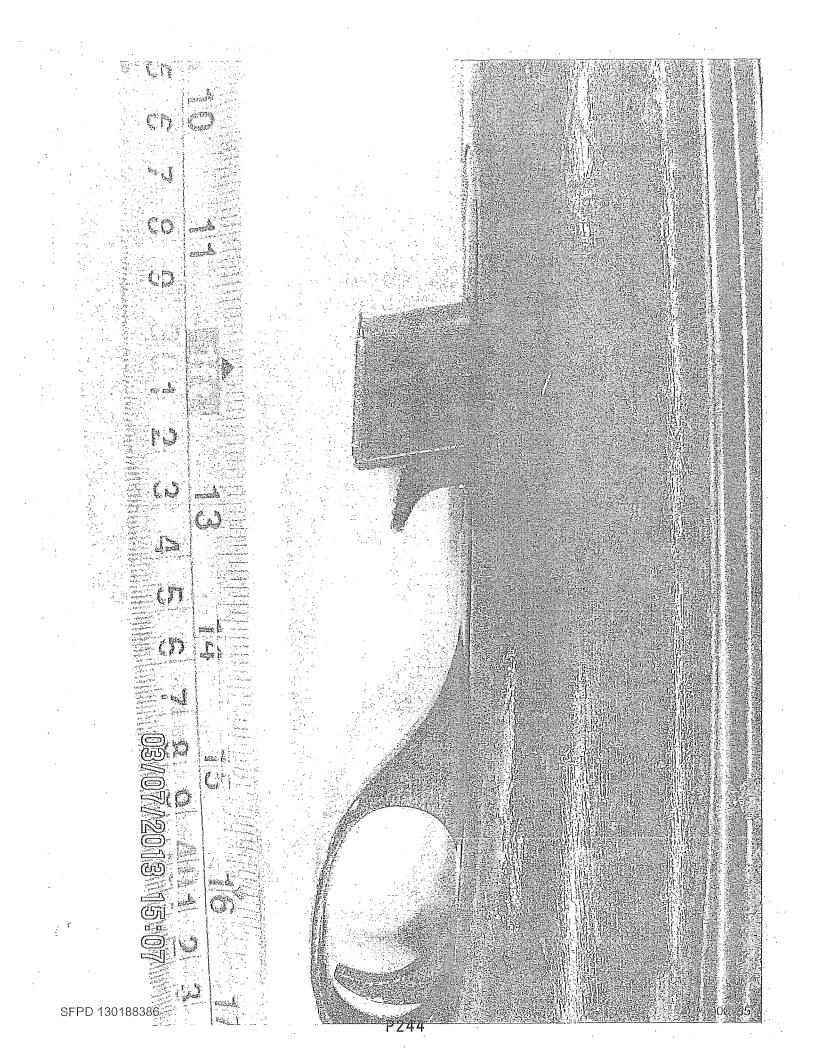
I left all items in the vehicle. Officer Bernstein and I followed the vehicle to Auto Return, where it was placed in the SFPD evidence lot.

