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15 **SUPERIOR COURT OF CALIFORNIA**
16 **IN AND FOR THE COUNTY OF SAN FRANCISCO**
17 **UNLIMITED JURISDICTION**
18

19 HOPE WILLIAMS, NATHAN SHEARD, and
20 NESTOR REYES,
21 Plaintiffs,
22
23 v.
24 CITY AND COUNTY OF SAN FRANCISCO,
25 Defendant.

Case No.: CGC-20-587008

**COMPENDIUM OF EVIDENCE IN
SUPPORT OF PLAINTIFFS'
MOTION FOR SUMMARY
JUDGMENT**

Hearing Date: December 17, 2021
Time: 9:30 a.m.
Department: 302

Action Filed: October 7, 2020
Trial Date: February 22, 2022

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

09/16/2021
Clerk of the Court
BY: JUDITH NUNEZ
Deputy Clerk

Pursuant to California Code of Civil Procedure § 437c and rule 3.1350 of the California Rules of Court, Plaintiffs Hope Williams, Nathan Sheard, and Nestor Reyes, by and through their counsel, submit the following evidence in support of their motion for summary judgment.

TABLE OF CONTENTS

EXHIBIT

TESTIMONY	
A	Declaration of Saira Hussain in Support of Plaintiff’s Motion for Summary Judgment
B	Transcript of Deposition of Officer Tiffany Gunter (July 14, 2021)
C	Declaration of Hope Williams (Sept. 10, 2021)
D	Declaration of Nathan Sheard (Sept. 13, 2021)
E	Declaration of Nestor Reyes (Sept. 13, 2021)
PLEADINGS AND DISCOVERY REQUESTS AND RESPONSES	
F	Plaintiffs’ Complaint (Oct. 7, 2020)
G	Defendant’s First Amended Answer (Jan. 29, 2021)
H	Plaintiffs’ Request for Admissions, Set One (Feb. 19, 2021)
I	Plaintiffs’ First Set of Special Interrogatories (Feb. 19, 2021)
J	Defendant’s Responses to Plaintiffs’ First Request for Admissions (Apr. 7, 2021)
K	Defendant’s Responses to Plaintiffs’ First Set of Special Interrogatories (Apr. 16, 2021)
L	Defendant’s Supplemental Responses to Plaintiffs’ Special Interrogatories 4 & 5 (June 10, 2021)
M	Defendant’s Responses to Plaintiffs’ Second Set of Special Interrogatories (June 10, 2021)
N	Joint Stipulations of Fact (Aug. 5, 2021)
O	Defendant’s Responses to Plaintiffs’ Second Request for Admissions (Aug. 18, 2021)
PRODUCED DOCUMENTS	
P	CCSF 000013
Q	CCSF 000018
R	CCSF 000035–000036
S	CCSF 000045
T	CCSF 000204

1	U	CCSF 000250
2	OTHER	
3	V	Acquisition of Surveillance Technology Ordinance (S.F. Admin. Code Ch. 19B <i>et seq.</i>) (June 14, 2019)
4	W	Request for Judicial Notice in Support of Plaintiffs' Motion for Summary Judgment

5
6
7 Dated: September 16, 2021

By: /s/ Saira Hussain
SAIRA HUSSAIN

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16 *Reyes*

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Exhibit A

1 SAIRA HUSSAIN (SBN 300326)
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15 **SUPERIOR COURT OF CALIFORNIA**
16 **IN AND FOR THE COUNTY OF SAN FRANCISCO**
17 **UNLIMITED JURISDICTION**
18

19 HOPE WILLIAMS, NATHAN SHEARD, and

20 NESTOR REYES,

21 Plaintiffs,

22 v.

23 CITY AND COUNTY OF SAN FRANCISCO,

24 Defendant.

Case No.: CGC-20-587008

**DECLARATION OF SAIRA
HUSSAIN IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

Hearing Date: December 17, 2021

Time: 9:30 a.m.

