

IN THE SAN FRANCISCO  
SUNSHINE ORDINANCE TASK FORCE

Anonymous

v.

Sgt. Brian Rodriguez #4075, Sgt.  
Michael Andraychak #457, Chief  
William Scott, Police Department

Sunshine Ordinance Petition and  
Complaint

SFPD #P010029-120419

Dec. 9, 2019

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

**COMPLAINT<sup>1</sup>**

I allege Respondents responded to an IDR in an untimely manner (SFAC 67.25), responded incompletely (SFAC 67.21), and that documents have been withheld in full without clear reference (SFAC 67.26), to statute or court case that exempts the records (SFAC 67.27). I also allege that respondents failed to disclose and maintain and preserve in a professional and businesslike manner all documents and correspondence (SFAC 67.29-7(a)) - such allegation is made solely against Chief Scott as the department head.

**KEY POSITIONS<sup>2</sup>**

- *City of San Jose (Smith, 2017)* proves Rodriguez’s emails stored on non-City accounts are “public records” under CPRA and must be disclosed by both Rodriguez and SFPD because they are related to public business and were “prepared” or “used” by Rodriguez, *which also imputes* to the SFPD.
- The location of these public records on purportedly non-City property has no bearing on their status as “public records.”
- Therefore, SFPD and Rodriguez must search for and produce these public records even from the non-City email accounts.

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<sup>1</sup> SFPD designated this request P010029-120419; it is one of two distinct requests made from [84031-44127205@requests.muckrock.com](mailto:84031-44127205@requests.muckrock.com) . This complaint is not about the other request, which may be subject to other complaints.

<sup>2</sup> These are merely the most important parts of the complaint but they do not limit the complaint itself, which is more fully specified in the entirety of the complaint.

## FACTS OF THE CASE

I made an IDR public records request (Exhibit A) on Dec. 2 to Sgt. Brian Rodriguez #4075's SFGOV email address as an individual custodian of public records (i.e. his own emails) under the Sunshine Ordinance and SFPD as a local agency under CPRA, requesting specific email threads (re: forensic analysis of the seized property of the journalist raided by SFPD, Bryan Carmody) involving Sgt. Rodriguez from three different government email accounts known to belong to Sgt. Rodriguez.

It is believed from a distinct, prior SFPD records disclosure (Exhibit B) that Sgt. Rodriguez authored and sent a specific email message regarding city business (asking for an opinion regarding continued forensic analysis of Carmody's laptop) using a non-City email address: brodriguez@rcfl.gov , which he sent to other City employees on their SFGOV email addresses. Sgt. Rodriguez signed the email in question as follows (excerpt from Exhibit B):

Sgt. Brian Rodriguez # 4075

San Francisco Police Department

Deputy Director / TFO - Silicon Valley Regional Computer Forensics Laboratory

Desk Phone (650) 289-3012 / Cell Phone (415) 971-7223

[brodriguez@rcfl.gov](mailto:brodriguez@rcfl.gov) / [brian.rodriguez@sfgov.org](mailto:brian.rodriguez@sfgov.org) / [bdrodriguez@fbi.gov](mailto:bdrodriguez@fbi.gov)

It is further believed he may have received responses from City employees to his own non-City email addresses, or sent further emails on the requested threads from the non-City email addresses. It is further believed from these same records that Sgt. Rodriguez is somehow detailed to or jointly works with the Regional Computer Forensics Laboratory (RCFL) and/or the FBI and stores emails regarding the public's business on one or more of his three email accounts. On Dec. 4, SFPD refused to search for or produce the public records on Rodriguez's non-sfgov accounts.

### **CITY OF SAN JOSE (2017) PROVES RODRIGUEZ'S EMAILS STORED ON NON-CITY ACCOUNTS ARE "PUBLIC RECORDS" UNDER CPRA AND MUST BE DISCLOSED**

In 2017, the state Supreme Court held: "Consistent with the Legislature's purpose in enacting CPRA, and our constitutional mandate to interpret the Act broadly in favor of public access (Cal. Const., art. I, § 3, subd. (b)(2)), we hold that a city employee's writings about public business are not excluded from CPRA simply

because they have been sent, received, or stored in a personal account.” *City of San Jose v. Superior Court*<sup>3</sup>, 2 Cal.5th 608, 629 (Cal. 2017). The reasoning in *San Jose* regarding personal accounts can be used to analogously conclude that:

- the records Sgt. Rodriguez stored on non-City (but not personal) accounts were “prepared” or “used” by Rodriguez,
- the records were constructively prepared or used by SFPD, are writings, and relate to public business, and are thus “public records” and “public information” subject to CPRA and Sunshine Ordinance, respectively
- the records must be disclosed by Sgt. Rodriguez individually and by SFPD as a local agency, and
- if SFPD has entered into agreements with FBI/DOJ restricting the records’ disclosure beyond the exemptions of the CPRA/Sunshine Ordinance, such agreements violate local/state law and have no bearing on whether or not the records are non-exempt, disclosable public records under local/state law.

