

IN THE SAN FRANCISCO
SUNSHINE ORDINANCE TASK FORCE

Anonymous

v.

Sheriff Paul M. Miyamoto, San
Francisco Sheriff's Department and
Alison Lambert

Complaint

Oct. 2, 2020

SOTF No.

COMPLAINT

1. I allege that Sheriff Paul Miyamoto, the Sheriff's Department, and Alison Lambert violated SF Admin Code sec. 67.21 by providing an incomplete and untimely response to a records request, SFAC 67.26 by withholding more than the minimum exempt portion of the records and also by failing to key redactions by footnotes or other clear references to justifications and SFAC 67.27 by failing to justify in writing all withholding of information.
2. The government Respondents bear the burden of proof in a Sunshine Ordinance complaint. Your Task Force should take as proven any allegations not explicitly denied by the Respondents.

NARRATIVE

3. On Feb. 22, 2020, I made an immediate disclosure request via 88551-86881685@requests.muckrock.com (Exhibit A) for, *inter alia*:
 - a. Pursuant to *Becerra v Superior Court (First Amendment Coalition, 2020)*, provide all records (where "record(s)" is defined specifically by Penal Code 832.7(b)(2), and REGARDLESS of whether they are prepared by or for your agency or its employees) of all incidents involving the discharge of a firearm at a person by a peace officer or custodial officer; all incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury; all records 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; all

records 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. Note: The potential exception that the State AG may have under Gov Code 6255 / public-interest balancing test, which the Court of Appeal found may apply if Becerra had asked for it, DOES NOT APPLY TO YOUR OFFICE, pursuant to SFAC 67.24(g and i).

4. In common parlance, this an SB 1421 omnibus request similar to those made by a large coalition of press and civil liberties organizations (and as further expanded by *Becerra v. Superior Court (First Amendment Coalition, 2020)*).
5. On Feb. 25, 2020 an initial non-IDR response was provided. On March 2, 2020, a written description of records was provided (Exhibit B). In that response, Respondents claimed both that:
 - a. Audio and video responsive records existed but would not be provided due to a lack of resources
 - b. Because a prior SB 1421 requester had supposedly issued their request only under the CPRA, and not the Sunshine Ordinance, they had not keyed their redactions by footnote or other clear references as SFAC 67.26 requires.
6. On March 2, I informed Respondents:

Given that you have already published to someone else these records, but without producing the audio or justifying all of your redactions, at this time please immediately email to me copies of the already-produced records which should be readily-available.

Note that we do not in any way waive complete production with full justifications and audio/video information, which will still be required as you produce them.

7. On March 9, Respondents purported to provide records in a fashion requiring a sign-in to a Microsoft system (I have no idea what records they provided as I refuse to log-in and provide my info to such systems). I have a right to receive records anonymously. Moreover, Respondents cannot require me to agree to any

terms and conditions to receive public records (*Santa Clara Co. vs Superior Ct*, 170 Cal.App 4th 1301). I immediately asked them to provide the records in a completely open fashion without requiring sign-in. They did not reply.

8. On June 10, June 25, and July 10 three follow-up emails were sent to SFSD.
9. On July 10, SFSD finally responded asking for yet another week. I again informed them to use a public link without any sign-in and cited the *Santa Clara* case
10. On July 17, SFSD informed me they would not provide me records completely publicly for “security reasons” (no citation to law). These are disclosable, public records. This argument has no merit - if I can see them, so can the rest of the world. In fact, every person has the same right to these records as I do.
11. On July 20, SFSD publicly released certain SB 1421 records. They did not provide a key by footnote or other clear reference to justifications for redactions. They did not provide any audio or video records, without any citation to law for withholding them. As of the filing of this complaint, they have not fully complied.

ALLEGATION 1 - Violation of SF Admin Code 67.21(b) - incomplete production of records

12. I incorporate by reference Paragraphs 1 through 11.
13. Respondents have refused to provide the audio and video records associated with their SB 1421 records. They must do so.