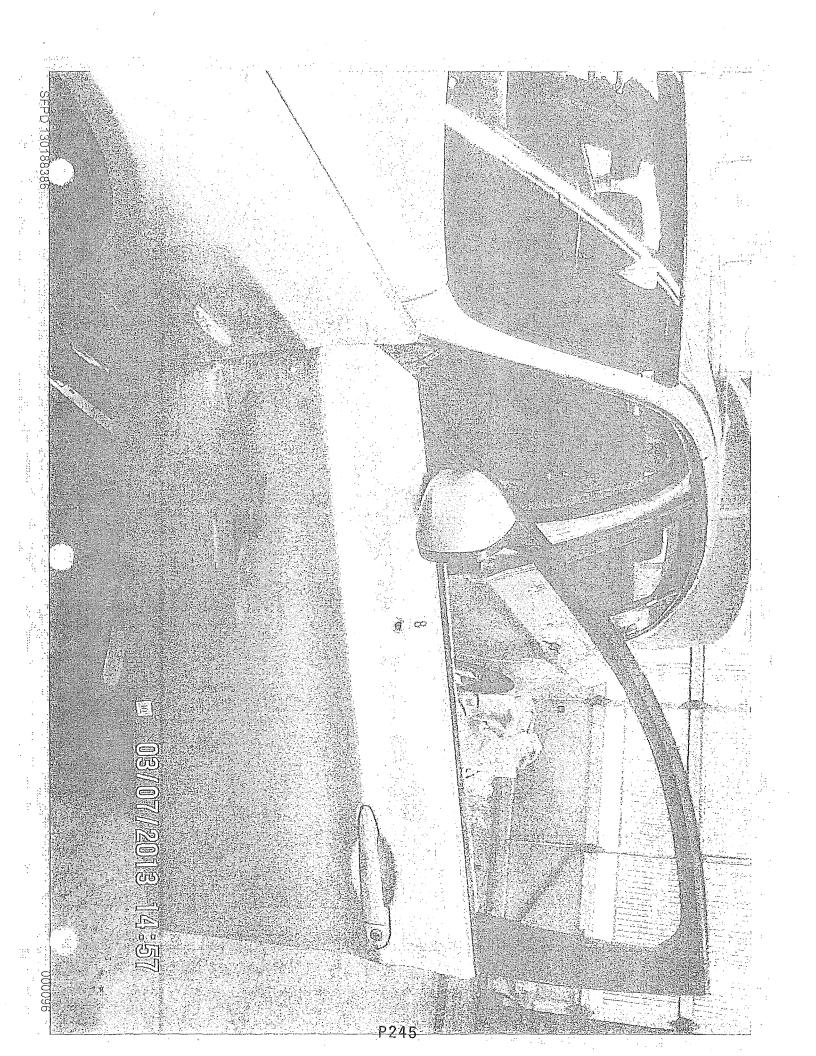


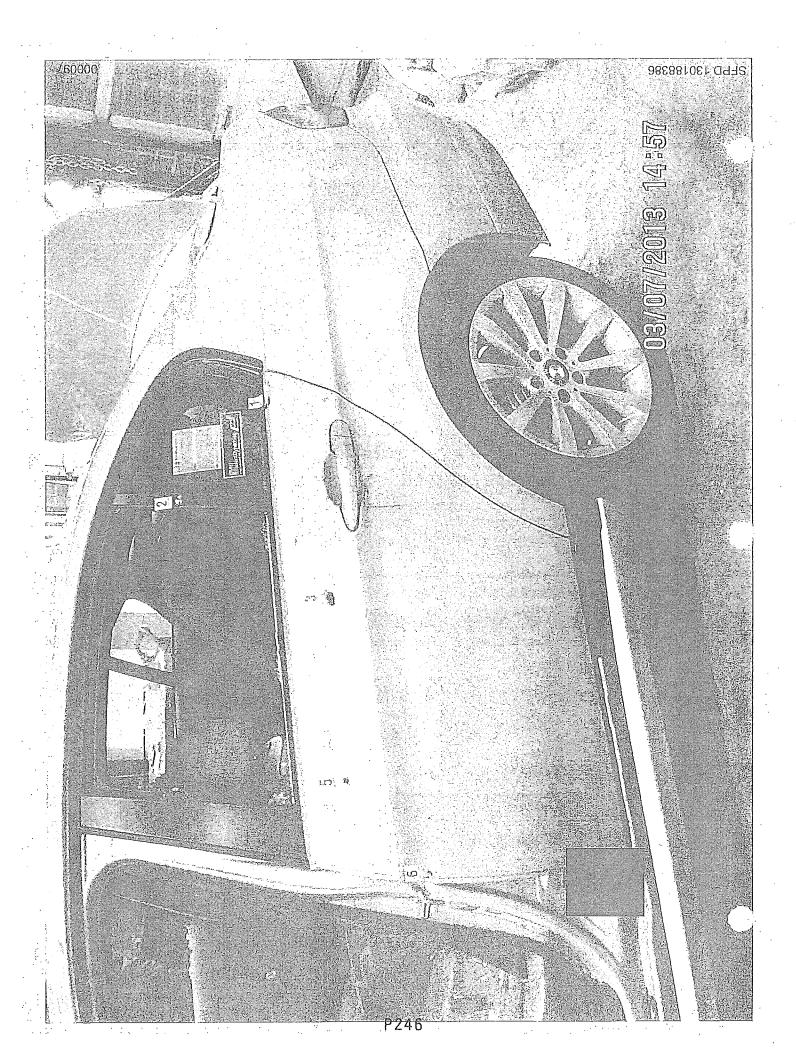


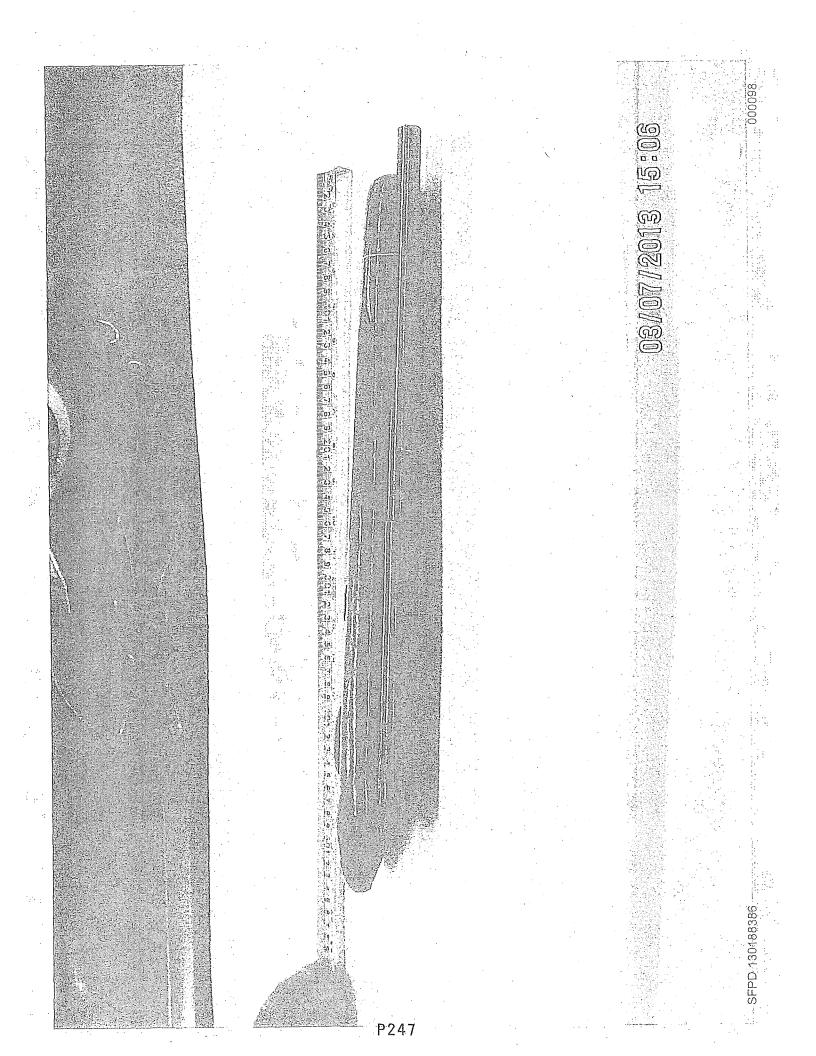


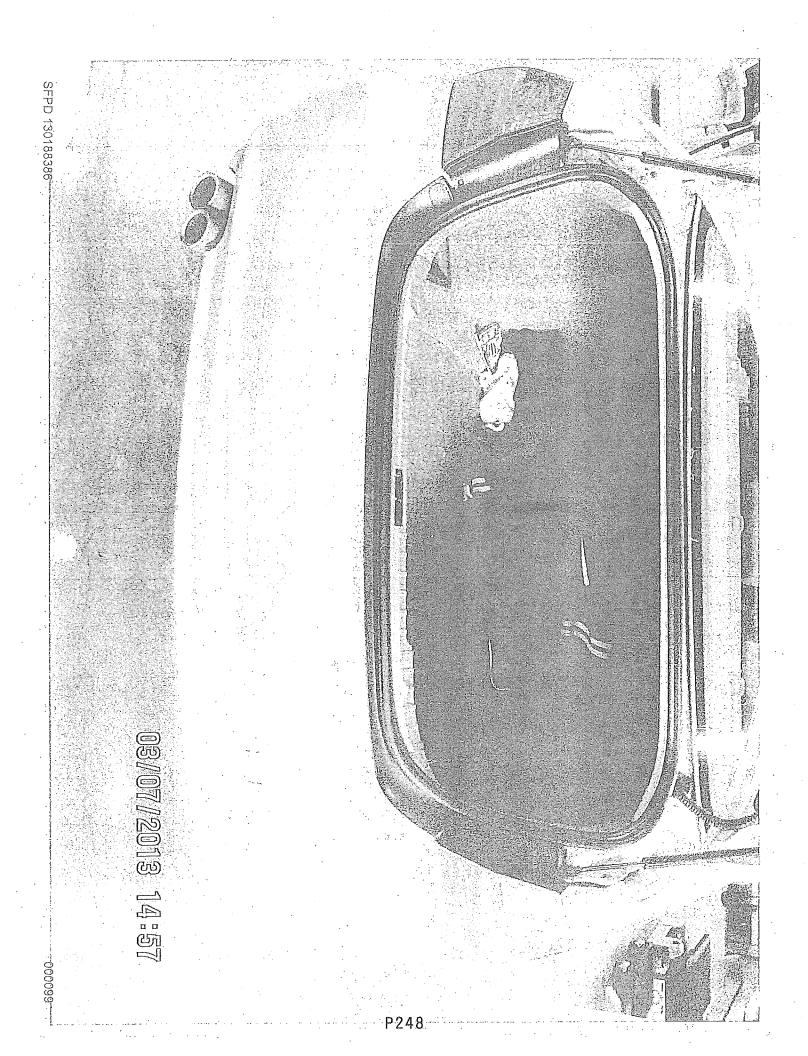


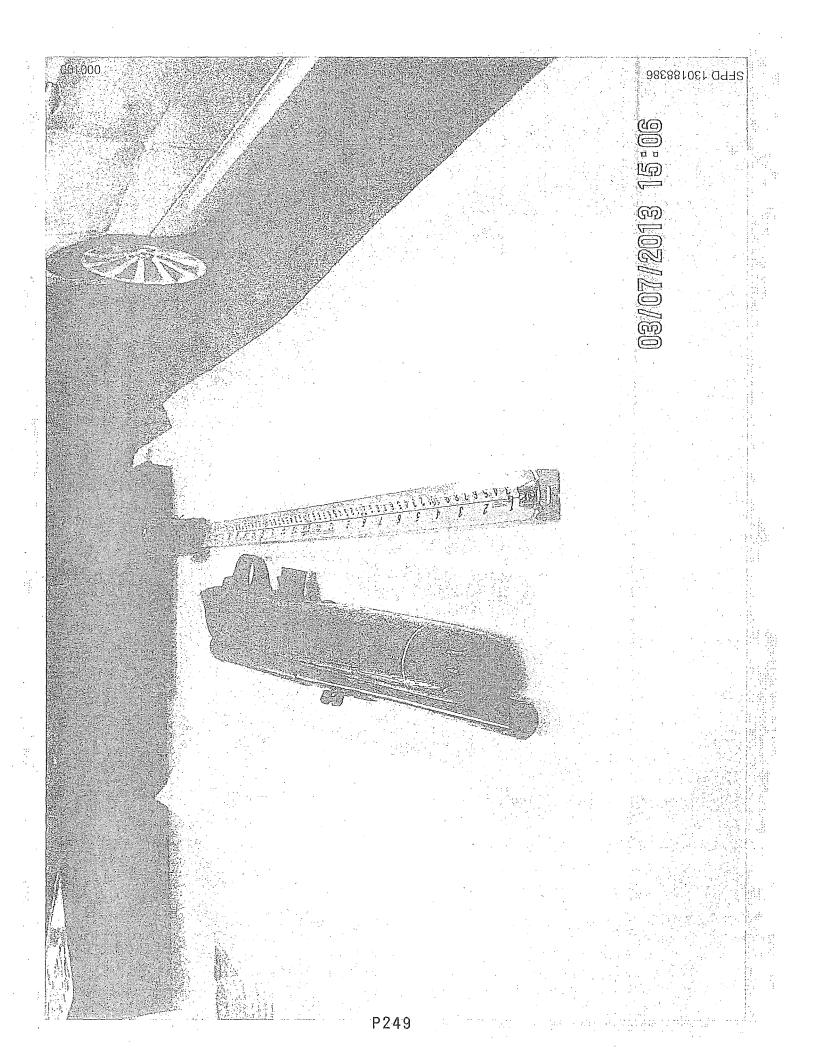


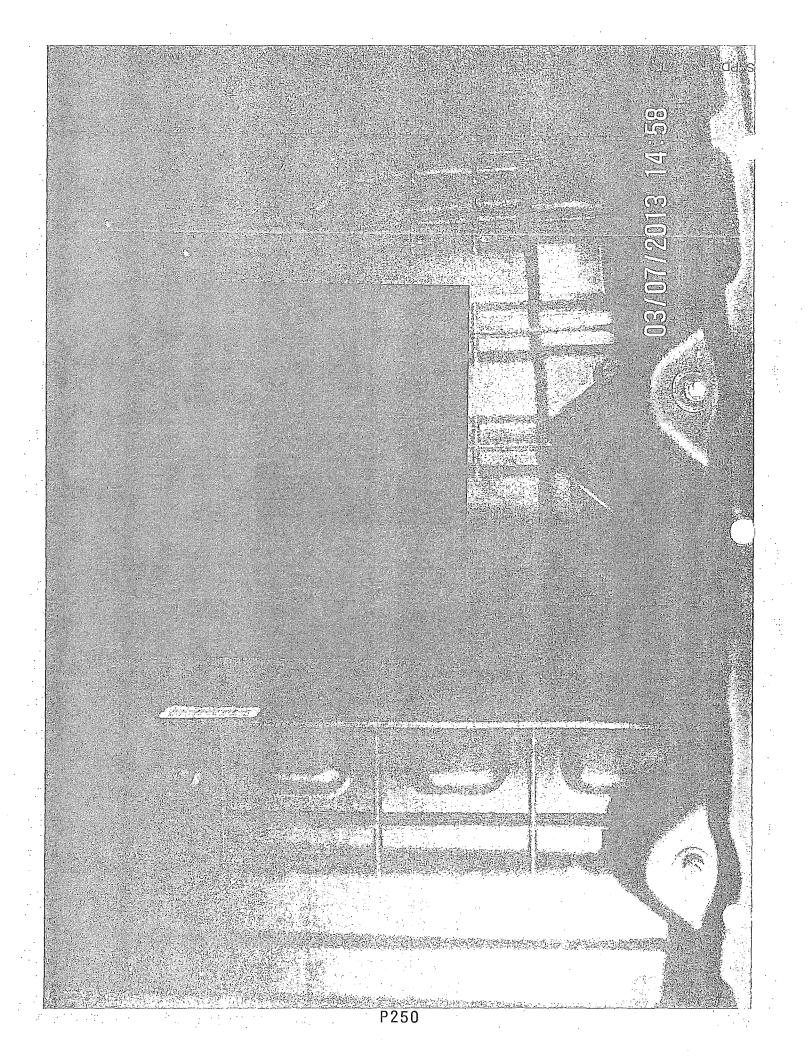












Leger, Cheryl (BOS)

From: Sent: To: Subject: 81227-34819567@requests.muckrock.com Tuesday, September 29, 2020 4:35 PM SOTF, (BOS) RE: California Public Records Act Request #P009436-101619, SOTF 19124

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

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

September 29, 2020

This is a follow up to request number P009436-101619, SOTF 19124:

20104 only.

Filed via MuckRock.com

E-mail (Preferred): 81227-34819567@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F %3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Fpolice-misconduct-audit-sfpd-immediate-disclosure-request-and-6721c-request-

81227%252F%253Femail%253Dsotf%252540sfgov.org&url auth token=AAAIho6-kUH0n-

qo3T6PAL wX5Q%3A1kNP9A%3ABKTJoAs28zxuDVHCiHSB6U6d4NE

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

For mailed responses, please address (see note): MuckRock News DEPT MR 81227 411A Highland Ave Somerville, MA 02144-2516

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

~---

On Sept. 28, 2020: Subject: RE: California Public Records Act Request #P009436-101619, SOTF 19124 Anonymous: Should this email go into 19124 or 20104 or both? Cheryl Leger Assistant Clerk, Board of Supervisors Cheryl.Leger@sfgov.org<mailto:Cheryl.Leger@sfgov.org> Tel: 415-554-7724 Fax: 415-554-5163 www.sfbos.org

[CustomerSatisfactionIcon]<http://www.sfbos.org/index.aspx?page=104> Click here<http://www.sfbos.org/index.aspx?page=104> to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center<http://www.sfbos.org/index.aspx?page=9681> 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.

On Sept. 26, 2020: Subject: RE: California Public Records Act Request #P009436-101619, SOTF 19124 For SOTF FILE 20104

Dear SOTF,

I don't know if Herrera ever replied to this complaint, but Mr. Coté should perhaps brush up on both the Mayor's Fifth Supplement and the Sunshine Ordinance. No part of the law or that order precludes the SOTF from proceeding without City responses or presence at hearings - it just says they dn't have to reply and attend.

If Herrera thinks it is in his interest to not respond or (as in a few days ago) to not attend, that's up to him. SOTF should continue to administer justice and secure the right of the people to public information and meetings without Herrera's input. It is the SOTF Committee's choice, not Herrera's nor Breed's, to decide whether to continue a hearing or proceed with it when the case comes up in due course.

Anything else would allow those very City officials the SOTF polices an absolute power to indefinitely delay public access by controlling the SOTF's agenda. I urge you to reject such nonsense.

If the Mayor wishes to specifically obstruct the SOTF from doing its duty, she's going to need to show clearly her full intentions to crush sunshine and issue some explicit orders to make that happen. Fortunately the Board of Supervisors didn't allow that last time. But perhaps Herrera will go convince the Mayor to issue such specific orders. If she does, then that can be challenged in court as having no relationship to the current public health exigencies whatsoever, and outside of the Mayor's emergency powers.

--Anonymous

On Aug. 20, 2020: Subject: Re: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 20104 Hi Cheryl,

I hope you're well. We will respond to this complaint, but we will not be able to do so within 5 days, which is consistent with the Mayor's order that suspended such response deadlines.

On March 23, in Section 7(e) of the Fifth Supplement to the Proclamation of Local Emergency<https://sfmayor.org/sites/default/files/032320_FifthSupplement.pdf>, the Mayor temporarily suspended all deadlines for parties to submit information to the Task Force, which is a precondition to the Task Force acting on a complaint. That order is still in effect.

Take care and stay safe,

[cid:image003.jpg@01D510BD.787FEA50]John Coté

Communications Director

Office of City Attorney Dennis Herrera

(415) 554-4662 Direct

www.sfcityattorney.org<https://outlook.office365.com/mail/search/id/www.sfcityattorney.org>

<https://www.instagram.com/sfcityattorney/>

CONFIDENTIALITY NOTICE: This email may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). If you are not the intended recipient, any disclosure, copying, distribution or use of the content is prohibited.

