



Via Online Portal

December 14, 2020

San Francisco Police Department
1245 3rd Street
San Francisco, CA 94158

RE: Sunshine Ordinance/California Public Records Act Request

To Whom It May Concern,

This letter constitutes a request under the California Public Records Act (CPRA) and the San Francisco Sunshine Ordinance from the Electronic Frontier Foundation (EFF). We are seeking records related to the San Francisco Police Department (SFPD), the Northern California Regional Intelligence Center (NCRIC), and the use of facial recognition (FR) technology.

On September 24, 2020, the San Francisco Chronicle reported that SFPD had circulated a bulletin containing an image from a surveillance camera, that NCRIC processed this photograph through its FR system, and provided the FR results to SFPD.¹ Due to the nationwide debate over FR technology and regulations restricting its use in San Francisco, this report generated significant public interest. Accordingly, EFF seeks records related to this specific incident, as well as records related to other occasions when SFPD has received information generated by the use of facial recognition technology by NCRIC or other agencies.

EFF requests the following records:

1. Any and all records related to the use of facial recognition and other activity related to the case referenced in the September 24, 2020 San Francisco Chronicle report, including but not limited to:

a. Any internal communications, including but not limited to emails, between any SFPD official;

¹ Megan Cassidy, Facial recognition tech used to build SFPD gun case, despite city ban, S.F. Chronicle, <https://www.sfchronicle.com/bayarea/article/Facial-recognition-tech-used-to-build-SFPD-gun-15595796.php> (Sep. 24, 2020).

b. Any internal communications, including but not limited to emails, between SFPD officials and NCRIC;

c. Any internal communications, including but not limited to emails, between SFPD, San Francisco County Sheriff, and the San Francisco County District Attorney's Office;

d. All crime alert bulletins associated with the case referenced in the September 24, 2020 San Francisco Chronicle report;

e. All communications with the press, members of the Board of Supervisors or other external parties;

f. All evidence custody logs and related chain-of-custody information;

g. All documents provided to Ean Vizzi as referenced in the San Francisco Chronicle article.²

2. All correspondence between SFPD and NCRIC related to face recognition or photograph databases, received between January 1, 2017 and December 14, 2020;

2. All correspondence between SFPD and other public or private entities related to face recognition or photograph databases, received between June 1, 2019 and December 14, 2020;

3. All requests for assistance in identifying suspects based on photographic or video evidence sent to NCRIC or other public or private entities since June 1, 2019 and associated responses;

4. All active data sharing agreements, memoranda of understanding, or other contractual documents establishing a relationship between NCRIC and SFPD.

² From the San Francisco Chronicle article:

The documents in the discovery materials provided to Vizzi included three pages of records or slides suggesting the use of facial recognition in the case: The first appears to be a cover page titled "Facial Recognition Results," and below, "San Francisco Police Dept.," the case number and "assault with firearm investigation."

The document or slide goes on to say that NCRIC's system compares suspect photographs against more than 500,000 photographs in databases "used by law enforcement agencies in San Mateo County."

Another page or slide contains what appears to be a still of the suspect from a surveillance video, next to a mug shot of the defendant. In copies provided to The Chronicle, faces were redacted on both photos.

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In addition, we request the custodian of records within 7 days provide a written statement as to the existent, quantity, form and nature of records related to the subject of facial recognition and NCRIC, and in addition, related to the case referenced in the San Francisco Chronicle report.

With regards to the specified records, we ask that you please respond to this request within 10 days either by providing all the requested records or by providing a written response setting forth the legal authority on which you rely in withholding or redacting any document, as well as stating when documents will be made available. We request the documents be provided as they become available on a rolling basis.

Because EFF is a nonprofit organization that makes all information it receives through San Francisco Sunshine Ordinance, California Public Records Act, and Freedom of Information Act requests available to the public, we ask that you waive any fees. We also request that any records maintained in electronic format be provided in that same format (such as CSV or XLS file), to avoid copying costs. However, should you be unable to do so, EFF will reimburse you for the direct costs of copying these records (if you elect to charge for copying) plus postage. If you anticipate that these costs will exceed \$25.00, or that the time needed to copy the records will delay their release, please contact me so that I can arrange to inspect the documents or decide which documents I wish to have copied. Otherwise, please copy and send them as soon as possible, and we will promptly pay the required costs.

Thank you for your consideration of this request. If you have any questions or concerns, or if I can provide any clarification that will help identify responsive documents or focus this request, please do not hesitate to contact me at (415) 436-9333 x141 or dm@eff.org. You may also mail correspondence to the Electronic Frontier Foundation, 815 Eddy St. San Francisco, CA, 94109.

Sincerely,

Dave Maass
Senior Investigative Researcher
Electronic Frontier Foundation