ALLEGATION 2 - Violation of SF Admin Code 67.26 - failure to key redactions by footnote or other clear reference to justification

14. I incorporate by reference Paragraphs 1 through 13.
15. Respondents accept that they have not complied with SFAC 67.26 and have not keyed their redactions by footnote or other clear reference to justifications. Respondents claim that they lack the resource to key their redactions - but this is not a defense under SFAC 67.26. In fact SFAC 67.26 states explicitly that this work is normal part of a public employee’s job and it must be done as part of the records production.

16. Respondents' flawed records process involves redacting records however they see fit and only after the fact justifying them. That process is fundamentally flawed - if the person doing the redaction does not have to come up with a justification as they are doing the redaction as required by SFAC 67.26, they are more prone to be sloppy, redacting whatever they find subjectively sensitive instead of only things explicitly exempt under some law.
17. Because these redactions are not justified, I challenge all of them. If Respondents cannot justify all of their redactions, they are unlawful, and your Task Force must order each unjustified redaction disclosed.

ALLEGATION 3 - Violation of SF Admin Code 67.26 - failure to withhold the minimally exempt portion of records

18. I incorporate by reference Paragraphs 1 through 17.
19. Because of Respondents' unlawful redaction process that lacks justifications, it is hard for the complainant to effectively argue why the justification they have in mind is inappropriate. This is in fact the purpose of the City not providing justifications - that would pin them down both before the Task Force and Superior Court and make it easier for the public to challenge them.
20. Nevertheless, as an example, and in no way limiting Allegation 2, we provide a small subset of the challenged redactions from record A2012-0073, a 41-page record (Exhibit D):
- a. - Page 2, Location of incident - Gov Code 6254(f)(2)(A)
 - b. - Page 2, Officer in Charge
 - c. - Page 3, first sentence, location
 - d. - Page 4 and throughout - name of suspect. Because the suspect was arrested, their name is public. Gov Code 6254(f)(1)
 - e. - Page 7, 0800 hrs - unclear what was redacted
 - f. - Page 8 - all redactions in final table column
 - g. - Page 16 - location of incident publicly disclosed by Oakland PD PIO
 - h. - Page 18 - full para redacted
 - i. - Page 25 - location
 - j. - Page 26 - all locations, firearm serial #
 - k. - Page 31 - location of incident report 6254(f)(2)(A)

1. - Page 31-39 - incident report: unredact all except private info of persons, under 6254(f)(2)(A). Note that the deputy's girlfriend, who is alleged as a victim, is not private, unless it qualifies as follows: "The name of a victim of any crime defined by Section 220, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code may be withheld at the victim's request, or at the request of the victim's parent or guardian if the victim is a minor."

ALLEGATION 4 - Violation of SF Admin Code 67.27 - failure to justify in writing all withholding of information

21. I incorporate by reference Paragraphs 1 through 20.
22. The audio and video recordings in all of these cases have been withheld. The justification provided by Respondents does not fit in any of the permitted options provided by SF Admin Code 67.27.

ALLEGATION 5 - Violation of SF Admin Code 67.21(k) and Gov Code 6253.3 - unlawful control of access to public records by a third party

23. I incorporate by reference Paragraphs 1 through 22.
24. SFAC 67.21(k) incorporates by reference the CPRA (except where the Sunshine Ordinance creates a requirement demanding more efficient or greater access).
25. Gov Code 6253.3 requires that "A state or local agency may not allow another party to control the disclosure of information that is otherwise subject to disclosure pursuant to this chapter."
26. Respondents violated this provision by allowing Microsoft, a third party, to control the disclosure of information to only parties who would "sign in" - agreeing to various terms and privacy conditions. Terms and conditions are also not permitted under Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301. Because these records are disclosable, Respondents' un-justified excuse of "security reasons" must be disregarded.

REQUEST FOR RELIEF

27. Please find that Respondents violated SF Admin Code 67.21, 67.26, and 67.27, order that the records withheld, or parts thereof, be disclosed, and refer the matter to the Compliance Committee to verify compliance. If Respondents refuse to comply with your orders within 5 days (SFAC 67.21(e)), further find that Respondents have willfully failed to fulfill their duties under the Sunshine Ordinance pursuant to SF Admin Code 67.34, and refer Sheriff Miyamoto to the Ethics Commission for investigation into official misconduct.

