

SUNSHINE ORDINANCE TASK FORCE

Tel: (415) 554-7724
Fax: (415) 554-5163
TTD/TTY: (415) 554-5227



City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

May 2, 2025

Olabisi Matthews, Director of Enforcement
bisi.matthews@sfgov.org
Ethics Commission
City and County of San Francisco
25 Van Ness Ave., Ste. 220
San Francisco, CA 94102

Sent Via Email

RE: Sunshine Ordinance Task Force Enforcement Referral [67.35(d)] – File #24021

Dear Director Matthews,

Please accept this letter as an official referral for enforcement proceedings under San Francisco Administrative Code Section 67.35(d) against the San Francisco Police Department for its failure to follow an order issued by the Sunshine Ordinance Task Force (“SOTF”) for File #24021.

At its November 19, 2024 Special Meeting, the Sunshine Ordinance Task Force approved the following motion:

Action: Moved by Member Anderson, seconded by Member Hyland, to find that the SF Police Department violated Administrative Code Chapter 67 as stated in the Order of Determination for the release of public records, and referred the matter to the Ethics Commission under the Commission’s Section 10(B) regulation for enforcement.

The motion PASSED by the following vote:

*Ayes: 7 - Anderson, Hyland, Schmidt, LaHood, Sugarman, Pilpel, Yankee
Noes: 2 - Sugarman, Stein
Absent: 1 - Wolfe*

Timeline of Events

1. On **March 22, 2024**, Matthew Lotocki (Petitioner) submitted a public records request (Attachment A) to the San Francisco Police Department requesting:

“... records related to proposed or finalized placement of fixed or semi-fixed Automated License Plate Reader (“ALPR”) cameras in San Francisco by the San Francisco Police Department. This can include, but is not limited to:

- Document(s) describing criteria for proposed locations*
- Document(s) listing or showing specific locations for consideration*
- Presentation(s) describing the proposed ALPR program that mention placement.”*

2. On **March 26, 2024**, Lt. Chris Beauchamp from the San Francisco Police Department provided one responsive record but asserted California Government Code Section 7923.600(a) for withholding disclosure of the requested map. (Attachment B)
3. On **March 27, 2024**, Mr. Lotocki provided a written objection to the Police Department related to the partial denial of his public records request. (Attachment C)
4. On **April 2, 2024**, Steven M. Betz (Staff Attorney, Risk Management Office) responded to Mr. Lotocki’s objection and stated that the Police Department “... remain[s] at our initial conclusion: the maps qualify as security files and the Department is permitted to withhold them.” (Attachment D)
5. On **April 22, 2024**, Mr. Lotocki submitted a formal complaint with the Sunshine Ordinance Task Force regarding the partial denial of his request for public records from the Police Department. (Attachment E)
6. Acting in its capacity to hold hearings on complaints to review jurisdiction and the merits of complaints in order to provide recommendations to the Full Task Force, the SOTF's Education, Outreach and Training Committee heard File #24021 at its **May 28, 2024** Regular Meeting and approved the following motion:

Action: Moved by Member Pilpel, seconded by Chair Hyland, to find that the SOTF has jurisdiction over the matter, that the requested records are public, and refer the matter to the full Task Force for discussion and action.

The Committee requested that the Task Force Deputy City Attorney (DCA) provide an analysis of the case law cited in this matter, regarding Government Code §7923.600(a), Administrative Code Sec. 67.24(d), and Administrative Code Chapter 19B in relation to the Sunshine Ordinance. In addition, the Task Force requests that the DCA examine the data resulting from Automated License Plate Reader cameras and whether that data will be subject to public disclosure.

The Committee recommended that the Task Force Chair not schedule this matter until the DCA’s analysis memo is received.

The motion PASSED by the following vote:

Ayes: 3 – Pilpel, Hyland, Kumar

Noes: 0 – None

7. The Sunshine Ordinance Task Force conducted a full hearing on File #24021 at its **October 2, 2024** Regular Meeting. After considering arguments from both the petitioner (Mr. Lotocki) and respondent (Lt. Beauchamp, Police Department), including the Police Department's assertion of California Government Code Section 7923.600(a), the SOTF approved the following motion:

Action: Moved by Member Anderson, seconded by Member Schmidt, to find that the Police Department violated Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to provide the requested records. The SOTF orders the Police Department to provide the requested records, and to send the file to the Compliance and Amendments Committee for follow-up.

The motion PASSED by the following vote:

Ayes: 8 – Anderson, Schmidt, LaHood, Sugarman, Kumar, Pilpel, Yankee, Stein

Noes: 1 – Hyland

Absent: 1- Wolfe

8. On **October 22, 2024**, the SOTF's Compliance and Amendments committee conducted a follow up hearing on File #24021 to monitor compliance with the order issued by the SOTF and approved the following motion:

Action: Moved by Chair LaHood, seconded by Member Pilpel, that if the Police Department does not deliver the requested records to Petitioner and the Compliance and Amendments Committee by 10/31/2024, the Committee will recommend that this matter be returned to the full SOTF for consideration of a violation of Administrative Code (Sunshine Ordinance), Sec. 67.31, for willful violation of the SOTF's 10/2/2024 Order of Determination.

The Compliance and Amendments Committee instructed the SOTF Administrator to include San Francisco Police Chief William Scott and Director of Crime Strategy Ryan Kao on the distribution list of the Notice of Hearing of the 11/6/2024 SOTF Regular Meeting.

The motion PASSED by the following vote:

Ayes: 4 - LaHood, Pilpel, Wolfe, Anderson

Noes: 0 – None

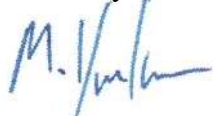
9. The Sunshine Ordinance Task Force's Regular Meeting scheduled for November 6, 2024 had to be cancelled and was replaced by a Special Meeting held on **November 19, 2024**. At this meeting, the SOTF carefully considered a supplemental letter submitted by Chief of Police William Scott (Attachment F). However, the SOTF ultimately decided not to modify its original order in this matter and approved this enforcement referral to the Ethics Commission.
10. On **December 4, 2024**, the Sunshine Ordinance Task Force approved its written Order of Determination for File #24021 which corresponds to the order it issued at its October 2, 2024 Regular Meeting. (Attachment G)

Analysis & Conclusion

Section 67.21(e) of the San Francisco Administrative Code (“Sunshine Ordinance”) empowers the Sunshine Ordinance Task Force to conduct hearings concerning denials of public records when petitioned by a member of the public. Additionally, Section 67.21(e) requires that, “[u]pon the determination that the record is public, the Sunshine Task Force shall immediately order the custodian of the public record to comply with the person’s request.” Regarding File #24021, the SOTF held such a hearing and issued an order pursuant to the Sunshine Ordinance.

Section 67.35(d) of the San Francisco Administrative Code states that, “Any person may institute proceedings for enforcement and penalties under this act in any court of competent jurisdiction or before the Ethics Commission if enforcement action is not taken by a City or State official 40 days after a complaint is filed.” Well over 40 days have passed since the complaint (File #24021) was filed and the SOTF issued an order; however, the Police Department has stated that they will not comply with that order. Thus, the SOTF respectfully requests that the Ethics Commission enforce the SOTF’s order in accordance with Section 10B of its Enforcement Regulations.

Sincerely,



Matt Yankee
Chair, Sunshine Ordinance Task Force

Attachments A - G

Complaint File #24021

https://www.sfgov.org/sunshine/sites/default/files/sotf_111924_item11.pdf

Order of Determination – File #24021

https://www.sfgov.org/sunshine/sites/default/files/SOTF_ORDER_24021.pdf

SOTF and Committee Audio Archive

<https://sfgov.org/sunshine/audio-archive-full-sotf>

<https://sfgov.org/sunshine/audio-archive-committees>

Meeting Minutes

https://www.sfgov.org/sunshine/meeting/2024/minutes/eotc_052824_minutes

https://www.sfgov.org/sunshine/meeting/2024/agenda/sotf_100224_minutes

https://www.sfgov.org/sunshine/meeting/2024/cac_102224_minutes

https://www.sfgov.org/sunshine/meeting/2024/agenda/sotf_111924_minutes

CC: Matthew Lotocki, Petitioner for Complaint File #24021

Lt. Jonathan Ozol, SF Police Department

Chief William Scott, SF Police Department

Patrick Ford, Executive Director, Ethics Commission

Patricia Petersen, SOTF Administrator

Alisa Somera, Deputy Director, Legislative Services

Angela Calvillo, Clerk of the Board of Supervisors

Members, Sunshine Ordinance Task Force

Attachment A

Public Records Request (P149739-032224)

▼ Public Records Request Details

Department:	Legal
Category of Records:	Public Records Request
Describe the Record(s) Requested:	<p>This is a request for public records, pursuant to the California Public Records Act (Government Code 7920.000) and the San Francisco Sunshine Act (San Francisco Administrative Code Chapter 67).</p> <p>I am seeking records related to proposed or finalized placement of fixed or semi-fixed Automated License Plate Reader ("ALPR") cameras in San Francisco by the San Francisco Police Department. This can include, but is not limited to:</p> <ul style="list-style-type: none">- Document(s) describing criteria for proposed locations- Document(s) listing or showing specific locations for consideration- Presentation(s) describing the proposed ALPR program that mention placement. <p>Thank you.</p>
Incident Number:	<i>if known</i>
Police Officer(s) Involved:	<i>if known</i>
Time of Incident:	<i>specify AM or PM, if known</i>
Date Range From:	<i>if applicable</i>
Date Range To:	<i>if applicable</i>
Preferred Method to Receive Records:	Electronic via Records Center

Attachment B

March 26, 2024

Via email [REDACTED]

Matthew Lotocki

San Francisco, CA

RE: Public Records Request, dated March 22, 2024, Reference # P149739-032224

Dear Matthew Lotocki:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated March 22, 2024.

You requested, "I am seeking records related to proposed or finalized placement of fixed or semi-fixed Automated License Plate Reader ("ALPR") cameras in San Francisco by the San Francisco Police Department. This can include, but is not limited to: - Document(s) describing criteria for proposed locations - Document(s) listing or showing specific locations for consideration - Presentation(s) describing the proposed ALPR program that mention placement.."

In acknowledgement of your request, please see our responses below.

A responsive record is included with this correspondence. Please note that SFPD has asserted, and intends to assert, all privileges available by law to maintain confidentiality as to the compiled ALPR map depicting the location of all installed ALPR cameras. While individual ALPR cameras will be visible from the street and not concealed, the compiled map of all locations is more sensitive than the individual locations that comprise it. The compiled ALPR map would allow criminals, particularly those participating in organized crime groups, to structure their movements to avoid the network of ALPR cameras, would expose the network to either targeted or widespread vandalism or disruption, or would expose Flock engineers to harassment or attack during the installation and implementation phase of the project. The map is a record of security and intelligence information that is protected under Cal. Govt. Code section 7923.600(a).

If you have any questions, please contact the Legal Division at (415) 837-7394.

Thank you for your courtesy in this regard.

Sincerely,

Lt. Chris Beauchamp #561

SFPD - Legal Division

Desk - (415)837-7150

Attachment C

Matthew Lotocki

San Francisco, CA

March 27, 2024

VIA EMAIL

RE: Public Records Request # P149739-032224

Hello,

This letter is a follow up to the partial denial on March 26th of the public records request listed above. While one responsive record was released, it appears that one or multiple other responsive records (namely the "compiled ALPR map") was withheld under Government Code Section 7923.600(a), and possibly Section 7922.000.

The California Public Records Act is to be construed broadly when in favor of the people's right of access, and narrowly construed when limiting the people's right of access. (*Sander v. Superior Court* (2018) 26 Cal. App. 5th 651, 654; Cal. Const., art. I, § 3 subd. (b), par. (2).)

Government Code Section 7923.600(a) exempts from disclosure "records of intelligence information or security procedures of ...[a] local police agency". However, a map of ALPR cameras does not fit either of those definitions. Such a map is not a "security procedure". Further, this section does not consider "intelligence information" to mean all information reasonably related to criminal activity, as such a conclusion would "effectively exclude the law enforcement function of state and local governments from any public scrutiny under the California [Public Records] Act". (*American Civil Liberties Union Foundation v. Deukmejian* (1982) 32 Cal. 3d 440, 449). Instead, "intelligence information" focuses on confidential sources and confidential information related to criminal activity. (*Ibid.* at p. 453) As you note, the ALPR cameras being installed in San Francisco are visible from the street, not concealed, and publicly touted¹, making them hardly confidential. Furthermore, the ALPR data generated from the cameras are not themselves investigative records or intelligence records. (*American Civil Liberties Union Foundation v. Superior Court* (2017), 3 Cal. 5th 1032, 1042). The positions of such cameras would similarly not be investigative records or intelligence records.

Also cited was the possibility of (1) criminals intentionally avoiding ALPR cameras, (2) bad actors targeting the ALPR cameras for vandalism or disruption, and (3) Flock engineers being harassed or attacked during the installation phase. I am interpreting those concerns as justification for withholding under Section 7922.000. "[A] mere assertion of possible endangerment does not 'clearly outweigh' the public interest in access to ... records." (*Long Beach Police Officers Assn. v. City of Long Beach* (2014) 59 Cal. 4th 59, 74 (citing *CBS, Inc. v. Block* (1986) 42 Cal. 3d 646, 652)) Furthermore, the idea that criminals might avoid ALPR

¹ <https://www.sf.gov/news/san-francisco-begins-installing-automated-license-plate-readers-disrupt-organized-theft-and>

cameras ignores a similar scenario where law-abiding citizens wish to plan their routes to avoid such cameras due to concerns over mass-surveillance. While criminals have the option to install fraudulent paper plates (or even no plates at all), law abiding citizens generally avoid that approach.

Additionally, there is ample public interest in disclosure of an ALPR map. While law enforcement likely contents that ALPR cameras are a helpful crime-fighting tool, they have severe privacy implications. The placement of ALPR cameras sheds light on the degree of over-policing certain communities face. They also inform individuals about how often their movements are tracked by the SFPD as they drive throughout the city.

In light of the points above, I hope you will reconsider this denial so that it does not need to be litigated. I would appreciate a response by April 3rd with the department's intentions.

Thank you,



Matthew Lotocki

Attachment D

April 2, 2024

Matthew Lotocki

San Francisco, CA

Re: Public Records Request
P149739-032224

Dear Mr. Lotocki:

I write you in response to your March 27, 2024 letter objecting to the San Francisco Police Department's determination to withhold records in the above-referenced public records request. In short, you object to the Department's reliance upon Government Code section 7923.600(a) because the requested ALPR maps constitute neither a "security procedure" nor "intelligence information." After considering your arguments, we remain at our initial conclusion: the maps qualify as security files and the Department is permitted to withhold them.

Government Code section 7923.600(a) permits a police department to withhold various types of records, including "any investigatory or security files compiled by any other state or local police agency." The act does not specifically define these terms. The statute's plain meaning, however, leads us to conclude that the ALPR maps qualify as security files. The maps are created, in part, to ensure the security, integrity, and safety of the system and the personnel who operate and maintain it. Release of ALPR maps could expose the system to vandalism or disruption, could expose engineers to harassment or attack during the installation, implementation, or maintenance of the project, and could allow criminals to avoid detection armed with knowledge of potential system blind spots.

Withholding the records is consistent with the purpose of the exemption, which "secures evidence and investigative techniques . . . and in effect makes such investigations possible."¹ Furthermore, records dealing with "security and safety procedures" are "clearly exempt."²

¹ *Dixon v. Superior Court*, 170 Cal.App.4th 1271, 1276 (2009).

² *Northern Cal. Police Practices Project v. Craig*, 90 Cal.App.3d 116, 121-22 (1979); see also 79 Ops. Cal. Atty. Gen. 206 (1996) ("Documents or portions of documents that deal with security and safety procedures need not be disclosed. Any information that would compromise the security of the GREAT system would be exempt from disclosure.")

Thank you for your attention to this matter.

Sincerely,

/s/STEVEN BETZ

STEVEN M. BETZ
Staff Attorney
Risk Management Office

cc: Lieutenant Christopher Beauchamp

Attachment E



SUNSHINE ORDINANCE TASK FORCE
1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102
Tel. (415) 554-7724; Fax (415) 554-7854
<http://www.sfgov.org/sunshine>

SUNSHINE ORDINANCE COMPLAINT FORM

Complainant Name (Optional) Matthew Lotocki

Date of Request: March 22, 2024

Please Identify the City Official(s) and/or Employee(s) against whom the complaint is being made: _____

Please Identify the Officials' and/or Employees' Board, Commission, Task Force, Department or other type of agency. San Francisco Police Department

Name of the Custodian of Records tasked with providing the requested information: Lt. Chris Beauchamp

- ☒ Alleged violation of public records access
☐ Alleged failure to provide information in a timely manner in accordance with the provisions of the Sunshine Ordinance
☐ Alleged violation of a public meeting
Please indicate date of meeting if known _____

Sunshine Ordinance Section(s) Section 67.21
(If known, please cite specific provision(s) being violated)

Please describe the alleged violation. Use additional paper if needed. Please attach any relevant documentation which supports your complaint.

Complainant requested a map showing the locations of Automated License Plate Readers cameras being installed by the SFPD. The SFPD has asserted that the map is exempt under Cal. Gov. Code, §7923.600(a).
For the reasons stated in the attached correspondence, §7923.600(a) does not apply to the ALPR map.

Are you requesting a public hearing before the Sunshine Ordinance Task Force? ☒ yes ☐ no

If yes, please provide 1 or more preferred method(s) of contact:

☐ Phone: _____ ☐ Mailing Address: _____
☐ Fax: _____
☒ Email: [REDACTED] ☐ Other: _____

Signature /s/ Matthew Lotocki Date 4/22/2024

¹ NOTICE: PERSONAL INFORMATION THAT IS PROVIDED WHEN ADDRESSING A PUBLIC POLICY BODY IS SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE. MEMBERS OF THE PUBLIC ARE NOT REQUIRED TO PROVIDE PERSONAL IDENTIFYING INFORMATION, AND COMPLAINANTS MAY REMAIN ANONYMOUS. HOWEVER, FOR PROPER NOTICING AND PROCESSING OF A HEARING REQUEST, A RELIABLE MEANS OF CONTACT IS RECOMMENDED. PLEASE NOTE THAT THE SOTF ADMINISTRATOR WILL NOT REDACT ANY INFORMATION PROVIDED IN THESE SUBMISSIONS.

11/5/2015

Attachment F



LONDON N. BREED
MAYOR

CITY AND COUNTY OF SAN FRANCISCO
POLICE DEPARTMENT
HEADQUARTERS
1245 3rd Street
San Francisco, California 94156



WILLIAM SCOTT
CHIEF OF POLICE

October 29, 2024

Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place
Room 244
San Francisco, CA 94102-4689

RE: File Number 24021

To the Sunshine Ordinance Task Force:

I write in reference to the matter referenced above in which the Task Force directed the Police Department to disclose a map of Flock Automated License Plate Reader (ALPR) camera locations. As the Department has explained in response to the complaint in this matter, the compiled map is a record of security and intelligence information under Cal. Govt. Code section 7923.600(a), and its content is subject to withholding under Administrative Code Section 67.24(d) and the official information privilege under Evidence Code Section 104(i). Revealing the map would reveal law enforcement investigative techniques or procedures (Admin Code section 67.24(d)(4)), endanger law enforcement personnel (Admin Code section 67.24(d)(5)), and in certain instances endanger the successful completion of an investigation where the prospect of enforcement proceedings is concrete and definite (Admin Code section 67.24(d)(6)). I have reached these conclusions after consultation with the City Attorney's Office.

I am committed to transparency, and transparency is often a key feature of community policing. However, I cannot release information that will compromise our investigative techniques and make San Francisco less safe.

We have placed these ALPR cameras strategically and have focused on placing them in discrete locations that are most effective in combatting organized crime, including organized retail crime. We have relied on data, training, experience, and the landscape of San Francisco to make decisions in where the cameras are placed. Revealing their locations would reveal those strategies and impair their effectiveness.

We use ALPR cameras in combination with other law enforcement tactics, investigatory techniques, and other technologies in order to maximize our effectiveness. Officers have developed specific tactics that are used in combination with the ALPR cameras and revealing their locations not only jeopardizes the effectiveness of those tactics but also puts in danger the health and well-being of members of the public, the officers, and the suspects. We have come to rely on the ALPR network to locate crime vehicles and deploy pursuit mitigation techniques. The ALPR network helps officers create better plans to make arrests in cases where suspects are likely to flee, and if they do flee, execute better mitigation techniques to either prevent a pursuit

or stop it quickly before the pursuit can endanger the public or the officers who must conduct the pursuit of murderers, armed criminals, and those who would even use vehicles as rams. Revealing the map would impair those tactics, techniques, and technologies.

In addition, revealing a public map of all ALPR camera locations could enable suspects or organized crime groups to plan a criminal event, choose their targets, and map a route to evade detection by avoiding specific streets. While these cameras are fixed in certain locations, suspects wanted for any criminal matter, such as an arrest warrant or bench warrant could map out routes in San Francisco that would avoid certain streets and reduce the risk of apprehension.

San Francisco has approximately 6,399 intersections, and the ALPR network covers approximately 100 intersections, or about 1.6%. If the compiled map is disclosed, criminals would be able to structure their movements to avoid the cameras, and even choose targets based on routes that avoid cameras. For example, a residential burglary crime ring could find ways to bypass key intersections with cameras and then operate in areas that are "dark" of cameras.

Particularly motivated criminals may also use the map to vandalize cameras in a given area in advance of a crime spree to help create or expand a "dark area" where they could operate with a freer hand. This certainly would impair officers' ability to swiftly apprehend criminals during and immediately after crimes are committed. Officers are often unable to reach crime scenes immediately when the crime is committed, but they may be hot on the criminals' tail. In these cases, officers can be notified of a wanted vehicle's location by the ALPR network, and then use the ALPR network to get ahead of the fleeing criminals to not only make an arrest, but also devise a strategy to end the pursuit swiftly before the pursuit endangers the public. Disclosure would foreclose or impair this ability.

We should not make it easier for suspects to commit crimes in San Francisco. I am committed to releasing statistical information about the use of the ALPR cameras to provide transparency and accountability but I will not release the ALPR map to make it easier to commit crimes and avoid detection in San Francisco.

Sincerely,



WILLIAM SCOTT
Chief of Police

Attachment G

**SUNSHINE ORDINANCE
TASK FORCE**



City Hall
1 Dr Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-7724
Fax No. (415) 554-7854
TTD/TTY No. (415) 554-5227

ORDER OF DETERMINATION

DATE DECISION ISSUED: 10/2/2024

File No. 24021: Complaint filed by Matthew Lotocki against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner.

