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San Francisco County Superior Court

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CLERK OF THE COURT

BY: 
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

Asian Americans Advancing Justice—
Asian Law Caucus,
Council on American-Islamic Relations,
California, and
American Civil Liberties Union of
Northern California,

Petitioners,

vs.

City and County of San Francisco, and
William Scott, San Francisco Police
Department Chief,

Respondents.

CASE NO. **CPF-19-516706**

**VERIFIED PETITION FOR WRIT OF
MANDATE**

1 and South Asian communities. In support of this work, AAAJ-ALC uses state and federal public
2 information laws to obtain information about government activities that may adversely impact the
3 communities it serves.

4 3. Petitioner Council on American-Islamic Relations, California (“CAIR-CA”) is a
5 chapter of the nation’s largest American Muslim civil rights and advocacy organization. CAIR-
6 CA’s mission is to enhance the understanding of Islam, protect civil rights, promote justice, and
7 empower American Muslims. Through its four offices, CAIR-CA serves California’s estimated
8 one million American Muslims by providing direct legal services to victims of discrimination,
9 working with the media, facilitating community education, and engaging in policy advocacy to
10 advance civil rights and civic engagement. CAIR-CA regularly represents American Muslims
11 who have been targeted by governmental overreach and discrimination.

12 4. Petitioner American Civil Liberties Union of Northern California (“ACLU-NC”) is
13 a nonprofit public interest organization with a longstanding goal of advancing civil rights and
14 liberties, including open-government rights. As part of its advocacy, the ACLU-NC routinely uses
15 public records laws to gather information about the policies and procedures of state, local, and
16 federal governments in order to disseminate information to the public on matters of public
17 concern and interest through the ACLU-NC’s publications and website. The ACLU-NC therefore
18 has a strong interest in the outcome of these proceedings and in Respondents’ performance of
19 their legal duties.

20 5. Petitioners AAAJ-ALC, CAIR-CA, and ACLU-NC are members of the public
21 with the right to enforce their request for records under Government Code §§ 6252(b) & (c), 6258
22 and San Francisco Administrative Code § 67.35(a) & (d).

23 6. Respondent City and County of San Francisco (“the City”) is a public agency
24 within the meaning of the California Public Records Act. Cal. Gov’t Code § 6252(a) & (d). The
25 San Francisco Police Department is a subdivision of the City’s executive branch. S.F. Charter
26 §§ 4.100, 4.127. The San Francisco Police Department is a department within the meaning of the
27 San Francisco Sunshine Ordinance. S.F. Admin. Code § 67.20(a). The San Francisco Police
28 Department is a custodian of the record Petitioners requested.

1 justified under Section 6254 or 6255, he or she shall order the public official to make the record
2 public.” *Id.* § 6259(b).

3 15. “Except as otherwise prohibited by law, a state or local agency may adopt
4 requirements for itself that allow for faster, more efficient, or greater access to records than
5 prescribed by the minimum standards set forth in” the PRA. *Id.* § 6253(e).

6 16. Respondent the City has adopted requirements for greater access to records by
7 adopting the San Francisco Sunshine Ordinance (“Sunshine Ordinance”), S.F. Admin. Code
8 §§ 67.1—67.37.

9 17. Under the Sunshine Ordinance, access to public records “shall be governed by the
10 [PRA] (Government Code Section 6250 et seq.) in particulars not addressed by this ordinance and
11 in accordance with the enhanced disclosure requirements provided in this ordinance.” S.F.
12 Admin. Code § 67.21(k).

13 18. The Sunshine Ordinance prohibits San Francisco officials from withholding public
14 records “based on a finding or showing that the public interest in withholding the information
15 outweighs the public interest in disclosure. All withholdings of documents or information must be
16 based on an express provision of this ordinance providing for withholding of the specific type of
17 information in question or on an express and specific exemption provided by the [PRA] *that is*
18 *not forbidden by this ordinance.*” S.F. Admin. Code § 67.24(i) (emphasis added).