SFPD’s chief contention<sup>4</sup> for refusing to provide (or even search for) the email threads on Rodriguez’s non-sfgov.org email accounts is: “SFPD is not the custodian or records for [the brodriguez@rcfl.gov and bdrodriguez@fbi.gov] accounts.” Note that Sgt. Rodriguez has never personally replied to my Dec. 2 immediate disclosure request, yet it is he from whom I requested the records as a “custodian” of his own emails, and we know for certain that he used at least the rcfl.gov address to store certain public records in this case.

### **1. Emails at issue were “prepared” or “used” by SFPD, and are thus “public records.”**

The Court in *San Jose* first asserts that a public record “is (1) a writing, (2) with content relating to the conduct of the public’s business, which is (3) prepared by, *or* (4) owned, used, or retained by any state or local agency.” The Court itself wrote the “*or*” between (3) and (4) with emphasis in the original ruling, and this is key to our analysis.

The Court further asserted<sup>5</sup> that:

A writing is commonly understood to have been prepared by the person who wrote it. If an agency employee prepares a writing that

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<sup>3</sup> All case citations are to the Supreme Court opinion case, unless otherwise specified.

<sup>4</sup> SFPD also refers me to the FBI/USDOJ and instructs me to use FOIA instead.

<sup>5</sup> Internal citations omitted throughout this document.

substantively relates to the conduct of public business, that writing would appear to satisfy the Act's definition of a public record.

...

It is well established that a governmental entity, like a corporation, can act only through its individual officers and employees. (*Suezaki v. Superior Court* (1962); *Alvarez v. Felker Mfg. Co.* (1964) ; see *United States v. Dotterweich* (1943) ; *Reno v. Baird* (1998) )

When Sgt. Rodriguez, an SFPD employee, wrote and sent the May 28, 2019 email (seen at the bottom of Exhibit B) from his rcfl.gov email address and sent further replies/forwards (if any) on the thread at issue in this complaint, he “prepared” those records. The emails are clearly all “writings” and relate substantively to the conduct of public business, namely an SFPD investigation<sup>6</sup>. Per *San Jose*, the SFPD thus also “prepared” them, and the emails are a “public record” under CPRA.

And when Sgt. Rodriguez received any other persons’ replies back to him relating to this investigation and on the requested thread stored on his rcfl.gov email address, he “used” those emails, and thus SFPD also “used” those reply emails. This is no different than emails from the public to the SFPD (or other city agency) being public records even though they are not written by a city employee. If they concern the public business (in this case, the SFPD investigation), they are public.

For elimination of any doubt: Sgt. Rodriguez signed the May 28 email using his SFPD<sup>7</sup> rank and star number and “San Francisco Police Department.” While it is not necessary for us to prove this, he was at all relevant times acting as an agent for the SFPD and CCSF.

All emails in the requested thread are SFPD’s “public records” under the CPRA via this analysis. If you accept that SFPD prepared or used these emails (through its employee Sgt. Rordriguez), you do not need to reach the question of whether SFPD owns or retains these emails -- any one of the four requirements is sufficient, since the CPRA says “or.” Per *San Jose*:

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<sup>6</sup> Whether or not the records are *exempt* is a distinct question from whether or not they are CPRA *public records*, and thus whether or not they are disclosable and/or can be withheld. *After* searching for and finding the public records, then the SFPD may assert with “clear reference” (SFAC 67.26) a statutory/case law exemption, though we assert that these records are *not* exempt due to their voluntary, partial disclosure by SFPD itself in the context of other public records requests. The SFPD of course has refused to perform the search at this point.

<sup>7</sup> He also provided his RCFL title, after his SFPD information, so he may *also* have been acting as an agent for the RCFL and/or FBI, though this is unclear. Regardless, the fact that he may have been acting on behalf of RCFL and/or FBI simultaneously cannot negate the fact that he is and was also an employee of SFPD and his actions impute to the SFPD.