On Aug. 20, 2020: Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 20104 Good Afternoon:

Dennis Herrera and the City Attorney's Office have been named as Respondents in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the attached complaint/request within five business days.

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

Please include the following information in your response if applicable:

1. List all relevant records with descriptions that have been provided pursuant to the Complainant request.

2. Date the relevant records were provided to the Complainant.

3. Description of the method used, along with any relevant search terms used, to search for the relevant records.

Statement/declaration that all relevant documents have been provided, does not exist, or has been excluded.
 Copy of the original request for records (if applicable).

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

The Complainant alleges:

Complaint Attached.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

<http://www.sfbos.org/index.aspx?page=104> Click here<http://www.sfbos.org/index.aspx?page=104> to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center<http://www.sfbos.org/index.aspx?page=9681> 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.

On Aug. 7, 2020: Subject: RE: California Public Records Act Request #P009436-101619, SOTF 19124 Supervisor of Records,

Attached is an amended petition. Issues #6 and #8 have been updated to note that dates of hire of peace officers and their names have been deemed explicitly non-exempt by the Supreme Court (Comm. on Peace Off. Stand. v. Superior Court, 42 Cal.4th 278 (Cal. 2007)). Please carefully consider these arguments.

Sincerely,

Anonymous

On Oct. 4, 2019:

Subject: California Public Records Act Request: Police Misconduct Audit (SFPD) - Immediate Disclosure Request and 67.21(c) request

RE: Police Misconduct Audit (SFPD)

To Whom It May Concern:

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

This is an Oct. 4, 2019 Immediate Disclosure request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) for the following items from SFPD. This is an also a SF Admin Code 67.21(c) request for 6 statements (one for each numbered request below) for the quantity (including even records you claim are exempt), form, and nature of records responsive to each request below -- which must be provided in 7 days with no extensions are permitted.

I have a right to receive records by email (67.21(b)) and moreover I cannot be required to use your web portal which imposes Terms of Service conditions beyond the CPRA's requirements. Please email (attachments) all responsive records.

We remind you of your obligation to provide electronic records in the format we request them if that format is easily generated (SFAC 67.21(I)). Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are our choice. Other Documents may be provided in text (not scanned) PDF format. However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. For chat apps, a screenshot or print-out is acceptable.

If you use PDF, you must use properly redacted searchable or text pdfs. Don't use image PDFs to make it harder to analyze the records. Do not print out records and then re-scan them to PDF - simply redact them in Adobe Acrobat if needed for example. If you provide PDFs instead of original email files, only give a few of the headers or lacking attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of SF Admin Code and/or CPRA, and we may challenge your decision at the Sunshine Ordinance Task Force, Supervisor of Records, judicially, and/or via any other remedies available to us.

You must justify all withholding. All justifications must be made with particularity (every redaction must be specifically referenced to a justification).

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

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

Every violation of the Sunshine Ordinance will be appealed --- please follow the Ordinance exactly as I am auditing your agency's public records regimen.

I look forward to your immediate disclosure.

 all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(A)(i)-(ii) on govt. property. All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included.
 all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(B)(i)-(ii) on govt. property. All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included.

P 2⁵55

3. all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(C) on govt. property. All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included.

4. all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(A)(i)-(ii) on personal private property, subject to disclosure under City of San Jose v Superior Court (2017). All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included.

5. all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code

§832.7(b)(1)(B)(i)-(ii) on personal private property, subject to disclosure under City of San Jose v Superior Court (2017). All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included.

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Sincerely,

Anonymous

Filed via MuckRock.com

E-mail (Preferred): 81227-34819567@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F %3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Fpolice-misconduct-audit-sfpd-immediate-disclosure-request-and-6721c-request-

81227%252F%253Femail%253Dsotf%252540sfgov.org&url auth token=AAAIho6-kUH0n-

qo3T6PAL wX5Q%3A1kNP9A%3ABKTJoAs28zxuDVHCiHSB6U6d4NE

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

For mailed responses, please address (see note): MuckRock News DEPT MR 81227 411A Highland Ave Somerville, MA 02144-2516

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

Leger, Cheryl (BOS)

 From:
 81227-34819567@requests.muckrock.com

 Sent:
 Monday, October 5, 2020 5:47 PM

 To:
 SOTF, (BOS)

 Subject:
 RE: California Public Records Act Request #P009436-101619, SOTF 19124

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

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

October 5, 2020

This is a follow up to request number P009436-101619, SOTF 19124:

Hello SOTF,

I've looked through this 19124 File, and I've never closed/withdrawn it as it is quite important. It looks like it also has a DCA memo and a reply from SFPD. Please do schedule it for a committee hearing.

Thanks, Anonymous

Filed via MuckRock.com

E-mail (Preferred): 81227-34819567@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F %3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Fpolice-misconductaudit-sfpd-immediate-disclosure-request-and-6721c-request-81227%252F%253Femail%253Dsotf%252540sfgov.org&url_auth_token=AAAIho6-kUH0ngo3T6PAL wX5Q%3A1kPb8G%3AzI9- g7LcO6U8IEi4On1KnAD43o

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

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 $P2^{1}57$

On Sept. 29, 2020: Subject: RE: California Public Records Act Request #P009436-101619, SOTF 19124 20104 only.

On Sept. 28, 2020: Subject: RE: California Public Records Act Request #P009436-101619, SOTF 19124 Anonymous: Should this email go into 19124 or 20104 or both?

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

[CustomerSatisfactionIcon]<http://www.sfbos.org/index.aspx?page=104> Click here<http://www.sfbos.org/index.aspx?page=104> to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center<http://www.sfbos.org/index.aspx?page=9681> 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.

On Sept. 26, 2020: Subject: RE: California Public Records Act Request #P009436-101619, SOTF 19124 For SOTF FILE 20104

Dear SOTF,

I don't know if Herrera ever replied to this complaint, but Mr. Coté should perhaps brush up on both the Mayor's Fifth Supplement and the Sunshine Ordinance. No part of the law or that order precludes the SOTF from proceeding without City responses or presence at hearings - it just says they dn't have to reply and attend.

If Herrera thinks it is in his interest to not respond or (as in a few days ago) to not attend, that's up to him. SOTF should continue to administer justice and secure the right of the people to public information and meetings without Herrera's input. It is the SOTF Committee's choice, not Herrera's nor Breed's, to decide whether to continue a hearing or proceed with it when the case comes up in due course.

Anything else would allow those very City officials the SOTF polices an absolute power to indefinitely delay public access by controlling the SOTF's agenda. I urge you to reject such nonsense.

If the Mayor wishes to specifically obstruct the SOTF from doing its duty, she's going to need to show clearly her full intentions to crush sunshine and issue some explicit orders to make that happen. Fortunately the Board of Supervisors didn't allow that last time. But perhaps Herrera will go convince the Mayor to issue such specific orders. If she does, then that can be challenged in court as having no relationship to the current public health exigencies whatsoever, and outside of the Mayor's emergency powers.

--Anonymous

On Aug. 20, 2020: Subject: Re: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 20104 Hi Cheryl,

I hope you're well. We will respond to this complaint, but we will not be able to do so within 5 days, which is consistent with the Mayor's order that suspended such response deadlines.

On March 23, in Section 7(e) of the Fifth Supplement to the Proclamation of Local Emergency<https://sfmayor.org/sites/default/files/032320_FifthSupplement.pdf>, the Mayor temporarily suspended all deadlines for parties to submit information to the Task Force, which is a precondition to the Task Force acting on a complaint. That order is still in effect.

Take care and stay safe,

[cid:image003.jpg@01D510BD.787FEA50]John Coté

Communications Director

Office of City Attorney Dennis Herrera

(415) 554-4662 Direct

www.sfcityattorney.org<https://outlook.office365.com/mail/search/id/www.sfcityattorney.org>

<https://www.instagram.com/sfcityattorney/>

CONFIDENTIALITY NOTICE: This email may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). If you are not the intended recipient, any disclosure, copying, distribution or use of the content is prohibited.

On Aug. 20, 2020:

Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 20104 Good Afternoon:

Dennis Herrera and the City Attorney's Office have been named as Respondents in the attached complaint filed with the Sunshine Ordinance Task Force. Please respond to the attached complaint/request within five business days.

 $P2^{3}59$

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

Please include the following information in your response if applicable:

1. List all relevant records with descriptions that have been provided pursuant to the Complainant request.

2. Date the relevant records were provided to the Complainant.

3. Description of the method used, along with any relevant search terms used, to search for the relevant records.

4. Statement/declaration that all relevant documents have been provided, does not exist, or has been excluded.

5. Copy of the original request for records (if applicable).

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

The Complainant alleges:

Complaint Attached.

Cheryl Leger

Assistant Clerk, Board of Supervisors

Tel: 415-554-7724

<http://www.sfbos.org/index.aspx?page=104> Click here<http://www.sfbos.org/index.aspx?page=104> to complete a Board of Supervisors Customer Service Satisfaction form.

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On Oct. 4, 2019: Subject: California Public Records Act Request: Police Misconduct Audit (SFPD) - Immediate Disclosure Request and 67.21(c) request RE: Police Misconduct Audit (SFPD)

To Whom It May Concern:

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

This is an Oct. 4, 2019 Immediate Disclosure request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) for the following items from SFPD. This is an also a SF Admin Code 67.21(c) request for 6 statements (one for each numbered request below) for the quantity (including even records you claim are exempt), form, and nature of records responsive to each request below -- which must be provided in 7 days with no extensions are permitted.

I have a right to receive records by email (67.21(b)) and moreover I cannot be required to use your web portal which imposes Terms of Service conditions beyond the CPRA's requirements. Please email (attachments) all responsive records.

We remind you of your obligation to provide electronic records in the format we request them if that format is easily generated (SFAC 67.21(I)). Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are our choice. Other Documents may be provided in text (not scanned) PDF format. However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. For chat apps, a screenshot or print-out is acceptable.

If you use PDF, you must use properly redacted searchable or text pdfs. Don't use image PDFs to make it harder to analyze the records. Do not print out records and then re-scan them to PDF - simply redact them in Adobe Acrobat if needed for example. If you provide PDFs instead of original email files, only give a few of the headers or lacking attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of SF Admin Code and/or CPRA, and we may challenge your decision at the Sunshine Ordinance Task Force, Supervisor of Records, judicially, and/or via any other remedies available to us.

You must justify all withholding. All justifications must be made with particularity (every redaction must be specifically referenced to a justification).

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

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

Every violation of the Sunshine Ordinance will be appealed ---- please follow the Ordinance exactly as I am auditing your agency's public records regimen.

I look forward to your immediate disclosure.

1. all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(A)(i)-(ii) on govt. property. All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included.

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P2~61

every other record within the cited code section must be included.

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Sincerely,

Anonymous

Filed via MuckRock.com

E-mail (Preferred): 81227-34819567@requests.muckrock.com

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https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F %3Fnext%3D%252Faccounts%252Fagency_login%252Fsan-francisco-police-department-367%252Fpolice-misconduct-audit-sfpd-immediate-disclosure-request-and-6721c-request-

81227%252F%253Femail%253Dsotf%252540sfgov.org&url auth token=AAAIho6-kUH0n-

qo3T6PAL_wX5Q%3A1kPb8G%3Azl9-_q7LcO6U8lEi4On1KnAD43o

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From:Anonymous <arecordsrequestor@protonmail.com>Sent:Wednesday, December 16, 2020 3:33 PMTo:SOTF, (BOS)Subject:SOTF 19124 - Committee presoAttachments:SOTF-19124-SFPD-SB1421-fff.pdf; signature.asc

Attached for the agenda, please.

NOTE: Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the government all be disclosable public records.