HEARING AND ACTION ON THE COMPLAINT

On 5/28/2024, the Education, Outreach and Training Committee, acting in its capacity to hear petitions/complaints, heard the matter.

Action: Moved by Member Pilpel, seconded by Chair Hyland, to find that the SOTF has jurisdiction over the matter, that the requested records are public, and refer the matter to the full Task Force discussion and action.

The Committee requested that the Task Force Deputy City Attorney (DCA) provide an analysis of the case law cited in this matter, regarding Government Code §7923.600(a), Administrative Code Sec. 67.24(d), and Administrative Code Sec. 19(b) in relation to the Sunshine Ordinance. In addition, the Task Force requests that the DCA examine the data resulting from Automated License Plate Recognition cameras and whether that data will be subject to public disclosure.

The Committee recommended that the Task Force Chair not schedule this matter until the DCA's analysis memo is received.

The motion **PASSED** by the following vote:

Ayes: 3 – Pilpel, Hyland, Kumar
Noes: 0 – None

On 10/2/2024, the Sunshine Ordinance Task Force held a hearing to review the recommendation from the Committee and/or review the merits of the petition/complaint.

Action: Moved by Member Anderson, seconded by Member Schmidt, to find that the Police Department violated Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to provide the requested records. The SOTF orders the Police Department to provide the requested records, and to send the file to the Compliance and Amendments Committee for follow-up.

The motion PASSED by the following vote:

Ayes: 8 – Anderson, Schmidt, LaHood, Sugarman, Kumar, Pipel, Yankee, Stein
Noes: 1 – Hyland
Absent: 1- Wolfe

This Order of Determination was approved by the Sunshine Ordinance Task Force on: 12/4/2024

###

Item No. 11

Committee: Sunshine Ordinance Task Force

Date: 11/19/2024

- | | | |
|--|-------|-----------|
| <input checked="" type="checkbox"/> Complaint Summary | Page: | <u>2</u> |
| <input checked="" type="checkbox"/> Complaint | Page: | <u>4</u> |
| <input checked="" type="checkbox"/> Complainant's Supporting Documents | Page: | <u>15</u> |
| <input checked="" type="checkbox"/> Respondent's Supporting Documents | Page: | <u>45</u> |
| <input checked="" type="checkbox"/> Other Documents <i>(Notice of Hearing, Communications, etc.)</i> | Page: | <u>95</u> |
| <input type="checkbox"/> Public Correspondence | Page: | |

<input type="checkbox"/>	_____	Page: _____
<input type="checkbox"/>	_____	Page: _____
<input type="checkbox"/>	_____	Page: _____
<input type="checkbox"/>	_____	Page: _____
<input type="checkbox"/>	_____	Page: _____

Completed By: Patricia H. Petersen (11/7/2024)

Complaint Summary

**Sunshine Ordinance Task Force
Complaint Summary**

File No. 24021

Matthew Lotocki v. Police Department

Date filed with SOTF: 4/22/24

Contact Information:

Complainant	Matthew Lotocki [REDACTED])
Respondent	Lt. Chris G. Beauchamp (christopher.g.beauchamp@sfgov.org)

File No. 24021: Complaint filed by Matthew Lotocki against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner.

Prepared by: Patricia Petersen

Complaint



SUNSHINE ORDINANCE TASK FORCE
1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102
Tel. (415) 554-7724; Fax (415) 554-7854

<http://www.sfgov.org/sunshine>

SUNSHINE ORDINANCE COMPLAINT FORM

Complainant Name (Optional)

Matthew Lotocki

Date of Request:

March 22, 2024

Please identify the City Official(s) and/or Employee(s) against whom the complaint is being made:

Please identify the Officials' and/or Employees' Board, Commission, Task Force, Department or other type of agency.

San Francisco Police Department

Name of the Custodian of Records tasked with providing the requested information:

Lt. Chris Beauchamp

- ☒ Alleged violation of public records access
☐ Alleged failure to provide information in a timely manner in accordance with the provisions of the Sunshine Ordinance
☐ Alleged violation of a public meeting
Please indicate date of meeting if known

Sunshine Ordinance Section(s)

Section 67.21

(If known, please cite specific provision(s) being violated)

Please describe the alleged violation. Use additional paper if needed. Please attach any relevant documentation which supports your complaint.

Complainant requested a map showing the locations of Automated License Plate Readers cameras being installed by the SFPD. The SFPD has asserted that the map is exempt under Cal. Gov. Code, §7923.600(a). For the reasons stated in the attached correspondence, §7923.600(a) does not apply to the ALPR map.

Are you requesting a public hearing before the Sunshine Ordinance Task Force? ¹

☒ yes ☐ no

If yes, please provide 1 or more preferred method(s) of contact:

- ☐ Phone: _____ ☐ Mailing Address: _____
☐ Fax: _____
☒ Email: _____ ☐ Other: _____

Signature: /s/ Matthew Lotocki

Date: 4/22/2024

¹ **NOTICE:** PERSONAL INFORMATION THAT IS PROVIDED WHEN ADDRESSING A PUBLIC POLICY BODY IS SUBJECT TO DISCLOSURE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE SUNSHINE ORDINANCE. MEMBERS OF THE PUBLIC ARE NOT REQUIRED TO PROVIDE PERSONAL IDENTIFYING INFORMATION, AND COMPLAINANTS MAY REMAIN ANONYMOUS. HOWEVER, FOR PROPER NOTICING AND PROCESSING OF A HEARING REQUEST, A RELIABLE MEANS OF CONTACT IS RECOMMENDED. PLEASE NOTE THAT THE SOTF ADMINISTRATOR WILL NOT REDACT ANY INFORMATION PROVIDED IN THESE SUBMISSIONS.

Petitioner's Complaint

Matthew Lotocki

San Francisco, CA

March 27, 2024

VIA EMAIL

RE: Public Records Request # P149739-032224

Hello,

This letter is a follow up to the partial denial on March 26th of the public records request listed above. While one responsive record was released, it appears that one or multiple other responsive records (namely the “compiled ALPR map”) was withheld under Government Code Section 7923.600(a), and possibly Section 7922.000.

The California Public Records Act is to be construed broadly when in favor of the people’s right of access, and narrowly construed when limiting the people’s right of access. (*Sander v. Superior Court* (2018) 26 Cal. App. 5th 651, 654; Cal. Const., art. I, § 3 subd. (b), par. (2).)

Government Code Section 7923.600(a) exempts from disclosure “records of intelligence information or security procedures of ...[a] local police agency”. However, a map of ALPR cameras does not fit either of those definitions. Such a map is not a “security procedure”. Further, this section does not consider “intelligence information” to mean all information reasonably related to criminal activity, as such a conclusion would “effectively exclude the law enforcement function of state and local governments from any public scrutiny under the California [Public Records] Act”. (*American Civil Liberties Union Foundation v. Deukmejian* (1982) 32 Cal. 3d 440, 449) Instead, “intelligence information” focuses on confidential sources and confidential information related to criminal activity. (*Ibid.* at p. 453) As you note, the ALPR cameras being installed in San Francisco are visible from the street, not concealed, and publicly touted¹, making them hardly confidential. Furthermore, the ALPR data generated from the cameras are not themselves investigative records or intelligence records. (*American Civil Liberties Union Foundation v. Superior Court* (2017), 3 Cal. 5th 1032, 1042). The positions of such cameras would similarly not be investigative records or intelligence records.

Also cited was the possibility of (1) criminals intentionally avoiding ALPR cameras, (2) bad actors targeting the ALPR cameras for vandalism or disruption, and (3) Flock engineers being harrassed or attacked during the installation phase. I am interpreting those concerns as justification for withholding under Section 7922.000. “[A] mere assertion of possible endangerment does not ‘clearly outweigh’ the public interest in access to ... records.” (*Long Beach Police Officers Assn. v. City of Long Beach* (2014) 59 Cal. 4th 59, 74 (citing *CBS, Inc. v. Block* (1986) 42 Cal. 3d 646, 652)) Furthermore, the idea that criminals might avoid ALPR

¹ <https://www.sf.gov/news/san-francisco-begins-installing-automated-license-plate-readers-disrupt-organized-theft-and>

cameras ignores a similar scenario where law-abiding citizens wish to plan their routes to avoid such cameras due to concerns over mass-surveillance. While criminals have the option to install fraudulent paper plates (or even no plates at all), law abiding citizens generally avoid that approach.

Additionally, there is ample public interest in disclosure of an ALPR map. While law enforcement likely contents that ALPR cameras are a helpful crime-fighting tool, they have severe privacy implications. The placement of ALPR cameras sheds light on the degree of over-policing certain communities face. They also inform individuals about how often their movements are tracked by the SFPD as they drive throughout the city.

In light of the points above, I hope you will reconsider this denial so that it does not need to be litigated. I would appreciate a response by April 3rd with the department's intentions.

Thank you,



Matthew Lotocki

Petitioner's Supporting Documents

March 26, 2024

Via email [REDACTED]

Matthew Lotocki

San Francisco, CA

RE: Public Records Request, dated March 22, 2024, Reference # P149739-032224

Dear Matthew Lotocki:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated March 22, 2024.

You requested, "I am seeking records related to proposed or finalized placement of fixed or semi-fixed Automated License Plate Reader ("ALPR") cameras in San Francisco by the San Francisco Police Department. This can include, but is not limited to: - Document(s) describing criteria for proposed locations - Document(s) listing or showing specific locations for consideration - Presentation(s) describing the proposed ALPR program that mention placement.."

In acknowledgement of your request, please see our responses below.

A responsive record is included with this correspondence. Please note that SFPD has asserted, and intends to assert, all privileges available by law to maintain confidentiality as to the compiled ALPR map depicting the location of all installed ALPR cameras. While individual ALPR cameras will be visible from the street and not concealed, the compiled map of all locations is more sensitive than the individual locations that comprise it. The compiled ALPR map would allow criminals, particularly those participating in organized crime groups, to structure their movements to avoid the network of ALPR cameras, would expose the network to either targeted or widespread vandalism or disruption, or would expose Flock engineers to harassment or attack during the installation and implementation phase of the project. The map is a record of security and intelligence information that is protected under Cal. Govt. Code section 7923.600(a).

If you have any questions, please contact the Legal Division at (415) 837-7394.

Thank you for your courtesy in this regard.

Sincerely,

Lt. Chris Beauchamp #561
SFPD - Legal Division
Desk - (415)837-7150

April 2, 2024

Matthew Lotocki

San Francisco, CA

**Re: Public Records Request
P149739-032224**

Dear Mr. Lotocki:

I write you in response to your March 27, 2024 letter objecting to the San Francisco Police Department's determination to withhold records in the above-referenced public records request. In short, you object to the Department's reliance upon Government Code section 7923.600(a) because the requested ALPR maps constitute neither a "security procedure" nor "intelligence information." After considering your arguments, we remain at our initial conclusion: the maps qualify as security files and the Department is permitted to withhold them.

Government Code section 7923.600(a) permits a police department to withhold various types of records, including "any investigatory or security files compiled by any other state or local police agency." The act does not specifically define these terms. The statute's plain meaning, however, leads us to conclude that the ALPR maps qualify as security files. The maps are created, in part, to ensure the security, integrity, and safety of the system and the personnel who operate and maintain it. Release of ALPR maps could expose the system to vandalism or disruption, could expose engineers to harassment or attack during the installation, implementation, or maintenance of the project, and could allow criminals to avoid detection armed with knowledge of potential system blind spots.

Withholding the records is consistent with the purpose of the exemption, which "secures evidence and investigative techniques . . . and in effect makes such investigations possible."¹ Furthermore, records dealing with "security and safety procedures" are "clearly exempt."²

¹ *Dixon v. Superior Court*, 170 Cal.App.4th 1271, 1276 (2009).

² *Northern Cal. Police Practices Project v. Craig*, 90 Cal.App.3d 116, 121-22 (1979); see also 79 Ops. Cal. Atty. Gen. 206 (1996) ("Documents or portions of documents that deal with security and safety procedures need not be disclosed. Any information that would compromise the security of the GREAT system would be exempt from disclosure.").

Thank you for your attention to this matter.

Sincerely,

/s/STEVEN BETZ

STEVEN M. BETZ
Staff Attorney
Risk Management Office

cc: Lieutenant Christopher Beauchamp

Matthew Lotocki

San Francisco, CA

April 6, 2024

VIA EMAIL

Attn. General Government Team
City Attorney – Supervisor of Records
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Supervisor.Records@sfcityattorney.org

Hello,

This is a petition for determination if a record is public, submitted pursuant to the San Francisco Sunshine Ordinance.

Under the Sunshine Ordinance, a custodian of a public record shall comply with a request for copies of records, or if they believe a record is exempt, the custodian shall justify the withholding with the express provisions of the Sunshine Ordinance¹. If a record custodian fails to comply, the requestor may petition the supervisor of records, the City Attorney, for a determination if the records are public². The San Francisco City Attorney's office shall act to protect and secure the rights of the people of San Francisco to access public information³.

On March 22, 2024 I submitted a public records request under the California Public Records Act and the San Francisco Sunshine Ordinance to the San Francisco Police Department ("SFPD"), seeking:

[...] records related to proposed or finalized placement of fixed or semi-fixed Automated License Plate Reader ("ALPR") cameras in San Francisco by the San Francisco Police Department. This can include, but is not limited to:

- Document(s) describing criteria for proposed locations*
- Document(s) listing or showing specific locations for consideration*
- Presentation(s) describing the proposed ALPR program that mention placement.*

On March 27, 2024 the SFPD released one responsive record, but a map showing the location of all ALPR cameras in the city ("ALPR Map") was withheld under Government Code Section 7923.600(a). A copy of the SFPD's initial denial letter is attached as Exhibit A. I disagreed with

¹ San Francisco Administrative Code, Chapter 67.21, subd. (b)

² Ibid., subd. (d)

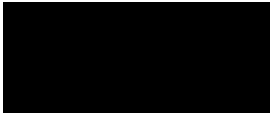
³ Ibid., subd. (i)

the SFPD's determination that the record was exempt from disclosure, and included my reasoning in a letter sent to the SFPD, a copy of which is attached as Exhibit B. The SFPD then released two more responsive records, but did not release the ALPR Map, and instead sent me a letter reaffirming their position that the record is exempt. A copy of that second denial is attached as Exhibit C.

While the SFPD's latest stance is that the ALPR Map is an "investigatory or security file", that also does not pass muster as it's not part of any file. A file here would be a collection of documents compiled for a specific purpose, such as an investigation, incident, or event. The ALPR Map does not refer to any investigation, as the California Supreme Court addressed in *American Civil Liberties Union Foundation v. Superior Court* (2017) 3 Cal.5th 1032. They found that the underlying ALPR data was not an "investigatory record" because the ALPR scans "are not conducted as part of a targeted inquiry into any particular crime or crimes", but rather "with an expectation that the vast majority of the data collected will prove irrelevant for law enforcement purposes." (*Ibid* at p.1042.) The data produced by ALPR cameras were not part of any specific investigation, but rather for mass data collection. Likewise, the position of the ALPR cameras relates to the mass data collection, not to any specific investigation to which the map could be a file to. Notwithstanding that the ALPR Map isn't part of any file, it's even more so not part of a security file. Security files deal with threats that have not yet occurred, while investigations refer to crimes that have already occurred.

In light of the above, I hope that you will find that the ALPR Map is in fact a public record disclosable under the Sunshine Ordinance.

Thank you,

A solid black rectangular box used to redact the signature of Matthew Lotocki.

Matthew Lotocki

Complainant's Supporting Documents

From: Matthew Lotocki [REDACTED]
Sent: Tuesday, April 30, 2024 2:27 PM
To: SOTF (BOS)
Cc: Somera, Alisa (BOS); Petersen, Patricia (BOS)
Subject: Re: FW: File No. 24021 – M. Lotocki v. Police Department

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

Hello Ms. Leger,

I am in receipt of the three documents listed in Section 2 of the Police Department's response (and attached above). However, certain records were withheld as discussed in Section 4 of the Police Department's response. The withheld records do not truly fall under Gov. Code Section 7293.600(a)'s exemption, and this Complaint is regarding those improperly withheld records, which I do not have.

Thank you,

Matthew Lotocki

On Tue, Apr 30, 2024 at 2:07 PM SOTF (BOS) <sotf@sfgov.org> wrote:



Mr. Lotocki: Please find attached the response to your records request from the Police Department submitted yesterday. Please let me know if you have all your requested records. Thank you.

Cheryl Leger

Sunshine Administrator

Board of Supervisors

phone 415-554-7724 | fax 415-554-5163

cheryl.leger@sfgov.org | www.sfbos.org

From: Campbell, Christopher (POL) <christopher.r.campbe@sfgov.org>
Sent: Tuesday, April 30, 2024 1:07 PM
To: Leger, Cheryl (BOS) <cheryl.leger@sfgov.org>; SOTF (BOS) <sotf@sfgov.org>
Cc: Beauchamp, Christopher (POL) <Christopher.G.Beauchamp@sfgov.org>; Ware, Walter (POL) <walter.ware@sfgov.org>
Subject: File No. 24021 – M. Lotocki v. Police Department

Please see attached response letter / exhibits (7) and confirm receipt.

Thank you.

Sincerely,

Christopher Campbell (Legal Assistant)

San Francisco Police Department | Legal Division
1245 3rd Street
San Francisco, CA 94158

Desk: 415.837.7168

Email: christopher.r.campbe@sfgov.org

From: [Matthew Lotocki](#)
To: [SOTF \(BOS\)](#)
Cc: [Beauchamp, Christopher \(POL\)](#); [Leger, Cheryl \(BOS\)](#); [Young, Victor \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)
Subject: Re: SOTF - Notice of Hearing: Sunshine Ordinance Task Force / Education, Outreach and Training Committee, May 28, 2024 5:30 pm File No. 24021
Date: Thursday, May 9, 2024 3:41:44 PM

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

Hello,

I will be there for the hearing.

Thank you,

Matthew Lotocki

On Thu, May 9, 2024 at 9:36 AM SOTF (BOS) <sotf@sfgov.org> wrote:

Hello –

The following Sunshine Ordinance Task Force matters have been scheduled to be heard before the **Education, Outreach and Training Committee** as follows:

Date: May 28, 2024 (Hybrid Meeting in-person/remote)
Location: Hearing Room 408, City Hall, San Francisco, CA 94102
Time: Meeting Convenes – 5:30 PM

Information regarding how to participate via telephone or via teleconference (Webex) will be provided when it becomes available.

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints for a hearing to: 1) determine if the Task Force has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the SOTF.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance the custodian of records, or a representative of your department who can speak to the matter, is required at the meeting/hearing.

PLEASE CONFIRM YOUR ATTENDANCE or let us know if there are any issues as soon as possible.

NOTE: if you have any additional supplemental/support documents for inclusion into the agenda packet they must be submitted by 5:00 PM, My 23, 2024.

File No. 24020 Complaint filed by Beth Winegarner against David Serrano Sewell and the Office of the Medical Examiner for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 by failing to respond to a public records request in a timely and/or complete manner.

File No. 24021: Complaint filed by Matthew Lotocki against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner.

File No. 24022: Complaint filed by Paul Kniha against the Municipal Transportation Agency for allegedly violating the Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner.

File No. 24024: Complaint filed by Rosa L. against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 24025: Complaint filed by Anonymous against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a public records request in a timely and/or complete manner; 67.25(a)(d) by failing to respond to an Immediate Disclosure Request in a timely and complete manner and if needed

provide requested records on a rolling basis, 67.34 for willful violation.

Click [here](#) for the Complaint Procedures.

Thank you,

Pat

Cheryl Leger

Sunshine Administrator

Board of Supervisors

phone 415-554-7724 | fax 415-554-5163

cheryl.leger@sfgov.org | www.sfbos.org

From: Matthew Lotocki <[REDACTED]>
Sent: Wednesday, June 5, 2024 2:32 PM
To: SOTF (BOS)
Cc: Somera, Alisa (BOS); Petersen, Patricia (BOS)
Subject: Re: FW: File No. 24021 – M. Lotocki v. Police Department

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

Hello Ms. Leger,

Do you mind sharing the contact information for the District City Attorney for the SOTF Board? At the May 28 meeting, the committee referred the matter to the full board but noted that it should not be scheduled prior to the Supervisor of Records' determination. However, two emails requesting the determination have gone unanswered.

Thank you,

Matthew Lotocki

On Tue, Apr 30, 2024 at 2:26 PM Matthew Lotocki <[REDACTED]> wrote:
Hello Ms. Leger,

I am in receipt of the three documents listed in Section 2 of the Police Department's response (and attached above). However, certain records were withheld as discussed in Section 4 of the Police Department's response. The withheld records do not truly fall under Gov. Code Section 7293.600(a)'s exemption, and this Complaint is regarding those improperly withheld records, which I do not have.

Thank you,

Matthew Lotocki

On Tue, Apr 30, 2024 at 2:07 PM SOTF (BOS) <sotf@sfgov.org> wrote:



Mr. Lotocki: Please find attached the response to your records request from the Police Department submitted yesterday. Please let me know if you have all your requested records. Thank you.

From: [Matthew Lotocki](#)
To: [SOTF \(BOS\)](#)
Cc: [Beauchamp, Christopher \(POL\)](#); [Somera, Alisa \(BOS\)](#)
Subject: Re: SOTF - Notice of Hearing: Sunshine Ordinance Task Force, 10/2/2024 5:30 pm (File No. 24021)
Date: Wednesday, September 25, 2024 5:08:09 AM
Attachments: [image003.png](#)
[image002.png](#)

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

Hi Pat,

Wanted to follow up about the DCA memo, since any additional documentation is due this afternoon. Thank you!

Matthew Lotocki

On Sat, Sep 21, 2024 at 1:30 AM Matthew Lotocki [REDACTED] wrote:
Thank you Pat, I will be attending. Do you know if the DCA memo discussed below in File 24021 has been received by the Task Force? If so, is it possible to send a copy to us in advance of when additional supporting documentation is due?

Thank you,

Matthew Lotocki

On Sat, Sep 21, 2024 at 1:31 AM SOTF (BOS) <sotf@sfgov.org> wrote:

Hello –

The following Sunshine Ordinance Task Force matters have been scheduled to be heard before the **Sunshine Ordinance Task Force** as follows:

Date: October 2, 2024 (Hybrid Meeting in-person/remote)

Location: Hearing Room 408, City Hall, San Francisco, CA 94102

Time: Meeting Convenes – 4:00 p.m.

Information regarding how to participate via telephone or via teleconference (Webex) will be provided when it becomes available.