The City urges a contrary conclusion when the writing is transmitted through a personal account. In focusing its attention on the "owned, used, or retained by" aspect of the "public records" definition, however, it ignores the "prepared by" aspect. (§ 6252, subd. (e).) This approach fails to give " 'significance to every word, phrase, sentence, and part' " of the Act. (*Sierra Club v. Superior Court* , *supra.*)

## **2. Sgt. Rodriguez is also individually subject to CPRA and Sunshine obligations.**

First, the Sunshine Ordinance goes beyond the CPRA and imposes disclosure obligations on "every person having custody of any public record or public information" (SFAC 67.21(a)), so Sgt. Rodriguez has a personal, individual duty under local law to provide me a copy of the requested public records, since both the rcfi.gov and fbi.gov email accounts are his own accounts. I did in fact email my request to his, individual, SFGOV email address on Dec. 2, to which he never, personally, responded.

But even under a pure CPRA analysis, the Court in *San Jose* rejected the notion that an individual employee is not subject to the CPRA:

Broadly construed, the term "local agency" logically includes not just the discrete governmental entities listed in section 6252, subdivision (a) but also the individual officials and staff members who conduct the agencies' affairs.

This broad construction is required by the Constitution<sup>8</sup>. As we have seen above, Sgt. Rodriguez certainly individually "prepared" or "used" the requested emails, and thus *he* must individually provide them as public records, *in addition* to the SFPD.

## **3. Location or storage of emails on non-City servers is irrelevant.**

The Supreme Court in *San Jose* tackles the issue of non-City servers directly:

Under the City's interpretation of CPRA, a document concerning official business is only a public record if it is located on a government

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<sup>8</sup> "A statute, court rule, or other authority, including those in effect on the effective date of this subdivision, shall be *broadly construed* if it furthers the people's right of access, and narrowly construed if it limits the right of access." (Cal. Const., art. I, § 3, subd. (b)(2), italics added.)

agency's computer servers or in its offices. Indirect access, through the agency's employees, is not sufficient in the City's view. However, we have previously stressed that a document's status as public or confidential does not turn on the arbitrary circumstance of where the document is located.

#### **4. SFPD has custody over the requested emails and must disclose them.**

*San Jose* instructs that an agency must disclose records in the possession of their individual officers and employees (here, Sgt. Rodriguez):

Moreover, to say that only public records "in the possession of the agency" (§6253, subd. (c)) must be disclosed begs the question of whether the term "agency" includes individual officers and employees. We have concluded it does.

Access to the records by individual employees, like Sgt. Rodriguez, is enough (emphasis added):

If a local agency does not encompass individual officers and employees, it argues, only writings accessible to the *agency as a whole* are public records. This interpretation is flawed for a number of reasons.

In this case, it is indisputable that Sgt. Rodriguez has access to his own rcfl.gov and fbi.gov accounts and thus access to the emails requested. In fact, per Exhibit B, he signs his emails with a footer listing all three email addresses (sfgov, rcfl, and fbi).

#### **5. Any contractual agreement between SFPD and FBI or RCFL exempting the requested emails from disclosure would contradict state law**

It is unclear what the relationship between the SFPD and FBI/USDOJ or RCFL with regards to Sgt. Rodriguez and/or the requested emails is. If SFPD or Sgt. Rodriguez have entered into an agreement with FBI/USDOJ or RCFL that purports to restrict SFPD/Rodriguez's direct provision of these records to me, that would likely violate the CPRA/Sunshine Ordinance's requirements that Rordiguez/SFPD disclose these records. SFPD cannot be allowed to evade the stronger public records laws of California and San Francisco simply by storing them on Federal computer servers.

Furthermore, even if SFPD or Sgt. Rodriguez did enter into an agreement with FBI or RCFL that purports to prevent the SFPD or Sgt. Rodriguez from disclosing to me



the requested emails, that has no bearing on whether the Task Force should determine the emails to be public records, find violations, and order their disclosure, which it should do.

## **ALLEGATIONS**

### **A1. Violations of SF Admin Code 67.25 - untimely IDR response**

I emailed the IDR on Dec. 2. I should have received a response Dec. 3, the next business day. I did not. Later, I reminded SFPD of the lack of response. Sgt. Andraychak then responded on behalf of the Respondents on Dec. 4 acknowledging the request, and then later (Exhibit C) the same day declared no responsive records, and referred me to the FBI/RCFL.