19 19. The Sunshine Ordinance provides for “enhanced rights of public access” than the
20 PRA to certain records and information, including law enforcement information and records. S.F.
21 Admin. Code § 67.24. Only for certain categories of law enforcement information may San
22 Francisco officials segregate and withhold information “if, on the particular facts, the public
23 interest in nondisclosure clearly and substantially outweighs the public interest in disclosure.”
24 S.F. Admin. Code § 67.24(d).

25 20. Under the Sunshine Ordinance, “No record shall be withheld from disclosure in its
26 entirety unless all information contained in it is exempt from disclosure under express provisions
27 of the [PRA] or of some other statute. Information that is exempt from disclosure shall be
28 masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record

1 may be released, and keyed by footnote or other clear reference to the appropriate justification for
2 withholding required by Section 67.27.” S.F. Admin. Code § 67.26.

3 21. These state and local laws reflect our common understanding that transparency is
4 essential to maintaining a vibrant democracy. *See, e.g.*, S.F. Admin. Code § 67.32 (“It is the
5 policy of the City and County of San Francisco to ensure opportunities for informed civic
6 participation embodied in [the Sunshine] Ordinance to all local, state, regional and federal
7 agencies and institutions with which it maintains continuing legal and political relationships.”).

8 **FACTS**

9 **The San Francisco Police Department’s entanglement with federal law enforcement**
10 **threatens to erode the City’s greater protections to civil rights and liberties.**

11 22. Unfortunately, the City’s aspiration to embody these democratic values has been
12 tarnished by the San Francisco Police Department’s history of secretly using abusive and
13 overbroad law enforcement investigation practices that interfere with lawful First Amendment
14 activities. *See* Community Concerns of Surveillance, Racial and Religious Profiling of Arab,
15 Middle Eastern, Muslim, and South Asian Communities and Potential Reactivation of SFPD
16 Intelligence Gathering, San Francisco Human Rights Commission, Sept. 23, 2010 hearing,
17 reported adopted Feb. 24, 2011, at *14 (“Human Rights Report”).³

18 23. After years of public controversy and hearings by local bodies involving the San
19 Francisco Police Department’s working relationship with the FBI, the City took specific steps to
20 ensure our democratic values would be upheld by local officers in any joint federal-local
21 operation.

22 24. Since 1990, the City has sought to impose obligations upon its agencies to protect
23 civil rights and liberties that are greater than those of federal law enforcement agencies, including
24 the FBI. In particular, the City’s policy requires San Francisco Police Department officers to have
25 reasonable suspicion of criminal activity before monitoring First Amendment-protected activity.

26
27 ³ Available at [https://sf-](https://sf-hrc.org/sites/default/files/Documents/HRC_Publications/Articles/AMEMSA_Report_Adopted_by_HRC_022411.pdf)
28 [hrc.org/sites/default/files/Documents/HRC_Publications/Articles/AMEMSA_Report_Adopted_by_HRC_022411.pdf](https://sf-hrc.org/sites/default/files/Documents/HRC_Publications/Articles/AMEMSA_Report_Adopted_by_HRC_022411.pdf)
f.

1 The City's local policy has evolved into the present-day San Francisco Police Department
2 General Order ("DGO") 8.10, "Guidelines for First Amendment Activities."⁴

3 25. In contrast, federal law enforcement agencies, including the FBI, may conduct
4 assessments and preliminary investigations without facts supporting reasonable suspicion of
5 criminal activity. *See* FBI Domestic Investigations and Operations Guide (DIOG), FBI Records:
6 The Vault (collecting DIOG issued on December 16, 2008, October 15, 2011, October 16, 2013,
7 March 3, 2016, and September 28, 2016);⁵ FBI Domestic Investigations and Operations Guide
8 (DIOG), (U) Guidance on the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual
9 Orientation, or Gender Identity in Assessments and Predicated Investigations, Mar. 3, 2016.⁶