Respectfully submitted,

ANONYMOUS

Complainant/Petitioner

EXHIBIT A – Request/Response Communications

From: Anonymous Person

02/22/2020 

Subject: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Superi...

[Email](#)

Sheriff's Department:

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. All of your responses (including all responsive records) may be instantly and automatically available to the public online via the [MuckRock.com](https://muckrock.com) FOIA service used to issue this request (though the requester is an anonymous user, not a representative of MuckRock). 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 disclosable public records.

Below are new Immediate Disclosure Requests (SF Admin Code 67.25(a)) directed to your agency.

Your initial response is required by Feb 25, 2020. Rolling records responses are requested (SFAC 67.25(d)) if you are unable to immediately produce records.

Exact copies of every responsive record are requested (Gov Code 6253(b)) - do not: provide mere URLs, print and scan electronic records, convert native files to PDFs, or provide black and white versions of any color record. Provide only copies of records not requiring fees and in-person inspection of all other records (GC 6253).

Your non-exhaustive obligations:

- All withholding of any information must be justified in writing by specific statutory authority (SFAC 67.27).
- All withholdings by masking or deletion (aka redactions) must be keyed by footnote or other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld (SFAC 67.26).
- You must respond to emailed requests (SFAC 67.21(b)).
- You must notify us of whether or not responsive records exist and/or were withheld for each below request (Gov Code 6253(c), 6255(b)).
- You must state the name and title of each person responsible for withholding any information (Gov Code 6253(d)).
- Do not impose any end-user restrictions upon me (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301); so if you use a third-party website to publish records, please make them completely public without any login or sign-in or Terms of Service.

Your agency must do all of the above things in your response, and you cannot wait until we file complaints.

***** We have no duty to, and we will not again, remind the City of its obligations. Instead, we will file complaints for every Sunshine Ordinance or CPRA violation. We will continue to file complaints until the City's procedures are modified to fully comply with the Sunshine Ordinance and CPRA, without caveat or exception. *****

In simple terms, I want all SB 1421 records you have retained, and I want a quantity/existence/form statement, even if you believe their contents are exempt. Just like the AG in Becerra v Superior Court, if you retained any SB 1421 records you must release your own copies, regardless of what any other agency does. Here's the full request:

1. Pursuant to *Becerra v Superior Court* (First Amendment Coalition, 2020), provide all records (where "record(s)" is defined specifically by Penal Code 832.7(b)(2), and REGARDLESS of whether they are prepared by or for your agency or its employees) of all incidents involving the discharge of a firearm at a person by a peace officer or custodial officer; all incidents in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury; all records 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; all records 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. Note: The potential exception that the State AG may have under Gov Code 6255 / public-interest balancing test, which the Court of Appeal found may apply if Becerra had asked for it, DOES NOT APPLY TO YOUR OFFICE, pursuant to SFAC 67.24(g and i).

2. Please also provide an SFAC 67.21(c) written statement of the existence or quantity of these records in #1 (even if you believe their contents to be exempt) within 7 days (no extensions)

Do not destroy or discard any responsive records - we will appeal all withholdings or Sunshine violations.

FYI - If you haven't read *Becerra v Superior Court*, the Court of Appeals held: "We conclude, as a matter of statutory interpretation, that section 832.7 generally requires disclosure of all responsive records in the possession of the Department, regardless whether the records pertain to officers employed by the Department or by another public agency and regardless whether the Department or another public agency created the records. Although we also determine, as a matter of statutory interpretation, that the so-called "catchall exemption" of the CPRA, codified at Government Code section 6255, may apply to records that are subject to disclosure under section 832.7, our independent review leads us to conclude the Department did not adequately demonstrate that the public interest served by nondisclosure of the records at issue clearly outweighs the public interest in their disclosure. "

However, no San Francisco agency or official can use the catchall exemption/6255 due to SF Admin Code 67.24(g and i).

Thank you for your anticipated cooperation in this matter.

Sincerely,
Anonymous

From: San Francisco Sheriff's Department

02/25/2020 

Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Su...

[Email](#)

To Whom It May Concern:

Please see the attached response to your Immediate Disclosure Request that was received the Sheriff's office on February 24, 2020. Please do not hesitate to contact me if you have any questions or concerns.