### **A2. Violations of SF Admin Code 67.21 - incomplete response**

I allege that when Respondent Rodriguez sent or received emails re: public business on any email account, those emails are public records. The fact that Respondent uses a non-City email address to conduct public business should not be relevant.

The analysis above shows that a public record *merely stored on non-City, but government property*, does not exclude those records from the definition of a “public record” or “public information” under the CPRA or Sunshine Ordinance, and they must be turned over.

I do not believe Respondent Rodriguez (the individual custodian) or the SFPD (as the agency) have ever actually conducted a search of his non-sfgov.org accounts. Under SFAC 67.21, Sgt. Rodriguez is responsible for doing so; he clearly has access to these emails and must produce them.

Please note that SFAC 67.21(k) incorporates by reference the CPRA, so Respondents violations of the Supreme Court’s interpretations of CPRA, including as described in the earlier analysis, are also 67.21 violations.

### **A3. 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**

No exemption justification to statute or case law has been cited as to why the email messages requested, sent or received by a City employee, would be exempt in their entirety. To be clear, the mere reference to “FOIA” does not constitute an *exemption*. It is possible that Respondents may in the future assert Govt Code 6254(f) re: an open investigation, but given that part of this thread was already published pursuant to a different SFPD public records request, this seems unlikely. Regardless, they did not Govt Code 6254(f) or any other exemption prior to the complaint being filed.

**A4. Violations of SF Admin Code 67.29-7(a) - disclose and maintain and preserve in a professional and businesslike manner all documents and correspondence**

If you find violations of Allegations #1, #2, and #3, and Respondents do turn all of the requested records over, you do not need to reach this Allegation #4. However, if you find that Sgt. Rodriguez’s business-related emails stored on non-City email addresses are in fact beyond the reach of disclosure for whatever reason, then you should find instead a violation by Chief Scott of SFAC 67.29-7(a) because a member of his department, Sgt. Rodriguez, has then failed to maintain/preserve (and disclose) those emails.

**REQUEST FOR RELIEF**

Please find that the Respondents violated SF Admin Code 67.21, 67.25, 67.26, 67.27, and/or 67.29-7(a), determine that some or all of the records or portions thereof withheld or not yet disclosed are public records, and issue all appropriate orders. Given that these records would go to the heart of the potentially inappropriate involvement of the FBI in the Carmody raid, these records are of the highest public interest and I urge you to investigate and order their disclosure without undue delay.

Respectfully submitted,

ANONYMOUS  
Complainant/Petitioner



**EXHIBIT A - Dec. 2 Request**

Sgt. Brian Rodriguez #4075 and the SFPD,

\*\* NOTE: Please redact all responses correctly! This is a public email mailbox, and all of your responses (including disclosed records) may be automatically and instantly available to the general public on the [MuckRock.com](https://www.muckrock.com) FOIA service used to issue this request (though I am not a MuckRock representative). Once you send records or reply emails to us, there is no going back.  
\*\*

You, as an individual custodian of public records under the SF Sunshine Ordinance, and the SFPD, as a local agency under the California Public Records Act, are being requested to disclose copies of public records under an Immediate Disclosure Request. This request is NOT made pursuant to the federal FOIA. This request is NOT identical to the request made originally to SFPD Legal - each of the requests must be responded to separately.

Do not provide copies requiring fees - instead for fee-based copies provide the required notice of which documents are available for in-person inspection.

Please read carefully the exact wording of my request. Please follow the Sunshine Ordinance and CPRA precisely as I am auditing your agency's public records regimen. As the City is aware, every violation of the Sunshine Ordinance or CPRA will be appealed immediately, including:

- any untimely or incomplete response, failure to provide records in a rolling fashion as soon as they are available, or failing to indicate whether you have responsive records or not for each request and whether you withheld any records for each request (SFAC 67.21, 67.25, Gov Code 6253(c)),
- withholding more than the minimum exempt portion of any record (SFAC 67.26),
- failure to justify with "clear reference" to an exemption statute or case law for each and every redaction or withholding, including any so-called 'metadata' (SFAC 67.26, 67.27),
- failure to provide "exact copies" of records (Gov Code 6253(b)),
- failure to provide the "electronic format in which [you] hold[] the information" (Gov Code 6253.9),
- failure to provide any "easily generated" format that we requested (SFAC 67.21(l)),
- refusing to provide the quantity of exempt records (SFAC 67.21(c)),
- unlawful use of the exemptions prohibited by SFAC 67.24, including but not limited to GC 6255, any public interest balancing test,
- redacting or withholding information whose exemption you have already waived by producing it to the public before (Gov Code 6254.5).