Sincerely,

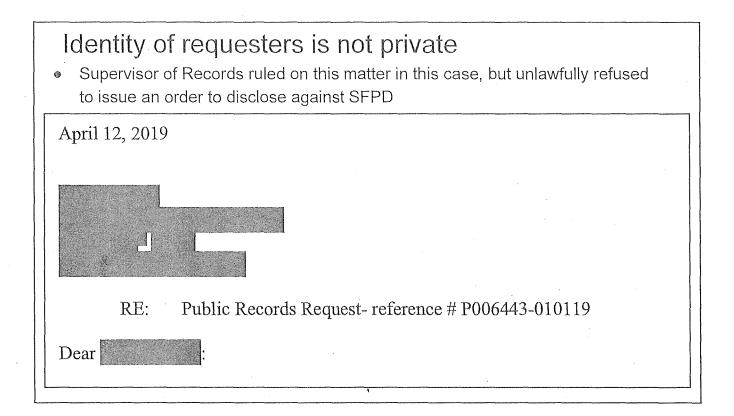
Anonymous

Highlights

- What? All 2019 SB 1421 records and all the communications about the records with requesters
- No records whatsoever produced until after the complaint. This was an unreasonable delay and a failure to provide rolling response.
- No timely statement of quantity, nature, existence and form of records.
- No keys by footnote or other clear reference for redactions.
- Unlawful use of GC 6254(f) in SB 1421 records.

No keys by footnote or other clear reference

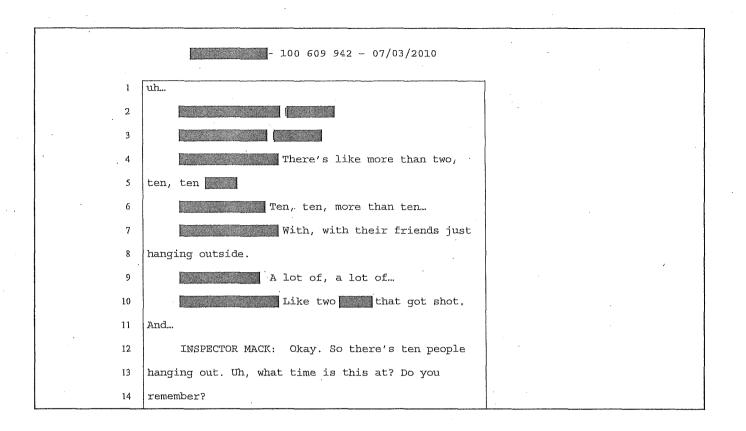
- Redactions are lawful only when associated with a key by footnote or other clear reference to a written exemption justification. Unless SFPD provides keys, this Task Force must order all redactions disclosed.
- SFPD has apparently accepted this legal obligation in my other cases (sadly only *after* I file the complaint).
- In SOTF 19121, I showed how a failure to force the City's staff members to justify their redactions results in dozens of unlawful redactions. It allows sloppiness.
- City's argument that requesters have to argue for each and every redaction they want to overturn is wrong the burden is first on the City, not the public, to take a specific position for every redaction, then I will challenge at my discretion.
- There is no court ruling invalidating SFAC 67.26 for large or complex records.
- Police misconduct records are some of the most controversial records that exist if any records require careful redaction it is these ones



GC 6254(f) is invalid for SB 1421 records

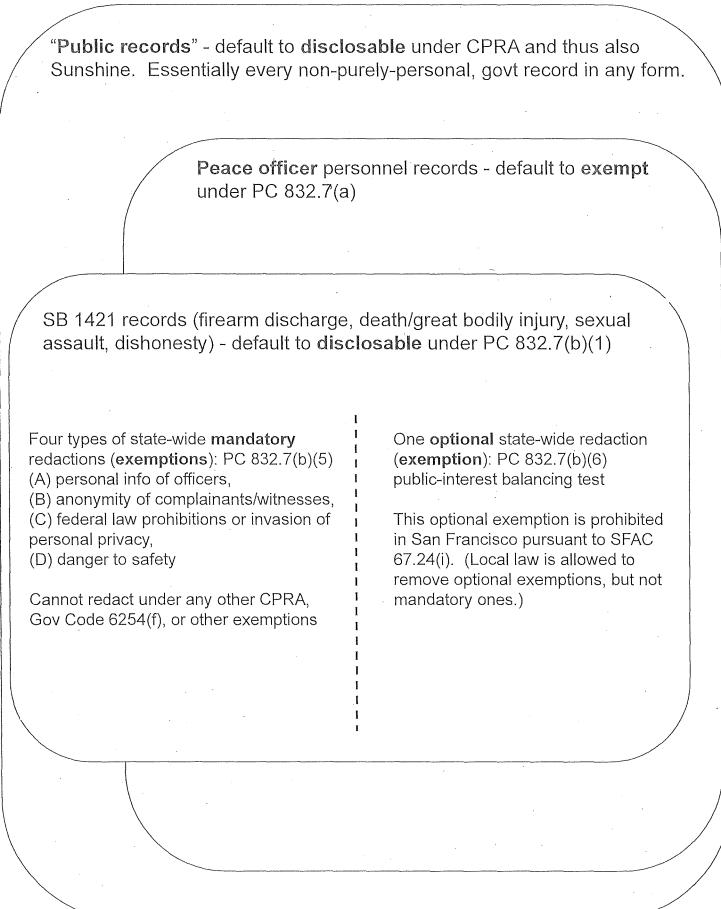
Penal Code 832.7(b)(1):

Notwithstanding subdivision (a), **subdivision (f) of Section 6254 of the Government Code**, or any other law, the following peace officer or custodial officer personnel records **and records maintained by any state or local agency shall not be confidential** and shall be made available for public inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code):



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SCHEMATIC GUIDE TO SB 1421 Records



PENAL CODE - PEN

PART 2. OF CRIMINAL PROCEDURE [681 - 1620] (Part 2 enacted 1872.) TITLE 3. ADDITIONAL PROVISIONS REGARDING CRIMINAL PROCEDURE

[777 - 883] (Heading of Title 3 amended by Stats. 1951, Ch. 1674.)

CHAPTER 4.5. Peace Officers [830 - 832.19] (Chapter 4.5 added by Stats. 1968, Ch. 1222.)

(a) Except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these
 832.7.

records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code. This section shall not apply to investigations or

proceedings concerning the conduct of peace officers or custodial officers, or an agency or department that employs those officers, conducted by a grand jury, a district attorney's office, or the Attorney General's office.

(b) (1) Notwithstanding subdivision (a), subdivision (f) of Section 6254 of the Government Code, or any other law, the following peace officer or custodial officer personnel records and records maintained by any state or local agency shall not be confidential and shall be made available for public inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code):

(A) A record relating to the report, investigation, or findings of any of the following:

(i) An incident involving the discharge of a firearm at a person by a peace officer or custodial officer.

(ii) An incident in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury.

(B) (i) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public.

(ii) As used in this subparagraph, "sexual assault" means the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. For purposes of this definition, the propositioning for or commission of any sexual act while on duty is considered a sexual assault.

(iii) As used in this subparagraph, "member of the public" means any person not employed by the officer's employing agency and includes any participant in a cadet, explorer, or other youth program affiliated with the agency.

(C) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

(2) Records that shall be released pursuant to this subdivision include all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an

1/4

12/16/2020

https://leginfo.legislature.ca.gov/faces/printCodeSectionWindow.xhtml?lawCode=PEN§ionNum=832.7.&op_statues=2018&op_chapter=988&op...

officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

(3) A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure pursuant to this subdivision.

(4) If an investigation or incident involves multiple officers, information about allegations of misconduct by, or the analysis or disposition of an investigation of, an officer shall not be released pursuant to subparagraph (B) or (C) of paragraph (1), unless it relates to a sustained finding against that officer. However, factual information about that action of an officer during an incident, or the statements of an officer about an incident, shall be released if they are relevant to a sustained finding against to release pursuant to subparagraph (B) or (C) of paragraph (1).

(5) An agency shall redact a record disclosed pursuant to this section only for any of the following purposes:

(A) To remove personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.

(B) To preserve the anonymity of complainants and witnesses.

(C) To protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.

(D) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.

(6) Notwithstanding paragraph (5), an agency may redact a record disclosed pursuant to this section, including personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure of the information.

(7) An agency may withhold a record of an incident described in subparagraph (A) of paragraph (1) that is the subject of an active criminal or administrative investigation, in accordance with any of the following:

(A) (i) During an active criminal investigation, disclosure may be delayed for up to 60 days from the date the use of force occurred or until the district attorney determines whether to file criminal charges related to the use of force, whichever occurs sooner. If an agency delays disclosure pursuant to this clause, the agency shall provide, in writing, the specific basis for the agency's determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. This writing shall include the estimated date for disclosure of the withheld information.

(ii) After 60 days from the use of force, the agency may continue to delay the disclosure of records or information if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer who used the force. If an agency delays disclosure pursuant to this clause, the agency shall, at 180-day intervals as necessary, provide, in writing, the specific basis for the agency's determination that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding. The writing shall include the estimated date for the disclosure of the withheld information. Information withheld by the agency shall be disclosed when the specific basis for withholding is resolved, when the investigation or proceeding is no longer active, or by no later than 18 months after the date of the incident, whichever occurs sooner.

2/4

12/16/2020

(iii) After 60 days from the use of force, the agency may continue to delay the disclosure of records or information if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against someone other than the officer who used the force. If an agency delays disclosure under this clause, the agency shall, at 180-day intervals, provide, in writing, the specific basis why disclosure could reasonably be expected to interfere with a criminal enforcement proceeding, and shall provide an estimated date for the disclosure of the withheld information. Information withheld by the agency shall be disclosed when the specific basis for withholding is resolved, when the investigation or proceeding is no longer active, or by no later than 18 months after the date of the incident, whichever occurs sooner, unless extraordinary circumstances warrant continued delay due to the ongoing criminal investigation or proceeding. In that case, the agency must show by clear and convincing evidence that the interest in prompt disclosure of records about use of serious force by peace officers and custodial officers. The agency shall release all information subject to disclosure that does not cause substantial prejudice, including any documents that have otherwise become available.

(iv) In an action to compel disclosure brought pursuant to Section 6258 of the Government Code, an agency may justify delay by filing an application to seal the basis for withholding, in accordance with Rule 2.550 of the California Rules of Court, or any successor rule thereto, if disclosure of the written basis itself would impact a privilege or compromise a pending investigation.

(B) If criminal charges are filed related to the incident in which force was used, the agency may delay the disclosure of records or information until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea pursuant to Section 1018.

(C) During an administrative investigation into an incident described in subparagraph (A) of paragraph (1), the agency may delay the disclosure of records or information until the investigating agency determines whether the use of force violated a law or agency policy, but no longer than 180 days after the date of the employing agency's discovery of the use of force, or allegation of use of force, by a person authorized to initiate an investigation, or 30 days after the close of any criminal investigation related to the peace officer or custodial officer's use of force, whichever is later.

(8) A record of a civilian complaint, or the investigations, findings, or dispositions of that complaint, shall not be released pursuant to this section if the complaint is frivolous, as defined in Section 128.5 of the Code of Civil Procedure, or if the complaint is unfounded.

(c) Notwithstanding subdivisions (a) and (b), a department or agency shall release to the complaining party a copy of his or her own statements at the time the complaint is filed.

(d) Notwithstanding subdivisions (a) and (b), a department or agency that employs peace or custodial officers may disseminate data regarding the number, type, or disposition of complaints (sustained, not sustained, exonerated, or unfounded) made against its officers if that information is in a form which does not identify the individuals involved.