Thank you,

Alison Lambert, Legal Assistant
 Central Records and Warrants Unit
 Office of the Sheriff
 City and County of San Francisco
 850 Bryant Street RM 460
 415-553-1780



2020-02-25 Initial Response

[View](#) [Embed](#) [Download](#)

From: San Francisco Sheriff's Department

03/02/2020

Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Su...

[Email](#)

Dear Requestor:

Please find attached the Sheriff's office written statement of records in response to your request received by the Sheriff's office on February 24, 2020. This letter supplements the Sheriff's office initial response letter that was sent to you on February 25, 2020.

Please feel free to contact me if you have any questions or concerns.

Alison Lambert, Legal Assistant
 Central Records and Warrants Unit
 Office of the Sheriff
 City and County of San Francisco
 850 Bryant Street RM 460
 415-553-1780
Alison.Lambert@sfgov.org



2020-03-02 7 Day Response

[View](#) [Embed](#) [Download](#)

From: Anonymous Person

03/02/2020

Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Su...

[Email](#)

Thank you very much. Given that you have already published to someone else these records, but without producing the audio or justifying all of your redactions, at this time please immediately email to me copies of the already-produced records which should be readily-available.

Note that we do not in any way waive complete production with full justifications and audio/video information, which will still be required as you produce them.

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. All of your responses (including all responsive records) may be instantly and automatically available to the public online via the [MuckRock.com](https://www.muckrock.com) FOIA service used to issue this request (though the requester is an anonymous user, not a representative of MuckRock). 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 disclosable public records.

From: San Francisco Sheriff's Department

03/09/2020

Subject: Lambert, Alison (SHF) shared the folder "SB 1421 All Releases" with you.

Email

In response to your email dated 3-2-2020, please find a link to the 1421 records that produced for a prior California Public Records Act request. These records were previously described in my letter to you dated March 20, 2020. Due to the extensive amount of time required to footnote each redaction pursuant to San Francisco Administrative Code section 67.26, the Sheriff's office will produce responsive footnoted redacted records as soon as reasonably possible on an rolling basis.

[cid:2b75c6fd-2752-4a52-97eb-067410f27146] This link only works for the direct recipients of this message.

[cid:97fb1306-4ea8-41f4-8d82-6c4122b7c563] <https://sfgov1-my.sharepoint.com:443:/f:/g/personal/alison_lambert_sfgov_org/EuxnJBnXRIRBvt-A8-ZHjkgBniN8dkErloofvDDTmQAk3w?email=88551-86881685%40requests.muckrock.com&e=5%3axf3KsG&at=9> <https://sfgov1-my.sharepoint.com:443:/f:/g/personal/alison_lambert_sfgov_org/EuxnJBnXRIRBvt-A8-ZHjkgBniN8dkErloofvDDTmQAk3w?email=88551-86881685%40requests.muckrock.com&e=5%3axf3KsG&at=9>
SB 1421 All Releases

Open <https://sfgov1-my.sharepoint.com:443:/f:/g/personal/alison_lambert_sfgov_org/EuxnJBnXRIRBvt-A8-ZHjkgBniN8dkErloofvDDTmQAk3w?email=88551-86881685%40requests.muckrock.com&e=5%3axf3KsG&at=9>

[Microsoft]

Sender will be notified when you open this link for the first time. Microsoft respects your privacy. To learn more, please read our Privacy Statement. <<https://usgovtexasr-notifyp.svc.ms:443/api/v2/tracking/method/Click?mi=4wBT4scYtECVVPb8-FJecw&tc=PrivacyStatement&cs=47eec467ae61cf834a7c03086458dc5e&ru=https%3a%2f%2fprivacy.microsoft.com%2fprivacystatement>> Microsoft Corporation, One Microsoft Way, Redmond, WA 98052

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From: Anonymous Person

03/09/2020


Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Su...

Email

Thank you. If you are going to use a private service (Microsoft OneDrive) to share these records, please provide a completely open/public share link instead of requiring me to sign/agree to any terms of service. OneDrive has the option to provide completely public, no sign in, links.

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. All of your responses (including all responsive records) may be instantly and automatically available to the public online via the [MuckRock.com](https://www.muckrock.com) FOIA service used to issue this request (though the requester is an anonymous user, not a representative of MuckRock). 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 disclosable public records.