You are receiving this notice because you are named as a
Complainant or Respondent in one of the following complaints

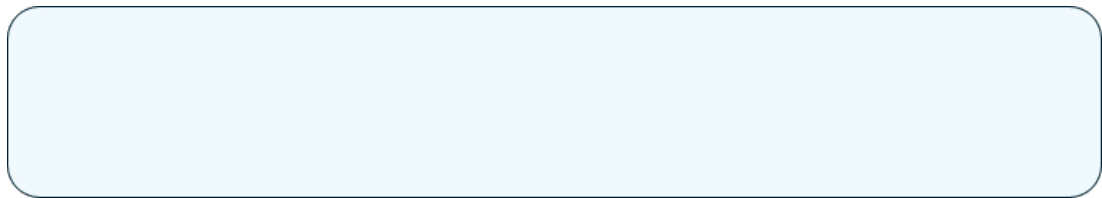
scheduled for hearing to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

or

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints for a hearing to: 1) determine if the Task Force has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the SOTF.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance the custodian of records, or a representative of your department who can speak to the matter, is required at the meeting/hearing.



IMPORTANT - CONFIRM YOUR ATTENDANCE

- Petitioner's Failure to Appear at the meeting without prior notice will result in the file being **Closed**.
- Respondent's Failure to Appear will result in additional violations of the Sunshine Ordinance.

NOTE: if you have any additional supplemental/support documents for inclusion into the agenda packet they must be submitted by 5:00 PM, **Wednesday, September 25, 2024**.

File No. 21145: Complaint filed by Maria Schulman against Sara Maunder and the Department of Police Accountability for allegedly violating Administrative Code

(Sunshine Ordinance), Section(s) 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

(On 10/18/2022, the Complaint Committee found that the SOTF has jurisdiction, that the requested records are public and referred the matter to the SOTF for a hearing regarding timeliness of records production.)

File No. 24021: Complaint filed by Matthew Lotocki against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner.

(On 5/28/2024, the Education, Outreach and Training Committee found that the SOTF has jurisdiction over the matter, that the requested records are public, and referred the matter to the full Task Force discussion and action.

The Committee requested that the Task Force Deputy City Attorney (DCA) provide an analysis of the case law cited in this matter regarding Government Code §7923.600(a), Administrative Code Sec. 67.24(d), and Administrative Code Sec. 19(b) in relation to the Sunshine Ordinance. In addition, the Task Force requested that the DCA examine the data resulting from Automated License Plate Recognition cameras and whether that data will be subject to public disclosure.

The Committee recommended that the Task Force Chair not schedule this matter until the DCA's analysis memo is received.)

File No. 24037: Complaint filed by Richard Hylton against the Police Department for allegedly violating the Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner.

(On 7/16/2024, the Complaint Committee found that the SOTF has jurisdiction over the matter, that the requested records are public, and referred the matter for a hearing before the full Task Force with a recommendation of a timeliness violation and a possible violation for full production of the records. The Complaint Committee recommended that within 10 business days Sgt. Walter Ware email screenshots of the Portal to Complainant to show that the requested data has been provided.)

File No. 24041: Complaint filed by Rosa L. against David Chiu and the City Attorney's Office for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

(On 9/17/2024, the Complaint Committee found that the SOTF has jurisdiction over the matter, that the requested records are public, and referred the matter to the full Task Force with a recommendation to find that there were no violations with respect to this request.

The Committee noted that while it appears that no responsive records exist, the SOTF should consider whether the retention policy of the City Attorney's Office comports with the letter or spirit of the California Public Records Act or Sunshine Ordinance. The Committee also noted that Ms. Kwart stated she will provide a copy of the City Attorney's Office records retention policy.)

File No. 24042: Complaint filed by Rosa L. against the Office of the Mayor for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

(On 8/20/2024, the Complaint Committee found that the SOTF has jurisdiction over the matter, that the requested records are public, and referred the matter to the full Task Force with a recommendation to find a violation of Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and or complete manner.

The Committee further requested that the Mayor's Office produce its retention policy prior to the hearing.)

Click [here](#) for the Complaint Procedures.

Thank you,

Pat

Patricia Petersen (she/her)

Assistant Clerk

Board of Supervisors

[1 Dr. Carlton B. Goodlett Place, Room 244](#)

Telephone 415-554-7719 | Fax 415-554-5163

sotf@sfgov.org | www.sfbos.org



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation

or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

From: [Matthew Lotocki](#)
To: [SOTF \(BOS\)](#)
Cc: [Somera, Alisa \(BOS\)](#)
Subject: Re: ADDENDUM RE START TIME - Notice of Hearing: Sunshine Ordinance Task Force, 10/2/2024 4:00 pm (File No. 24021)
Date: Wednesday, September 25, 2024 3:42:04 PM
Attachments: [image001.png](#)
[image004.png](#)
[image005.png](#)
[San Francisco Known ALPR Cameras.pdf](#)

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

Hello SOTF,

Please find attached additional supplemental documentation for inclusion in the agenda packet. I would appreciate confirmation that this was received. Thank you!

Matthew Lotocki

On Mon, Sep 23, 2024 at 8:03 AM SOTF (BOS) <sotf@sfgov.org> wrote:

Hello –

Please note that the complaint matters will not be heard until 5:00 p.m. While the meeting begins at 4:00 p.m., the parties to a complaint do not need to attend that early.

The announcement [below] will also appear on the Agenda:

SPECIAL ORDER 5:00 P.M.
Public Comment, Consent Agenda, and Complaint Hearings Agenda

**(Note: Public Comment, Consent Agenda, and hearings on
Complaints listed below will begin at 5:00 P.M.
or as soon thereafter as possible.**

Thank you,

Pat

N.b. the Subject Line in the earlier email has also been corrected.

From: SOTF (BOS)
Sent: Friday, September 20, 2024 4:30 PM
To: [REDACTED] Beauchamp, Christopher (POL) <christopher.g.beauchamp@sfgov.org>
Cc: Somera, Alisa (BOS) <alisa.somera@sfgov.org>
Subject: SOTF - Notice of Hearing: Sunshine Ordinance Task Force, 10/2/2024 5:30 pm (File No. 24021)

Hello –

The following Sunshine Ordinance Task Force matters have been scheduled to be heard before the **Sunshine Ordinance Task Force** as follows:

Date: October 2, 2024 (Hybrid Meeting in-person/remote)
Location: Hearing Room 408, City Hall, San Francisco, CA 94102
Time: Meeting Convenes – 4:00 p.m.

Information regarding how to participate via telephone or via teleconference (Webex) will be provided when it becomes available.

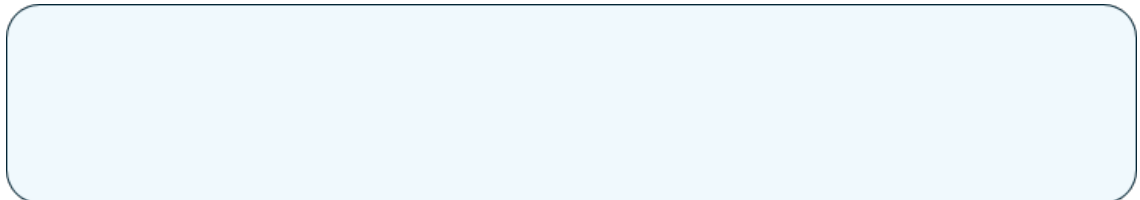
You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled for hearing to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

or

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints for a hearing to: 1) determine if the Task Force has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the SOTF.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance the custodian of records, or a representative of your department who can speak to the matter, is required at the meeting/hearing.



IMPORTANT - CONFIRM YOUR ATTENDANCE

- Petitioner's Failure to Appear at the meeting without prior notice will result in the file being **Closed**.
- Respondent's Failure to Appear will result in additional violations of the Sunshine Ordinance.

NOTE: if you have any additional supplemental/support documents for inclusion into the agenda packet they must be submitted by 5:00 PM, **Wednesday, September 25, 2024**.

File No. 21145: Complaint filed by Maria Schulman against Sara Maunder and the Department of Police Accountability for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

(On 10/18/2022, the Complaint Committee found that the SOTF has jurisdiction, that the requested records are public and referred the matter to the SOTF for a hearing regarding timeliness of records production.)

File No. 24021: Complaint filed by Matthew Lotocki against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner.

(On 5/28/2024, the Education, Outreach and Training Committee found that the SOTF has jurisdiction over the matter, that the requested records are public, and referred the matter to the full Task Force discussion and action.

The Committee requested that the Task Force Deputy City Attorney (DCA) provide an analysis of the case law cited in this matter regarding Government Code §7923.600(a), Administrative Code Sec. 67.24(d), and Administrative Code Sec. 19(b) in relation to the Sunshine Ordinance. In addition, the Task Force requested that the DCA examine the data resulting from Automated License Plate Recognition cameras and whether that data will be subject to public disclosure.

The Committee recommended that the Task Force Chair not schedule this matter until the DCA's analysis memo is received.)

File No. 24037: Complaint filed by Richard Hylton against the Police Department for allegedly violating the Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner.

(On 7/16/2024, the Complaint Committee found that the SOTF has jurisdiction over the matter, that the requested records are public, and referred the matter for a hearing before the full Task Force with a recommendation of a timeliness violation and a possible violation for full production of the records. The Complaint Committee recommended that within 10 business days Sgt. Walter Ware email screenshots of the Portal to Complainant to show that the requested data has been provided.)

File No. 24041: Complaint filed by Rosa L. against David Chiu and the City Attorney's Office for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

(On 9/17/2024, the Complaint Committee found that the SOTF has jurisdiction over the matter, that the requested records are public, and referred the matter to the full Task Force with a recommendation to find that there were no violations with respect to this request.

The Committee noted that while it appears that no responsive records exist, the SOTF should consider whether the retention policy of the City Attorney's Office comports with the letter or spirit of the California Public Records Act or Sunshine Ordinance. The Committee also noted that Ms. Kwart stated she will provide a copy of the City Attorney's Office records retention policy.)

File No. 24042: Complaint filed by Rosa L. against the Office of the Mayor for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

(On 8/20/2024, the Complaint Committee found that the SOTF has jurisdiction over the matter, that the requested records are public, and referred the matter to the full Task Force with a recommendation to find a violation of Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and or complete manner.

The Committee further requested that the Mayor's Office produce its retention policy prior to the hearing.)

Click [here](#) for the Complaint Procedures.

Thank you,

Pat

Patricia Petersen (she/her)

Assistant Clerk

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

Telephone 415-554-7719 | Fax 415-554-5163

sotf@sfgov.org | www.sfbos.org



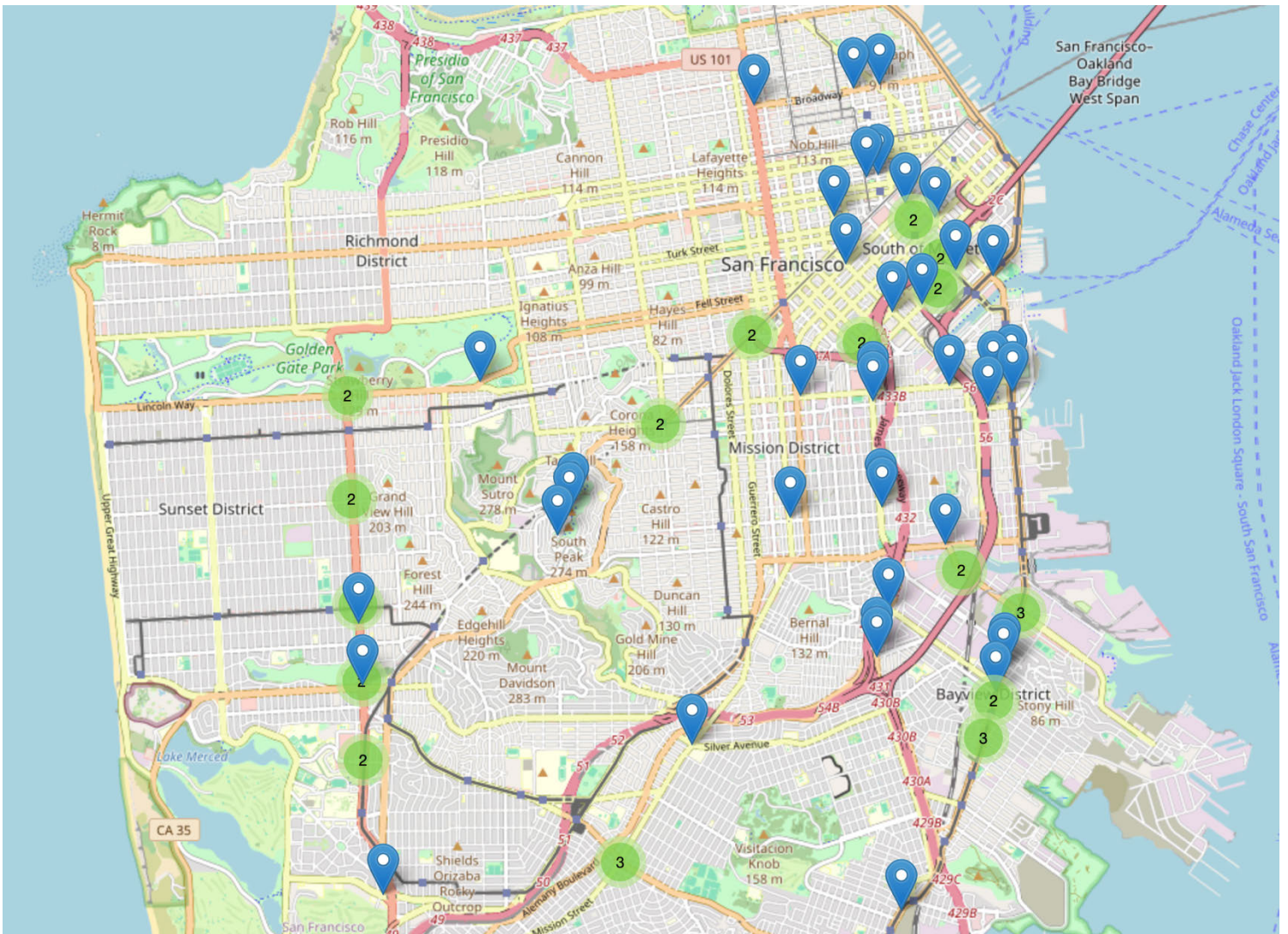
Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

San Francisco Known ALPR Cameras

Last Updated September 25



Nearest Intersection	Quantity
16th St & 4th St	1
16th St & Missouri St	1
16th St & South Van Ness Ave	1
17th St & Valencia St	1
19th Ave & Noriega St	2
19th Ave & Taraval St	2
19th Ave & Ulloa St	1
19th Ave & Winston Dr	2
3rd St & 16th St	2
3rd St & Folsom St	1
3rd St & La Salle Ave	1
3rd St & McKinnon Ave	1
3rd St & Palou Ave	1
3rd St & Quesada Ave	2
3rd St & Williams Ave	3
4th St & Howard St	2
9th St & Bryant St	2
Alemanly Blvd & Putnam St	1
Bayshore Blvd & Industrial St	1
Bayshore Blvd & Leland Ave	1
Bayshore Blvd & Oakdale Ave	1
Bayshore Blvd & Waterloo St	1
Brannan St & 4th St	1
Brannan St & 5th St	2
Brannan St & 6th St	1
Broadway & Powell St	1
Broadway & Van Ness Ave	1
Bryant St & 4th St	2
Bryant St & 7th St	1
California St & Laguna St	1
Cesar Chavez St & Bryant St	1
Church St & 24th St	1
Columbus Ave & Broadway	1
Evans Ave & 3rd St	3

Evans Ave & Cesar Chavez St	1
Evans Ave & Napoleon St	2
Fulton St & 25th Ave	1
Fulton St & 6th Ave	1
Geary Blvd & Webster St	1
Geneva Ave & Mission St	3
Harrison St & 5th St	1
Jones St & Eddy St	1
Junipero Serra Blvd & Brotherhood Way	1
Kezar Dr & Lincoln Way	1
King St & 3rd St	1
Lincoln Way & 19th Ave	2
Mariposa St & Owens St	1
Market St & 17th St	2
Masonic Ave & Oak St	1
Mission St & 24th St	1
Mission St & 7th St	1
Mission St & Appleton Ave	1
Mission St & Silver Ave	1
Mission St & South Van Ness Ave	1
Mission St & Yerba Buena Lane	1
Monterey Blvd & Circular Ave	1
Octavia Blvd & Market St	2
Palou Ave & Phelps St	1
Potrero Ave & 16th St	1
Potrero Ave & 17th St	1
Potrero Ave & 23rd St	2
Powell St & Post St	1
San Bruno Ave & Mansell St	1
San Jose Ave & Randall St	2
Sloat Blvd & 19th Ave	3
Stockton St & Post St	1
Twin Peaks Blvd	3
Total	92

From: [Matthew Lotocki](#)
To: [SOTF \(BOS\)](#)
Cc: [Beauchamp, Christopher \(POL\)](#); [Somera, Alisa \(BOS\)](#)
Subject: Re: SOTF - Notice of Hearing: Sunshine Ordinance Task Force / Compliance and Amendments Committee, 10/22/2024 4:30 pm (File No. 24021)
Date: Thursday, October 17, 2024 10:18:24 AM
Attachments: [image002.png](#)
[image003.png](#)
[PRR_Status.pdf](#)

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

Hello Ms. Petersen,

Attached is a supplemental document for the agenda packet.

Thank you,

Matthew Lotocki

On Wed, Oct 16, 2024 at 4:57 PM SOTF (BOS) <sotf@sfgov.org> wrote:

Hello –

The following Sunshine Ordinance Task Force matters have been scheduled to be heard before the **Compliance and Amendments Committee** as follows:

Date: October 22, 2024 (Hybrid Meeting in-person/remote)
Location: Hearing Room 408, City Hall, San Francisco, CA 94102
Time: Meeting Convenes – 4:30 PM

Information regarding how to participate via telephone or via teleconference (Webex) will be provided when it becomes available.

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled for hearing to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

or

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints for a hearing to: 1) determine if the Task Force has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the SOTF.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance the custodian of records, or a representative of your department who can speak to the matter, is required at the meeting/hearing.

IMPORTANT - CONFIRM YOUR ATTENDANCE

- Petitioner's Failure to Appear at the meeting without prior notice will result in the file being **Closed**.
- Respondent's Failure to Appear will result in additional violations of the Sunshine Ordinance.

NOTE: if you have any additional supplemental/support documents for inclusion into the agenda packet they must be submitted by 5:00 PM, **Friday, October 18, 2024**.

File No. 24021: Complaint filed by Matthew Lotocki against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner.

Click [here](#) for the Complaint Procedures.

Thank you,

Pat

Patricia Petersen (she/her)

Assistant Clerk

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

Telephone 415-554-7719 | Fax 415-554-5163

sotf@sfgov.org | www.sfbos.org



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its

committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.



Matthew Lotocki [REDACTED]

Public Records Request :: P149739-032224

1 message

SANFRANCISCOPD Support <sanfranciscopd@govqa.us>

Mon, Oct 7, 2024 at 10:10 AM

To: "matthew.lotocki@gmail.com" [REDACTED]

--- Please respond above this line ---

October 07, 2024

Via email [REDACTED]

Matthew Lotocki

RE: Public Records Request, dated March 22, 2024, Reference # P149739-032224

Dear Matthew Lotocki:

The San Francisco Police Department (SFPD) has received notice of a decision from the Sunshine Ordinance Task Force regarding the release of records related to this request.

We are currently in the process of responding to this decision and anticipate a response, to this decision, by October 31, 2024.

Thank you.

Sincerely,

Christopher Campbell
Legal
415-837-7168

To monitor the progress or update this request please log into the [SFPD Public Records Center](#).

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

From: [Matthew Lotocki](#)
To: [SOTF \(BOS\)](#)
Cc: [Beauchamp, Christopher \(POL\)](#); [SFPD, Chief \(POL\)](#); [Kao, Ryan \(POL\)](#); [Somera, Alisa \(BOS\)](#)
Subject: Re: Notice of Hearing: Sunshine Ordinance Task Force, 11/6/2024 Convenes at 4:00 p.m., Hearings on Complaints at 5:00 p.m. (File No. 24021)
Date: Thursday, October 31, 2024 4:51:07 PM
Attachments: [image001.png](#)
[image002.png](#)

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

Hello Ms. Petersen,

I will be in attendance as well.

Thank you,

Matthew Lotocki

On Thu, Oct 31, 2024 at 4:48 PM SOTF (BOS) <sotf@sfgov.org> wrote:

Received and noted, Lt. Beauchamp ... thank you.

From: Beauchamp, Christopher (POL) <Christopher.G.Beauchamp@sfgov.org>
Sent: Thursday, October 31, 2024 4:24 PM
To: Petersen, Patricia (BOS) <patricia.petersen@sfgov.org>; [REDACTED] SFPD, Chief (POL) <sfpdchief@sfgov.org>; Kao, Ryan (POL) <ryan.kao@sfgov.org>
Cc: Somera, Alisa (BOS) <alisa.somera@sfgov.org>
Subject: Re: Notice of Hearing: Sunshine Ordinance Task Force, 11/6/2024 Convenes at 4:00 p.m., Hearings on Complaints at 5:00 p.m. (File No. 24021)

Hello SOTF and Mr. Lotocki,

After consultation between the Director of the Crime Strategies Division, the Chief of Police, and the City Attorney's office, the San Francisco Police Department declines to provide the requested locations of the Automated License Plate Readers (ALPR).

An in-depth response from the Chief of Police will be provided before the full task force hearing on 11/6/24.

Lt. Chris Beauchamp #561

San Francisco Police Department
Legal Division - BWC unit
1245 3rd St. 4th Floor

San Francisco, CA 94158

Desk - (415)837-7150

Cell - (415)638-0217

From: Beauchamp, Christopher (POL) <Christopher.G.Beauchamp@sfgov.org>

Sent: Thursday, October 31, 2024 13:58

To: Petersen, Patricia (BOS) <patricia.petersen@sfgov.org>; [REDACTED]

[REDACTED] SFPD, Chief (POL) <sfpdchief@sfgov.org>; Kao, Ryan (POL) <ryan.kao@sfgov.org>

Cc: Somera, Alisa (BOS) <alisa.somera@sfgov.org>

Subject: Re: Notice of Hearing: Sunshine Ordinance Task Force, 11/6/2024 Convenes at 4:00 p.m., Hearings on Complaints at 5:00 p.m. (File No. 24021)

Hello Ms. Petersen,

I will be in attendance. My apologies for the late reply. Thank you for your patience.

