

IN THE SAN FRANCISCO  
SUNSHINE ORDINANCE TASK FORCE

Anonymous

v.

Chief William Scott, Police Department

Complaint

Dec 21, 2019

SOTF No.  
\_\_\_\_\_

**COMPLAINT**  
**[SFAC 67.21, 67.25]**

I allege Respondents failed to respond to various records request in a timely and complete manner. Two IDR's were made. As of Dec 21, 2019 no responses whatsoever were received.

<b>From / Request</b>	<b>To</b>	<b>Dates</b>
<a href="mailto:83246-67278864@requests.muckrock.com">83246-67278864@requests.muckrock.com</a> DPA Requests - Immediate Disclosure Request	<a href="mailto:sfpdlegal@sfgov.org">sfpdlegal@sfgov.org</a>	Nov 14, 2019 (sent) Nov 25 (reminder) Dec 10 (reminder)
<a href="mailto:83872-25170468@requests.muckrock.com">83872-25170468@requests.muckrock.com</a> JTTF Whitepaper files - Immediate Disclosure Request and 67.21(c) request	<a href="mailto:sfpdlegal@sfgov.org">sfpdlegal@sfgov.org</a>	Nov 27, 2019 (sent) Dec 4 (reminder) Dec 16 (reminder)

**REQUEST FOR RELIEF**

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

**NOTE:** Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. The email address sending this request is a publicly-viewable mailbox. All of your responses (including all responsive records) may be instantly and automatically available to the public online via the MuckRock.com FOIA service used to issue this request (though the requester is an anonymous user, not a representative of MuckRock). The author is an adversarial party against the City. Nothing herein is legal, IT, or professional

advice of any kind, and the City should consult its own advisors. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be disclosable public records.

Respectfully submitted,

ANONYMOUS

Complainant/Petitioner

**EXHIBIT A - Nov 14 excerpt**

From nobody Thu Nov 14 16:01:15 2019

Content-Type: multipart/alternative;

boundary="=====  
9058234855324207610=="

MIME-Version: 1.0

Subject: California Public Records Act Request: DPA Requests - Immediate  
Disclosure Request

From: 83246-67278864@requests.muckrock.com

To: sfpdlegal@sfgov.org

Date: Thu, 14 Nov 2019 21:01:15 -0000

Message-ID:

<20191114210115.565.32979@33e6de7f-e43f-43c2-bea4-e01010215551.prvt.dyno.rt.heroku.com>

--=====  
9058234855324207610==

Content-Type: text/plain; charset="utf-8"

MIME-Version: 1.0

Content-Transfer-Encoding: 7bit

San Francisco Police Department

PRA Office

1245 3rd Street

SF, CA 94158

November 14, 2019

SFPD and Chief Scott,

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

This is an Immediate Disclosure Request under the Sunshine Ordinance and CPRA to the above-named agencies and individuals:

1. The 303 document requests made by DPA to SFPD in 2019 third quarter (the "Requests" described in Para 2 here:

[https://sfgov.org/policecommission/sites/default/files/Documents/PoliceCommission/PoliceCommission111319-DPA\\_SFPDProtocolReport3rdQ2019.pdf](https://sfgov.org/policecommission/sites/default/files/Documents/PoliceCommission/PoliceCommission111319-DPA_SFPDProtocolReport3rdQ2019.pdf)), including all emails, letters, memos, orders, attachments, exhibits, all in their original electronic format or in .EML or in .MSG format, including all non-exempt metadata and headers. Printing and scanning of electronic records will be appealed.

Anonymous v. Scott, et al. (No responses)

2. Every response received by DPA from SFPD to the Requests including but not limited to the 6 untimely responses and the 4 denials, including all emails, letters, memos, orders, attachments, exhibits, all in their original electronic format or in .EML or in .MSG format, including all non-exempt metadata and headers. Printing and scanning of electronic records will be appealed.

3. Every record received in response to each of the Requests, including all emails, letters, memos, orders, attachments, exhibits, all in their original electronic format or in .EML or in .MSG format, including all non-exempt metadata and headers. Printing and scanning of electronic records will be appealed.

Please provide only those requests without fees.

Provide requests in rolling fashion.

Justify each and every withholding or redaction with clear reference to statute or case law.

Please provide records via email or publish them publicly to your website.

All records your agency retained, owned, used, or prepared are public records under the CPRA that you must disclose unless explicitly exempt, even if they are communications of records of other agencies as well.

This is also a SFAC 67.21(c) request for a statement for the nature, quantity, and form of all records responsive to 1, 2, or 3, including purportedly exempt records, which must be answered in 7 days without extensions.

All violations of the Sunshine Ordinance will be immediately appealed to the SOTF, Supervisor of Records, and/or Superior Court.

NOTE: Nothing herein is legal, IT, or professional advice of any kind. The author disclaims all warranties, express or implied, including but not limited to all warranties of merchantability or fitness. In no event shall the author be liable for any special, direct, indirect, consequential, or any other damages whatsoever. The digital signature, if any, in this email is not an indication of a binding agreement or offer; it merely authenticates the sender. Please do not include any confidential information, as I intend that these communications with the City all be public records.

Sincerely,

Anonymous

**EXHIBIT A - Nov 27 excerpt**

From nobody Wed Nov 27 18:10:53 2019

Content-Type: multipart/alternative;

boundary="====6385025040957295310=="

MIME-Version: 1.0

Subject: California Public Records Act Request: JTTF Whitepaper files -  
Immediate Disclosure Request and 67.21(c) request

From: 83872-25170468@requests.muckrock.com

To: sfpdlegal@sfgov.org

Date: Wed, 27 Nov 2019 23:10:53 -0000

Message-ID:

<20191127231053.5359.89858@f832b8a9-3c0d-494c-8722-4d34ac60f61c.prvt.dyno.rt.heroku.com>

--====6385025040957295310==

Content-Type: text/plain; charset="utf-8"

MIME-Version: 1.0

Content-Transfer-Encoding: 7bit

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

November 27, 2019

RE: JTTF Whitepaper files

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 a Nov. 27, 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 also an SF Admin Code 67.21(c) request for 4 statements (one for each numbered request below) for the quantity (including even records you claim are exempt), form, and nature, and existence of records responsive to each request below -- which must be provided in 7 days with no extensions are permitted.

Anonymous v. Scott, et al. (No responses)

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. Highest priority: all communications between the City and the federal government, including the DoJ or FBI, re: whether or not, how, and when, to release the records underlying SOTF 19017. If your agency retained, owned, prepared, or used a communication between a different City agency and the federal government, you must still provide it. Include all attachments, exhibits, inline images, email headers, and metadata.
2. all communications to or from the SOTF or the Complainants in SOTF 19017. Include all attachments, exhibits, inline images, email headers, and metadata.

3. all communications to or from the Requestors re: the Sept. 14, 2018 request that forms the basis of SOTF 19017 (including all responsive records). Include all attachments, exhibits, inline images, email headers, and metadata.

4. all documents filed in court or retained by SFPD received from other parties in any court case re: SOTF 19017. Include all attachments, exhibits, inline images, email headers, and metadata.

Sincerely,  
Anonymous