10 26. The federal government's lower threshold for gathering personal information
11 about persons engaging in innocent, constitutionally protected activity has been widely criticized.
12 *See, e.g.*, Michael German, Testimony Before the Congressional Black Caucus on the FBI's
13 'Black Identity Extremism' Report, Brennan Center for Justice at New York University School of
14 Law, Mar. 20, 2018 (criticizing the FBI's August 2017 "intelligence assessment describing a
15 purported threat posed to law enforcement officers by 'Black Identity Extremists' (BIE)," which
16 has the "potential to incite irrational police fear of black activists");⁷ Cora Currier, *Despite Anti-*
17 *Profiling Rules, The FBI Uses Race and Religion When Deciding Who To Target*, The Intercept,
18 Jan. 31, 2017 ("Civil liberties groups, which have long objected to the FBI's practice of
19 surveilling ethnic communities and seeding them with informants, say that the guidelines leave
20 the door open to alarming forms of monitoring.");⁸ Feb. 24, 2015 letter from The Leadership
21 Conference to President Barack Obama, Re: Concerns with the U.S. Department of Justice
22 Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender,

23 ⁴ San Francisco Police Department General Order 8.10, "Guidelines for First Amendment Activities," *available at*
24 <http://sanfranciscopolice.org/dgo> (hyperlink to DGO 8.10).

25 ⁵ *Available at*
<https://vault.fbi.gov/FBI%20Domestic%20Investigations%20and%20Operations%20Guide%20%28DIOG%29>.

26 ⁶ *Available at* <https://www.documentcloud.org/documents/3423235-DIOG-Profiling-Rules-2016.html>.

27 ⁷ *Available at* <https://www.brennancenter.org/analysis/testimony-congressional-black-caucus-fbis-report-black-identity-extremism>; *see also* FBI Counterterrorism Division, *Intelligence Assessment (U//FOUO) Black Identity Extremists Likely Motivated to Target Law Enforcement Officers*, Aug. 3, 2017, *available at*
28 <https://assets.documentcloud.org/documents/4067711/BIE-Redacted.pdf>.

⁸ *Available at* <https://theintercept.com/2017/01/31/despite-anti-profiling-rules-the-fbi-uses-race-and-religion-when-deciding-who-to-target/>.

1 National Origin, Religion, Sexual Orientation, or Gender Identity (criticizing the new Guidance
2 as it “effectively allows the [FBI] to continue its extensive data-gathering and ‘mapping’ of racial,
3 ethnic, and religious communities”);⁹ Maria L. La Ganga, *FBI Documents Reveal Profiling of N.*
4 *California Muslims*, L.A. Times, Mar. 28, 2012 (detailing 2004 to 2008 FBI “assessments”
5 involving intelligence-gathering of religious exercise of Muslim Americans);¹⁰ Human Rights
6 Report, at *18-33 (describing chilling effect of FBI’s targeting of Muslim communities).

7 27. Over the last 20 years, Petitioners have worked with Arab, Middle Eastern, and
8 South Asian community members and the City to address longstanding issues of hates crimes,
9 Islamophobia, and government surveillance threatening the rights to worship freely and to
10 exercise other constitutionally protected forms of expression.

11 28. In 2002, the San Francisco Police Department joined the FBI’s Joint Terrorism
12 Task Force (“JTTF”) under a Memorandum of Understanding that specifically guaranteed that
13 Police Department officers would follow local law and policies more protective of civil rights and
14 civil liberties such as DGO 8.10.

15 29. But after years of San Francisco officials insisting that its officers were following
16 DGO 8.10, in 2007, the Police Department and FBI signed a new secret MOU eliminating
17 application of DGO 8.10 and local policies and sharply reducing local control of the Police
18 Department’s JTTF officers. *See supra* n.1.

19 30. In 2010, a grassroots alliance emerged among civil rights and grassroots
20 organizations called the Coalition for a Safe San Francisco (“the Coalition”). The Coalition
21 sought to protect the civil rights and liberties of communities of color historically impacted by
22 overbroad national security policies. Also, the Coalition sought to stop racial and religious
23 profiling and improper surveillance and infiltration of Muslim communities by the San Francisco
24 Police Department and the FBI. The Coalition committed to holding the San Francisco Police
25 Department accountable to following local laws and policies that provide stronger protections for

26 ⁹ Available at <https://civilrights.org/resource/re-concerns-with-the-u-s-department-of-justice-guidance-for-federal-law-enforcement-agencies-regarding-the-use-of-race-ethnicity-gender-national-origin-religion-sexual-orientation-or-gender-id/>.