From: Muckrock Staff

06/10/2020 

Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Su...

Email

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on Feb. 22, 2020. 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: Muckrock Staff

06/25/2020 

Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Su...

Email

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on Feb. 22, 2020. 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: Muckrock Staff

07/10/2020 

Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Su...

Email

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on Feb. 22, 2020. 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 Sheriff's Department07/10/2020 Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Su... 


I apologize for my delay in responding. May I get back to you in one week? I am working on processing your request.

Alison Lambert, Legal Assistant
Central Records and Warrants Unit
Office of the Sheriff
City and County of San Francisco
850 Bryant Street RM 460
415-553-1780

Alison.Lambert@sfgov.org<mailto:Alison.Lambert@sfgov.org>



~WRD000

 [Download](#)**From: Anonymous Person**07/10/2020 Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Su... 

When you provide the files PLEASE use a fully public link where I don't have to sign-in. I am not required to sign-in or agree to any end-user agreement to get any records (Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301).

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. All of your responses (including all responsive records) may be instantly and automatically available to the public online via the [MuckRock.com](https://www.muckrock.com) FOIA service used to issue this request (though the requester is an anonymous user, not a representative of MuckRock). 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 disclosable public records.

From: San Francisco Sheriff's Department07/17/2020 Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Su... 

Dear Anonymous:

Thank you for your patience with this matter. In response to your email dated July 10, 2020, for security reasons, the Sheriff's office unable to provide you with "a completely open/public share link."


In order to provide the documents to you that were previously shared with you with our OneDrive link on March 9, 2020, the Sheriff's office is willing to mail a flash drive to you via the United States Postal Service. However, the Sheriff's office requires that any flash drive that will be mailed to you be password protected in the event that the flash drive becomes lost in the mail. The Sheriff's office will then email the password to the flash drive to you in a separate email if you choose this option.

Please respond to this letter to let the Sheriff's office know if you would like a password protected flash drive mailed to you care of MuckRock News, or to an address of your designation.

If you have any other requests, please contact us at sfso.foia@sfgov.org. We again thank you for your continued courtesy and cooperation with this matter.

Alison Lambert, Legal Assistant
Central Records and Warrants Unit
Office of the Sheriff
City and County of San Francisco
850 Bryant Street RM 460
415-553-1780
Alison.Lambert@sfgov.org<mailto:Alison.Lambert@sfgov.org>

 ~WRD000
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 2020-07-17 Response and flash drive
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From: Anonymous Person

07/17/2020 

Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Su... [Email](#)

You have cited no legal justification for your desire to restrict who can access these public records - neither a statute nor a court case. What "security reasons" would stop anyone in the public from lawfully accessing and viewing copies of these records? Is it not the case that every single person has an equal right to access these SB 1421-disclosable public records?

You cannot in fact impose any end-user conditions on access to these public records - Santa Clara Co. vs Superior Ct, 170 Cal.App 4th 1301.

If you refuse to provide a completely open, public link to the records, imposing no end-user conditions, by CoB Monday, we will file further complaints. You may want to consult your peers in SFPD, Police Commission, etc. and ask why they have not tried to restrict access to their SB 1421 records.

NOTE: THE EMAIL ADDRESS SENDING THIS REQUEST IS A PUBLICLY-VIEWABLE MAILBOX. Please be certain you have properly redacted all of your responses. Once you send them to us, there is no going back. 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). 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 disclosable public records.

--Anonymous

From: San Francisco Sheriff's Department**07/20/2020**

Subject: None

Web

The Sheriff's office is providing you with the following responsive records:

1. A2012-0073
 - Deputy E. Gonzales #1103: currently employed with SFSO
 - Incident occurred on 9/10/2012 in Oakland, CA
 - Officer involved shooting (off-duty)

2. A2015-0064
 - Deputy F. Lu #2113: currently employed with SFSO
 - Incident occurred on 10/23/2015 at County Jail #1
 - Use of force
 - Injury is fractured arm
 - Medical records have been excluded from disclosure pursuant to Penal Code section 832.7(b)(5)(C).
 - This case does have audio and video evidence. Due to the lack of resources, the Sheriff's office has not been able to execute the redaction process of audio/video materials.