Lt. Chris Beauchamp #561

San Francisco Police Department

Legal Division - BWC unit

1245 3rd St. 4th Floor

San Francisco, CA 94158

Desk - (415)837-7150

Cell - (415)638-0217

From: Petersen, Patricia (BOS) <patricia.petersen@sfgov.org>

Sent: Monday, October 28, 2024 17:10

To: [REDACTED]; Beauchamp, Christopher (POL) <Christopher.G.Beauchamp@sfgov.org>; SFPD, Chief (POL) <sfpdchief@sfgov.org>; Kao, Ryan (POL) <ryan.kao@sfgov.org>

Cc: Somera, Alisa (BOS) <alisa.somera@sfgov.org>

Subject: Notice of Hearing: Sunshine Ordinance Task Force, 11/6/2024 Convenes at 4:00 p.m., Hearings on Complaints at 5:00 p.m. (File No. 24021)

Hello –

The following Sunshine Ordinance Task Force matters have been scheduled for hearing as follows:

Date: November 6, 2024 (Hybrid Meeting in-person/remote)

Location: Hearing Room 408, City Hall, San Francisco, CA 94102

Time: Meeting Convenes – 4:00 p.m.

Public Comment, Consent Agenda, and Hearings on Complaints – begin 5:00 p.m. or as soon thereafter as possible

Information regarding how to participate via telephone or via teleconference (Webex) will be listed on the Agenda. Agendas are available [online](#) and at the [San Francisco Public Library](#) at least 72 hours before the meeting.

Why Am I Receiving This Notice?

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled for hearing to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee,

or

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints for a hearing to: 1) determine if the Task Force has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the SOTF.

Must I Attend?

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance the custodian of records, or a representative of your department who can speak to the matter, is required at the meeting/hearing.

IMPORTANT - CONFIRM YOUR ATTENDANCE

- Petitioner's Failure to Appear at the meeting without prior notice will result in the file being **Closed**.

- Respondent's Failure to Appear will result in additional violations of the Sunshine Ordinance.

NOTE: if you have any additional supplemental/support documents for inclusion into the agenda packet they must be submitted by 5:00 PM, **Wednesday, October 30, 2024**.

Which Matters Will be Heard?

File No. 24021: Complaint filed by Matthew Lotocki against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner.

(On October 2, 2024, the SOTF found that the Police Department violated Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to provide the requested records. The SOTF orders the Police Department to provide the requested records, and to send the file to the Compliance and Amendments Committee for follow-up.

On 10/22/2024, the Compliance and Amendments Committee moved that if the Police Department does not deliver requested records to Petitioner and the Compliance and Amendments Committee (CAC) by 10/31/2024, the CAC will recommend that this matter be returned to the full SOTF for consideration of a violation of Sec. 67.31 for willful violation of the SOTF's 10/2/2024 SOTF order of determination. The CAC further instructed the SOTF Administrator to include San Francisco Police Chief William Scott and Director of Crime Strategy Ryan Kao on the distribution list of the Notice of Hearing of the 11/6/2024 SOTF Regular Meeting.)

Click [here](#) for the Complaint Procedures.

Thank you.

Patricia Petersen (she/her)

Assistant Clerk

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

Telephone 415-554-7719 | Fax 415-554-5163

sotf@sfgov.org | www.sfbos.org



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: *Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

From: [SANFRANCISCOPD Support](#)
To: [REDACTED]
Cc: [SOTF \(BOS\)](#)
Subject: Public Records Request :: P149739-032224
Date: Wednesday, November 6, 2024 7:53:12 AM

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

Attachments:

[Response_to_The_Sunshine_Ordinance_Task_Force_File_for_file_24021.pdf](#)

--- Please respond above this line ---



November 06, 2024

Via email [REDACTED]

Matthew Lotocki

San Francisco, CA

RE: Public Records Request, dated March 22, 2024, Reference # P149739-032224

Dear Matthew Lotocki:

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

Sincerely,

Lieutenant Christopher Beauchamp #561
Officer In Charge
Risk Management - Legal Division

To monitor the progress or update this request please log into the [SFPD Public Records Center](#).

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



LONDON N. BREED
MAYOR

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



WILLIAM SCOTT
CHIEF OF POLICE

October 29, 2024

Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place
Room 244
San Francisco, CA 94102-4689

Re: File Number 24021

To the Sunshine Ordinance Task Force:

I write in reference to the matter referenced above in which the Task Force directed the Police Department to disclose a map of Flock Automated License Plate Reader (ALPR) camera locations. As the Department has explained in response to the complaint in this matter, the compiled map is a record of security and intelligence information under Cal. Govt. Code section 7923.600(a), and its content is subject to withholding under Administrative Code Section 67.24(d) and the official information privilege under Evidence Code Section 1040. Revealing the map would reveal law enforcement investigative techniques or procedures (Admin Code section 67.24(d)(4)), endanger law enforcement personnel (Admin Code section 67.24(d)(5)), and in certain instances endanger the successful completion of an investigation where the prospect of enforcement proceedings is concrete and definite (Admin Code section 67.24(d)(6)). I have reached these conclusions after consultation with the City Attorney's Office.

I am committed to transparency, and transparency is often a key feature of community policing. However, I cannot release information that will compromise our investigative techniques and make San Francisco less safe.

We have placed these ALPR cameras strategically and have focused on placing them in discrete locations that are most effective in combatting organized crime, including organized retail crime. We have relied on data, training, experience, and the landscape of San Francisco to make decisions in where the cameras are placed. Revealing their locations would reveal those strategies and impair their effectiveness.

We use ALPR cameras in combination with other law enforcement tactics, investigatory techniques, and other technologies in order to maximize our effectiveness. Officers have developed specific tactics that are used in combination with the ALPR cameras and revealing their locations not only jeopardizes the effectiveness of those tactics but also puts in danger the health and well-being of members of the public, the officers, and the suspects. We have come to rely on the ALPR network to locate crime vehicles and deploy pursuit mitigation techniques. The ALPR network helps officers create better plans to make arrests in cases where suspects are likely to flee, and if they do flee, execute better mitigation techniques to either prevent a pursuit

or stop it quickly before the pursuit can endanger the public or the officers who must conduct the pursuit of murderers, armed criminals, and those who would even use vehicles as rams. Revealing the map would impair those tactics, techniques, and technologies.

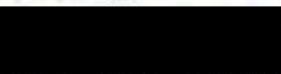
In addition, revealing a public map of all ALPR camera locations could enable suspects or organized crime groups to plan a criminal event, choose their targets, and map a route to evade detection by avoiding specific streets. While these cameras are fixed in certain locations, suspects wanted for any criminal matter, such as an arrest warrant or bench warrant could map out routes in San Francisco that would avoid certain streets and reduce the risk of apprehension.

San Francisco has approximately 6,399 intersections, and the ALPR network covers approximately 100 intersections, or about 1.6%. If the compiled map is disclosed, criminals would be able to structure their movements to avoid the cameras, and even choose targets based on routes that avoid cameras. For example, a residential burglary crime ring could find ways to bypass key intersections with cameras and then operate in areas that are “dark” of cameras.

Particularly motivated criminals may also use the map to vandalize cameras in a given area in advance of a crime spree to help create or expand a “dark area” where they could operate with a freer hand. This certainly would impair officers’ ability to swiftly apprehend criminals during and immediately after crimes are committed. Officers are often unable to reach crime scenes immediately when the crime is committed, but they may be hot on the criminals’ tail. In these cases, officers can be notified of a wanted vehicle’s location by the ALPR network, and then use the ALPR network to get ahead of the fleeing criminals to not only make an arrest, but also devise a strategy to end the pursuit swiftly before the pursuit endangers the public. Disclosure would foreclose or impair this ability.

We should not make it easier for suspects to commit crimes in San Francisco. I am committed to releasing statistical information about the use of the ALPR cameras to provide transparency and accountability but I will not release the ALPR map to make it easier to commit crimes and avoid detection in San Francisco.

Sincerely,



WILLIAM SCOTT
Chief of Police

Respondent's Supporting Documents

From: [Campbell, Christopher \(POL\)](#)
To: [Leger, Cheryl \(BOS\)](#); [SOTF \(BOS\)](#)
Cc: [Beauchamp, Christopher \(POL\)](#); [Ware, Walter \(POL\)](#)
Subject: File No. 24021 – M. Lotocki v. Police Department
Date: Tuesday, April 30, 2024 1:06:59 PM
Attachments: [SOTF Response.pdf](#)
[image001.gif](#)
[PRR \(Ex 1\).pdf](#)
[ALPR A&E Presentation \(Ex 2\).pdf](#)
[Dept Notice \(Ex 3\).pdf](#)
[SFPD ALPR Policy \(Ex 4\).pdf](#)
[Response \(Ex 5\).pdf](#)
[Customer Response \(Ex 6\).pdf](#)
[Lotocki 4.2.24 \(Ex 7\).pdf](#)

Please see attached response letter / exhibits (7) and confirm receipt.

Thank you.

Sincerely,
Christopher Campbell (Legal Assistant)

San Francisco Police Department | Legal Division
1245 3rd Street
San Francisco, CA 94158
Desk: 415.837.7168
Email: christopher.r.campbe@sfgov.org

April 30, 2024

Via email sotf@sfgov.org

Sunshine Ordinance Task Force
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102

Re: File No. 24021 – M. Lotocki v. Police Department

Dear Sunshine Ordinance Task Force:

The San Francisco Police Department (SFPD) is in receipt of the Complaint filed by M. Lotocki against the SF Police Department for alleged noncompliance with Administrative Code (Sunshine Ordinance), Section(s) 67.21 by failing to respond to a records request in a timely and/or complete manner.

The SFPD denies the allegations of (Sunshine Ordinance) Section(s) 67.21 by failing to respond to a records request in a timely and/or complete manner.

In acknowledgement of your COMPLAINT, please see our responses below.

1. What was the original request you received?

From GovQA Portal:

This is a request for public records, pursuant to the California Public Records Act (Government Code 7920.000) and the San Francisco Sunshine Act (San Francisco Administrative Code Chapter 67). I am seeking records related to proposed or finalized placement of fixed or semi-fixed Automated License Plate Reader ("ALPR") cameras in San Francisco by the San Francisco Police Department. This can include, but is not limited to: - Document(s) describing criteria for proposed locations - Document(s) listing or showing specific locations for consideration - Presentation(s) describing the proposed ALPR program that mention placement. (Ex. 1)

2. What records have you provided in response to the request, and on what date did you provide them?

- A. ALPR A&E Power Point Presentation: **“Board of Safety & Community Corrections Organized Retail Theft Grant”**. Slides addresses: Grant Funding, What are ALPR Camera, How Cameras are funded, How will cameras be utilized, Data driven Camera placement, Coordinating with other grant winners, Coordinating with Oakland ALPR, Coordinating with other agencies that already have ALPR and, Balancing public safety & privacy. This was uploaded to Gov QA portal *on 03/27/2024*. (Ex. 2)

- B. SFPD Department Notice 24-052: “**Automated License Plate Reader (ALPR) Technology: Flock Safety Camera Rollout**”. Content addresses: Award of BSCC Grant, Flock Safety ALPR, Rollout and Training & Access. This was uploaded to Gov QA portal on 03/27/2024. (Ex. 3)
- C. **SFPD ALPR Policy** (BOS approved 12/12/2023 Signed by Mayor 12/19/2023). This document addresses: Purpose and Scope of ALPR policy, Policy Statement, Business justification, Policy requirements, Compliance, Definitions, Authorization and Questions & Concerns. This was uploaded to Gov QA portal on 03/27/2024. (Ex. 4)

3. What method did you use to locate these records?

These documents were located by Legal Assistant **Christopher Campbell – Legal Division SFPD Risk Management**. Searches were conducted utilizing terms: ALPR, ALPR Flock, License Plate Reader, Automated License Plate Reader. These searches were conducted on 03.27.24. Additionally, an email was sent to Crime Strategies on 03.27.24 and the reply was reviewed.

4. **Did you withhold any information or documents from the requester prior to the filing of the complaint?** Yes. Per the Legal Division’s Letter (Ex. 5) the Requestor was advised:

“SFPD has asserted, and intends to assert, all privileges available by law to maintain confidentiality as to the compiled ALPR map depicting the location of all installed ALPR cameras. While individual ALPR cameras will be visible from the street and not concealed, the compiled map of all locations is more sensitive than the individual locations that comprise it. The compiled ALPR map would allow criminals, particularly those participating in organized crime groups, to structure their movements to avoid the network of ALPR cameras, would expose the network to either targeted or widespread vandalism or disruption, or would expose Flock engineers to harassment or attack during the installation and implementation phase of the project. The map is a record of security and intelligence information that is protected under Cal. Govt. Code section 7923.600(a).”

5. **Did you redact any information from the documents prior to the filing of the complaint?** No

Did you provide a written justification keyed to each instance of redaction prior to the filing of the complaint? Not applicable. However, the reason for *excluding* some information was provided in our Initial response letter (Ex. 5) and a second time in response to Requestor’s correspondence dated March 27 (Ex. 6) with our Follow-up response (Ex. 7)

6. **At the time the request was made, did you search employee personal property (such as mobile phones and computers) for responsive records about the conduct of public business?** Not applicable

7. At the time the request was made, did you request relevant records from contractors?
Not applicable

8. Are there any known responsive records that you have yet to review for potential redaction and disclosure to the respondent? No

9. Was an agenda for the meeting published? If yes, on what date? Not applicable

10. Is there a publicly available online audio and/or video recording of the meeting? Not applicable

If you have any questions, please contact the Legal Division at (415) 837-7394.

Thank you for your courtesy in this regard.

Sincerely,

Lt. Chris Beauchamp #561
SFPD - Legal Division
Desk - (415)837-7150

Public Records Request (P149739-032224)

▼ Public Records Request Details

Department:	Legal
Category of Records:	Public Records Request
Describe the Record(s) Requested:	<p>This is a request for public records, pursuant to the California Public Records Act (Government Code 7920.000) and the San Francisco Sunshine Act (San Francisco Administrative Code Chapter 67).</p> <p>I am seeking records related to proposed or finalized placement of fixed or semi-fixed Automated License Plate Reader ("ALPR") cameras in San Francisco by the San Francisco Police Department. This can include, but is not limited to:</p> <ul style="list-style-type: none">- Document(s) describing criteria for proposed locations- Document(s) listing or showing specific locations for consideration- Presentation(s) describing the proposed ALPR program that mention placement. <p>Thank you.</p>
Incident Number:	<i>if known</i>
Police Officer(s) Involved:	<i>if known</i>
Time of Incident:	<i>specify AM or PM, if known</i>
Date Range From:	<i>if applicable</i>
Date Range To:	<i>if applicable</i>
Preferred Method to Receive Records:	Electronic via Records Center

▼ Public Records Archive Summary

Will you post this request to the online archive?:

> Create an Activity to Retrieve Records

> Send for Review

> Time Extension

> Denials, Exemptions & Redaction Codes

> Cost Estimate/Payment Details

> Clarification

▼ Trending – Internal Use Only

Trend As:	(select all that apply)
Body Cam Video Included:	
Total Number of Videos requested:	
Total length of all the videos requested:	Please enter this value in MINUTES

Total Number of Videos Pending:

Total length of all videos pending: Please enter this value in MINUTES

> Day Counter

▼ SB 1421 (Currently HIDDEN from all Users)

Criminal Force Investigation: No

Administrative Force Investigation: No

▼ Message History

Date

On 3/22/2024 5:38:32 PM, System Generated Message:

Subject: San Francisco Police Public Records Request :: P149739-032224

Body:



Dear Matthew Lotocki:

Thank you for your interest in public records of the San Francisco Police Department ("SFPD").

The San Francisco Police Department ("SFPD") received your request, dated March 22, 2024 and given the reference number **P149739-032224** for tracking purposes.

Record(s) Requested: *This is a request for public records, pursuant to the California Public Records Act (Government Code 7920.000) and the San Francisco Sunshine Act (San Francisco Administrative Code Chapter 67). I am seeking records related to proposed or finalized placement of fixed or semi-fixed Automated License Plate Reader ("ALPR") cameras in San Francisco by the San Francisco Police Department. This can include, but is not limited to: - Document(s) describing criteria for proposed locations - Document(s) listing or showing specific locations for consideration - Presentation(s) describing the proposed ALPR program that mention placement. Thank you.*

Your request is being forwarded to the appropriate department(s) for processing and you will be notified once the request is complete.

You can monitor request progress at the link below. Thank you for using the San Francisco Public Records Center.

San Francisco Police Department

To monitor the progress or update this request please log into the [SFPD Public Records Center](#).

On 3/22/2024 5:38:31 PM, Matthew Lotocki wrote:
Request Created on Public Portal

▼ Request Details

Reference No: P149739-032224

Create Date: 3/22/2024 5:38 PM

Update Date: 3/26/2024 10:52 AM

Completed/Closed: No

Required Completion Date: 4/1/2024

Status: Assigned
Priority: Medium
Assigned Dept: Legal
Assigned Staff: Christopher Campbell

Customer Name: Matthew Lotocki
Email Address: [REDACTED]
Phone: [REDACTED]
Group: (Not Specified)

Source: Web

Board of Safety & Community Corrections Organized Retail Theft Grant



SAN FRANCISCO POLICE DEPARTMENT
CITY & COUNTY OF SAN FRANCISCO



November 29, 2023

GRANT OBJECTIVES & ACTIVITIES

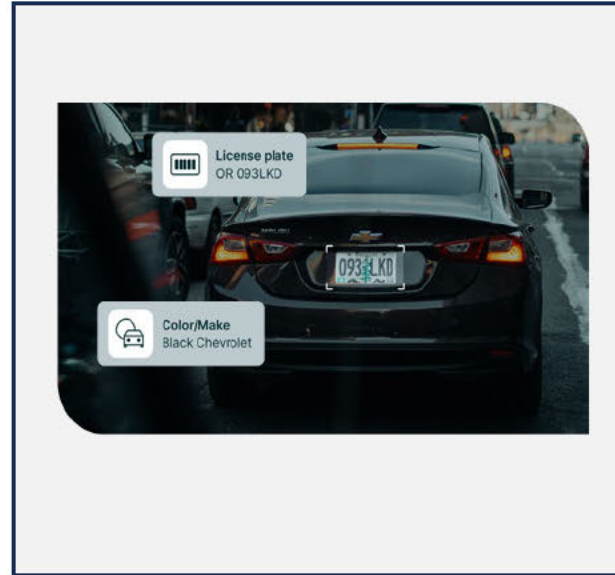
- Deployment of police officers to reduce organized retail theft and catalytic converter theft through proactive and high visibility operations.
- Enhancing police effectiveness through technology including Automatic License Plate Readers (ALPR).
- Data analytics to support SFPD community policing strategies.



GRANT FUNDING

Category	Description	Budget
Personnel	Two Crime Analysts to provide data analysis	\$1,050,000
Overtime	Overtime to fund blitz operations, and high visibility patrol to investigate and reduce organized retail theft, fencing, and catalytic converter theft	\$7,238,400
Service & Supplies	Auditing and supplies to support grant activities	\$199,326
Data Collection & Evaluation	Evaluation on the impact of grant initiatives on outcomes and objectives that were achieved	\$500,000
Equipment	Purchase of ALPR devices and vehicles to support operations	\$5,928,690
Travel/Training	Attendance at conferences, trainings, hosting of ORT symposium	\$159,885
Indirect Costs		\$250,000
	Total Budget	\$15,326,301

WHAT ARE ALPR CAMERAS?



Cameras that read license plates and vehicle descriptors
(e.g., make, model, and color)

Installed at high-traffic intersections to detect stolen or
wanted vehicles



HOW CAMERAS ARE FUNDED

BSCC Organized Retail Theft grant fully funds 400 cameras over the 3-year grant period including all costs for:

- Installation
- Maintenance and repair
- Operation and data storage

- Quoted approximate costs:
- Installation costs are \$335,000
- Operating costs are \$1,200,000 per year
- Total cost over 3-year period: \$3,935,000

Camera placement will be distributed throughout the City and planned in consultation with engineers, subject matter experts, and crime data reports.



HOW WILL CAMERAS BE UTILIZED?

Stolen vehicles:

- *Plates are compared to lists of stolen cars and plates (CA DOJ Stolen Vehicle Service)*

Amber Alerts:

- Search SF camera network and connected camera networks for missing or kidnapped people

Criminal investigations

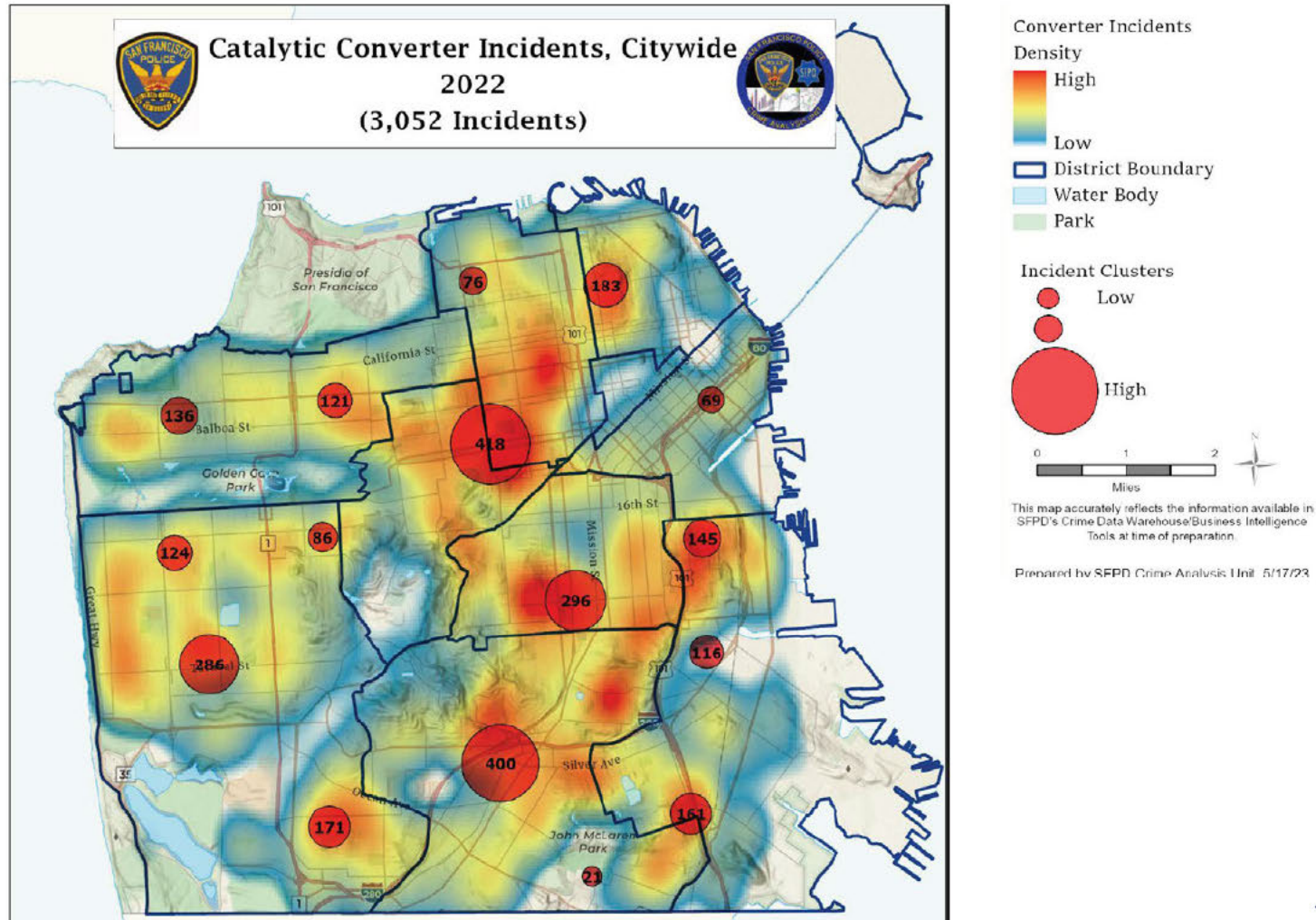
- Identify and track vehicles used in crimes and organized crime, like burglary and robbery crews

Other emergencies

- Locate vehicles in emergencies like critical incidents, terrorist attacks, or other life-threatening situations.