27 ¹⁰ Available at <https://www.latimes.com/local/la-xpm-2012-mar-28-la-me-fbi-california-mosques-20120328-story.html>.

1 civil rights and liberties. By 2012, the Coalition was comprised of 79 grassroots and civil rights
2 organizations, including Petitioners AAAJ-ALC and CAIR-CA. The Coalition coordinated the
3 participation of thousands of community members.

4 31. In 2011, in response to PRA requests, the Coalition uncovered the secret revised
5 2007 MOU between the San Francisco Police Department and the FBI, which purported to
6 eliminate the Department's duty to follow local law and policy, such as DGO 8.10, when
7 participating in JTTF.

8 32. In October 2011, public records requests yielded internal FBI documents, which
9 arguably showed the FBI targeting Americans "based upon their race, ethnicity, national origin,
10 religion and political activities protected under the First Amendment." Azmat Khan, *FBI*
11 *Criticized for Collecting Racial and Ethnic Data*, PBS, Oct. 21, 2011.¹¹ Among the documents
12 were two 2009 San Francisco FBI memoranda, which stated, "San Francisco domain is home to
13 one of the oldest Chinatowns in North America and one of the largest ethnic Chinese populations
14 outside mainland China." ACLU, *ACLU EYE on the FBI: The FBI Is Engaged in*
15 *Unconstitutional Racial Profiling and Racial "Mapping,"* Oct. 20, 2011.¹² The memoranda
16 "justif[ied] the opening of an investigation involving racial and national origin mapping because
17 '[w]ithin this community there has been organized crime for generations.'" *Id.* Also among the
18 documents was "[a] 2003 FBI memorandum from San Francisco show[ing] that the FBI sought to
19 renew a contract with a trainer and expert advisor to FBI agents, whose draft lesson plan
20 contained" racist assertions about Arabs and Islam, such as, "the Arab mind is a Cluster Thinker,
21 while the Western mind tends to be a linear thinker,' and 'although Islam was not able to change
22 the cluster Arab mind thinking into a linear one . . . it alleviated some of the weakness that
23 inflected the Arab mind in general.'" ACLU, *ACLU EYE on the FBI: The FBI's Use of Anti-Arab*
24 *and Anti-Muslim Counterterrorism Training Materials,* Oct. 20, 2011, modified Dec. 1, 2011.¹³

25 ¹¹ Available at <https://www.pbs.org/wgbh/frontline/article/fbi-criticized-for-collecting-racial-and-ethnic-data/>.

26 ¹² Available at https://www.aclu.org/files/assets/aclu_eye_on_the_fbi_alert_-_fbi_engaged_in_unconstitutional_racial_profiling_and_racial_mapping.pdf.

27 ¹³ Available at <https://www.aclu.org/aclu-eye-fbi-fbis-use-anti-arab-and-anti-muslim-counterterrorism-training-materials>; see Nasrina Bargzie and Julia Harumi Mass, *FBI Ordered to Disclose Its Surveillance Tactics on Communities*, AAAJ-ALC, Mar. 24, 2015, available at https://www.advancingjustice-alc.org/news_and_media/fbi-ordered-to-disclose-its-surveillance-tactics-on-communities/.

1 33. In response to a robust community-centered campaign, on May 9, 2012, the City
2 adopted the Safe San Francisco Civil Rights Ordinance. This ordinance requires: (1) that any City
3 assistance in JTTF be consistent with California law and San Francisco law and policies,
4 including those pertaining to the San Francisco Police Department; (2) public discussion before
5 entering into or executing any MOU regarding the San Francisco Police Department's
6 participation in JTTF; and (3) the Police Chief to submit annual public reports to the Police
7 Commission on the Police Department's JTTF work. S.F. Admin. Code § 2A.74(b)-(d).