(e) Notwithstanding subdivisions (a) and (b), a department or agency that employs peace or custodial officers may release factual information concerning a disciplinary investigation if the officer who is the subject of the disciplinary investigation, or the officer's agent or representative, publicly makes a statement he or she knows to be false concerning the investigation or the imposition of disciplinary action. Information may not be disclosed by the peace or custodial officer's employer unless the false statement was published by an established medium of communication, such as television, radio, or a newspaper. Disclosure of factual information by the employing agency pursuant to this subdivision is limited to facts contained in the officer's personnel file concerning the disciplinary investigation or imposition of disciplinary action that specifically refute the false statements made public by the peace or custodial officer or his or her agent or representative.

3/4

12/16/2020

https://leginfo.legislature.ca.gov/faces/printCodeSectionWindow.xhtml?lawCode=PEN§ionNum=832.7.&op_statues=2018&op_chapter=988&op...

(f) (1) The department or agency shall provide written notification to the complaining party of the disposition of the complaint within 30 days of the disposition.

(2) The notification described in this subdivision shall not be conclusive or binding or admissible as evidence in any separate or subsequent action or proceeding brought before an arbitrator, court, or judge of this state or the United States.

(g) This section does not affect the discovery or disclosure of information contained in a peace or custodial officer's personnel file pursuant to Section 1043 of the Evidence Code.

(h) This section does not supersede or affect the criminal discovery process outlined in Chapter 10 (commencing with Section 1054) of Title 6 of Part 2, or the admissibility of personnel records pursuant to subdivision (a), which codifies the court decision in Pitchess v. Superior Court (1974) 11 Cal.3d 531.

(i) Nothing in this chapter is intended to limit the public's right of access as provided for in Long Beach Police Officers Association v. City of Long Beach (2014) 59 Cal.4th 59.

(Amended by Stats. 2018, Ch. 988, Sec. 2. (SB 1421) Effective January 1, 2019.)

Respondent's Document Submission

From:Caravelli, Linda (POL)Sent:Tuesday, November 26, 2019 12:14 PMTo:SOTF, (BOS)Cc:Cox, Andrew (POL)Subject:SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 19124Attachments:SOTF File 19124 - sfpd response.pdf

Good afternoon,

In response to:

File No. 19124. Complaint filed by Anonymous with the Sunshine Ordinance Task Force (SOTF) alleging that SFPD violated Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26, 67.27, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner, failing to respond to a public records request in a timely and/or complete manner, failing of records.

Please see attached document.

Thank you.

Sincerely,

Línda Caravellí

LEGAL DIVISION SAN FRANCISCO POLICE DEPARTMENT HEADQUARTERS 1245 3rd Street San Francisco, CA 94158 (415) 837-7147 Linda Caravelli@sfgov.org

CONFIDENTIALITY NOTICE: This communication and its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws, including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.



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



WILLIAM SCOTT CHIEF OF POLICE

LONDON N. BREED MAYOR

November 26, 2019

Via email <u>sotf@sfgov.org</u>

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

> RE: Complaint No. 19124 - filed by Anonymous against Chief William Scott and Lt. R. Andrew Cox and the San Francisco Police Department

Dear Sunshine Ordinance Task Force:

The San Francisco Police Department (SFPD) is in receipt of the Complaint filed by Anonymous with the Sunshine Ordinance Task Force (SOTF) alleging that SFPD violated Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26, 67.27, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner, failing to respond to a public records request in a timely and/or complete manner, failing to justify withholding of records.

The SFPD takes responsibility for not providing a response to the requestor within the required time frame. The October 4, 2019 Public Records request was submitted to the Department via email to an email account that is not used by the Department for public records requests. The Department has a process for public records requests. The Unit that monitors that account forwarded the request to the appropriate division on October 16, 2019. The request was made as an Immediate Disclosure request. 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). This request was not simple, routine or otherwise readily available. On October 17, 2019 we acknowledged that the request was received on October 16, 2019 and informed the requestor that the maximum deadline for responding to the request applies and invoked the extension of time to response pursuant to Government Code Section 6253 (c) because of the need to consult with another agency. Please refer to SFPD extension letter dated October 17, 2019 (link included below).

SFPD initially interpreted the October 4, 2019 request for personnel records pertaining to members involved in incidents from January 1, 2019 to present that qualify under SB1421, which modified Penal Code section 832.7. As such, SFPD provided a response dated October 25, 2019 stating, the SFPD will respond to the request in compliance with the law but SFPD will face time constraints in doing so and invoked a rule of reason to guide the timing of SFPD's response and will provide the records on a rolling basis. Please refer to SFPD extension letter dated October 25, 2019 (link included below).

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SFPD provided the requestor an additional extension letter dated November 8, 2019 and indicated that SFPD will provide an update by Friday, November 22, 2019. Please refer to SFPD extension letter dated November 8, 2019 (link included below).

On November 21, 2019, SFPD reviewed the basis of the complaint and determined there was a misunderstanding. Upon receipt of clarification of the requests to produce all records, which qualify under SB1421, that were previously released to the public, SFPD produced the responsive records on November 25, 2019. On November 26, 2019, SFPD provided the corresponding letters for each record release with the details of the exemptions applied to the redactions in the production of records.

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

- 1. SFPD extension letter dated October 17, 2019 PRA 9436 extension letter.pdf
- 2. SFPD extension letter dated October 25, 2019 PRA 9436 2nd extension letter.pdf
- 3. SFPD extension letter dated November 8, 2019 PRA 9436 3rd extension letter.pdf
- 4. The following SFPD responsive materials released via GovQA P009436-101619 on November 25, 2019 and November 26, 2019:

004-06 - 060428436 - production 1.pdf 02-006-051400918 - Production 1.pdf 05-005 - 050991227 - production 1.pdf 07-002 - 070237697 Production 1.pdf 100609942 - responsive 1.pdf 100609942 - responsive 2.pdf 100609942 - responsive 3.pdf 100609942 - responsive 4.pdf 100609942 - responsive 5.pdf 11-003 - 110522209- production 1.pdf 11-005 110748176 - responsive 2.pdf 11-007 - 110999341 - responsive 2.pdf 11-008 -111006404 - production 2.pdf 110460706 - responsive 1.pdf 110460706 - responsive 2.pdf 110460706 - responsive 3.pdf 110460706 - responsive 4.pdf 110460706 - responsive 5.pdf 110460706 - responsive 6.pdf 110460706 - responsive 7.pdf 110460706 - responsive 8.pdf 110748176 - responsive 1.pdf 110796498 - responsive 1.pdf 110796498 - responsive 2.pdf 110999341 - responsive 1.pdf 111006404 - responsive 1.pdf

12-001 - 120370151 - production 1.pdf 12-001 - 120370151 - production 2.pdf 12-002-120381255-Production 2.pdf 12-004 120617050 Production 1.pdf 12-005 - 120682172 - Production 1.pdf 12-006 - 120756460 responsive 1.pdf 120286592 production 1.pdf 120381255 - IA responsive 1.pdf 13-006 - 130315028 - production 1.pdf 13-007 - 130598478 - production 1.pdf 13-007 - 130598478 - production 2.pdf 13-01 - 130131711 Production 1.pdf 14-004 - 140240512 - responsive 2.pdf 14-005 - 140808085 - production 1.pdf 14-005 - 140808085 - production 2.pdf 14-005 - 140808085 - production 3.pdf 14-006 - 140847895 - production 1.pdf 14-006 - 140847895 - production 2.pdf 14-007 - 140491732 Production 1.pdf 140240512 - responsive 1.pdf 15-003 - 150178555 - production 2.pdf 15-004 150239022 production 1.pdf 15-004 150239022 production 2.pdf 15-007 - 150902467- production 1.pdf 15-008 150929217 - production 1.pdf 150178555 - responsive 1.pdf 151045735- responsive 1.pdf 16-002 - 160409196 - production 1.pdf 190011028 production 1.pdf 2019-0023 190011028 BWC 1.mp4 2019-0023 190011028 BWC 10.mp4 2019-0023 190011028 BWC 11.mp4 2019-0023 190011028 BWC 2.mp4 2019-0023 190011028 BWC 3.mp4 2019-0023 190011028 BWC 4.mp4 2019-0023 190011028 BWC 5.mp4 2019-0023 190011028 BWC 6.mp4 2019-0023 190011028 BWC 7.mp4 2019-0023 190011028 BWC 8.mp4 2019-0023 190011028 BWC 9.mp4 97-006 971519077 - Production 1.pdf 98-012 - 981286404 -responsive 2.pdf 981286404 - responsive 1.pdf PRA 6455 response letter- 5-17-19.pdf PRA 6455 response letter- 5-29-19.pdf PRA 6455 response letter -6-5-19.pdf

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PRA 6455 response letter -6-12-19.pdf PRA 6455 response letter 6-19-19.pdf PRA 6455 response letter -6-19-19.pdf PRA 6455 response letter -6-26-19.pdf PRA 6455 response letter -7-3-19.pdf PRA 6455 response letter -7-11-19.pdf PRA 6455 11-003 response - 7-24-19.pdf PRA 6455 11-008 response - 8-14-19.pdf PRA 6455 12-006 response - 7-24-19.pdf PRA 6455 16-002 response - 9-11-19.pdf PRA 6443 - 12-005 - Response 9-25-19.pdf PRA 6443 SFPD Response Letter.pdf PRA 6455 - 04-006 response 8-28-19.pdf PRA 6455 - 05-005 - response 11-20-19.pdf PRA 6455 - 07-002 - Response 10-30-19.pdf PRA 6455 - 11-005 - Response 9-25-19.pdf PRA 6455 - 11-007 response 7-31-19.pdf PRA 6455 - 12-001 - Response 10-30-19.pdf PRA 6455 - 12-002 response - 9-4-19.pdf PRA 6455 - 13-001 response 11-21-19.pdf PRA 6455 - 13-006 response 8-21-19.pdf PRA 6455 - 13-007 response 8-21-19.pdf PRA 6455 - 14-004 - 9-18-19.pdf PRA 6455 - 14-005 - Response 10-23-19.pdf PRA 6455 - 14-006 - Response 11-13-19.pdf PRA 6455 - 14-007 - Response 10-02-19.pdf PRA 6455 - 15-003 response 9-4-19.pdf PRA 6455 - 15-008 response 08-07-19.pdf PRA 6455 - 97-006-11-6-19.pdf PRA 6455 - 98-012 response 7-17-19.pdf PRA 6455 -02-006 response 9-4-19.pdf PRA 6455 9th extension response letter 5-10-19.pdf PRA 6455 15-003 response letter -6-26-19.pdf PRA 6455 15-007 response - 9-11-19.pdf PRA 6455 response letter - 9-18-19.pdf

Thank you for your courtesy in this regard.

Sincerely,

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



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



LONDON N. BREED MAYOR WILLIAM SCOTT CHIEF OF POLICE

October 17, 2019

Anonymous DEPT MR 81227 411A Highland Ave Somerville, MA 02144-2516

RE: Public Records Request, dated October 16, 2019, Reference # P009436-101619

Dear Anonymous:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated October 16, 2019.