3. A2017-0011
 - Deputy J. Barnes #1723, Deputy S. Castillo #1785 and Deputy M. Hodgers #2200: all are currently employed with SFSO
 - Incident occurred on 12/16/2016 at County Jail #1
 - Use of force
 - Injury is fractured arm
 - Medical records have been excluded from disclosure pursuant to Penal Code section 832.7(b)(5)(C).
 - This case does have audio evidence. Due to the lack of resources, the Sheriff's office has not been able to execute the redaction process of audio/video materials.

4. A2018-027
 - Senior Deputy K. Lewis #1187: currently employed with SFSO
 - Incident occurred on 3/21/2018 at San Francisco General Hospital
 - Use of force
 - Injury is fractured arm

5. A2012-0012
 - Deputy Doug Jones #1696: no longer employed with SFSO
 - Incidents occurred from January 1, 2012 through February 4, 2012 and in March 2012
 - Sustained on allegations of sexual assault and untruthfulness
 - Complainants and witnesses have been redacted pursuant to Penal Code 832.7(b)(5)(B).
 - This case does have audio evidence. Due to the lack of resources, the Sheriff's office has not been able to execute the redaction process of audio materials.

6. A04092
 - Deputy Rafael Cabrera #1218: currently employed with SFSO
 - Incident occurred on 6/23/2004 in San Francisco
 - Officer involved shooting
 - Medical records have been excluded from disclosure pursuant to Penal Code 832.7(b)(5)(C).
 - Complainants and witnesses have been redacted pursuant to Penal Code 832.7(b)(5)(B).
 - This case does have audio evidence. Due to the lack of resources, the Sheriff's office has not been able to execute the redaction process of audio materials.

7. A06082

- Deputy Scott Neu #1823: no longer employed with SFSO
- Incident occurred on 5/26/2006 at County Jail #1 (6th floor facility at the Hall of Justice)
- Use of force
- Injury is a fractured rib
- Complainants and witnesses have been redacted pursuant to Penal Code section 832.7(b)(5) (B)
- Medical records have been excluded from disclosure pursuant to Penal Code section 832.7(b)(5)(C).
- This case does have audio evidence. Due to the lack of resources, the Sheriff's office has not been able to execute the redaction process of audio materials.

8. A09098

- Lt. John Casey #339: no longer employed with SFSO
- Senior Deputy Matthew Wong #1360: currently employed by SFSO
- Sgt. Kevin Macksoud #1698: currently employed by SFSO
- Deputy Melvin Song #1269: no longer employed with SFSO
- Deputy Tonyette Smith Al-Ghani #1576: currently employed by SFSO
- Deputy Edward Gutierrez #1928: currently employed by SFSO
- Deputy Juan Guitron #1894: currently employed by SFSO
- Deputy Daniel White #2115: no longer employed with SFSO
- Deputy Kenneth Lomba #2074: currently employed by SFSO
- Incident occurred on 9/7/2009 at County Jail #3 (6th floor facility at the Hall of Justice)
- Use of force: resulting in death
- Floor plans of the facility have been excluded from disclosure due to safety and security
- Complainants and witnesses have been redacted pursuant to Penal Code section 832.7(b)(5) (B)
- Photographs have been excluded from disclosure pursuant to Penal Code section 832.7(b)(5) (C).
- Medical records have been excluded from disclosure pursuant to Penal Code section 832.7(b)(5)(C).
- This case does have audio evidence. Due to the lack of resources, the Sheriff's office has not been able to execute the redaction process of audio materials.

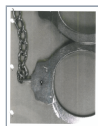
9. A10071

- Deputy Samuel Lou #1812: currently employed by SFSO
- Incidents occurred on April 6, 2010, May 7, 2010 and July 7, 2010
- Sustained on allegation of untruthfulness
- Records have been excluded from disclosure pursuant to Penal Code section 851.8.