8 34. After its adoption, Petitioners continued to work with the City, the Police
9 Department, and community to try to ensure compliance with the ordinance. These efforts
10 showed that the San Francisco Police Department experienced challenges complying with the
11 Safe San Francisco Civil Rights Ordinance.

12 35. In 2014, a San Francisco Police Department officer assigned to JTTF questioned
13 an American Muslim at his place of employment about First Amendment-protected activity
14 without the required, documented reasonable suspicion of criminal activity mandated under San
15 Francisco policy, including DGO 8.10. *CAIR and ALC File Complaint with San Francisco Office*
16 *of Citizen Complaints Over SFPD/FBI Activity*, CAIR-SFBA.¹⁴ Petitioners AAAJ-ALC and
17 CAIR-CA filed a complaint regarding that incident, and the former San Francisco Office of
18 Citizen Complaints, now Department of Police Accountability, ruled that San Francisco Police
19 Department policies had been violated.

20 36. In 2016, the San Francisco Department of Police Accountability concluded that a
21 San Francisco Police Department officer violated DGO 8.10 in conducting a criminal
22 investigation involving First Amendment activities without obtaining required written
23 authorization. Feb. 1, 2017 Letter from Department of Police Accountability Executive Director
24 Joyce Hicks to the San Francisco Police Commission, Re: 2016 First Amendment Compliance
25 Audit of SFPD Records Pursuant to DGO 8.10.¹⁵

26 ¹⁴ Available at <https://ca.cair.com/sfba/updates/cair-and-alc-file-complaint-with-san-francisco-office-of-citizen-complaints-over-sfpdfbi-activity/>.

27 ¹⁵ Available at
28 <https://www.sanfranciscopolice.org/sites/default/files/Documents/PoliceCommission/PoliceCommission020117-DPA2016FirstAmendmentComplianceAuditDGO810.pdf>.

1 37. The growing public concern about the San Francisco Police Department's
2 inadequate compliance with the Safe San Francisco Civil Rights Ordinance and DGO 8.10, and
3 the FBI's policies and procedures conflicting with it, ultimately resulted in the City deciding to
4 not renew its 2007 JTTF MOU with the FBI, which expired by operation of local law in 2017.
5 *See S.F. Charter § 9.118(b).*

6 38. On February 1, 2017, the Police Department announced its suspension of
7 participation with JTTF as previously memorialized in the MOU. *News: #SFPD Suspends*
8 *Participation with the Joint Terrorism Task Force*, Feb. 1, 2017.¹⁶

9 39. Since then, the City has faced pressure to rejoin JTTF. The nature and terms of any
10 such participation have remained topics of public concern.

11 40. “In radio ads, the San Francisco Police Officers Association called on City Hall to
12 drop the politics and get back on the federal anti-terror team.” Phil Matier, *Police Officers Union*
13 *Ad Rips SFPD Over Leaving Terrorism Task Force*, CBS Local, Jan. 8, 2018.¹⁷

14 41. On January 8, 2018, Petitioners sent a letter to then-Acting Mayor London Breed
15 to express “long-standing concerns about the tactics employed by the FBI and JTTF,” the failure
16 of San Francisco Police Department officers to follow local law and policies, and to welcome a
17 discussion with her about the City’s re-examination of the Department’s participation in JTTF.¹⁸

18 42. On January 29, 2019, FBI Special Agent in Charge John Bennett wrote to Mayor
19 London Breed, urging the City and the San Francisco Police Department to work with the FBI.
20 The FBI’s letter to the Mayor not only neglected to acknowledge past compliance issues the San
21 Francisco Police Department has faced when participating in JTTF, it also failed to mention the
22 existence of the white paper which discusses the MOU and DGO 8.10.

23 43. Full, public disclosure of the exchanges between the San Francisco Police
24 Department and the FBI about any future JTTF participation of the Department is essential to
25

26 ¹⁶ Available at <https://www.facebook.com/SFPD/posts/sfpd-suspends-participation-with-the-joint-terrorism-task-forcethe-jttf-memorand/10154392231040749/>.

27 ¹⁷ Available at <https://sanfrancisco.cbslocal.com/2018/01/08/police-union-ad-sfpd-terrorism-task-force/>.