DATA DRIVEN CAMERA PLACEMENT



COORDINATING WITH OTHER BSCC ORT GRANT WINNERS

Can be used to fight ORT across county lines with the other BSCC ORT grant winners getting ALPR:

San Jose Police

Sacramento Sheriff

Fresno Police

Daly City Police

San Bruno Police

San Ramon Police

Santa Rosa Police

Vacaville Police

San Fernando PD

Santa Monica PD

San Mateo Sheriff

San Mateo Police

Ventura Sheriff

Bakersfield Police

Riverside Police

Roseville Police

Citrus Heights PD

Campbell Police

Garden Grove PD

Hemet PD

Newark Police

Irvine Police

Costa Mesa PD

Beverly Hills PD

Palm Springs PD

Chula Vista Police

Jurupa Valley Sta.

National City PD



COORDINATING WITH OAKLAND ALPR

BAY AREA//EAST BAY

Oakland will install 300 license plate readers around the city to fight crime

By Sarah Ravani

Updated Oct 18, 2023 5:52 p.m.



COORDINATING WITH AGENCIES THAT ALREADY HAVE ALPR

- Alameda
- American Canyon
- Anderson
- Atherton
- Auburn
- Benicia
- Brisbane
- Burlingame
- Calistoga
- Carmel
- Clearlake
- Colma
- Concord
- Danville
- Dixon
- Dublin
- Elk Grove
- El Cerrito
- Escalon
- Fairfield
- Folsom
- Fort Bragg
- Foster City
- Galt
- Gilroy
- Grass Valley
- Hayward
- Healdsburg
- Hercules
- Hillsborough
- Humboldt County
- Lake County
- Lakeport
- Lincoln
- Livermore
- Lodi
- Los Altos
- Los Gatos-Monte Sereno
- Madera County
- Millbrae
- Milpitas
- Mountain House
- Morgan Hill
- Napa County
- Napa PD
- Nevada County
- Newark
- Novato
- Oakley
- Orinda
- Palo Alto
- Piedmont
- Placer County
- Pleasanton
- Richmond
- Rio Vista
- Rocklin
- Roseville
- Salinas
- San Bruno
- San Joaquin County
- San Jose
- San Leandro
- San Mateo
- San Mateo County
- San Ramon
- San Rafael
- Sand City
- Santa Clara
- Seaside
- Solano County
- South SF
- St Helena
- Stockton
- Tracy
- Truckee
- Ukiah
- Union City
- Vacaville
- Vallejo
- Watsonville
- Windsor PD- SCSO
- Woodland
- Yuba County



BALANCING PUBLIC SAFETY & PRIVACY

Stationary ALPR cameras are compatible with San Francisco values:

1. Consistent with community policing model
2. Distributed throughout city, not in specific areas
 - a) Focuses on vehicles, not people
3. Focus on public places with high traffic
4. Compliant with 19B including prohibition of facial recognition
5. No selling of data, or sharing for immigration or health-related enforcement
6. Not utilized for traffic enforcement (e.g. traffic tickets)
7. Audit capability to prevent misuse



Thank you.





DEPARTMENT NOTICE

24-052

Published: 03/20/24

Expires: 03/20/27

Automated License Plate Reader (ALPR) Technology: Flock Safety Camera Rollout

In September 2023, the San Francisco Police Department was awarded with California's Board of State and Community Corrections (BSCC) grant to combat organized retail theft. The grant provided funding to partner with Flock Safety to install a network of hundreds of ALPR cameras throughout the City and County of San Francisco.

Flock Safety ALPR

Flock ALPR cameras provide critical data to enhance community safety and assist law enforcement in investigations. Flock Safety cameras automatically read and record license plate numbers from passing vehicles.

Flock Safety ALPR cameras go beyond capturing license plates by allowing users to filter their search based on the vehicle's specific characteristics, including body type, make, color, and more. This is key in producing an investigative lead for law enforcement when a suspect vehicle has no visible license plates.

Rollout

Starting on March 19, 2024, Flock Safety began installing ALPR cameras in various strategic locations across San Francisco. This rollout is expected to take place over the next 90 days. Per [19B ALPR policy](#), the administration of the Flock ALPR system is the responsibility of the Investigations Bureau.

The department has identified a designated group of personnel who will be part of the first phase of the Flock Safety rollout.

The rollout will take place in multiple phases utilizing best practices and procedures identified by fellow law enforcement agencies that have installed Flock Safety's platform in their jurisdictions.

Training & Access

Prior to being granted access to the Flock Safety portal, members will be required to complete training. A training video will be uploaded to Power DMS. Members will be notified when training becomes available. After completing the required training and being onboarded, the member will receive a welcome to Flock email which will provide access to the platform. Please do not reach out to Flock Safety directly to inquire about access.

A handwritten signature in blue ink that reads "William Scott".

WILLIAM SCOTT
Chief of Police

Per DN 23-152, all sworn & non-sworn Members shall electronically acknowledge this Department document in PowerDMS within (30) thirty calendar days of issuance. Members whose duties are relevant to this document shall be held responsible for compliance. Any questions regarding this policy should be sent to sfpd.writtendirectives@sfgov.org, who will provide additional information.



Surveillance Technology Policy

Automated License Plate Reader (ALPR)

Police Department

The City and County of San Francisco values privacy and protection of San Francisco residents' civil rights and civil liberties. As required by San Francisco Administrative Code, Section 19B, the Surveillance Technology Policy aims to ensure the responsible use of ALPR itself as well as any associated data, and the protection of City and County of San Francisco residents' civil rights and liberties.

PURPOSE AND SCOPE

The Department's mission is to protect life and property, prevent crime and reduce the fear of crime by providing service with understanding, response with compassion, performance with integrity and law enforcement with vision.

The Surveillance Technology Policy ("Policy") defines the manner in which the ALPR will be used to support this mission, by describing the intended purpose, authorized and restricted uses, and requirements.

This Policy applies to all to department personnel that use, plan to use, or plan to secure ALPR data, including employees, contractors, and volunteers. Employees, consultants, volunteers, and vendors while working on behalf of the City with the Department are required to comply with this Policy.

POLICY STATEMENT

The authorized use of ALPR technology for the Department is limited to the following use cases and is subject to the requirements listed in this Policy.

Authorized Use(s):

Locate stolen, wanted, and or other vehicles that are the subject of investigation

To apprehend wanted persons subject to arrest warrants or who are otherwise lawfully sought by law enforcement.

To locate victims, witnesses, suspects, missing children, adults, and/or elderly individuals, including in response to Amber Alerts and Silver Alerts and others associated with a law enforcement investigation.

To assist with criminal investigations initiated by local, state and regional public safety departments by identifying vehicles associated with targets of criminal investigations.

Counter-terrorism: Identify potential threats to critical infrastructure sites.

For other law enforcement purposes as authorized by law: Investigations of major crimes.

On an annual basis, the Department will evaluate the impact of the technology on the following measures:

Prohibited use cases include any uses not stated in the Authorized Use Case section.

- An ALPR alert will not, on its own, identify an individual, reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, information concerning an individual person's sex life or sexual orientation.

- An ALPR alert alone does not substantiate law enforcement response or contact. Contacting an individual solely based on an ALPR alert in the absence of confirming disposition of the vehicle (stolen or recovered), verifying that the observed license plate number matches the ALPR data, and verifying the reason a vehicle or owner is wanted or of interest shall be prohibited.
- No SFPD member shall access ALPR data for any use other than the authorized use cases herein
- ALPR scanning is limited to vehicles exposed to public view.
- No content captured by ALPR cameras other than license plate and vehicle information, geo-location, and time date of capture, shall constitute the sole cause for police enforcement.

Pursuant to Section 1798.90.55 of the California Civil Code, SFPD shall not sell, share, or transfer ALPR information, except as allowed by law.

BUSINESS JUSTIFICATION

ALPR supports the Department's mission and provides important operational value in the following ways:

ALPR readers allow for automatic and efficient identification of license plates that may be associated with criminal activity or missing persons. The identification of a license plate allows SFPD to recover a victim's vehicle, investigate a crime and lawfully apprehend suspects. SFPD is able to protect life and property using this technology.

In addition, ALPR promises to benefit residents in the following ways:

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Education | |
| <input type="checkbox"/> | Community Development | |
| <input type="checkbox"/> | Health | |
| <input type="checkbox"/> | Environment | |
| <input checked="" type="checkbox"/> | Criminal Justice | On-street enforcement of: Stolen Vehicles; Amber Alerts; Unregistered Vehicles; Wanted Criminals; Parking Violations; Be on the Lookout (BOLO), assists criminal investigations |
| <input type="checkbox"/> | Jobs | |
| <input type="checkbox"/> | Housing | |
| <input type="checkbox"/> | Other | |

ALPR will benefit the department in the following ways:

Benefit	Description	Quantity
<input type="checkbox"/>	Financial Savings	
<input checked="" type="checkbox"/>	Time Savings	
<input checked="" type="checkbox"/>	Staff Safety	
<input type="checkbox"/>	Data Quality	
<input type="checkbox"/>	Other	

POLICY REQUIREMENTS

This Policy defines the responsible data management processes and legally enforceable safeguards required by the Department to ensure transparency, oversight, and accountability measures. Department use of surveillance technology and information collected, retained, processed or shared by surveillance technology must be consistent with this Policy; must comply with all City, State, and Federal laws and regulations; and must protect all state and federal Constitutional guarantees.

Specifications:	The software and/or firmware used to operate the surveillance technology must be kept up to date and maintained.									
Safety:	Surveillance technology must be operated in a safe manner. Surveillance technology should not be operated in a way that infringes on resident civil rights, including privacy, or causes personal injury or property damage.									
Data Collection:	<p>Departments shall minimize the use, collection, and retention of Personally Identifiable Information (PII) to what is strictly necessary to accomplish the intended purpose of the surveillance technology.</p> <p>Department shall only collect data required to execute the authorized use case. All data collected by the surveillance technology, including PII, shall be classified according to the City’s Data Classification Standard.</p> <p>Should information be incidentally collected that is not necessary to accomplish the intended purpose of the surveillance technology, including information that may be used to identify persons or private information, Department shall remove all incidental PII from raw data.</p> <p>Data types can take the form video, audio, still images. Data formats can take the form of XML, PDF, HTML, Plain Text, JPEG, etc. The surveillance technology collects the following data types and formats:</p> <ul style="list-style-type: none">• Video in MOV, mpg, mp4, AVI and other formats• Still images from cameras in PDF, jpg, png and other formats <p>The surveillance technology collects the following data types:</p> <table><tr><th><i>Data Type(s)</i></th><th><i>Format(s)</i></th><th><i>Classification</i></th></tr><tr><td>Digital images of vehicle license plates and their associated vehicles</td><td>Encoded and stored in SQL or NoSQL</td><td>Level 3</td></tr><tr><td>Date and time the license plate passes a digital-image site where an ALPR is located</td><td>SQL server datetime or NO SQL</td><td>Level 3</td></tr></table>	<i>Data Type(s)</i>	<i>Format(s)</i>	<i>Classification</i>	Digital images of vehicle license plates and their associated vehicles	Encoded and stored in SQL or NoSQL	Level 3	Date and time the license plate passes a digital-image site where an ALPR is located	SQL server datetime or NO SQL	Level 3
<i>Data Type(s)</i>	<i>Format(s)</i>	<i>Classification</i>								
Digital images of vehicle license plates and their associated vehicles	Encoded and stored in SQL or NoSQL	Level 3								
Date and time the license plate passes a digital-image site where an ALPR is located	SQL server datetime or NO SQL	Level 3								

<p>Notification:</p>	<p>Decals identifying that ALPR is in use will be placed on marked patrol vehicles outfitted with ALPR. Decals will not be placed on unmarked vehicles outfitted with ALPR, as it poses operational and officer safety issues. Posted signs are not logistically feasible as marked patrol vehicles are constantly reassigned based on operational needs, which fluctuate.</p> <p>Department includes the following items in its public notice:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Type of technology in use <input type="checkbox"/> Information on the surveillance technology <input type="checkbox"/> Description of the authorized use <input type="checkbox"/> Type of data collected <input type="checkbox"/> Will persons be individually identified <input type="checkbox"/> Data retention <input type="checkbox"/> Department identification <input type="checkbox"/> Contact information
<p>Access:</p>	<p>All parties requesting access must adhere to the following rules and processes (please refer to the data sharing section to ensure all information covered in that section is also included below): US DOJ's *California Law Enforcement Telecommunications System (CLETS) rules and regulations, current Department Notice on ALPR use, DGO 10.08, and all other applicable SFPD policies. SFPD members must be approved to access the ALPR data and the data must be tied to an investigation or other authorized uses..</p> <p><small>*CLETS is the computer network that connects public safety agencies across the state to criminal histories, driver records, and other databases. DOJ grants each public safety agency's access.</small></p> <p>Officers shall not stop a vehicle solely based on an ALPR alert. Before stopping a vehicle based on an ALPR alert for a stolen or felony want, the officer conducting the stop shall:</p> <ol style="list-style-type: none"> 1. Visually verify the alphanumeric characters on the plate of the suspect vehicle to be detained, AND 2. Verify through CLETS or through the Department of Emergency Management (dispatch has CLETS access) that the license plate on the vehicle to be detained is currently listed on the DOJ database as stolen or wanted, or 3. Verify through other law enforcement information sources. <p>Other ALPR alerts (e.g. 852 "auto boost", 459 "burglary", 10-43 "of interest to special investigation", etc.) do not provide officers with justification to conduct a traffic stop or detain a vehicle and the occupants. Sufficient probable cause has not been established to stop a "vehicle of interest" that is the focus of a criminal investigation. These alerts may provide officers with additional instructions or information when a vehicle is located.</p>

	<p>Officers should follow the instructions on the alert, use discretion, and have independent probable cause to justify a traffic stop.</p> <p><i>A. Department employees</i></p> <p>Once collected, the following roles and job titles are authorized to access and use data collected, retained, processed or shared by the surveillance technology.</p> <ul style="list-style-type: none"> Sworn members, Civilian Crime analysts, Radio Shop Technicians (access to hardware) <p>The following providers are required to support and maintains the surveillance technology and its associated data to ensure it remains functional:</p> <ul style="list-style-type: none"> NCRIC and/or any other vendor utilized by the Department may host the ALPR data repositories. Vehicle Theft Abatement Funds, the Department operational budget or grant funds may pay for maintenance. <p><i>B. Members of the public</i></p> <p>ALPR data is classified as Level 3 Sensitive. ALPR data has previously been deemed as exempt from the California Public Records Act, however each request submitted by a member of the public will be reviewed to determine whether the data can be released. SFPD shall comply with the requirements of the Federal and State Constitutions, and federal and State civil procedure laws and rules.</p>
Data Security:	<p>Department shall secure PII against unauthorized or unlawful processing or disclosure; unwarranted access, manipulation or misuse; and accidental loss, destruction, or damage. Surveillance technology data collected and retained by the Department shall be protected by the safeguards appropriate for its classification level(s).</p> <p>To protect surveillance technology information from unauthorized access and control, including misuse, Departments shall, at minimum, apply the following safeguards:</p> <p>Northern California Regional Intelligence Center (NCRIC) or ALPR vendor(s) utilized by the Department host the ALPR data collected by SFPD equipment. Only Authorized SFPD members with an account can access the repository of data via the Back Office Server Software (BOSS) application or other vendor applications. SFPD Information Technology Division and Special Investigations Division will not grant user access to ALPR data unless they are approved to do so. All SFPD members are required to comply with CLETS and department written directives. Non-compliance may result in progressive discipline measures.</p>

Data Sharing:

If the ALPR data is not exempt from California Public Records Act, SFPD will comply with the California Public Records Act, the San Francisco Sunshine Ordinance, the requirements of the federal and State Constitutions, and federal and State civil procedure laws and rules.

SFPD will endeavor to ensure that other agencies or departments that may receive data collected by [the Surveillance Technology Policy that it operates] will act in conformity with this Surveillance Technology Policy.

For internal and externally shared data, shared data shall not be accessed, used, or processed by the recipient in a manner incompatible with the authorized use cases stated in this Policy.

SFPD shall ensure proper administrative, technical, and physical safeguards are in place before sharing data with other CCSF departments, outside government entities, and third-party providers or vendors. (See Data Security)

SFPD shall ensure all PII and restricted data is de-identified or adequately protected to ensure the identities of individual subjects are effectively safeguarded.

Each department that believes another agency or department receives or may receive data collected from its use of STs should consult with its assigned deputy city attorney regarding their response.

The Department currently participates in the following sharing practices:

A. Internal Data Sharing

Department shares the following data with the recipients:

- District Attorney's Office for use as evidence to aid in prosecution, in accordance with laws governing evidence;
- Public Defender's Office or criminal defense attorney via the District Attorney's Office in accordance with California discovery laws

Data sharing occurs at the following frequency: as-needed

Before sharing data with any recipients, the Department will use the following procedure to ensure appropriate data protections are in place:

- ☒ Confirm the purpose of the data sharing aligns with the department's mission.
- ☐ Consider alternative methods other than sharing data that can accomplish the same purpose.
Redact names, scrub faces, and ensure all PII is removed in accordance with the department's data policies.
- ☒ Review of all existing safeguards to ensure shared data does not increase the risk of potential civil rights and liberties impacts on residents.

	<p> <input checked="" type="checkbox"/> Evaluation of what data can be permissibly shared with members of the public should a request be made in accordance with the San Francisco's <u>Sunshine Ordinance</u>. </p> <p> <input type="checkbox"/> Ensure shared data will be done in a cost-efficient manner and exported in a clean, machine-readable format. </p> <p> B. External Data Sharing Department shares the following data with the recipients: </p> <ul style="list-style-type: none"> • Law enforcement partners, as part of a criminal or administrative investigation; Parties to civil litigation, or other third parties, in response to a valid Court Order. <p> Data sharing occurs at the following frequency: as-needed. </p> <p> To ensure that entities receiving data collected by the surveillance technology comply with the Surveillance Technology Policy, Department shall: Comply with all applicable laws, rules, and regulations, including but not limited to, to the extent applicable, the California Values Act (Government Code Section 7284 et seq.). </p> <p> If Department's general counsel determines ALPR data can be disclosed in response to a public information request, the department will redact PII as it will be considered investigative/evidentiary material. The Department may use its discretion when releasing investigative/evidentiary material per SFPD DGO 3.16. </p>
<p>Data Retention:</p>	<p> Department may store and retain raw PII data only as long as necessary to accomplish a lawful and authorized purpose. </p> <p> Please list data retention schedules (i.e., x type of data will be retained for 1 year) based on the following categories: </p> <ul style="list-style-type: none"> • Permanent records (i.e., records that are essential): shall be retained and preserved indefinitely • Current records (i.e., records for operational necessity, ready reference, convenience): record retention schedules may vary but generally less than 10 years • Storage records (i.e., records retained offsite): record retentions may vary but generally less than 10 years <p> The Department's data retention period and justification are as follows: </p> <div style="border: 1px solid black; padding: 5px;"> <p> SFPD defers to the NCRIC retention standard: ALPR records are maintained for 12 months from capture. ALPR technology data associated with a criminal investigation may be downloaded onto an electronic storage device or printed. Downloaded, </p> </div>

	<div data-bbox="646 205 1523 405" style="border: 1px solid black; padding: 5px;"> <p>copied, and printed data shall be maintained in accordance with applicable local, state and federal evidentiary laws, to include retaining the data through the adjudication of a case in a recognized court of law, as well as allotment of time for an appeals process and statute of limitations.</p> </div> <p>ALPR does not collect PII data and as such PII data shall not be kept in a form which permits identification of data subjects</p> <p>Departments must establish appropriate safeguards for PII data stored for longer periods.</p> <p>Data will be stored in the following location:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Local storage <input checked="" type="checkbox"/> Vendor managed storage <input type="checkbox"/> Department of Technology Data Center <input type="checkbox"/> Software as a Service Product <input type="checkbox"/> Cloud Storage Provider
Data Disposal:	<p>Upon completion of the data retention period, Department shall dispose of data in the following manner:</p> <p>Practices: ALPR data are cleared after 1 year from capture unless associated with a criminal investigation.</p> <p>Processes and Applications: If ALPR data is associated with a criminal investigation and must be disposed of due to retention schedule, confidential information shall be disposed of according to SFPD Department Notice 20-166: https://www.sanfranciscopolice.org/sites/default/files/2020-08/SFPDNotice20.116.20200804.pdf</p> <p>CLETS Information (print-outs, CDs, Flash Drives, Diskettes or any other storage media) no longer has a necessary law enforcement purpose, members shall dispose of it in the following manner:</p> <ul style="list-style-type: none"> • Hard copies and print-outs - with the exception of staples and paper clips - shall be placed in the gray colored Shred Works shredding bins. Facility Coordinators, or other designated SFPD employees, shall ensure that these bins are always located in a secure area of the SFPD facility. • If a member has stored CLETS Information on any electronic storage media, the member shall be responsible for its proper destruction.
Training:	<p>To reduce the possibility that surveillance technology or its associated data will be misused or used contrary to its authorized use, all individuals requiring access must receive training on data security policies and procedures.</p>

	<p>At the very least, department shall require all elected officials, employees, consultants, volunteers, and vendors working with the technology on its behalf to read and formally acknowledge all authorized and prohibited uses. Department shall also require that all individuals requesting data or regularly requiring data access receive appropriate training before being granted access to systems containing PII.</p> <p>NCRIC or other vendors utilized by the Department provides training information to the Department.</p>
--	--

COMPLIANCE

Department shall oversee and enforce compliance with this Policy using the following methods:

These policies will have the same compliance requirements as all Department Written Directives and Police Commission Resolutions.

The Department shall assign the following personnel to oversee Policy compliance by the Department and third-parties.