A0409220FINAL_.pdf

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A0909820Photographs20FINAL_Part1.pdf

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Interview20Deputy20D20White20FINAL.pdf

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Notice of investigation Neu FINAL.pdf

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Interview Deputy M Song 2012 FINAL.pdf

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Interview with inmate 2022 FINAL.pdf

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A0909820 ME 20 report FINAL.pdf

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Interview Deputy Guitron 2012 FINAL.pdf

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From: San Francisco Sheriff's Department

07/20/2020

Subject: RE: California Public Records Act Request: Police Misconduct Records (SB 1421 / Becerra v Su...

[Email](#)

The Sheriff's office is providing you with the following responsive record. Multiple emails are being sent to you due to the size limitations of attachments.

- 1. A2012-0073
 - Deputy E. Gonzales #1103: currently employed with SFSO
 - Incident occurred on 9/10/2012 in Oakland, CA
 - Officer involved shooting (off-duty)

Alison Lambert, Legal Assistant
 Central Records and Warrants Unit
 Office of the Sheriff
 City and County of San Francisco
 850 Bryant Street RM 460
 415-553-1780
Alison.Lambert@sfgov.org

A2012-0073 FINAL_



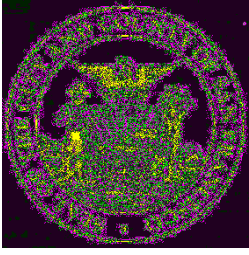
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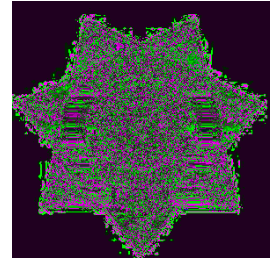


EXHIBIT B – Description of Records



OFFICE OF THE SHERIFF CITY AND COUNTY OF SAN FRANCISCO

1 DR. CARLTON B. GOODLETT PLACE
ROOM 456, CITY HALL
SAN FRANCISCO, CALIFORNIA 94102



**PAUL MIYAMOTO
SHERIFF**

March 2, 2020
2020PRA038

88551-86881685@requests.muckrock.com

Via Electronic Mail

RE: Immediate Disclosure Request: SB 1421/Becerra v. Superior Court, Case No. A157998, California Court of Appeals, First Appellate District, Div. 3

Dear Anonymous:

Pursuant to San Francisco Administrative Code section 67.21(c), we are writing in response to your request for a statement as to the existence, quantity, form and nature of records dated Saturday, February 22, 2020 and received on Monday, February 24, 2020 that you sent to the Sheriff's office under the San Francisco Sunshine Ordinance and California Public Records Act.

The Sheriff's office possesses records on nine matters that contain SB 1421 information as follows:

1. A2012-0073

- Deputy E. Gonzales #1103: currently employed with SFSO
- Incident occurred on 9/10/2012 in Oakland, CA
- Officer involved shooting (off-duty)
- In the interest of timely responding to your request for description of records, we estimate approximately 41 pages of records.

2. A2015-0064

- Deputy F. Lu #2113: currently employed with SFSO
- Incident occurred on 10/23/2015 at County Jail #1
- Use of force
- Injury is fractured arm
- Medical records have been excluded from disclosure pursuant to Penal Code section 832.7(b)(5)(C).
- In the interest of timely responding to your request for description of records, we estimate approximately 48 pages of records

- This case does have audio and video evidence. Due to the lack of resources, the Sheriff's office has not been able to execute the redaction process of audio/video materials.

3. A2017-0011

- Deputy J. Barnes #1723, Deputy S. Castillo #1785 and Deputy M. Hodgers #2200: all are currently employed with SFSO
- Incident occurred on 12/16/2016 at County Jail #1
- Use of force
- Injury is fractured arm
- Medical records have been excluded from disclosure pursuant to Penal Code section 832.7(b)(5)(C).
- In the interest of timely responding to your request for description of records, we estimate approximately 21 pages of records
- This case does have audio evidence. Due to the lack of resources, the Sheriff's office has not been able to execute the redaction process of audio/video materials.