28 ¹⁸ Available at <https://sanfranciscopolice.org/sites/default/files/Documents/PoliceCommission/Letter%20to%20Police%20Commission%20Regarding%20Joint%20Terrorism%20Task%20Force.pdf>.

1 preserving the public's opportunity for informed civic participation. It is also essential to the
2 public's ongoing role of holding the San Francisco Police Department accountable to following
3 local law and policies.

4 **Petitioners seek a white paper, which purports to be a general analysis of already public**
5 **documents.**

6 44. On January 10, 2019, Petitioners submitted a request to the San Francisco Police
7 Department for the white paper at issue now.

8 45. Petitioners became aware of the white paper as a result of a prior September 14,
9 2018 request for records related to the Police Department's participation in the FBI Joint
10 Terrorism Task Force.

11 46. On September 24, 2018, the Police Department extended its time to reply under
12 Government Code § 6253(c) "due to the need to consult with another division of the agency."

13 47. The Police Department's October 5, 2018 response indicated that unspecified
14 documents had been withheld based on its determination that they were exempt under California
15 Government Code § 6254(f) and Evidence Code § 1040. Among the produced documents was a
16 July 6, 2017 email from FBI Assistant Special Agent in Charge Craig Fair to San Francisco
17 Police Department Chief William Scott. But the Police Department withheld an attachment
18 labeled as "SFPD JTTF.pdf" and described by Fair as a "white paper which provides clarification
19 and understanding of the JTTF-SFPD MOU, 2012 Safe Streets City Ordinance, SFPD General
20 and Bureau order." The document was referred to in the email's subject line as "FBI white paper
21 on Section 8.10." Nothing in the email indicates that the white paper was acquired in confidence.

22 48. The white paper, which Petitioners now seek, purports to be a general analysis of
23 the FBI's opinion on two public documents: San Francisco Police DGO 8.10, "Guidelines for
24 First Amendment Activities," *see supra* ¶ 24, and the MOU between the Department and the FBI
25 about participation in the FBI's Joint Terrorism Task Force. *See supra* ¶ 1 & n.1, ¶¶ 29, 31.

26 49. Petitioners sought disclosure of the white paper under their initial request. The
27 Police Department's October 15, 2018 letter clarified that the white paper was the only document
28 withheld. But the Police Department continued to rely on California Government Code § 6254(f)

1 and Evidence Code § 1040 to justify its withholding.

2 50. On January 10, 2019, Petitioners re-submitted a request for the white paper alone.
3 Also, Petitioners specifically asked the Police Department to address how its reliance on
4 permissive exemptions under the PRA were justified in light of the San Francisco Sunshine
5 Ordinance's greater transparency provisions.

6 51. In face of the Police Department's continued refusal to disclose the white paper, or
7 any non-exempt portion of it, and given the Police Department's refusal to address its greater
8 transparency duties under local law, on March 15, 2019, Petitioners filed a complaint with the
9 San Francisco Sunshine Ordinance Task Force ("Task Force") seeking the white paper.

10 52. On April 23, 2019, the Task Force's complaint committee held a jurisdictional
11 hearing. San Francisco Police Department Lieutenant Kathryn Waaland appeared for the
12 respondent. Lieutenant Waaland did not identify the circumstances under which the Police
13 Department allegedly acquired the white paper from the federal government. Rather, Lieutenant
14 Waaland stated, "It is a clear understanding between SFPD and the federal government that the
15 document would only be shared if it was confidential. This was acquired in confidence. The
16 federal government will not allow the public disclosure of that particular document." When a
17 committee member asked Lieutenant Waaland if she had a copy of any communication from the
18 federal government instructing the San Francisco Police Department to not release the white
19 paper, she replied, "I do not know." When asked what the form of the communication was,
20 whether it was oral or something else, Lieutenant Waaland replied, "I don't know." When asked
21 to describe the document being sought in layman's terms, Lieutenant Waaland replied, "I cannot
22 describe it."¹⁹ The complaint committee found the Task Force had jurisdiction and sent the matter
23 to the Task Force for a hearing on the merits with the recommendation that the Police Department
24 violated the Sunshine Ordinance.