Deputy Chief of Investigations, Lieutenant of Special Investigations Division.

In addition, each member of the department belongs to a chain of command. The Officer in Charge (OIC) of that chain of command is responsible for overseeing compliance with all SFPD written directives and the surveillance technology policies. If allegations arise that a member is not in compliance, the OIC will initiate an investigation and will take the appropriate action which could include an investigation of misconduct by Internal Affairs.

Sanctions for violations of this Policy include the following:

San Francisco Police Department will conduct an internal investigation through the Chief of Staff/Internal Affairs (IA) Unit. The results of the investigation will be reported to the Chief of Police, who will determine the penalty for instances of misconduct. Under San Francisco Charter section A8.343, the Chief may impose discipline of up to a 10-day suspension on allegations brought by the Internal Affairs Division or the DPA. Depending on the severity of the allegation of misconduct, the Chief or the DPA may elect to file charges with the Police Commission for any penalty greater than the 10-day suspension. Any discipline sought must be consistent with principles of just cause and progressive discipline and in accordance with the SFPD Disciplinary Guidelines.

If a Department is alleged to have violated the Ordinance under San Francisco Administrative Code Chapter 19B, Department shall post a notice on the Department's website that generally describes any corrective measure taken to address such allegation.

Department is subject to enforcement procedures, as outlined in San Francisco Administrative Code Section 19B.8.

DEFINITIONS

Personally Identifiable Information:	Information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual.
Raw Data:	Information collected by a surveillance technology that has <u>not</u> been processed and cleaned of all personal identifiable information. The distribution and use of raw data is tightly restricted.
Exigent Circumstances	An emergency involving imminent danger of death or serious physical injury to any person that requires the immediate use of Surveillance Technology or the information it provides.

AUTHORIZATION

Section 19B.4 of the City's Administrative Code states, "It is the policy of the Board of Supervisors that it will approve a Surveillance Technology Policy ordinance only if it determines that the benefits the Surveillance Technology ordinance authorizes outweigh its costs, that the Surveillance Technology Policy ordinance will safeguard civil liberties and civil rights, and that the uses and deployments of the Surveillance Technology under the ordinance will not be based upon discriminatory or viewpoint-based factors or have a disparate impact on any community or Protected Class."

QUESTIONS & CONCERNS

Public:

Members of the public can register complaints with the Department of Police Accountability (DPA). DPA, by Charter authority, receives and manages all citizen complaints relating to SFPD. DPA manages, acknowledges and responds to complaints from members of the public.

Department shall acknowledge and respond to concerns in a timely and organized response. To do so, Department shall:

SFPD will update the SFPD public website to include surveillance technology policies and will include a general email address for public inquiries. The general email box will be assigned to a staff member in the Chief's Office.

City and County of San Francisco Employees:

All questions regarding this policy should be directed to the Chief of Police at SFPDChief@sfgov.org. Similarly, questions about other applicable laws governing the use of the surveillance technology or the issues related to privacy should be directed to the Chief of Police at SFPDChief@sfgov.org.

APPENDIX A: Surveillance Technology Policy Requirements

The following section shows all Surveillance Technology Policy requirements in order as defined by the San Francisco Administrative Code, Section 19B.

1. A description of the product and services addressed by the Surveillance Technology, including the identity of any provider(s) whose services are essential to the functioning or effectiveness of the Surveillance Technology equipment or services for the intended purpose.

Vehicle-mounted Automated License Plate Recognition (ALPR) technology shall be used to automate the processing of vehicle license plate information by transforming images into alphanumeric characters with optical recognition software and storing those images, plate information and related metadata, including time and geo-location information.

Vehicle-mounted Automated License Plate Recognition (ALPR) technology automates the processing of vehicle license plate and compliance information. Specifically, ALPR:

uses specially-designed cameras mounted on law enforcement vehicles to capture digital images of license plates and vehicles as they drive through the streets;

alphanumeric characters are translated using optical character recognition (OCR) software to enable;

- Searches full plates, with color pictures of identified vehicles for plate read verification
- Partial plate searches that return possible matches to assist with identifying suspects' vehicles
- stores the images, plate information, and related metadata in a restricted-access database;
- compares the license plate characters with state, local law enforcement and customized hotlists;

Mobile ALPR Systems

Mobile ALPR Systems assist on-street patrol officers checking for criminal activity by capturing and analyzing license plates against known databases. The cameras are mounted securely below the lightbar for limited visual interference.

Features and Benefits

Offers high resolution coverage for a full lane of traffic with up to two concurrent vehicles in the field of view.

Instantly checks captured plates against one or more databases of interest to immediately alert officers of hits.

Increases spatial awareness for improved officer safety.

Enhances proactive, preventative enforcement by enabling more intelligent investigations. ALPR database stores all collected data in a central location to support data analysis, data queries and reporting for law enforcement investigations.

System Components

Mobile ALPR Camera(s) – Each System has 1 to 4 dual (IR and color) mobile cameras.

Mobile ALPR Processor – Each processor simultaneously supports up to 4 mobile cameras.

Brackets – A variety of camera mounting brackets for various vehicles and light-bar designs.

In-car software – PAGIS software provides the graphical user interface (GUI) and in-car application. It compares ALPR images against federal, local or customized hotlists and sends alert when a match occurs.

Other Existing ALPR Systems Available

Stationary – Cameras may be permanently affixed to a specific location like a traffic light, telephone pole or at entrances of facilities or freeway exit ramps.

Semi-Stationary – ALPR system is located on a trailer which can be moved to different locations as operational needs change.

Smartphone Applications – Mobile applications can be uploaded onto patrol officer's Department issued smartphones and use the smartphone's camera capabilities.

Should the Department expand its ALPR inventory by acquiring or procuring either the Stationary, Semi-Fixed, Smartphone or Mobile application ALPR systems the Department will continue to comply with the ALPR Surveillance Technology Policy Ordinance , authorized use cases, and prohibitions..

2. A description of the purpose(s) for which the Surveillance Technology equipment or services are proposed for acquisition, including the type of data that may be collected by the Surveillance Technology equipment or services.

Technology Use:

ALPR readers allow for automatic and efficient identification of license plates that may be associated with criminal activity or missing persons. The identification of a license plate allows SFPD to act quickly and respond to an associated crime, recover a victim's vehicle, investigate a crime and lawfully apprehend suspects. SFPD is able to protect life and property using this technology.

PII:

False. PII is not collected by ALPR technology

3. The uses that are authorized, the rules and processes required prior to such use, and uses of the Surveillance Technology that will be expressly prohibited.

Authorized Uses:

Locate stolen, wanted, and or other vehicles that are the subject of investigation

To locate victims, witnesses, suspects, missing children, adults, and/or elderly individuals, including in response to Amber Alerts and Silver Alerts and others associated with a law enforcement investigation.

To assist with criminal investigations initiated by local, state, federal, and regional public safety departments by identifying vehicles associated with targets of criminal investigations.

Counter-terrorism: Identify potential threats to critical infrastructure sites.

For other law enforcement purposes as authorized by law: Investigations of major crimes.

Rules:

Prohibited Uses:

1. Officers shall not stop a vehicle solely based on an ALPR alert. Before stopping a vehicle based on an ALPR alert for a stolen or felony want, the officer conducting the stop shall:
Visually verify the alphanumeric characters on the plate of the suspect vehicle to be detained, and verify through the Department of Emergency Management (dispatch) or through a Ca. DOJ's California Law Enforcement Telecommunications System (CLETS) computer return that the license plate on the vehicle to be detained is currently listed on the DOJ database as stolen or wanted, or verify through other law enforcement information sources.
Other ALPR alerts (e.g. 852,459, 10-43, etc.) do not provide officers with justification to conduct a traffic stop or detain a vehicle and the occupants. Sufficient probable cause has not been established to stop a "vehicle of interest" that is the focus of a criminal investigation.
These alerts may provide officers with additional instructions or information when a vehicle is located.

Officers should follow the instructions on the alert, use discretion, and have independent probable cause to justify a traffic stop.

2. No SFPD member shall access ALPR data for any use other than the authorized use cases herein
3. Manual entry to trigger an ALPR alert, such as for canvassing or locating a victim, witness or missing person, shall be prohibited except to aid in an active investigation or active criminal court case.
4. ALPR scanning is limited to vehicles exposed to public view.
5. No content captured by ALPR cameras other than license plate and vehicle information, geo-location information, and time date of capture, shall constitute the sole cause for police enforcement.

4. A description of the formats in which information collected by the Surveillance Technology is stored, copied, and/or accessed.

Data Type	Formats STP
Digital images of vehicle license plates and their associated vehicles	Encoded and stored in SQL, No SQL. Video in MOV, MPG, MP4, AVI and other formats. Still images in PDF, JPG, PNG and other formats
Date and time the license plate passes a digital-image site where an ALPR is located	SQL server datetime, No SQL.

5. The specific categories and titles of individuals who are authorized by the Department to access or use the collected information, including restrictions on how and under what circumstances data collected with Surveillance Technology can be analyzed and reviewed, and the rules and processes required prior to access or use of the information.

Employee Job Classification & Title: Police Officers, investigators, Sergeants, Crime Analysts, Lieutenants of SID, or their designee, Deputy Chief of Investigations, Assistant Chiefs and Chief of Police

Department:

SFPD

If applicable, contractor or vendor name:

NCRIC and/or any other vendors utilized by the Department, NICRIC and/or any other vendors' database and NCRIC partner agencies

Rules and processes required prior to data access or use:

NCRIC and/or any other vendors utilized by the Department host the ALPR data repositories accessed by a database provided by a vendor available on the SFPD Network for approved users. SFPD IT and SID do not provide access to SFPD members who are not approved users. All SFPD members are required to comply with department written directives. Non-compliance results in progressive discipline measures as outlined under the Compliance Section of this Policy.

6. The general safeguards that protect information from unauthorized access, including encryption and access control mechanisms.

All users of ALPR equipment or accessing ALPR Data are required to acknowledge that they have read and understood the ALPR Policy prior to use of the ALPR System. Only law enforcement vendor partners have access to the database.

7. The limited time period, if any, that information collected by the Surveillance Technology will be routinely retained, the reason such retention period is appropriate to further the purpose(s) enumerated in the Surveillance Technology Policy, the process by which the information is regularly deleted after that period lapses, and the specific conditions that must be met to retain information beyond that period

Retention:

NCRIC advises ALPR data retention of 12 months. If a record is connected to a criminal investigation or criminal intelligence file it may be retained for five years.

ALPR Technology data associated with a criminal investigation may be downloaded onto an electronic storage device or printed. Downloaded, copied, and printed data shall be maintained in accordance with applicable local, state and federal evidentiary laws, to include retaining the data through the adjudication of a case in a recognized court of law, as well as allotment of time for an appeals process and statute of limitations.

Reason for retention:

NCRIC policy and SFPD Retention schedule

Deletion process:

NCRIC advises ALPR data retention of 12 months from date of capture. If a record is connected to a criminal investigation or criminal intelligence file it may be retained for 5 years.

ALPR Technology data associated with a criminal investigation may be downloaded onto an electronic storage device or printed. Downloaded, copied, and printed data shall be maintained in accordance with applicable local, state and federal evidentiary laws, to include retaining the data through the adjudication of a case in a recognized court of law, as well as allotment of time for an appeals process and statute of limitations.

Retention exemption conditions:

if general counsel determines that ALPR data can be disclosed in response to a public information request, the department will redact information linked to an individual as it will be considered investigative material.

8. How collected information can be accessed or used by members of the public, including criminal defendants

Will the data be accessible to the public:

ALPR data associated with a criminal investigation will not be accessible to the public. Members of the public can submit a public information request. The Department will defer to general counsel and the SFPD legal unit to determine whether the request can be fulfilled.

How it can be accessed: <https://www.sanfranciscopolice.org/get-service/public-records-request>

9. Which governmental agencies, departments, bureaus, divisions, or units that may receive data collected by the Surveillance Technology operated by the Department, including any required justification or legal standard necessary to share that data and how it will ensure that any entity receiving such data complies with the Surveillance Technology Policy.

Name of agency: District Attorney's Office for use as evidence to aid in prosecution, in accordance with laws governing evidence; Public Defender's Office or criminal defense attorney via the District Attorney's Office in accordance with California discovery laws; Other law enforcement offices as part of a criminal or administrative investigation; Parties to civil litigation, or other third parties, in response to a valid Court Order; From NCRIC: Only law enforcement personnel that have access to the ALPR database and have: 1. Agreed to the vendors' privacy policies and non-disclosure agreement. 2. A criminal case or incident number/name. 3. A lawful purpose with a need to know and right to know the information.

ALPR data collected by SFPD is not used for the enforcement of Immigration Laws. SFPD complies with SF Admin Code Section 12H and 12I.

Justification: Past and current practice associated with the NCRIC partnership

10. The training required for any individual authorized to use the Surveillance Technology or to access information collected by the Surveillance Technology

Training required:

true

Description of training:

Only persons trained in the use of the ALPR system, including its privacy and civil liberties protections, shall be allowed access to ALPR Data. Training content shall consist of:

- Legal authorities, developments, and issues involving the use of ALPR Data and technology
- Current vendors' Policies regarding appropriate use of ALPR systems;
- Evolution of ALPR and related technologies, including new capabilities and associated risks;
- Technical, physical, administrative, and procedural measures to protect the security of ALPR Data against unauthorized access or use; and
- Practical exercises in the use of the ALPR system

Training shall be updated as technological, legal, and other changes that affect the use of the ALPR system occur. In no case shall a person utilize the ALPR system if he/she has not completed training in more than a year.

11. The mechanisms to ensure that the Surveillance Technology Policy is followed, including internal personnel assigned to ensure compliance with the policy, internal recordkeeping of the use of the technology or access to information collected by the technology, technical measures to monitor for misuse, any independent person or entity with oversight authority, and the sanctions for violations of the policy

Oversight process:

Should a member of the department uncover a violation of ALPR, they will notify the Internal Affairs Unit which will conduct an internal investigation through the Chief of Staff/Internal Affairs Unit. The results of the investigation will be reported to the Chief of Police, who may take disciplinary, or policy/procedure action as indicated in the Compliance section of this policy.

Compliance personnel titles:

Q-60 Lieutenant in Special Investigations Division (SID) and Deputy Chief of Investigations, SFPD

12. What procedures will be put in place by which members of the public can register complaints or concerns, or submit questions about the deployment or use of a specific Surveillance Technology, and how the Department will ensure each question and complaint is responded to in a timely manner.

Complaint procedures:

Members of the public can register complaints about SFPD activities with the Department of Police Accountability (DPA), 1 South Van Ness Ave 8th Floor, San Francisco, CA 94103, (415) 241-7711, <https://sf.gov/departments/department-police-accountability>. DPA, by Charter authority, receives and manages all citizen complaints relating to SFPD use of force, misconduct, or allegations that a member has not properly performed a duty. DPA manages, acknowledges, and responds to complaints from members of the public.

Concerns and Inquiries: Department shall acknowledge and respond to complaints and concerns in a timely and organized response, and in the following manner: The Department has included a 19B Surveillance Technology Policy page on its public website : <https://www.sanfranciscopolice.org/your-sfpd/policies/19b-surveillance-technology-policies>. This page includes an email address for public inquiries: SFPDChief@sfgov.org. This email is assigned to several staff members in the Chief's Office who will respond to inquiries within 48 hours.

Allegation procedures:

Members of the public may submit written notice of an alleged violation of Chapter 19B to SFPDChief@sfgov.org.

If the Department takes corrective measures in response to such an allegation, the Department will post a notice that generally describes the corrective measures taken to address such allegation.

If the Department finds the allegation to be unfounded and subsequently does not take corrective measures, the Department may respond to the complainant directly confirming the justified use of the technology.

BOS approved: 12/12/2023
Signed by Mayor: 12/19/2023

March 26, 2024

Via email [REDACTED]

Matthew Lotocki

San Francisco, CA

RE: Public Records Request, dated March 22, 2024, Reference # P149739-032224

Dear Matthew Lotocki:

The San Francisco Police Department (SFPD) received your Public Records Act request, dated March 22, 2024.

You requested, "I am seeking records related to proposed or finalized placement of fixed or semi-fixed Automated License Plate Reader ("ALPR") cameras in San Francisco by the San Francisco Police Department. This can include, but is not limited to: - Document(s) describing criteria for proposed locations - Document(s) listing or showing specific locations for consideration - Presentation(s) describing the proposed ALPR program that mention placement.."

In acknowledgement of your request, please see our responses below.

A responsive record is included with this correspondence. Please note that SFPD has asserted, and intends to assert, all privileges available by law to maintain confidentiality as to the compiled ALPR map depicting the location of all installed ALPR cameras. While individual ALPR cameras will be visible from the street and not concealed, the compiled map of all locations is more sensitive than the individual locations that comprise it. The compiled ALPR map would allow criminals, particularly those participating in organized crime groups, to structure their movements to avoid the network of ALPR cameras, would expose the network to either targeted or widespread vandalism or disruption, or would expose Flock engineers to harassment or attack during the installation and implementation phase of the project. The map is a record of security and intelligence information that is protected under Cal. Govt. Code section 7923.600(a).

If you have any questions, please contact the Legal Division at (415) 837-7394.

Thank you for your courtesy in this regard.

Sincerely,

Lt. Chris Beauchamp #561
SFPD - Legal Division
Desk - (415)837-7150

Matthew Lotocki

San Francisco, CA

March 27, 2024

VIA EMAIL

RE: Public Records Request # P149739-032224

Hello,

This letter is a follow up to the partial denial on March 26th of the public records request listed above. While one responsive record was released, it appears that one or multiple other responsive records (namely the “compiled ALPR map”) was withheld under Government Code Section 7923.600(a), and possibly Section 7922.000.

The California Public Records Act is to be construed broadly when in favor of the people’s right of access, and narrowly construed when limiting the people’s right of access. (*Sander v. Superior Court* (2018) 26 Cal. App. 5th 651, 654; Cal. Const., art. I, § 3 subd. (b), par. (2).)

Government Code Section 7923.600(a) exempts from disclosure “records of intelligence information or security procedures of ...[a] local police agency”. However, a map of ALPR cameras does not fit either of those definitions. Such a map is not a “security procedure”. Further, this section does not consider “intelligence information” to mean all information reasonably related to criminal activity, as such a conclusion would “effectively exclude the law enforcement function of state and local governments from any public scrutiny under the California [Public Records] Act”. (*American Civil Liberties Union Foundation v. Deukmejian* (1982) 32 Cal. 3d 440, 449) Instead, “intelligence information” focuses on confidential sources and confidential information related to criminal activity. (*Ibid.* at p. 453) As you note, the ALPR cameras being installed in San Francisco are visible from the street, not concealed, and publicly touted¹, making them hardly confidential. Furthermore, the ALPR data generated from the cameras are not themselves investigative records or intelligence records. (*American Civil Liberties Union Foundation v. Superior Court* (2017), 3 Cal. 5th 1032, 1042). The positions of such cameras would similarly not be investigative records or intelligence records.

Also cited was the possibility of (1) criminals intentionally avoiding ALPR cameras, (2) bad actors targeting the ALPR cameras for vandalism or disruption, and (3) Flock engineers being harrassed or attacked during the installation phase. I am interpreting those concerns as justification for withholding under Section 7922.000. “[A] mere assertion of possible endangerment does not ‘clearly outweigh’ the public interest in access to ... records.” (*Long Beach Police Officers Assn. v. City of Long Beach* (2014) 59 Cal. 4th 59, 74 (citing *CBS, Inc. v. Block* (1986) 42 Cal. 3d 646, 652)) Furthermore, the idea that criminals might avoid ALPR

¹ <https://www.sf.gov/news/san-francisco-begins-installing-automated-license-plate-readers-disrupt-organized-theft-and>

cameras ignores a similar scenario where law-abiding citizens wish to plan their routes to avoid such cameras due to concerns over mass-surveillance. While criminals have the option to install fraudulent paper plates (or even no plates at all), law abiding citizens generally avoid that approach.

Additionally, there is ample public interest in disclosure of an ALPR map. While law enforcement likely contents that ALPR cameras are a helpful crime-fighting tool, they have severe privacy implications. The placement of ALPR cameras sheds light on the degree of over-policing certain communities face. They also inform individuals about how often their movements are tracked by the SFPD as they drive throughout the city.

In light of the points above, I hope you will reconsider this denial so that it does not need to be litigated. I would appreciate a response by April 3rd with the department's intentions.

Thank you,



Matthew Lotocki

April 2, 2024

Matthew Lotocki

San Francisco, CA

**Re: Public Records Request
P149739-032224**

Dear Mr. Lotocki:

I write you in response to your March 27, 2024 letter objecting to the San Francisco Police Department's determination to withhold records in the above-referenced public records request. In short, you object to the Department's reliance upon Government Code section 7923.600(a) because the requested ALPR maps constitute neither a "security procedure" nor "intelligence information." After considering your arguments, we remain at our initial conclusion: the maps qualify as security files and the Department is permitted to withhold them.

Government Code section 7923.600(a) permits a police department to withhold various types of records, including "any investigatory or security files compiled by any other state or local police agency." The act does not specifically define these terms. The statute's plain meaning, however, leads us to conclude that the ALPR maps qualify as security files. The maps are created, in part, to ensure the security, integrity, and safety of the system and the personnel who operate and maintain it. Release of ALPR maps could expose the system to vandalism or disruption, could expose engineers to harassment or attack during the installation, implementation, or maintenance of the project, and could allow criminals to avoid detection armed with knowledge of potential system blind spots.

Withholding the records is consistent with the purpose of the exemption, which "secures evidence and investigative techniques . . . and in effect makes such investigations possible."¹ Furthermore, records dealing with "security and safety procedures" are "clearly exempt."²

¹ *Dixon v. Superior Court*, 170 Cal.App.4th 1271, 1276 (2009).

² *Northern Cal. Police Practices Project v. Craig*, 90 Cal.App.3d 116, 121-22 (1979); see also 79 Ops. Cal. Atty. Gen. 206 (1996) ("Documents or portions of documents that deal with security and safety procedures need not be disclosed. Any information that would compromise the security of the GREAT system would be exempt from disclosure.").

Thank you for your attention to this matter.

Sincerely,

/s/STEVEN BETZ

STEVEN M. BETZ
Staff Attorney
Risk Management Office

cc: Lieutenant Christopher Beauchamp

Leger, Cheryl (BOS)

From: Beauchamp, Christopher (POL)
Sent: Thursday, May 9, 2024 10:22 AM
To: SOTF (BOS); [REDACTED]
Cc: Leger, Cheryl (BOS); Young, Victor (BOS); Somera, Alisa (BOS); Calvillo, Angela (BOS)
Subject: Re: SOTF - Notice of Hearing: Sunshine Ordinance Task Force / Education, Outreach and Training Committee, May 28, 2024 5:30 pm File No. 24021

Good morning SOTF,

I will be in attendance for all three matters.