Department: 302

Action Filed: October 7, 2020

Trial Date: February 22, 2022

1 I, Saira Hussain, declare as follows:

- 2 1. I am an attorney licensed to practice in the State of California and am counsel of record
3 for Plaintiffs in the above-captioned action. I have personal knowledge of the facts stated
4 here, and if called upon to do so, could and would testify competently as follows:
- 5 2. The deposition of San Francisco Police Department (“SFPD”) Officer Tiffany Gunter
6 took place on July 14, 2021. **Exhibit B** to the Compendium of Evidence in Support of
7 Plaintiffs’ Motion for Summary Judgment (“Compendium”) is a true and correct copy of
8 relevant portions of Officer Gunter’s deposition transcript.
- 9 3. **Exhibit C** to the Compendium is a true and correct copy of the Declaration of Hope
10 Williams in Support of Plaintiffs’ Motion for Summary Judgment, executed on
11 September 10, 2021.
- 12 4. **Exhibit D** to the Compendium is a true and correct copy of the Declaration of Nathan
13 Sheard in Support of Plaintiffs’ Motion for Summary Judgment, executed on September
14 13, 2021.
- 15 5. **Exhibit E** to the Compendium is a true and correct copy of the Declaration of Nestor
16 Reyes in Support of Plaintiffs’ Motion for Summary Judgment, executed on September
17 13, 2021.
- 18 6. **Exhibit F** to the Compendium is a true and correct copy of the Complaint for Declaratory
19 and Injunctive Relief in this matter, which was filed on October 7, 2020.
- 20 7. **Exhibit G** to the Compendium is a true and correct copy of Defendant City and County
21 of San Francisco’s First Amended Answer to Complaint for Declaratory and Injunctive
22 Relief, which was filed on January 29, 2021.
- 23 8. **Exhibit H** to the Compendium is a true and correct copy of Plaintiffs’ Request for
24 Admissions, Set One, which was served on February 19, 2021.
- 25 9. **Exhibit I** to the Compendium is a true and correct copy of Plaintiffs’ First Set of Special
26 Interrogatories Propounded to Defendant City and County of San Francisco, which was
27 served on February 19, 2021.

- 1 10. **Exhibit J** to the Compendium is a true and correct copy of Defendant City and County of
2 San Francisco's Responses to Plaintiffs' First Request for Admissions, which was served
3 on April 7, 2021.
- 4 11. **Exhibit K** to the Compendium is a true and correct copy of Defendant City and County
5 of San Francisco's Responses to Plaintiffs' First Set of Special Interrogatories, which was
6 served on April 16, 2021.
- 7 12. **Exhibit L** to the Compendium is a true and correct copy of Defendant City and County
8 of San Francisco's Supplemental Responses to Plaintiffs' Special Interrogatories 4 and 5,
9 which was served on June 10, 2021.
- 10 13. **Exhibit M** to the Compendium is a true and correct copy of Defendant City and County
11 of San Francisco's Responses to Plaintiffs' Second Set of Special Interrogatories, which
12 was served on June 10, 2021.
- 13 14. **Exhibit N** to the Compendium is a true and correct copy of the Joint Stipulations of Fact,
14 executed on August 5, 2021.
- 15 15. **Exhibit O** to the Compendium is a true and correct copy of Defendant City and County
16 of San Francisco's Responses to Plaintiffs' Second Request for Admissions, which was
17 served on August 18, 2021.
- 18 16. **Exhibit P** to the Compendium is a true and correct copy of a May 31, 2020 email
19 exchange between SFPD Officer Oliver Lim and Union Square Business Improvement
20 District ("USBID") Director of Services Chris Boss, identified as CCSF 000013.
- 21 17. **Exhibit Q** to the Compendium is a true and correct copy of a May 31, 2020 statement
22 from SFPD Chief Bill Scott, identified as CCSF 000018.
- 23 18. **Exhibit R** to the Compendium is a true and correct copy of a document consisting of
24 links to articles from news outlets, and an excerpt from a San Francisco Chronicle article
25 about property damage in Union Square, identified as CCSF 000035–000036.
- 26 19. **Exhibit S** to the Compendium is a true and correct copy of a June 10, 2020 email from
27 SFPD Officer Tiffany Gunter to USBID Director of Services Chris Boss, identified as
28 CCSF 000045.