You requested, "To Whom It May Concern: * * NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly because once you send them to us, there is no going back. ** This is an Oct. 4, 2019 Immediate Disclosure request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) for the following items from SFPD. This is an also a SF Admin Code 67,21(c) request for 6 statements (one for each numbered request below) for the quantity (including even records you claim are exempt), form, and nature of records responsive to each request below --which must be provided in 7 days with no extensions are permitted. I have a right to receive records by email (67.21(b)) and moreover I cannot be required to use your web portal which imposes Terms of Service conditions beyond the CPRA's requirements. Please email (attachments) all responsive records. We remind you of your obligation to provide electronic records in the format we request them if that format is easily generated (SFAC 67.21(1)). Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are our choice. Other Documents may be provided in text (not scanned) PDF format. However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. For chat apps, a screenshot or print-out is acceptable. If you use PDF, you must use properly redacted searchable or text pdfs, Don't use image PDFs to make it harder to analyze the records. Do not print out records and then re-scan them to PDF - simply redact them in Adobe Acrobat if needed for example. If you provide PDFs instead of original email files, only give a few of the headers or lacking attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of SF Admin Code and/or CPRA, and we may challenge your decision at the Sunshine Ordinance Task Force, Supervisor of Records, judicially, and/or via any other remedies available to us. You must justify all withholding. All justifications must be made with particularity (every redaction must be specifically referenced to a justification). Provide records in a rolling fashion. Do not wait for all records to be available. Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required free notice of which of those records are available and non-exempt for inspection in-person if we so choose. Please use email to respond. Every violation of the Sunshine Ordinance will be appealed --- please follow the Ordinance exactly as I am auditing your agency's public records regimen. I look forward to your immediate disclosure. 1 all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code \$832.7(b)(1)(A)(i)-(ii) on govt. property. All reports,

investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included. 2.all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(B)(i)-(ii) on govt. property. All reports, investigations, text messages, chais, memos, email messages, evidence, statements, and every other record within the cited code section must be included. 3. all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(C) on govt. property, All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included. 4. all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code \$832.7(b)(1)(A)(i)-(ii) on personal private property, subject to disclosure under City of San Jose v Superior Court (2017). All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included. 5. all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code \$832.7(b)(1)(B)(i)-(ii) on personal private property, subject to disclosure under City of San Jose v Superior Court (2017). All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included. 6, all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(C) on personal private property, subject to disclosure under City of San Jose v Superior Court (2017). All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included. Sincerely, Anonymous"

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 maximum deadline for responding to a request applies.

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and
- a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

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SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by Friday, October 25, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at 415-575-6700.

Sincerely,

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



MAYOR

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



WILLIAM SCOTT CHIEF OF POLICE

October 25, 2019

LONDON N. BREED

Anonymous DEPT MR 81227 411A Highland Ave Somerville, MA 02144-2516

RE: Public Records Request, dated October 16, 2019, Reference # P009436-101619

Dear Anonymous:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated October 16, 2019. On October 17, 2019 the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, "To Whom It May Concern: * * NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly because once you send them to us, there is no going back. * * This is an Oct. 4, 2019 Immediate Disclosure request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) for the following items from SFPD. This is an also a SF Admin Code 67,21(c) request for 6 statements (one for each numbered request below) for the quantity (including even records you claim are exempt), form, and nature of records responsive to each request below -- which must be provided in 7 days with no extensions are permitted. I have a right to receive records by email (67.21(b)) and moreover I cannot be required to use your web portal which imposes Terms of Service conditions beyond the CPRA's requirements. Please email (attachments) all responsive records. We remind you of your obligation to provide electronic records in the format we request them if that format is easily generated (SFAC 67.21(1)). Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are our choice. Other Documents may be provided in text (not scanned) PDF format. However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. For chat apps, a screenshot or print-out is acceptable. If you use PDF, you must use properly redacted searchable or text pdfs. Don't use image PDFs to make it harder to analyze the records. Do not print out records and then re-scan them to PDF - simply redact them in Adobe Acrobat if needed for example. If you provide PDFs instead of original email files, only give a few of the headers or lacking attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of SF Admin Code and/or CPRA, and we may challenge your decision at the Sunshine Ordinance Task Force, Supervisor of Records, judicially, and/or via any other remedies available to us. You must justify all withholding. All justifications must be made with particularity (every redaction must be specifically referenced to a justification). Provide records in a rolling fashion. Do not wait for all records to be available. Please provide only those copies of records available without any fees. If you determine certain records

would require fees, please instead provide the required free notice of which of those records are available and non-exempt for inspection in-person if we so choose. Please use email to respond. Every violation of the Sunshine Ordinance will be appealed --- please follow the Ordinance exactly as I am auditing your agency's public records regimen. I look forward to your immediate disclosure. 1.all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code \$832.7(b)(1)(A)(i)-(ii) on govt. property. All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included. 2. all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(B)(i)-(ii) on govt. property. All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included. 3. all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code $\S832.7(b)(1)(C)$ on govt. property. All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included. 4.all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code \$832.7(b)(1)(A)(i)-(ii) on personal private property, subject to disclosure under City of San Jose v Superior Court (2017). All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included. 5.all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code \$832.7(b)(1)(B)(i)-(ii) on personal private property, subject to disclosure under City of San Jose v Superior Court (2017). All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included. 6.all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(C) on personal private property, subject to disclosure under City of San Jose v Superior Court (2017). All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included. Sincerely, Anonymous"

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

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- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
 - a sustained finding that an officer engaged in sexual assault involving a member of the public; and

a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by Friday, November 8, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at 415-575-6700.

Sincerely,

Sgt. Victoria Sullivan #571

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



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



LONDON N. BREED MAYOR WILLIAM SCOTT CHIEF OF POLICE

November 8, 2019

Anonymous DEPT MR 81227 411A Highland Ave Somerville, MA 02144-2516

RE: Public Records Request, dated October 16, 2019, Reference # P009436-101619

Dear Anonymous:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated October 16, 2019. On October 17, 2019, and October 25, 2019 the SFPD invoked the extension of time to respond to your request pursuant to Government Code Section 6253(c) because of the need to consult with another agency.

You requested, "To Whom It May Concern: ** NOTE: this is a public mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative). Redact your responses correctly because once you send them to us, there is no going back. * * This is an Oct. 4, 2019 Immediate Disclosure request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA) for the following items from SFPD. This is an also a SF Admin Code 67,21(c) request for 6 statements (one for each numbered request below) for the quantity (including even records you claim are exempt), form, and nature of records responsive to each request below -- which must be provided in 7 days with no extensions are permitted. I have a right to receive records by email (67.21(b)) and moreover I cannot be required to use your web portal which imposes Terms of Service conditions beyond the CPRA's requirements. Please email (attachments) all responsive records. We remind you of your obligation to provide electronic records in the format we request them if that format is easily generated (SFAC 67.21(1)). Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are our choice. Other Documents may be provided in text (not scanned) PDF format. However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. For chat apps, a screenshot or print-out is acceptable. If you use PDF, you must use properly redacted searchable or text pdfs. Don't use image PDFs to make it harder to analyze the records. Do not print out records and then re-scan them to PDF - simply redact them in Adobe Acrobat if needed for example. If you provide PDFs instead of original email files, only give a few of the headers or lacking attachments/images, and/or improperly withhold public records that exist on private accounts/devices you may be in violation of SF Admin Code and/or CPRA, and we may challenge your decision at the Sunshine Ordinance Task Force, Supervisor of Records, judicially, and/or via any other remedies available to us. You must justify all withholding. All justifications must be made with particularity (every redaction must be specifically referenced to a justification), Provide records in a rolling fashion. Do not wait for all records to be available. Please provide only those copies of records available without any fees. If you determine certain records

would require fees, please instead provide the required free notice of which of those records are available and non-exempt for inspection in-person if we so choose. Please use email to respond. Every violation of the Sunshine Ordinance will be appealed --- please follow the Ordinance exactly as I am auditing your agency's public records regimen. I look forward to your immediate disclosure. 1.all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(A)(i)-(ii) on govt. property. All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included. 2.all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code \$832.7(b)(1)(B)(i)-(ii) on govt, property. All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included. 3.all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(C) on govt. property. All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included. 4.all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(A)(i)-(ii) on personal private property, subject to disclosure under City of San Jose v Superior Court (2017). All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included. 5.all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(B)(i)-(ii) on personal private property, subject to disclosure under City of San Jose v Superior Court (2017). All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included. 6.all records created, sent, or received from Jan. 1, 2019 to present, within the scope of Cal. Penal Code §832.7(b)(1)(C) on personal private property, subject to disclosure under City of San Jose v Superior Court (2017). All reports, investigations, text messages, chats, memos, email messages, evidence, statements, and every other record within the cited code section must be included. Sincerely, Anonymous"

SFPD will, of course, respond to your request in compliance with the law. But, as explained below, we will face time constraints in doing so.

Prior to January 1, 2019, California Penal Code Section 832.7 protected from public disclosure peace officer personnel records and the information in those records subject to certain narrow exceptions. But on September 30, 2018, Governor Brown signed into law SB 1421, which, effective January 1, 2019, amended Section 832.7 to create additional exceptions to the confidentiality for peace officer personnel records, thus making available to the public a broad range of records that previously could not be disclosed. These new exceptions relate to specific incidents or determinations, allowing for the public release of:

- the report, investigation, or findings regarding an officer's discharge of a firearm at a person;
- the report, investigation, or findings regarding an officer's use of force that results in death or great bodily injury;
- a sustained finding that an officer engaged in sexual assault involving a member of the public; and

a sustained finding that an officer was dishonest directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer. (See Penal Code § 832.7(b)(1)(A)-(C).)

SFPD has received a number of requests for previously confidential peace officer records made public as a result of the passage of SB 1421. Despite our best efforts to respond promptly, a backlog has quickly developed and will remain for some time.

SFPD must balance its duty to respond to public records requests with its duty to perform the broad range of tasks performed by SFPD personnel that result in keeping the peace and maintaining safety in our communities. Responding to your request will be quite burdensome and time-consuming, especially when coupled with our duty also to respond to like public records requests from others. SFPD will not be able to respond within the customary time frame without unreasonably impinging on its ability to perform its other duties.

It is in this rare circumstance that we find it necessary to invoke a rule of reason to guide the timing of our response to your public records request. As the City Attorney has stated on pages 97-98 of the *Good Government Guide*, which is available on the City Attorney's website, the law recognizes that when there is a conflict between a department's performance of its wide range of duties, and its responsibilities under public records laws, reason demands flexibility in the timing of responses to requests. Under this rule and given the SFPD's other public obligations, we will not be able to devote an unlimited amount of staff time to your request and like requests. Nevertheless we intend to provide a complete response to your request, but it will take longer than ordinarily is the case.

Over time, we expect this backlog problem to recede, and expect to be able to move more quickly on requests such as yours, particularly if the records being sought have already been reviewed in order to respond to an earlier request. But we are not there yet. For now, we intend to provide records in response to your request, and other like requests, on a rolling basis. We will provide you with a brief update by Friday, November 22, 2019.

Please let me know if you have any questions pertaining to this letter, or any suggestions you might have that could expedite our response to your request.

If you have any questions, please contact Ofc. Jose Mora at 415-575-6700.

Sincerely, Risk Management-Legal Division

From:Cox, Andrew (POL)Sent:Monday, December 14, 2020 9:52 AMTo:SOTF, (BOS)Cc:Walton, Briseida (POL); Caravelli, Linda (POL)Subject:RE: SOTF - Notice of Appearance - Compliance and Amendments Committee;
November 24, 2020 4:30 p.m.

Cheryl,

I hope you had a good weekend. I think someone from my office had sent our supporting documents for File No. 19124 back in October. Can you confirm? Thank you.

Regards, Andy

Anuy

Lt. R. Andrew Cox #287 San Francisco Police Department Legal Division-Office of Risk Management 1245 3rd St. San Francisco, CA 94158

415.837.7176 desk 415.837.7394 main

From: SOTF, (BOS)

Sent: Thursday, December 10, 2020 9:10 AM

To: 81227-34819567@requests.muckrock.com; Cox, Andrew (POL); Scott, William (POL); 83876-

<u>31149286@requests.muckrock.com; Henderson, Paul (DPA); Rosenstein, Diana (DPA); Wargo-Wilson, Stephanie (DPA);</u> <u>Polk, Mary (DPA); 88550-29784388@requests.muckrock.com; Taylor, Damali (POL); Elias, Cindy (POL); Hamasaki, John</u> <u>(POL); Brookter, Dion-Jay (POL); DeJesus, Petra (POL); Youngblood, Stacy (POL); 88549-</u>

63926635@requests.muckrock.com; Cityattorney; COTE, JOHN (CAT); COOLBRITH, ELIZABETH (CAT); Miyamoto, Paul (SHF); 88551-86881685@requests.muckrock.com

Subject: SOTF - Notice of Appearance - Compliance and Amendments Committee; November 24, 2020 4:30 p.m.