SFPD previously published as a public record a part of an email thread:

From: Brian Rodriguez  
Sent: Tuesday, May 28, 2019 10:26 AM  
To: Obidi, Joseph (POL)  
Cc: Torres, Pilar (POL); Braconi, William (POL); Kwok, Sherman (SF) (FBI); Penni Price  
Subject: 190149152 / Carmody / SVRCFL Lab # SV-19-0033

This is an Immediate Disclosure Request for the following. This is also a request for a distinct SFAC 67.21(c) statement (due in 7 days, without extensions) for quantity, nature, form, and existence of records responsive to each of the below requests, whether or not you consider their contents exempt.

1. All messages in the thread "190149152 / Carmody / SVRCFL Lab # SV-19-0033" including all replies and forwards and the original email in the email account [brodriguez@rcfl.gov](mailto:brodriguez@rcfl.gov) - Provide them either as a PDF format or .EML or .MSG formats. You must include all attachments, email addresses, formatting, images, and hyperlinks. If you print and scan these documents instead of directly converting them in electronic form, they will be appealed as a failure to provide an exact copy or withholding metadata without justification. We expect you, as an employee of SFPD and subject to the Sunshine Ordinance, should provide ALL of your records whether or not they are stored on SFPD, FBI, or RCFL systems.

2. All messages in the thread "190149152 / Carmody / SVRCFL Lab # SV-19-0033" including all replies and forwards and the original email in the email account [brian.rodriguez@sfgov.org](mailto:brian.rodriguez@sfgov.org) - Provide them either as a PDF format or .EML or .MSG formats. You must include all attachments, email addresses, formatting, images, and hyperlinks. If you print and scan these documents instead of directly converting them in electronic form, they will be appealed as a failure to provide an exact copy or withholding metadata without justification. We expect you, as an employee of SFPD and subject to the Sunshine Ordinance, should provide ALL of your records whether or not they are stored on SFPD, FBI, or RCFL systems.

3. All messages in the thread "190149152 / Carmody / SVRCFL Lab # SV-19-0033" including all replies and forwards and the original email in the email account [brodriguez@fbi.gov](mailto:brodriguez@fbi.gov) - Provide them either as a PDF format or .EML or .MSG formats. You must include all attachments, email addresses, formatting, images, and hyperlinks. If you print and scan these documents instead of directly converting them in electronic form, they will be appealed as a failure to provide an exact copy or withholding metadata without justification. We expect you, as an employee of SFPD and subject to the Sunshine Ordinance, should provide ALL of your records whether or not they are stored on SFPD, FBI, or RCFL systems.

Sincerely,  
Anonymous

**EXHIBIT B pg 1** - Excerpt of prior disclosure in a **different** records request (P8985 - responsive 4.pdf) that provides evidence for existence of the records requested in **this** case

**From:** [Torres, Pilar \(POL\)](#)  
**To:** [Moser, Bob \(POL\)](#)  
**Cc:** [Obidi, Joseph \(POL\)](#)  
**Subject:** Fw: 190149152 / Carmody / SVRCFL Lab # SV-19-0033  
**Date:** Tuesday, May 28, 2019 10:49:48 AM

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Chief Moser,

Can you provide some direction regarding Sgt. Rodriguez's email?

Also, there are other loose odds and ends that need to be addressed regarding Sgt. Obidi's case. We will not do anything further without your direction.

Thank you,

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Lieutenant Pilar E. Torres #597  
San Francisco Police Department  
Investigative Services Detail  
1245 3rd Street  
San Francisco, Ca. 94158  
Desk- 415.882.8425  
Cell- 415.638.0366

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**From:** Brian Rodriguez <brodriguez@rcfl.gov>  
**Sent:** Tuesday, May 28, 2019 10:26 AM  
**To:** Obidi, Joseph (POL)  
**Cc:** Torres, Pilar (POL); Braconi, William (POL); Kwok, Sherman (SF) (FBI); Penni Price  
**Subject:** 190149152 / Carmody / SVRCFL Lab # SV-19-0033

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

Hi Joe-

In light of all the stuff going on with this case, we have not gone any further with this first request with the two laptops. All that happened here is that I forensically imaged both laptops and Penni prepared to process them. We stopped once we heard the evidence was being picked up. As you know, all submitted evidence was returned to SFPD on 5/20/19. Nothing at all was done on the second request (SV-19-0033-2) with the tower PC and loose

**EXHIBIT B pg 2** - Excerpt of prior disclosure in a **different** records request (P8985 - responsive 4.pdf) that provides evidence for existence of the records requested in **this** case

HDDs - a written report is forthcoming detailing that.