Lt. Chris Beauchamp #561
San Francisco Police Department
Legal Division - BWC unit
1245 3rd St. 4th Floor
San Francisco, CA 94158
Desk - (415)837-7150
Cell - (415)638-0217

From: SOTF (BOS) <sotf@sfgov.org>
Sent: Thursday, May 9, 2024 09:33
To: Beauchamp, Christopher (POL) <Christopher.G.Beauchamp@sfgov.org>; [REDACTED]
[REDACTED]
Cc: Leger, Cheryl (BOS) <cheryl.leger@sfgov.org>; Young, Victor (BOS) <victor.young@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: SOTF - Notice of Hearing: Sunshine Ordinance Task Force / Education, Outreach and Training Committee, May 28, 2024 5:30 pm File No. 24021

Hello –

The following Sunshine Ordinance Task Force matters have been scheduled to be heard before the **Education, Outreach and Training Committee** as follows:

Date: May 28, 2024 (Hybrid Meeting in-person/remote)
Location: Hearing Room 408, City Hall, San Francisco, CA 94102
Time: Meeting Convenes – 5:30 PM

Information regarding how to participate via telephone or via teleconference (Webex) will be provided when it becomes available.

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints for a hearing to: 1) determine if the Task Force has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the SOTF.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance the custodian of records, or a representative of your department who can speak to the matter, is required at the meeting/hearing.

PLEASE CONFIRM YOUR ATTENDANCE or let us know if there are any issues as soon as possible.

NOTE: if you have any additional supplemental/support documents for inclusion into the agenda packet they must be submitted by 5:00 PM, My 23, 2024.

File No. 24020 Complaint filed by Beth Winegarner against David Serrano Sewell and the Office of the Medical Examiner for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 by failing to respond to a public records request in a timely and/or complete manner.

File No. 24021: Complaint filed by Matthew Lotocki against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner.

File No. 24022: Complaint filed by Paul Kniha against the Municipal Transportation Agency for allegedly violating the Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner.

File No. 24024: Complaint filed by Rosa L. against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 24025: Complaint filed by Anonymous against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a public records request in a timely and/or complete manner; 67.25(a)(d) by failing to respond to an Immediate Disclosure Request in a timely and complete manner and if needed provide requested records on a rolling basis, 67.34 for willful violation.

Click [here](#) for the Complaint Procedures.

Thank you,
Pat

Cheryl Leger
Sunshine Administrator
Board of Supervisors
phone 415-554-7724 | fax 415-554-5163
cheryl.leger@sfgov.org | www.sfbos.org

From: Beauchamp, Christopher (POL)
Sent: Thursday, October 31, 2024 1:59 PM
To: Petersen, Patricia (BOS); [REDACTED]; SFPD, Chief (POL); Kao, Ryan (POL)
Cc: Somera, Alisa (BOS)
Subject: Re: Notice of Hearing: Sunshine Ordinance Task Force, 11/6/2024 Convenes at 4:00 p.m., Hearings on Complaints at 5:00 p.m. (File No. 24021)

Hello Ms. Petersen,

I will be in attendance. My apologies for the late reply. Thank you for your patience.

Lt. Chris Beauchamp #561
San Francisco Police Department
Legal Division - BWC unit
1245 3rd St. 4th Floor
San Francisco, CA 94158
Desk - (415)837-7150
Cell - (415)638-0217

From: Petersen, Patricia (BOS) <patricia.petersen@sfgov.org>
Sent: Monday, October 28, 2024 17:10
To: [REDACTED] Beauchamp, Christopher (POL) <Christopher.G.Beauchamp@sfgov.org>; SFPD, Chief (POL) <sfpdchief@sfgov.org>; Kao, Ryan (POL) <ryan.kao@sfgov.org>
Cc: Somera, Alisa (BOS) <alisa.somera@sfgov.org>
Subject: Notice of Hearing: Sunshine Ordinance Task Force, 11/6/2024 Convenes at 4:00 p.m., Hearings on Complaints at 5:00 p.m. (File No. 24021)

Hello –

The following Sunshine Ordinance Task Force matters have been scheduled for hearing as follows:

Date:	November 6, 2024 (Hybrid Meeting in-person/remote)
Location:	Hearing Room 408, City Hall, San Francisco, CA 94102
Time:	Meeting Convenes – 4:00 p.m. Public Comment, Consent Agenda, and Hearings on Complaints – begin 5:00 p.m. or as soon thereafter as possible

Information regarding how to participate via telephone or via teleconference (Webex) will be listed on the Agenda. Agendas are available [online](#) and at the [San Francisco Public Library](#) at least 72 hours before the meeting.

Why Am I Receiving This Notice?

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled for hearing to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee,

or

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints for a hearing to: 1) determine if the Task Force has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the SOTF.

Must I Attend?

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance the custodian of records, or a representative of your department who can speak to the matter, is required at the meeting/hearing.

IMPORTANT - CONFIRM YOUR ATTENDANCE

- Petitioner's Failure to Appear at the meeting without prior notice will result in the file being **Closed**.
- Respondent's Failure to Appear will result in additional violations of the Sunshine Ordinance.

NOTE: if you have any additional supplemental/support documents for inclusion into the agenda packet they must be submitted by 5:00 PM, **Wednesday, October 30, 2024**.

Which Matters Will be Heard?

File No. 24021: Complaint filed by Matthew Lotocki against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner.

(On October 2, 2024, the SOTF found that the Police Department violated Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to provide the requested records. The SOTF orders the Police Department to provide the requested records, and to send the file to the Compliance and Amendments Committee for follow-up.

On 10/22/2024, the Compliance and Amendments Committee moved that if the Police Department does not deliver requested records to Petitioner and the Compliance and Amendments Committee (CAC) by 10/31/2024, the CAC will recommend that this matter be returned to the full SOTF for consideration of a violation of Sec. 67.31 for willful violation of the SOTF's 10/2/2024 SOTF order of determination. The CAC further instructed the SOTF Administrator to include San Francisco Police Chief William Scott and Director of Crime Strategy Ryan Kao on the distribution list of the Notice of Hearing of the 11/6/2024 SOTF Regular Meeting.)

Click [here](#) for the Complaint Procedures.

Thank you.

Patricia Petersen (she/her)

Assistant Clerk

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

Telephone 415-554-7719 | Fax 415-554-5163

sotf@sfgov.org | www.sfbos.org



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: *Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

From: [Beauchamp, Christopher \(POL\)](#)
To: [SOTF \(BOS\)](#); [REDACTED]
Cc: [Somera, Alisa \(BOS\)](#); [Ozol, Jonathan \(POL\)](#)
Subject: Re: Notice of Hearing: Sunshine Ordinance Task Force, 11/19/2024 Convenes at 4:00 p.m., Hearings on Complaints at 5:00 p.m. (File No. 24021)
Date: Thursday, November 7, 2024 2:24:59 PM
Attachments: [image001.png](#)
[image002.png](#)

Hello Ms. Petersen,

Lt. Ozol and I will be in attendance. Thank you.

Lt. Chris Beauchamp #561
San Francisco Police Department
Legal Division - BWC unit
1245 3rd St. 4th Floor
San Francisco, CA 94158
Desk - (415)837-7150
Cell - (415)638-0217

From: SOTF (BOS) <sotf@sfgov.org>
Sent: Wednesday, November 6, 2024 16:15
To: [REDACTED]; Beauchamp, Christopher (POL) <Christopher.G.Beauchamp@sfgov.org>; SOTF (BOS) <sotf@sfgov.org>
Cc: Somera, Alisa (BOS) <alisa.somera@sfgov.org>
Subject: Notice of Hearing: Sunshine Ordinance Task Force, 11/19/2024 Convenes at 4:00 p.m., Hearings on Complaints at 5:00 p.m. (File No. 24021)

Hello –

This is a Notice of **Special Meeting**, advising you that a replacement meeting has been scheduled for the cancelled 11/6/2024 meeting.

The following Sunshine Ordinance Task Force matters have been scheduled for hearing as follows:

Date: November 19, 2024 (Hybrid Meeting in-person/remote)
Location: Hearing Room 408, City Hall, San Francisco, CA 94102
Time: Meeting Convenes – 4:00 p.m.
Public Comment, Consent Agenda, and Hearings on Complaints – begin 5:00 p.m. or as soon thereafter as possible

Information regarding how to participate via telephone or via teleconference (Webex) will be listed on the Agenda. Agendas are available [online](#) and at the [San Francisco Public Library](#) at least 72 hours before the meeting.

Why Am I Receiving This Notice?

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled for hearing to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee,

or

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints for a hearing to: 1) determine if the Task Force has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the SOTF.

Must I Attend?

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance the custodian of records, or a representative of your department who can speak to the matter, is required at the meeting/hearing.

IMPORTANT - CONFIRM YOUR ATTENDANCE

- Petitioner's Failure to Appear at the meeting without prior notice will result in the file being **Closed**.
- Respondent's Failure to Appear will result in additional violations of the Sunshine Ordinance.

NOTE: if you have any additional supplemental/supporting documents for inclusion into the agenda packet they must be submitted by 5:00 PM, **Tuesday, November 12, 2024**.

Which Matters Will be Heard?

File No. 23067: Complaint filed by Kimo Crossman against the Office of the Chief Medical Examiner for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 by failing to provide public records in a timely and/or complete manner; 67.28 by failing to make public records available for inspection and copying; California Public Records Act (CPRA) 6253(a) by failing to allow public records to be available for inspection; and CPRA 6253.1(a) by failing to allow access to an electronic public record.

File No. 24021 Complaint filed by Matthew Lotocki against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner.

File No. 23096: Complaint filed by Paul Kniha against the San Francisco Municipal Transportation Agency for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21(k) by failing to provide records that may fall under the scope of attorney/client privileged in a timely and/or complete manner.

File No. 24053: Complaint filed by Ellen Tsang against the Planning Department for allegedly violating the Administrative Code (Sunshine Ordinance), Section(s) 67.25 by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Click [here](#) for the Complaint Procedures.

Thank you.

Patricia Petersen (she/her)

Assistant Clerk

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

Telephone 415-554-7719 | Fax 415-554-5163

soff@sfgov.org | www.sfbos.org



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure

under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

Other Documents

(Notice of Hearing, Communications, etc.)

From: [SOTF \(BOS\)](#) on behalf of [SOTF, \(BOS\)](#)
To: [Beauchamp, Christopher \(POL\)](#)
Cc: [REDACTED]
Bcc: ["Matthew Yankee"](#); [Laura Stein](#); [Somera, Alisa \(BOS\)](#); [Petersen, Patricia \(BOS\)](#)
Subject: SOTF - Complaint Filed with the Sunshine Ordinance Task Force - File No. 24021 - M. Lotocki v. Police Department
Date: Monday, April 29, 2024 1:51:00 PM
Attachments: [Preparing SOTF Respondent Materials FINAL for PILOT.pdf](#)

Good Afternoon:

A Sunshine Complaint has been filed with the Sunshine Ordinance Task Force (SOTF) against you and/or the organization listed below.

To provide the SOTF information in an easy-to-understand format the SOTF has prepared a revised request format for responding to complaints (see below). **The SOTF requests that you submit your response to our office regarding the allegations including any and all supporting documents, recordings, electronic media, etc., to the SOTF within five (5) business days of this notice.** In developing and submitting your response, please use the attached instructions, "Preparing San Francisco Sunshine Ordinance Task Force Respondents Materials" to address your response to the complaint. This is your opportunity to provide a detailed explanation to allow the SOTF to be fully informed in considering your response prior to the meeting.

The following Complaint is attached.

File No. 24021 – M. Lotocki v. Police Department

SOTF Complaint Procedures:

https://sfgov.org/sunshine/sites/default/files/Complaint_Procedure.pdf

Please review the attached complaint as described above and acknowledge your department's position regarding the alleged violation of the Sunshine Ordinance and/or other related Codes by **choosing ONE** of the following responses. You may, if you wish, also attach any additional explanation and supporting documentation.

- [a] acknowledge noncompliance for all allegations below
- [b] department/agency declares no-contest to all allegations below
- [c] deny one or more allegations below (please state an additional explanation which of the allegations you deny, and supporting evidence and/or argument)

If you or your entity acknowledges noncompliance or declares no-contest, the SOTF may, at its discretion, issue an Order of Determination against you or your entity for the allegations listed above without a hearing, and thereafter refer the matter to the Compliance & Amendments Committee for monitoring as needed.

Please refer to the File Number when submitting any new information and/or supporting documents pertaining to this complaint.

Thank you.

Cheryl Leger
Sunshine Administrator
Board of Supervisors
phone 415-554-7724 | fax 415-554-5163

Leger, Cheryl (BOS)

From: SOTF (BOS) on behalf of SOTF, (BOS)
Sent: Thursday, May 9, 2024 9:34 AM
To: Beauchamp, Christopher (POL); [REDACTED]
Cc: Leger, Cheryl (BOS); Young, Victor (BOS); Somera, Alisa (BOS); Calvillo, Angela (BOS)
Subject: SOTF - Notice of Hearing: Sunshine Ordinance Task Force / Education, Outreach and Training Committee, May 28, 2024 5:30 pm File No. 24021

Hello –

The following Sunshine Ordinance Task Force matters have been scheduled to be heard before the **Education, Outreach and Training Committee** as follows:

Date: May 28, 2024 (Hybrid Meeting in-person/remote)
Location: Hearing Room 408, City Hall, San Francisco, CA 94102
Time: Meeting Convenes – 5:30 PM

Information regarding how to participate via telephone or via teleconference (Webex) will be provided when it becomes available.

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints for a hearing to: 1) determine if the Task Force has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the SOTF.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance the custodian of records, or a representative of your department who can speak to the matter, is required at the meeting/hearing.

PLEASE CONFIRM YOUR ATTENDANCE or let us know if there are any issues as soon as possible.

NOTE: if you have any additional supplemental/support documents for inclusion into the agenda packet they must be submitted by 5:00 PM, May 23, 2024.

File No. 24020 Complaint filed by Beth Winegarner against David Serrano Sewell and the Office of the Medical Examiner for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 by failing to respond to a public records request in a timely and/or complete manner.

File No. 24021: Complaint filed by Matthew Lotocki against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner.

File No. 24022: Complaint filed by Paul Kniha against the Municipal Transportation Agency for allegedly violating the Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner.

File No. 24024: Complaint filed by Rosa L. against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a public records request in a timely and/or complete manner.

File No. 24025: Complaint filed by Anonymous against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a public records request in a timely and/or complete manner; 67.25(a)(d) by failing to respond to an Immediate Disclosure Request in a timely and complete manner and if needed provide requested records on a rolling basis, 67.34 for willful violation.

Click [here](#) for the Complaint Procedures.

Thank you,
Pat

Cheryl Leger
Sunshine Administrator
Board of Supervisors
phone 415-554-7724 | fax 415-554-5163
cheryl.leger@sfgov.org | www.sfbos.org

From: [SOTF \(BOS\)](#)
To: [Beauchamp, Christopher \(POL\)](#); [REDACTED]
Cc: [Leger, Cheryl \(BOS\)](#); [Young, Victor \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)
Subject: SOTF - UPDATED Notice of Hearing: Sunshine Ordinance Task Force / Education, Outreach and Training Committee , May 28, 2024
Date: Monday, May 13, 2024 11:27:49 AM
Attachments: [eotc_052824_item4.pdf](#)

Hello –

The following Sunshine Ordinance Task Force matters have been scheduled to be heard before the **Education, Outreach and Training Committee** as follows:

Date: May 28, 2024 (Hybrid Meeting in-person/remote)
Location: Hearing Room 408, City Hall, San Francisco, CA 94102
Time: Meeting Convenes – 5:30 PM

Information regarding how to participate via telephone or via teleconference (Webex) will be provided when it becomes available.

- You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints for a hearing to: 1) determine if the Task Force has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the SOTF.

- **Complainants:** Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance the custodian of records, or a representative of your department who can speak to the matter, is required at the meeting/hearing.

PLEASE CONFIRM YOUR ATTENDANCE or let us know if there are any issues as soon as possible.

NOTE: The attached agenda packet contains the materials that the Committee will refer to. if you have any additional supplemental/support documents for inclusion into the agenda packet they must be submitted by 5:00 PM, May 20, 2024 .

File No. 24021: Complaint filed by Matthew Lotocki against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner.

Click [here](#) for the Complaint Procedures.

Thank you,
Pat

Cheryl Leger
Sunshine Administrator
Board of Supervisors
phone 415-554-7724 | fax 415-554-5163
cheryl.leger@sfgov.org | www.sfbos.org

From: SOTF (BOS)
Sent: Thursday, June 6, 2024 1:31 PM
To: 'Matthew Lotocki'
Cc: Somera, Alisa (BOS); Petersen, Patricia (BOS)
Subject: RE: FW: File No. 24021 – M. Lotocki v. Police Department

Matthew: I suggest that you contact Rachel Marshall at the District Attorney's Office.

Cheryl Leger
Sunshine Administrator
Board of Supervisors
phone 415-554-7724 | fax 415-554-5163
cheryl.leger@sfgov.org | www.sfbos.org

From: Matthew Lotocki [REDACTED]
Sent: Wednesday, June 5, 2024 2:32 PM
To: SOTF (BOS) <sotf@sfgov.org>
Cc: Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Petersen, Patricia (BOS) <patricia.petersen@sfgov.org>
Subject: Re: FW: File No. 24021 – M. Lotocki v. Police Department

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

Hello Ms. Leger,

Do you mind sharing the contact information for the District City Attorney for the SOTF Board? At the May 28 meeting, the committee referred the matter to the full board but noted that it should not be scheduled prior to the Supervisor of Records' determination. However, two emails requesting the determination have gone unanswered.

Thank you,

Matthew Lotocki

On Tue, Apr 30, 2024 at 2:26 PM Matthew Lotocki [REDACTED] wrote:

Hello Ms. Leger,

I am in receipt of the three documents listed in Section 2 of the Police Department's response (and attached above). However, certain records were withheld as discussed in Section 4 of the Police

Department's response. The withheld records do not truly fall under Gov. Code Section 7293.600(a)'s exemption, and this Complaint is regarding those improperly withheld records, which I do not have.

Thank you,

Matthew Lotocki

On Tue, Apr 30, 2024 at 2:07 PM SOTF (BOS) <sotf@sfgov.org> wrote:



Mr. Lotocki: Please find attached the response to your records request from the Police Department submitted yesterday. Please let me know if you have all your requested records. Thank you.

Cheryl Leger

Sunshine Administrator

Board of Supervisors

phone 415-554-7724 | fax 415-554-5163

cheryl.leger@sfgov.org | www.sfbos.org

From: Campbell, Christopher (POL) <christopher.r.campbe@sfgov.org>

Sent: Tuesday, April 30, 2024 1:07 PM

To: Leger, Cheryl (BOS) <cheryl.leger@sfgov.org>; SOTF (BOS) <sotf@sfgov.org>

Cc: Beauchamp, Christopher (POL) <Christopher.G.Beauchamp@sfgov.org>; Ware, Walter (POL) <walter.ware@sfgov.org>

Subject: File No. 24021 – M. Lotocki v. Police Department

Please see attached response letter / exhibits (7) and confirm receipt.

Thank you.

Sincerely,

Christopher Campbell (Legal Assistant)

San Francisco Police Department | Legal Division
1245 3rd Street
San Francisco, CA 94158

Desk: 415.837.7168

Email: christopher.r.campbe@sfgov.org

Cheryl Leger

Sunshine Administrator

Board of Supervisors

phone 415-554-7724 | fax 415-554-5163

cheryl.leger@sfgov.org | www.sfbos.org

From: Campbell, Christopher (POL) <christopher.r.campbe@sfgov.org>
Sent: Tuesday, April 30, 2024 1:07 PM
To: Leger, Cheryl (BOS) <cheryl.leger@sfgov.org>; SOTF (BOS) <sotf@sfgov.org>
Cc: Beauchamp, Christopher (POL) <Christopher.G.Beauchamp@sfgov.org>; Ware, Walter (POL) <walter.ware@sfgov.org>
Subject: File No. 24021 – M. Lotocki v. Police Department

Please see attached response letter / exhibits (7) and confirm receipt.

Thank you.

Sincerely,

Christopher Campbell (Legal Assistant)

San Francisco Police Department | Legal Division
1245 3rd Street
San Francisco, CA 94158

Desk: 415.837.7168

Email: christopher.r.campbe@sfgov.org

From: [SOTF \(BOS\)](#) on behalf of [SOTF, \(BOS\)](#)
To: [Beauchamp, Christopher \(POL\)](#)
Cc: [Somera, Alisa \(BOS\)](#)
Bcc: [Young, Victor \(BOS\)](#); [Matthew Yankee](#)
Subject: SOTF - Notice of Hearing: Sunshine Ordinance Task Force, 10/2/2024 5:30 pm (File No. 24021)
Date: Friday, September 20, 2024 4:29:00 PM
Attachments: [image002.png](#)
[image003.png](#)

Hello –

The following Sunshine Ordinance Task Force matters have been scheduled to be heard before the **Sunshine Ordinance Task Force** as follows:

Date: October 2, 2024 (Hybrid Meeting in-person/remote)
Location: Hearing Room 408, City Hall, San Francisco, CA 94102
Time: Meeting Convenes – 4:00 p.m.

Information regarding how to participate via telephone or via teleconference (Webex) will be provided when it becomes available.

-

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled for hearing to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

or

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints for a hearing to: 1) determine if the Task Force has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the SOTF.

-

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance the custodian of records, or a representative of your department who can speak to the matter, is required at the meeting/hearing.

IMPORTANT - CONFIRM YOUR ATTENDANCE

- Petitioner's Failure to Appear at the meeting without prior notice will result in the file being **Closed**.
- Respondent's Failure to Appear will result in additional violations of the Sunshine Ordinance.

NOTE: if you have any additional supplemental/support documents for inclusion into the agenda packet they must be submitted by 5:00 PM, **Wednesday, September 25, 2024**.

File No. 21145: Complaint filed by Maria Schulman against Sara Maunder and the Department of Police Accountability for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

(On 10/18/2022, the Complaint Committee found that the SOTF has jurisdiction, that the requested records are public and referred the matter to the SOTF for a hearing regarding timeliness of records

production.)

File No. 24021: Complaint filed by Matthew Lotocki against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner.

(On 5/28/2024, the Education, Outreach and Training Committee found that the SOTF has jurisdiction over the matter, that the requested records are public, and referred the matter to the full Task Force discussion and action.