Good Morning:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Compliance and Amendments Committee to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: December 22, 2020

Location: Remote meeting; participant information to be included on the Agenda

Time: 4:30 p.m.

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

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

Complaints:

- 1. **File No. 19124**: Complaint filed by Anonymous against Chief William Scott and Lt. R. Andrew Cox and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, 67.26, 67.27, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner, failing to respond to a public records request in a timely and/or complete manner, failing to records and failing to maintain a Proposition G calendar.
- 2. File No. 19144: Complaint filed by Anonymous against the Department of Police Accountability for allegedly violating Administrative Code (Sunshine Ordinance), Sections, 67.21, 67.24, 67.26 and 67.27, by failing to respond to a public records request in a timely and/or complete manner.
- 3. **File No. 20066:** Complaint filed by Anonymous against the Police Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b) incomplete response; 67.24(i) citation of unlawful public-interest balancing test; 67.26 nonminimal withholding; 67.27 failure to cite a specific provision of law for justification

- 4. **File No. 20074:** Complaint filed by Anonymous against the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b) incomplete response to public records request and 67.21(c) failure to provide written statement as to the existence, quantity, form and nature of records.
- 5. **File No. 20110:** Complaint filed by Anonymous against Sheriff Paul Miyamoto, Alison Lambert and the Sheriff's Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21 by failing to respond to a records request in a timely and/or complete manner, 67.26 failing to keep withholding to a minimum and 67.27 failing to justify withholding.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure). For inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, December 16, 2020.

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

Click <u>here</u> to complete a Board of Supervisors Customer Service Satisfaction form.

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From:SOTF, (BOS)Sent:Thursday, November 21, 2019 4:08 PMTo:Cox, Andrew (POL)Cc:'81227-34819567@requests.muckrock.com'Subject:SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 19124Attachments:SOTF - Complaint Procedure 2019-10-02 FINAL.pdf; 19124 Complaint.pdf

Good Afternoon:

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

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

Please include the following information in your response if applicable:

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

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

The Complainant alleges: *Complaint Attached.*

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

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From:	SOTF, (BOS)
Sent:	Friday, December 6, 2019 11:36 AM
То:	79356-20639593@requests.muckrock.com; Steinberg, David (DPW); grovestand2012
	@gmail.com; Vien, Veronica (DPH); Ludwig, Theresa (FIR); Gerull, Linda (TIS);
	Anonymous; Makstman, Michael (TIS); 80695-54486849@requests.muckrock.com;
•	Coolbrith, Elizabeth (CAT); COTE, JOHN (CAT); 80239-52834911
	@requests.muckrock.com; Hirsch, Bob (POL); Taylor, Damali (POL); Mazzucco, Thomas
	(POL); Hamasaki, John (POL); Elias, Cindy (POL); Brookter, Dion-Jay (POL); Campbell,
	Jayme (POL); Blackman, Sue (LIB); Lambert, Michael (LIB); Kniha, Paul;
	janine@majlobor.com; monique@majlabor.com; gregg@majlabor.com;
	81227-34819567@requests.muckrock.com; Cox, Andrew (POL); 80368-97597279
	@requests.muckrock.com; Rydstrom, Todd (CON); 'Wiggins, Matthew (CON)';
	83682-34157844@requests.muckrock.com; Cox, Andrew (POL)
Subject:	SOTF - Notice of Appearance - Complaint Committee Jurisdiction Hearing: December
	17, 2019, 5:30 p.m.

Good Morning:

Notice is hereby given that the Complaint Committee (Committee) of the Sunshine Ordinance Task Force shall hold hearings on complaints listed below to determine if the Task Force has jurisdiction pursuant to Administrative Code (Sunshine Ordinance), Section 67.21(e). A hearing to review the merits of the complaint will be scheduled on a future date. The Complaint Committee (Committee) shall review File No(s). 19097, 19109, 19110, 19117, 19118, 19119, 19120, 19121, 19122, 19123, 19124, 19125, 19126 and 19127. The Complainant and Respondent are **NOT REQUIRED** to attend the December 17, 2019, Complaint Committee meeting but may attend to provide testimony related to the above listed determinations. A hearing to review the merits of the complaint will be scheduled on a future date.

Date: December 17, 2019

Location: City Hall, Room 408

Time: 5:30 p.m.

File No. 19097: Complaint filed by Anonymous against Public Works for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.26 and 67.27, by failing to respond to a public records request in a timely and/or complete manner.

File No. 19109: Complaint filed by Stephen Malloy against Dept. of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.24, 67.25, 67.26 and 67.27 by failing to respond to a public records request in a timely and/or complete manner.

File No. 19110: Complaint filed by Stephen Malloy against the Fire Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.24, 67.25, 67.26 and 67.27 by failing to respond to a public records request in a timely and/or complete manner.

File No. 19119: Complaint filed by Anonymous against the Department of Technology for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b), 67.26 and 67.27 by failing to respond to a public records request in a timely and/or complete manner.

File No. 19120: Complaint filed by Anonymous against the Office of the City Attorney for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b)(c), 67.26, 67.27, by failing to respond to a request for public records in a timely and/or complete manner; failing to justify withholding of records and failing to provide assistance.

File No. 19121: Complaint filed by Anonymous against the Police Commission for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b)(k), 67.26 and 67.27, by failing to respond to a public records request in a timely and/or complete manner; withholding more than the minimum and failing to justify withholding.

File No. 19122: Complaint filed by Anonymous against City Librarian Michael Lambert and the Public Library for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 19123: Complaint filed by Paul Kniha against the San Francisco Municipal Executive Association for allegedly violating Administrative Code, (Sunshine Ordinance) Sections 67.21 by failing to respond to a public records in a timely and/or complete manner.

File No. 19124: Complaint filed by Anonymous against Chief William Scott and Lt. R. Andrew Cox and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, 67.26, 67.27, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner, failing to respond to a public records request in a timely and/or complete manner, failing to justify withholding of records and failing to maintain a Proposition G calendar.

File No. 19125: Complaint filed by Anonymous against the Controller's Office for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21(b)(c)(k), 67.26, 67.27, by failing to respond to a request for records in a timely and/or complete manner, failing to assist, withheld more than the minimally exempt portion of a public record, failing to justify withholdings with clear reference to exemption statute or case law and failing to provide an exact copy of records.

File No. 19127: Complaint filed by Anonymous against the Department of Police Accountability for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, 67.26, 67.27, by failing to respond to an Immediate Disclosure Request for records in a timely and/or complete manner, failing to assist, withheld more than the minimally exempt portion of a public record, failing to justify withholdings with clear reference to exemption statute or case law and failing to provide an exact copy of records.

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

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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

From:	Anonymous <arecordsrequestor@protonmail.com></arecordsrequestor@protonmail.com>
Sent:	Friday, January 3, 2020 3:34 PM
То:	SOTF, (BOS)
Subject:	SFPD Complaint Summary - Files 19098, 19112, 19124, 19128, and 19141
Attachments:	signature.asc

Letter for entry into files 19098, 19112, 19124, 19128, and 19141.

Thanks for taking my call Ms. Leger. Here's a letter to clarify. What remains is:

- 19112 Chief's calendars (sent to the full Task Force)
- 19098 emails and digital communications (Dec 2019 committee hearing continued by Respondent)
- 19128 Bryan Carmody forensics communications (pending committee)
- 19141 failure to respond in any way to 2 IDRs (pending notice to Respondents)

As discussed, while it would be helpful to hear 19098 and 19128 together (for the convenience of SFPD since I believe Sgt. Andraychak is the contact for both) at the next committee, the legal issues in the 4 complaints are unrelated to each other so they can't really be combined without causing confusion.

After reviewing my records I am withdrawing SOTF 19124, but I shall file a new complaint later on for the remainder of SB 1421 police misconduct records.

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Sincerely,

Anonymous

From:Anonymous <arecordsrequestor@protonmail.com>Sent:Thursday, March 5, 2020 12:51 PMTo:SOTF, (BOS)Subject:Status of files - Mar 5, 2020Attachments:signature.asc

- 19044, 19091, 19108 3 Cases won at full SOTF awaiting Order of Determination
- 19047 1 Case won with OD, needs Compliance Committee review due to Mayor's non-compliance
- 19103, 19112 2 Waiting Full SOTF (Committee completed)
- >60 cases waiting Committee 19097, 19098 (continued), 19113, 19119 (next), 19120, 19121, 19124, 19125, 19127, 19128, 19131, 19132, 19133, 19134, 19136, 19137, 19139, 19141, 19143, 19144, 20005, 20006, 20009, 20014, 20015, 20016, 20017, 20018, 20019, 20020, 20021, 20022, 20024, 20025, 20026, 20027, 20028, 20030, 20031, 20032, 20033, 20036, 20037, 20039, 20040, 20041, 20042, 20043, 20044, 20045, 20046, 20047, 20048, 20049, 20049, 20050, 20051, 20052, 20053, 20054, 20057, 20059

Thanks.

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Sincerely,

Anonymous

From: Sent: To: Subject: Attachments: Anonymous <arecordsrequestor@protonmail.com> Saturday, March 21, 2020 9:32 PM SOTF, (BOS) Fw: Further Waiver for certain SOTF deadlines signature.asc

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

On Saturday, March 21, 2020 9:29 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

SOTF Files: 19089, 19091, 19105, 19108, 20002, 20007, 20039, 20059, 19097, 19098, 19103, 19103, 19112, 19119, 19120, 19124, 19128, 19141, 19143, 20005, 20006, 20006, 20009, 20014, 20052, 20053, 20054, 20057

This is a **further written waiver** until the latest of: [April 7, 2020, expiration of <u>Order of the Health</u> <u>Officer No. C19-07</u>, or expiration of paragraph 1 of <u>Executive Order N-33-20</u>, all as may be extended], of any CPRA/Sunshine deadlines (incl. SOTF's own 67.21(e) 45-day deadline to issue a determination) that would normally occur between now and such date in only the above list of SOTF cases, EXCEPT the following which are either long-standing and with which continued non-compliance is unrelated to COVID-19 work, or for which the information is itself about COVID-19:

- This waiver does not apply to SOTF Order 19047 or SOTF 19044.
- The waiver does not apply to requests about COVID-19 itself sent to DEM, DPH, or the Mayor.
- This waiver does not apply to agencies whose employees are not listed in the TO.

Note that while I am waiving these deadlines, SOTF may or may not be also waiving your deadlines and I have no control over that.

The following are **not** waived:

- Any violations, including timeliness, occurring prior to March 17, 2020, or after the end of the waiver date.
- Any non-timeliness violations.
- Failure by the City to retain and refrain from destroying during the pendency of the waiver any responsive records.
- Any unilateral decision by the City that purports to exempt itself or any of its agencies, officers, or employees from the CPRA or Sunshine Ordinance or any of its provisions.