4. A2018-027

- Senior Deputy K. Lewis #1187: currently employed with SFSO
- Incident occurred on 3/21/2018 at San Francisco General Hospital
- Use of force
- Injury is fractured arm
- In the interest of timely responding to your request for description of records, we estimate approximately 17 pages of records

5. A2012-0012

- Deputy Doug Jones #1696: no longer employed with SFSO
- Incidents occurred from January 1, 2012 through February 4, 2012 and in March 2012
- Sustained on allegations of sexual assault and untruthfulness
- Complainants and witnesses have been redacted pursuant to Penal Code 832.7(b)(5)(B).
- In the interest of timely responding to your request for description of records, we estimate approximately over 100 pages of records
- This case does have audio evidence. Due to the lack of resources, the Sheriff's office has not been able to execute the redaction process of audio materials.

6. A04092

- Deputy Rafael Cabrera #1218: currently employed with SFSO
- Incident occurred on 6/23/2004 in San Francisco
- Officer involved shooting

- Medical records have been excluded from disclosure pursuant to Penal Code 832.7(b)(5)(C).
- Complainants and witnesses have been redacted pursuant to Penal Code 832.7(b)(5)(B).
- In the interest of timely responding to your request for description of records, we estimate approximately 241 pages of records
- This case does have audio evidence. Due to the lack of resources, the Sheriff's office has not been able to execute the redaction process of audio materials.

7. A06082

- Deputy Scott Neu #1823: no longer employed with SFSO
- Incident occurred on 5/26/2006 at County Jail #1 (6th floor facility at the Hall of Justice)
- Use of force
- Injury is a fractured rib
- Complainants and witnesses have been redacted pursuant to Penal Code section 832.7(b)(5)(B)
- In the interest of timely responding to your request for description of records, we estimate approximately over 100 pages records.
- Medical records have been excluded from disclosure pursuant to Penal Code section 832.7(b)(5)(C).
- This case does have audio evidence. Due to the lack of resources, the Sheriff's office has not been able to execute the redaction process of audio materials.

8. A09098

- Lt. John Casey #339: no longer employed with SFSO
- Senior Deputy Matthew Wong #1360: currently employed by SFSO
- Sgt. Kevin Macksoud #1698: currently employed by SFSO
- Deputy Melvin Song #1269: no longer employed with SFSO
- Deputy Tonyette Smith Al-Ghani #1576: currently employed by SFSO
- Deputy Edward Gutierrez #1928: currently employed by SFSO
- Deputy Juan Guitron #1894: currently employed by SFSO
- Deputy Daniel White #2115: no longer employed with SFSO
- Deputy Kenneth Lomba #2074: currently employed by SFSO
- Incident occurred on 9/7/2009 at County Jail #3 (6th floor facility at the Hall of Justice)
- Use of force: resulting in death
- Floor plans of the facility have been excluded from disclosure due to safety and security
- Complainants and witnesses have been redacted pursuant to Penal Code section 832.7(b)(5)(B)

- Photographs have been excluded from disclosure pursuant to Penal Code section 832.7(b)(5)(C).
- Medical records have been excluded from disclosure pursuant to Penal Code section 832.7(b)(5)(C).
- In the interest of timely responding to your request for description of records, we estimate approximately over 200 pages of records, of which include 34 photographs.
- This case does have audio evidence. Due to the lack of resources, the Sheriff's office has not been able to execute the redaction process of audio materials.

9. A10071

- Deputy Samuel Lou #1812: currently employed by SFSO
- Incidents occurred on April 6, 2010, May 7, 2010 and July 7, 2010
- Sustained on allegation of untruthfulness
- Records have been excluded from disclosure pursuant to Penal Code section 851.8.
- In the interest of timely responding to your request for description of records, we estimate approximately 61 pages of records.

Each of the nine matters contain redactions throughout the documents, and some of the documents are voluminous in nature. These records were prepared and redacted pursuant to a prior California Public Records Act request. These records currently are not keyed by footnote for each redaction/justification, which is only a requirement of San Francisco Administrative Code section 67.26.

Additionally, the Sheriff's office has one email and one written procedure regarding handling of SB 1421 matters. Both the email and written procedure are protected by the attorney-client privilege, and exempt from disclosure. (Govt. Code section 6254(k), 6276.04; Evid. Code sections 950 et seq.).

If you have any other requests, please contact us at sfso.foia@sfgov.org. Thank you.

Sincerely,



Alison Lambert, Legal Assistant
Office of the Sheriff
Central Records and Warrants Unit