The Committee requested that the Task Force Deputy City Attorney (DCA) provide an analysis of the case law cited in this matter regarding Government Code §7923.600(a), Administrative Code Sec. 67.24(d), and Administrative Code Sec. 19(b) in relation to the Sunshine Ordinance. In addition, the Task Force requested that the DCA examine the data resulting from Automated License Plate Recognition cameras and whether that data will be subject to public disclosure.

The Committee recommended that the Task Force Chair not schedule this matter until the DCA's analysis memo is received.)

File No. 24037: Complaint filed by Richard Hylton against the Police Department for allegedly violating the Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner.

(On 7/16/2024, the Complaint Committee found that the SOTF has jurisdiction over the matter, that the requested records are public, and referred the matter for a hearing before the full Task Force with a recommendation of a timeliness violation and a possible violation for full production of the records. The Complaint Committee recommended that within 10 business days Sgt. Walter Ware email screenshots of the Portal to Complainant to show that the requested data has been provided.)

File No. 24041: Complaint filed by Rosa L. against David Chiu and the City Attorney's Office for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

(On 9/17/2024, the Complaint Committee found that the SOTF has jurisdiction over the matter, that the requested records are public, and referred the matter to the full Task Force with a recommendation to find that there were no violations with respect to this request.

The Committee noted that while it appears that no responsive records exist, the SOTF should consider whether the retention policy of the City Attorney's Office comports with the letter or spirit of the California Public Records Act or Sunshine Ordinance. The Committee also noted that Ms. Kwart stated she will provide a copy of the City Attorney's Office records retention policy.)

File No. 24042: Complaint filed by Rosa L. against the Office of the Mayor for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

(On 8/20/2024, the Complaint Committee found that the SOTF has jurisdiction over the matter, that the requested records are public, and referred the matter to the full Task Force with a recommendation to find a violation of Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and or complete manner.


The Committee further requested that the Mayor's Office produce its retention policy prior to the hearing.)

Click [here](#) for the Complaint Procedures.

Thank you,
Pat

Patricia Petersen (she/her)

Assistant Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
Telephone 415-554-7719 | Fax 415-554-5163
sotf@sfgov.org | www.sfbos.org

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: *Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

From: [SOTF \(BOS\)](#)
To: [REDACTED] [SOTF \(BOS\)](#)
Cc: [Somera, Alisa \(BOS\)](#)
Bcc: [Young, Victor \(BOS\)](#)
Subject: Confirmation of Receipt - ADDENDUM RE START TIME - Notice of Hearing: Sunshine Ordinance Task Force, 10/2/2024 4:00 pm (File No. 24021)
Date: Wednesday, September 25, 2024 10:02:00 PM
Attachments: [image001.png](#)
[image004.png](#)
[image005.png](#)
[San Francisco Known ALPR Cameras.pdf](#)

Hello, Mr. Lotocki –

We received the timely submission of your supplemental documentation re **File 24021**. It will be included in the Agenda packet for the 10/2/2024 Regular Meeting of the Sunshine Ordinance Task Force.

Best,
Pat

From: Matthew Lotocki [REDACTED]
Sent: Wednesday, September 25, 2024 3:41 PM
To: SOTF (BOS) <sotf@sfgov.org>
Cc: Somera, Alisa (BOS) <alisa.somera@sfgov.org>
Subject: Re: ADDENDUM RE START TIME - Notice of Hearing: Sunshine Ordinance Task Force, 10/2/2024 4:00 pm (File No. 24021)

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

Hello SOTF,

Please find attached additional supplemental documentation for inclusion in the agenda packet. I would appreciate confirmation that this was received. Thank you!

Matthew Lotocki

On Mon, Sep 23, 2024 at 8:03 AM SOTF (BOS) <sotf@sfgov.org> wrote:

Hello –

Please note that the complaint matters will not be heard until 5:00 p.m. While the meeting begins at 4:00 p.m., the parties to a complaint do not need to attend that early.

The announcement [below] will also appear on the Agenda:

SPECIAL ORDER 5:00 P.M.
Public Comment, Consent Agenda, and Complaint Hearings Agenda

**(Note: Public Comment, Consent Agenda, and hearings on
Complaints listed below will begin at 5:00 P.M.
or as soon thereafter as possible.**

Thank you,
Pat

N.b. the Subject Line in the earlier email has also been corrected.

From: SOTF (BOS)
Sent: Friday, September 20, 2024 4:30 PM
To: [REDACTED]; Beauchamp, Christopher (POL) <christopher.g.beauchamp@sfgov.org>
Cc: Somera, Alisa (BOS) <alisa.somera@sfgov.org>
Subject: SOTF - Notice of Hearing: Sunshine Ordinance Task Force, 10/2/2024 5:30 pm (File No. 24021)

Hello –

The following Sunshine Ordinance Task Force matters have been scheduled to be heard before the **Sunshine Ordinance Task Force** as follows:

Date: October 2, 2024 (Hybrid Meeting in-person/remote)
Location: Hearing Room 408, City Hall, San Francisco, CA 94102
Time: Meeting Convenes – 4:00 p.m.

Information regarding how to participate via telephone or via teleconference (Webex) will be provided when it becomes available.

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled for hearing to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

or

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints for a hearing to: 1) determine if the Task Force has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the SOTF.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance the custodian of records, or a representative of your department who can speak to the matter, is required at the meeting/hearing.

IMPORTANT - CONFIRM YOUR ATTENDANCE

- Petitioner's Failure to Appear at the meeting without prior notice will result in the file being **Closed**.
- Respondent's Failure to Appear will result in additional violations of the Sunshine Ordinance.

NOTE: if you have any additional supplemental/support documents for inclusion into the agenda packet they must be submitted by 5:00 PM, **Wednesday, September 25, 2024**.

File No. 21145: Complaint filed by Maria Schulman against Sara Maunder and the Department of Police Accountability for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a request for public records in a timely and/or complete manner. *(On 10/18/2022, the Complaint Committee found that the SOTF has jurisdiction, that the requested records are public and referred the matter to the SOTF for a hearing regarding timeliness of records production.)*

File No. 24021: Complaint filed by Matthew Lotocki against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner.

(On 5/28/2024, the Education, Outreach and Training Committee found that the SOTF has jurisdiction over the matter, that the requested records are public, and referred the matter to the full Task Force discussion and action.)

The Committee requested that the Task Force Deputy City Attorney (DCA) provide an analysis of the case law cited in this matter regarding Government Code §7923.600(a), Administrative Code Sec. 67.24(d), and Administrative Code Sec. 19(b) in relation to the Sunshine Ordinance. In addition, the Task Force requested that the DCA examine the data resulting from Automated License Plate Recognition cameras and whether that data will be subject to public disclosure.

The Committee recommended that the Task Force Chair not schedule this matter until the DCA's analysis memo is received.)

File No. 24037: Complaint filed by Richard Hylton against the Police Department for allegedly violating the Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner.

(On 7/16/2024, the Complaint Committee found that the SOTF has jurisdiction over the matter, that the requested records are public, and referred the matter for a hearing before the full Task Force with a recommendation of a timeliness violation and a possible violation for full production of the records. The Complaint Committee recommended that within 10 business days Sgt. Walter Ware email screenshots of the Portal to Complainant to show that the requested data has been provided.)

File No. 24041: Complaint filed by Rosa L. against David Chiu and the City Attorney's Office for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

(On 9/17/2024, the Complaint Committee found that the SOTF has jurisdiction over the matter, that the requested records are public, and referred the matter to the full Task Force with a recommendation to find that there were no violations with respect to this request.

The Committee noted that while it appears that no responsive records exist, the SOTF should consider whether the retention policy of the City Attorney's Office comports with the letter or spirit of the California Public Records Act or Sunshine Ordinance. The Committee also noted that Ms. Kwart stated she will provide a copy of the City Attorney's Office records retention policy.)

File No. 24042: Complaint filed by Rosa L. against the Office of the Mayor for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

(On 8/20/2024, the Complaint Committee found that the SOTF has jurisdiction over the matter, that the requested records are public, and referred the matter to the full Task Force with a recommendation to find a violation of Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and or complete manner.

The Committee further requested that the Mayor's Office produce its retention policy prior to the hearing.)

Click [here](#) for the Complaint Procedures.

Thank you,
Pat

Patricia Petersen (she/her)

Assistant Clerk

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

Telephone 415-554-7719 | Fax 415-554-5163

sotf@sfgov.org | www.sfbos.org



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: *Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

From: [SOTF \(BOS\)](#)
To: [Matthew Lotocki](#); [SOTF \(BOS\)](#)
Cc: [Beauchamp, Christopher \(POL\)](#); [Somera, Alisa \(BOS\)](#)
Bcc: [Young, Victor \(BOS\)](#)
Subject: RE: SOTF - Notice of Hearing: Sunshine Ordinance Task Force, 10/2/2024 5:30 pm (File No. 24021)
Date: Wednesday, September 25, 2024 10:12:00 PM
Attachments: [image001.png](#)
[image002.png](#)

Hello, Mr. Lotocki –

Analyses by the Office of the City Attorney regarding Sunshine Ordinance Task Force matters are privileged and confidential. They are not shared with the parties.

Thank you,
Pat

From: Matthew Lotocki [REDACTED]
Sent: Wednesday, September 25, 2024 5:07 AM
To: SOTF (BOS) <sotf@sfgov.org>
Cc: Beauchamp, Christopher (POL) <Christopher.G.Beauchamp@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>
Subject: Re: SOTF - Notice of Hearing: Sunshine Ordinance Task Force, 10/2/2024 5:30 pm (File No. 24021)

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

Hi Pat,

Wanted to follow up about the DCA memo, since any additional documentation is due this afternoon. Thank you!

Matthew Lotocki

On Sat, Sep 21, 2024 at 1:30 AM Matthew Lotocki <matthew.lotocki@gmail.com> wrote:

Thank you Pat, I will be attending. Do you know if the DCA memo discussed below in File 24021 has been received by the Task Force? If so, is it possible to send a copy to us in advance of when additional supporting documentation is due?

Thank you,

Matthew Lotocki

On Sat, Sep 21, 2024 at 1:31 AM SOTF (BOS) <sotf@sfgov.org> wrote:

Hello –

The following Sunshine Ordinance Task Force matters have been scheduled to be heard before the **Sunshine Ordinance Task Force** as follows:

Date: October 2, 2024 (Hybrid Meeting in-person/remote)
Location: Hearing Room 408, City Hall, San Francisco, CA 94102
Time: Meeting Convenes – 4:00 p.m.

Information regarding how to participate via telephone or via teleconference (Webex) will be provided when it becomes available.

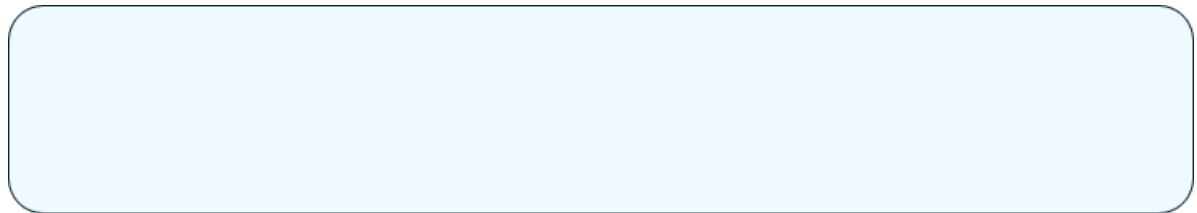
You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled for hearing to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

or

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints for a hearing to: 1) determine if the Task Force has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the SOTF.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance the custodian of records, or a representative of your department who can speak to the matter, is required at the meeting/hearing.



IMPORTANT - CONFIRM YOUR ATTENDANCE

- Petitioner's Failure to Appear at the meeting without prior notice will result in the file being **Closed**.
- Respondent's Failure to Appear will result in additional violations of the Sunshine Ordinance.

NOTE: if you have any additional supplemental/support documents for inclusion into the agenda packet they must be submitted by 5:00 PM, **Wednesday, September 25, 2024**.

File No. 21145: Complaint filed by Maria Schulman against Sara Maunder and the Department of Police Accountability for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a request for public records in a timely and/or complete manner. *(On 10/18/2022, the Complaint Committee found that the SOTF has jurisdiction, that the requested records are public and referred the matter to the SOTF for a hearing regarding timeliness of records production.)*

File No. 24021: Complaint filed by Matthew Lotocki against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner.

(On 5/28/2024, the Education, Outreach and Training Committee found that the SOTF has jurisdiction over the matter, that the requested records are public, and referred the matter to the full Task Force discussion and action.

The Committee requested that the Task Force Deputy City Attorney (DCA) provide an analysis of the case law cited in this matter regarding Government Code §7923.600(a), Administrative Code Sec. 67.24(d), and Administrative Code Sec. 19(b) in relation to the Sunshine Ordinance. In addition, the Task Force requested that the DCA examine the data resulting from Automated License Plate Recognition cameras and whether that data will be subject to public disclosure.

The Committee recommended that the Task Force Chair not schedule this matter until the DCA's analysis memo is received.)

File No. 24037: Complaint filed by Richard Hylton against the Police Department for allegedly violating the Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner.

(On 7/16/2024, the Complaint Committee found that the SOTF has jurisdiction over the matter, that the requested records are public, and referred the matter for a hearing before the full Task Force with a recommendation of a timeliness violation and a possible violation for full production of the records. The Complaint Committee recommended that within 10 business days Sgt. Walter Ware email screenshots of the Portal to Complainant to show that the requested data has been provided.)

File No. 24041: Complaint filed by Rosa L. against David Chiu and the City Attorney's Office for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

(On 9/17/2024, the Complaint Committee found that the SOTF has jurisdiction over the matter, that the requested records are public, and referred the matter to the full Task Force with a recommendation to find that there were no violations with respect to this request.

The Committee noted that while it appears that no responsive records exist, the SOTF should consider whether the retention policy of the City Attorney's Office comports with the letter or spirit of the California Public Records Act or Sunshine Ordinance. The Committee also noted that Ms. Kwart stated she will provide a copy of the City Attorney's Office records retention policy.)

File No. 24042: Complaint filed by Rosa L. against the Office of the Mayor for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

(On 8/20/2024, the Complaint Committee found that the SOTF has jurisdiction over the matter, that the requested records are public, and referred the matter to the full Task Force with a recommendation to find a violation of Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and or complete manner.

The Committee further requested that the Mayor's Office produce its retention policy prior to the hearing.)

Click [here](#) for the Complaint Procedures.

Thank you,
Pat

Patricia Petersen (she/her)

Assistant Clerk

Board of Supervisors

[1 Dr. Carlton B. Goodlett Place, Room 244](#)

Telephone 415-554-7719 | Fax 415-554-5163

sotf@sfgov.org | www.sfbos.org



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

From: [SOTF \(BOS\)](#) on behalf of [SOTF \(BOS\)](#)
To: [Beauchamp, Christopher \(POL\)](#)
Cc: [Somera, Alisa \(BOS\)](#)
Bcc: [Young, Victor \(BOS\)](#); [Lila Lahood](#)
Subject: SOTF - Notice of Hearing: Sunshine Ordinance Task Force / Compliance and Amendments Committee, 10/22/2024 4:30 pm (File No. 24021)
Date: Wednesday, October 16, 2024 4:55:00 PM
Attachments: [image002.png](#)
[image003.png](#)

Hello –

The following Sunshine Ordinance Task Force matters have been scheduled to be heard before the **Compliance and Amendments Committee** as follows:

Date: October 22, 2024 (Hybrid Meeting in-person/remote)
Location: Hearing Room 408, City Hall, San Francisco, CA 94102
Time: Meeting Convenes – 4:30 PM

Information regarding how to participate via telephone or via teleconference (Webex) will be provided when it becomes available.

- You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled for hearing to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

or

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints for a hearing to: 1) determine if the Task Force has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the SOTF.

- **Complainants:** Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance the custodian of records, or a representative of your department who can speak to the matter, is required at the meeting/hearing.

IMPORTANT - CONFIRM YOUR ATTENDANCE

- Petitioner's Failure to Appear at the meeting without prior notice will result in the file being **Closed**.
- Respondent's Failure to Appear will result in additional violations of the Sunshine Ordinance.

NOTE: if you have any additional supplemental/support documents for inclusion into the agenda packet they must be submitted by 5:00 PM, **Friday, October 18, 2024**.

File No. 24021: Complaint filed by Matthew Lotocki against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner.

Click [here](#) for the Complaint Procedures.

Thank you,
Pat

Patricia Petersen (she/her)

Assistant Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
Telephone 415-554-7719 | Fax 415-554-5163
sotf@sfgov.org | www.sfbos.org



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: *Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

From: [Petersen, Patricia \(BOS\)](#)
To: [REDACTED]; [Beauchamp, Christopher \(POL\)](#); [SFPD, Chief \(POL\)](#); [Kao, Ryan \(POL\)](#)
Cc: [Somera, Alisa \(BOS\)](#)
Bcc: [Young, Victor \(BOS\)](#); [Matthew Yankee](#) [REDACTED]
Subject: Notice of Hearing: Sunshine Ordinance Task Force, 11/6/2024 Convenes at 4:00 p.m., Hearings on Complaints at 5:00 p.m. (File No. 24021)
Date: Monday, October 28, 2024 5:10:00 PM
Attachments: [image003.png](#)
[image002.png](#)

Hello –

The following Sunshine Ordinance Task Force matters have been scheduled for hearing as follows:

Date: November 6, 2024 (Hybrid Meeting in-person/remote)
Location: Hearing Room 408, City Hall, San Francisco, CA 94102
Time: Meeting Convenes – 4:00 p.m.
Public Comment, Consent Agenda, and Hearings on Complaints – begin 5:00 p.m. or as soon thereafter as possible

Information regarding how to participate via telephone or via teleconference (Webex) will be listed on the Agenda. Agendas are available [online](#) and at the [San Francisco Public Library](#) at least 72 hours before the meeting.

Why Am I Receiving This Notice?

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled for hearing to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee,

or

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints for a hearing to: 1) determine if the Task Force has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the SOTF.

Must I Attend?

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance the custodian of records, or a representative of your department who can speak to the matter, is required at the meeting/hearing.

IMPORTANT - CONFIRM YOUR ATTENDANCE

- Petitioner's Failure to Appear at the meeting without prior notice will result in the file being **Closed**.
- Respondent's Failure to Appear will result in additional violations of the Sunshine Ordinance.

NOTE: if you have any additional supplemental/support documents for inclusion into the agenda packet they must be submitted by 5:00 PM, **Wednesday, October 30, 2024**.

Which Matters Will be Heard?

File No. 24021: Complaint filed by Matthew Lotocki against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner.

(On October 2, 2024, the SOTF found that the Police Department violated Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to provide the requested records. The SOTF orders the Police Department to provide the requested records, and to send the file to the Compliance and Amendments Committee for follow-up.

On 10/22/2024, the Compliance and Amendments Committee moved that if the Police Department does not deliver requested records to Petitioner and the Compliance and Amendments Committee (CAC) by 10/31/2024, the CAC will recommend that this matter be returned to the full SOTF for consideration of a violation of Sec. 67.31 for willful violation of the SOTF's 10/2/2024 SOTF order of

determination. The CAC further instructed the SOTF Administrator to include San Francisco Police Chief William Scott and Director of Crime Strategy Ryan Kao on the distribution list of the Notice of Hearing of the 11/6/2024 SOTF Regular Meeting.)

Click [here](#) for the Complaint Procedures.

Thank you.

Patricia Petersen (she/her)

Assistant Clerk

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

Telephone 415-554-7719 | Fax 415-554-5163

sotf@sfgov.org | www.sfbos.org



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: *Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

From: [SOTF \(BOS\)](#) on behalf of [SOTF \(BOS\)](#)
To: [REDACTED]; [Beauchamp, Christopher \(POL\)](#); [SOTF \(BOS\)](#)
Cc: [Somera, Alisa \(BOS\)](#)
Bcc: [Matthew Yankee](#) [REDACTED]
Subject: Notice of Hearing: Sunshine Ordinance Task Force, 11/19/2024 Convenes at 4:00 p.m., Hearings on Complaints at 5:00 p.m. (File No. 24021)
Date: Wednesday, November 6, 2024 4:13:00 PM
Attachments: [image001.png](#)
[image002.png](#)

Hello –

This is a Notice of **Special Meeting**, advising you that a replacement meeting has been scheduled for the cancelled 11/6/2024 meeting.

The following Sunshine Ordinance Task Force matters have been scheduled for hearing as follows:

Date: November 19, 2024 (Hybrid Meeting in-person/remote)
Location: Hearing Room 408, City Hall, San Francisco, CA 94102
Time: Meeting Convenes – 4:00 p.m.
Public Comment, Consent Agenda, and Hearings on Complaints – begin 5:00 p.m. or as soon thereafter as possible

Information regarding how to participate via telephone or via teleconference (Webex) will be listed on the Agenda. Agendas are available [online](#) and at the [San Francisco Public Library](#) at least 72 hours before the meeting.

Why Am I Receiving This Notice?

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled for hearing to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee,

or

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints for a hearing to: 1) determine if the Task Force has jurisdiction; 2) review the merits of the complaints; and/or 3) issue a report and/or recommendation to the SOTF.

Must I Attend?

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance the custodian of records, or a representative of your department who can speak to the matter, is required at the meeting/hearing.

IMPORTANT - CONFIRM YOUR ATTENDANCE

- Petitioner's Failure to Appear at the meeting without prior notice will result in the file being **Closed**.
- Respondent's Failure to Appear will result in additional violations of the Sunshine Ordinance.

NOTE: if you have any additional supplemental/supporting documents for inclusion into the agenda packet they must be submitted by 5:00 PM, **Tuesday, November 12, 2024**.

Which Matters Will be Heard?

File No. 23067: Complaint filed by Kimo Crossman against the Office of the Chief Medical Examiner for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21 by failing to provide public records in a timely and/or complete manner; 67.28 by failing to make public records available for inspection and copying; California Public Records Act (CPRA) 6253(a) by failing to allow public records to be available for inspection; and CPRA 6253.1(a) by failing to allow access to an electronic public record.

File No. 24021 Complaint filed by Matthew Lotocki against the Police Department for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21, by failing to respond to a records request in a timely and/or complete manner.

File No. 23096: Complaint filed by Paul Kniha against the San Francisco Municipal Transportation Agency for allegedly violating Administrative Code (Sunshine Ordinance), Section(s) 67.21(k) by failing to provide records that may fall under the scope of attorney/client privileged in a timely and/or complete manner.

File No. 24053: Complaint filed by Ellen Tsang against the Planning Department for allegedly violating the Administrative Code (Sunshine Ordinance), Section(s) 67.25 by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Click [here](#) for the Complaint Procedures.

Thank you.

Patricia Petersen (she/her)

Assistant Clerk

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

Telephone 415-554-7719 | Fax 415-554-5163

sotf@sfgov.org | www.sfbos.org



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.