I do have a question on this first request (with the two laptops)...since I forensically imaged both laptops, we have a couple of options:

- 1) Close our exam (which hasn't really started) and return the master copy tape (containing the forensic images of the laptops) along with a written report in case you/someone wants to examine these laptops for evidence at a later date.
- 2) Close our exam (which hasn't really started) and DESTROY the master copy tape (containing the forensic images of the laptops), which means the laptops can never be examined unless they are seized from the subject again.
- 3) Hold - since we have forensic images of the two laptops (only) and wait for further instruction to possibly examine them.

Please advise!

Thanks!

B-Rod

Sgt. Brian Rodriguez # 4075  
San Francisco Police Department  
Deputy Director / TFO - Silicon Valley Regional Computer Forensics Laboratory  
Desk Phone (650) 289-3012 / Cell Phone (415) 971-7223  
[brodriguez@rcfl.gov](mailto:brodriguez@rcfl.gov) / [brian.rodriguez@sfgov.org](mailto:brian.rodriguez@sfgov.org) / [bdrodriguez@fbi.gov](mailto:bdrodriguez@fbi.gov)

This communication contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents or attachments are not to be distributed outside your agency.

EXHIBIT C – Substantiative Response, Dec 4

Attention Anonymous:

You sent a request directly to Sgt. B. Rodriguez. In the future, please file your requests with the SFPD Legal Division.

With respect to this request, there are nor responsive documents in Sgt. Rodriguez's sfgov email account.

For fbi.gov or rcfl.gov emails, you will have to file a FOIA with the USDOJ/FBI. SFPD is not the custodian or records for these accounts.

Regards,

Michael Andraychak #457

Sergeant of Police

Officer in Charge - Media Relations Unit

San Francisco Police Department

1245 - 3rd Street, 6th Floor

San Francisco, CA 94158

(415) 837-7395

Regular Days Off: Fri, Sat, Sun

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

San Francisco Police Department

PRA Office

1245 3rd Street

SF, CA 94158

December 2, 2019

This is a follow up to a previous request:

Sgt. Brian Rodriguez #4075 and the SFPD,

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

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soon as they are available, or failing to indicate whether you have responsive records or not for each request and whether you withheld any records for each request (SFAC 67.21, 67.25, Gov Code 6253(c)),

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- failure to provide the "electronic format in which [you] hold[] the information" (Gov Code 6253.9),
- failure to provide any "easily generated" format that we requested (SFAC 67.21(l)),
- refusing to provide the quantity of exempt records (SFAC 67.21(c)),
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2. All messages in the thread "190149152 / Carmody / SVRCFL Lab # SV-19-0033" including all replies and forwards and the original email in the email account brian.rodriguez@sfgov.org - Provide them either as a PDF format or .EML or .MSG formats. You must include all attachments, email addresses, formatting, images, and hyperlinks. If you print and scan these documents instead of directly converting them in electronic form, they will be appealed as a failure to provide an exact copy or withholding metadata without justification. We expect you, as an employee of SFPD and subject to the Sunshine Ordinance, should provide ALL of your records whether or not they are stored on SFPD, FBI, or RCFL systems.

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Sincerely,

Anonymous

Filed via MuckRock.com

E-mail (Preferred): 84031-44127205@requests.muckrock.com

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san-francisco-police-department-367%252Fcarmody-forensics-emails-sfpd-immediate-disclosure-request-84031%252F%253Femail%253Dbrian.rodriguez%252540sfgov.org

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

For mailed responses, please address (see note):

MuckRock News

DEPT MR 84031

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.

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On Dec. 2, 2019:

Subject: California Public Records Act Request: Carmody Forensics Emails (SFPD) - Immediate Disclosure Request

RE: Carmody Forensics Emails (SFPD) - Immediate Disclosure Request

To Whom It May Concern:

\*\* NOTE: Please redact all responses correctly! This is a public email mailbox, and by replying, you will publish all of your responses (including disclosed records) automatically and instantly to the general public on the MuckRock.com FOIA service used to issue this request (though I am not a MuckRock representative). Once you send records or reply emails to us, there is no going back. \*\*

SFPD previously published as a public record a part of an email thread (attached):