SOTF 19098 - Anonymous v Scott, Andraychak, SFPD - re: email and text audit

1. July 2, 2019 - Non-IDR request for 10 most recent sent/recv emails and chat/text messages of Chief and other senior leadership, including personal devices
2. July 15 - Initial SFPD response, 14-day extension
3. August 5 - Empty email from SFPD received
4. August 26 - First records received (rolling responses continued through Dec 26, 2019)
5. Sept 13 - Complaint filed for 12 alleged violations of CPRA and Sunshine Ordinance
6. Feb 19, 2020 - SFPD indicates there are still more records to produce.

Request excerpt

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

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

Issue: Scope of personal account search insufficient

- *City of San Jose v Superior Court (2017)* covers communications on personal accounts/devices "about the conduct of public business"
- SFPD told its employees "If you do not use your personal email and/or mobile phone for work purposes, you would not have any responsive documents for items 2 and 3 below." The problem is that *San Jose* case covers a larger universe of records than what SFPD told its employees to search for.
- **Example**: a Commander does not use their personal email account for work purposes, but a subordinate officer emails the Commander of police malfeasance on the Commander's personal address out of fear of reprisal at work. That email message on the Commander's personal account is a public record subject to search and disclosure under *San Jose*. However, under SFPD's incorrect interpretation of *San Jose* searches, this record would never be searched for or disclosed because the Commander does not "use [their] email for work purposes."

Issue: Records provided are not copies of the original records

- SFPD physically prints and scans email records. This destroys hyperlinks, color, and other formatting that was part of the original record. Physically printing and scanning is not an exact copy of the record.

- SFPD also sometimes provides a copy of a "forward" of the original responsive email record that was requested. Forwarding an email record creates a new record, with different To/From/Sent/Cc and also prevents the public from knowing the Bcc of the original record.

Issue: SFPD did not key their redactions by footnote or clear reference to justifications

- At the time of the filing of the complaint, SFPD did not key the redactions in the then-provided records by footnote or other clear reference to the legal justification for exemption (SFAC 67.26).

- It appears, SFPD now (after the complaint) accepts this obligation and has changed their practice to provide a key of list of justifications and then match their redactions with their keys, but please confirm with SFPD.

New SFPD practice (post-Complaint)

Cal PRA P008260-071519

Email Correspondence of: DIR FORENSICS / SENT DIR SANCHEZ

Reasons for Redaction:

1. Privacy, Cal Constitution, Art I; SF Admin Code, 67.1(g)
2. Open Investigation, 6254(f) GC
3. Security Procedure 6254(f) GC
4. Record of Intelligence or Investigation 6254(f) GC
5. Personnel, Medical or Similar 6254 (c) GC
6. Peace Officer Personnel Record 832.7 PC
7. Criminal Offender Record Info 11105PC and/or 13300 PC
8. Privilege under Fed and/or State Law / Evidence Code 6254(k) GC
9. Contractor bids, RFPs, etc. not awarded SFAC 67.24(e)(1)
10. Recommendation of author SFAC 67.24(a)(1)
11. Other: _____

There are no responsive documents from personal email account(s).

There are no responsive documents from personal cell phone(s).

There are no responsive documents on either "official work" or "personal" accounts from the following communications platforms: Facebook Messenger, Telegram, Slack, Google Hangouts, Signal,

NO DRAFT EMAILS

From: Sanchez, John (POL)
Sent: Thursday, July 11, 2019 12:14:39 PM
To: Khan, Rahoof (POL)
Subject: Assistance requested

Sir;

Can you please assist me in providing as much (5) of the information on this form as yo
Hopefully you have access to Ofc [redacted] emergency contact card in order to get he
such as; home address, DOB, social, etc. You can just print out the form and hand v
information and then scan or you can fill it out electronically and attach as file in em

Thank you

John Sanchez
Forensic Services Director
San Francisco Police Department
Direct: 415-671-[redacted] - 1
Fax: 415-671-3290
Main: 415-671-3200

Issue: Withholding of email/text metadata/headers not minimal and not justified

- SFPD did not provide the various header metadata for emails other than To/From/Sent/Cc, nor did they justify their withholding. (See SOTF 19044).

- SFPD did however provide some text message metadata that is not normally visible on the "face" of the text message in an electronically-processable table/spreadsheet format. So SFPD does appear to both understand it has an obligation to provide metadata, and the technical know-how to do so.

- Unfortunately while some of the more complex text message metadata was provided, it is missing the basic From/To columns so we don't know the parties in the communication.

Text message metadata provided as TSV database

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