25 53. A hearing on the merits has not yet been scheduled.

26 **The San Francisco Police Department has publicly disclosed other information regarding its**

27 _____
28 ¹⁹ Agenda and audio for Sunshine Ordinance Task Force Complaint Committee April 23, 2019 hearing *available at*
<https://sfgov.org/sunshine/audio-archive-committees>.

1 **participation in the FBI Joint Terrorism Task Force.**

2 54. In 2011, the San Francisco Police Department disclosed to the public the 2007
3 MOU, which purports to be a subject of the white paper Petitioners seek. *See supra* ¶¶ 29, 31, 47.

4 55. While it was still participating in the FBI's JTTF, in accordance with its duties
5 under the Safe San Francisco Civil Rights Ordinance, the San Francisco Police Department
6 routinely disclosed the number of Police Department officers assigned to the JTTF, the types and
7 numbers of cases any officer was assigned to, and the number of cases the officer worked where
8 an informant was involved.

9 56. In December 2016, a coalition representative met with the FBI's Special Agent
10 Fair at the request of San Francisco Police Department staff. Over the course of three hours, the
11 representative discussed with FBI Agent Fair the FBI's understanding of DGO 8.10 and the
12 application of DGO 8.10 under the JTTF MOU, the purported subject of the white paper. These
13 meetings were not held in confidence.

14 57. The San Francisco Police Department's history of disclosing general JTTF-related
15 material and the public nature of the documents discussed in the white paper—the MOU and
16 DGO 8.10—undermines Respondents' argument that release of the white paper “provid[ing]
17 clarification and understanding of the JTTF-SFPD MOU” is exempt from disclosure.

18 **CLAIMS**

19
20 **COUNT ONE**

21 **Violation of the California Public Records Act, Gov't Code §§ 6250—6270.7, and Article I**
22 **§ 3 of the California Constitution**

23 **(All Petitioners against All Respondents)**

24 58. Petitioners incorporate by reference the above allegations as though fully set forth
25 herein.

26 59. The PRA and the California Constitution require disclosure of the record requested
27 by Petitioners.

28 60. Respondents the City and Chief Scott's failure to provide the requested record
violates the PRA and Article I § 3 of the California Constitution.

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COUNT TWO

**Violation of the San Francisco Sunshine Ordinance, S.F. Admin. Code §§ 67.1—67.37
(All Petitioners against All Respondents)**

61. Petitioners incorporate by reference the above allegations as though fully set forth herein.

62. The San Francisco Sunshine Ordinance requires disclosure of the record requested by Petitioners.

63. Respondent the City and Chief Scott's failure to provide the requested record violates the San Francisco Sunshine Ordinance.

PRAYER FOR RELIEF

WHEREFORE, Petitioners pray for relief as follows:

1. That the Court issue a writ of mandate directing Respondents City and County of San Francisco and Chief Scott to provide to Petitioners the requested record except those parts that the Court determines may lawfully be withheld, or order to show cause why it should not do so;

2. That Petitioners be awarded their attorneys' fees and costs under Cal. Gov't Code § 6259(d), Cal. Civ. Proc. Code § 1021.5, S.F. Admin. Code § 67.35(b), and any other applicable statutes or basis; and

3. Grant Petitioners any further relief as the Court deems just and proper.

Respectfully submitted,



DATED: June 18, 2019

Novella Y. Coleman
Attorney for Petitioners



VERIFICATION

I, Elica Vafaie, have read this Verified Petition for Writ of Mandate in the matter of *Asian Americans Advancing Justice—Asian Law Caucus v. City and County of San Francisco*. I am informed, and do believe, that the matters herein are true. On that ground I allege that the matters stated herein are true. In addition, the facts within paragraphs 1, 2, 41, and 44 through 53 are within my own personal knowledge, and I know them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: June 13, 2019



E. Vafaie

Elica Vafaie
Staff attorney and program manager of the
National Security and Civil Rights Program at
Asian Americans Advancing Justice—Asian
Law Caucus