Stay safe out there~

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Sincerely,

Anonymous

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

On Monday, March 16, 2020 7:17 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

SOTF- This may be filed in cases SOTF 19044, 19047, 19089, 19091, 19105, 19108, 20002, 20007, 20039, 20059, 19097, 19098, 19103, 19103, 19112, 19119, 19120, 19124, 19128, 19141, 19143, 20005, 20006, 20006, 20009, 20014, 20052, 20053, 20054, 20057

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Sincerely,

Anonymous

------ Original Message ------On Monday, March 16, 2020 7:11 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

Listed SOTF Respondents and SOTF itself,

This is a written waiver until April 7, 2020 of any CPRA/Sunshine deadlines (incl. SOTF's own 67.21(e) 45-day deadline to issue a determination) that would normally occur between now and April 7, 2020 in the **attached** list of SOTF cases, EXCEPT the following which are either long-standing and with which continued non-compliance is unrelated to COVID-19 work, or for which the information is itself about COVID-19:

- This waiver does not apply to SOTF Order 19047, which the Mayor's Office has never complied with, in providing minimally redacted ICS files of certain calendars entries.
- This waiver does not apply to SOTF 19044, which would require minimal redaction of the two emails in that case by the City Attorney's office pursuant to SOTF's motion in January (which has not issued yet as an Order).
- The waiver does not apply to requests about COVID-19 itself sent to DEM, DPH, or the Mayor.

P 2²96

 This waiver does not apply to agencies whose employees are not listed in the TO.

Note that while I am waiving these deadlines, SOTF may or may not be also waiving your deadlines and I have no control over that.

The following are **not** waived:

- Any violations, including timeliness, occurring prior to March 17, 2020, or after April 7, 2020. (note the deadlines are merely being delayed until April 7, not some *n* days after April 7).
- Any non-timeliness violations.
- Failure by the City to retain and refrain from destroying during the pendency of the waiver any responsive records.
- Any unilateral decision by the City that purports to exempt itself or any of its agencies, officers, or employees from the CPRA or Sunshine Ordinance or any of its provisions.

NOTE: Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the government all be disclosable public records.

Sincerely,

Anonymous

From:	Anonymous <arecordsrequestor@protonmail.com></arecordsrequestor@protonmail.com>
Sent:	Wednesday, June 3, 2020 11:17 PM
То:	Heckel, Hank (MYR); COTE, JOHN (CAT); Gerull, Linda (TIS); Steinberg, David (DPW); Cox, Andrew (POL); Scott, William (POL); Breed, Mayor London (MYR); Colfax, Grant (DPH); Press, DEM (DEM); SFSO FOIA Requests (SHF); SOTF, (BOS)
Subject: Attachments:	Re: Further Waiver for certain SOTF deadlines signature.asc

All my waivers for timeliness of CPRA/Sunshine Ordinance responses are now terminated as of June 3, 2020.

NOTE: Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature (signature.asc attachment), if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the government all be disclosable public records.

Sincerely,

Anonymous

------ Original Message ------On Monday, April 6, 2020 8:34 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

SOTF Files: 19089, 19091, 19105, 19108, 20002, 20007, 20039, 20059, 19097, 19098, 19103, 19103, 19112, 19119, 19120, 19124, 19128, 19141, 19143, 20005, 20006, 20006, 20009, 20014, 20052, 20053, 20054, 20057

This is a **further written waiver** until the latest of: [May 3, 2020, expiration of <u>Order of the Health</u> <u>Officer C19-07b</u>, or expiration of paragraph 1 of <u>Executive Order N-33-20</u>], of any CPRA/Sunshine deadlines (incl. SOTF's own 67.21(e) 45-day deadline to issue a determination) that would normally occur between now and such date **in solely the above list of SOTF cases**, EXCEPT the following which are either long-standing and with which continued non-compliance is unrelated to COVID-19 work, or for which the information is itself about COVID-19:

- This waiver does not apply to SOTF Order 19047 or SOTF 19044.
- The waiver does not apply to requests about COVID-19 itself sent to DEM, DPH, or the Mayor or her office.
- The waiver does not apply to agencies whose employees are not listed in the TO.

Note that while I am waiving these deadlines, SOTF may or may not be also waiving your deadlines and I have no control over that.

The following are **<u>not</u>** waived:

 Any violations, including timeliness, occurring prior to March 17, 2020, or after the end of the waiver date.

- Any non-timeliness violations.
- Failure by the City to retain and refrain from destroying during the pendency of the waiver any responsive records.
- Any unilateral decision by the City that purports to exempt itself or any of its agencies, officers, or employees from the CPRA or Sunshine Ordinance or any of its provisions.

I do not believe Paragraph 2 of <u>Executive Order N-35-20</u> or Paragraph 5 of the Mayor's March 13 <u>Second</u> <u>Supplement</u> or any other unilateral suspensions by the government of its own transparency obligations are legally valid and will challenge them if they are used.

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Sincerely,

Anonymous

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

On Saturday, March 21, 2020 9:29 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

SOTF Files: 19089, 19091, 19105, 19108, 20002, 20007, 20039, 20059, 19097, 19098, 19103, 19103, 19112, 19119, 19120, 19124, 19128, 19141, 19143, 20005, 20006, 20006, 20009, 20014, 20052, 20053, 20054, 20057

This is a **further written waiver** until the latest of: [April 7, 2020, expiration of <u>Order of</u> <u>the Health Officer No. C19-07</u>, or expiration of paragraph 1 of <u>Executive Order N-33-20</u>, all as may be extended], of any CPRA/Sunshine deadlines (incl. SOTF's own 67.21(e) 45-day deadline to issue a determination) that would normally occur between now and such date in only the above list of SOTF cases, EXCEPT the following which are either long-standing and with which continued non-compliance is unrelated to COVID-19 work, or for which the information is itself about COVID-19:

- This waiver does not apply to SOTF Order 19047 or SOTF 19044.
- The waiver does not apply to requests about COVID-19 itself sent to DEM, DPH, or the Mayor.
- This waiver does not apply to agencies whose employees are not listed in the TO.

Note that while I am waiving these deadlines, SOTF may or may not be also waiving your deadlines and I have no control over that.

The following are **<u>not</u>** waived:

- Any violations, including timeliness, occurring prior to March 17, 2020, or after the end of the waiver date.
- Any non-timeliness violations.
- Failure by the City to retain and refrain from destroying during the pendency of the waiver any responsive records.
- Any unilateral decision by the City that purports to exempt itself or any of its agencies, officers, or employees from the CPRA or Sunshine Ordinance or any of its provisions.

Stay safe out there~

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Sincerely,

Anonymous

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

On Monday, March 16, 2020 7:17 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

SOTF- This may be filed in cases SOTF 19044, 19047, 19089, 19091, 19105, 19108, 20002, 20007, 20039, 20059, 19097, 19098, 19103, 19103, 19112, 19119, 19120, 19124, 19128, 19141, 19143, 20005, 20006, 20006, 20009, 20014, 20052, 20053, 20054, 20057

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Sincerely,

Anonymous

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

On Monday, March 16, 2020 7:11 PM, Anonymous <arecordsrequestor@protonmail.com> wrote:

Listed SOTF Respondents and SOTF itself,

This is a written waiver until April 7, 2020 of any CPRA/Sunshine deadlines (incl. SOTF's own 67.21(e) 45day deadline to issue a determination) that would normally occur between now and April 7, 2020 in the <u>attached</u> list of SOTF cases, EXCEPT the following which are either long-standing and with which continued noncompliance is unrelated to COVID-19 work, or for which the information is itself about COVID-19:

- This waiver does not apply to SOTF Order 19047, which the Mayor's Office has never complied with, in providing minimally redacted ICS files of certain calendars entries.
- This waiver does not apply to SOTE 19044, which would require minimal redaction of the two emails in that case by the City Attorney's office pursuant to SOTE's motion in January (which has not issued yet as an Order).
- The waiver does not apply to requests about COVID-19 itself sent to DEM, DPH, or the Mayor.
- This waiver does not apply to agencies whose employees are not listed in the TO.

Note that while I am waiving these deadlines, SOTF may or may not be also waiving your deadlines and I have no control over that.

The following are **not** waived:

- Any violations, including timeliness, occurring prior to March 17, 2020, or after April 7, 2020. (note the deadlines are merely being delayed until April 7, not some *n* days after April 7).
- Any non-timeliness violations.
- Failure by the City to retain and refrain from destroying during the pendency of the waiver any responsive records.
- Any unilateral decision by the City that purports to exempt itself or any of its agencies, officers, or employees from the CPRA or Sunshine Ordinance or any of its provisions.

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Sincerely,

Anonymous

From:	SOTF, (BOS)
Sent:	Monday, October 19, 2020 4:30 PM
То:	sanderies@andgolaw.com; Vu, Tyler (PDR); 'Justin Barker'; 'TanyaP@sfzoo.org';
	'AnneEl@sfzoo.org'; Summers, Ashley (REC); '81227-34819567
	@requests.muckrock.com'; Cox, Andrew (POL); Scott, William (POL); '84031-44127205
	@requests.muckrock.com'; Andraychak, Michael (POL); Rodriguez, Brian (POL)
Subject:	SOTF - Notice of Appearance - Compliance and Amendments Committee; October 27,
	2020 4:30 p.m.

Good Afternoon:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Compliance and Amendments Committee to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date: October 27, 2020

Location: Remote meeting; participant information to be included on the Agenda

Time: 4:30 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. 19114: Complaint filed by Shane Anderies against Tyler Vu and the Public Defender's Office for violating Administrative Code (Sunshine Ordinance), Section 67.24, 67.25, 67.26, 67.27 and 67.29 by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 19092: Complaint filed by Justin Barker against the San Francisco Zoo for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

File No. 19124: Complaint filed by Anonymous against Chief William Scott and Lt. R. Andrew Cox and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, 67.26, 67.27, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner, failing to respond to a public records request in a timely and/or complete manner, failing to justify withholding of records and failing to maintain a Proposition G calendar.

File No. 19128: Complaint filed by Anonymous against Chief William Scott, Sgt. Brian Rodriguez, Michael Andraychak and the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.21, 67.25, 67.26, 67.27 and 67.29-7(a) by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Documentation (evidence supporting/disputing complaint)

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure). For inclusion into the agenda packet, supplemental/supporting documents must be received by 5:00 pm, October 22, 2020.

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

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

The <u>Legislative Research Center</u> 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.

From: Sent: To: Subject: Attachments: Anonymous <arecordsrequestor@protonmail.com> Thursday, October 22, 2020 4:44 PM SOTF, (BOS) 19124 and 19134 - request for continuance signature.asc

Hello,

Sadly I will need to request a continuance for medical reasons for the compliance committee meeting. This is my first request in each case.

Sincerely,

Anonymous

Sent from ProtonMail mobile

From:	Anonymous <arecordsrequestor@protonmail.com></arecordsrequestor@protonmail.com>
Sent:	Wednesday, December 16, 2020 9:47 AM
. To:	SOTF, (BOS); Henderson, Paul (DPA); Miyamoto, Paul (SHF); Scott, William (POL); COTE, JOHN (CAT); Youngblood, Stacy (POL); Cityattorney; Cox, Andrew (POL); Oldfather, Newton (DPA); Lambert, Alison (SHF); SFPD, Commission (POL)
Subject: Attachments:	Replies in SOTF 19124, 19144, 20066, 20074, 20110
Attachments.	signature.asc

Hi Ms. Leger,

Can you provide City replies/respondent documentation in the 5 cases above? I think I need to give you any additional docs from me by 5pm.

They are all SB 1421/Becerra v Superior Court or adjacent complaints against SFPD, DPA, CAO, Sheriff, Police Commission if I remember correctly.

If one or more respondents have refused to provide a written response, and refuse to do so by 5pm today, I urge the SOTF to proceed without them and reject the argument of the CAO that the Mayor's COVID orders also somehow implicitly prevents - without saying so - the SOTF from considering complaints that the City simply doesn't want to reply to. This would be a double-injustice, allowing the government to even control the process of the public attempting to remedy the government's own unlawful actions.

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Sincerely,

Anonymous

Sent from ProtonMail Mobile