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20. **Exhibit T** to the Compendium is a true and correct copy of a May 31, 2020 email from Dmitri Shimolin, who helped provide SFPD access to USBID’s camera network, to SFPD Officer Tiffany Gunter, identified as CCSF 000204.

21. **Exhibit U** to the Compendium is a true and correct copy of a June 2, 2020 email from SFPD Officer Tiffany Gunter to USBID Director of Services Chris Boss, identified as CCSF 000250.

22. **Exhibit V** to the Compendium is a true and correct copy of the Acquisition of Surveillance Technology Ordinance, File No. 190568, as passed June 14, 2019.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct to the best of my knowledge.

Dated: September 16, 2021 
SAIRA HUSSAIN

Exhibit B

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO

HOPE WILLIAMS, NATHAN SHEARD, and)
NESTOR REYES,)
)
) Plaintiffs,)
)
 vs.)
)
 CITY AND COUNTY OF SAN FRANCISCO,)
)
) Defendant.)
 _____)

CERTIFIED COPY

Case No. :
CGC-20-587008

DEPOSITION OF
OFFICER TIFFANY GUNTER
SAN FRANCISCO, CALIFORNIA
JULY 14, 2021

ATKINSON-BAKER, A VERITEXT COMPANY
(800) 288-3376
www.depo.com

REPORTED BY: SANDRA S. PETRITSCH, CSR NO. 11684
FILE NO. AF04F35

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO

HOPE WILLIAMS, NATHAN SHEARD, and)
NESTOR REYES,)
)
) Plaintiffs,)
)
) vs.) Case No. :
) CGC-20-587008
CITY AND COUNTY OF SAN FRANCISCO,)
)
) Defendant.)
)
)

Deposition of OFFICER TIFFANY GUNTER, taken on
behalf of Plaintiffs, at 815 Eddy Street, San Francisco,
California 94109, commencing at 9:55 a.m., Wednesday,
July 14, 2021, before Sandra S. Petritsch, CSR No. 11684.

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A P P E A R A N C E S :

FOR PLAINTIFFS:

ELECTRONIC FRONTIER FOUNDATION

BY: SAIRA HUSSAIN, Esq.

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FOR DEFENDANT CITY AND COUNTY OF SAN FRANCISCO and
WITNESS:

OFFICE OF THE CITY ATTORNEY

BY: WAYNE K. SNODGRASS, Deputy City Attorney

City Hall

1 Dr. Carlton B. Goodlett Place, Room 234

San Francisco, California 94102-4682

(415) 554-4675

WAYNE.SNODGRASS@SFCITYATTY.ORG

ALSO PRESENT:

Kenny Gutierrez, Intern

Fatima Ladha, Intern

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I N D E X

WITNESS: OFFICER TIFFANY GUNTER

EXAMINATION	PAGE
By Ms. Hussain	6

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
1	19B Surveillance Technology Policies	18
2	E-mail in re: Union Square BID Camera Request Dated 5-31-2020	37
3	E-mail Exchange in re: E-mail Address Check	40
4	E-mail in re: George Floyd Demos.docx Dated 6-1-2020	52
5	George Floyd Demos - Sunday, May 31, 2020 - Apan Chron	52
6	E-mail in re: APAN Chron Dated 6-1-2020	57
7	E-mail in re: Extension Request Dated 6-2-2020	61
8	E-mail Exchange in re: Extension Request Dated 6-2-2020	64
9	E-mail in re: George Floyd Demos 6-5-2020	66
10	E-mail in re: George Floyd Demos Continued Chron	66
11	E-mail Exchange in re: Extension Request Dated June 2 and June 10 of 2020	69
12	E-mail Exchange in re: Extension Request Dated June 2 and June 10 of 2020 - Echo	73

1 INDEX OF EXHIBITS (Continued):

2 NUMBER	DESCRIPTION	PAGE
3 13	Chapter 19B: Acquisition of 4 Surveillance Technology - New Ordinance Notice	80

5

6 INSTRUCTIONS NOT TO ANSWER:

7 (None)

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10 INFORMATION REQUESTED:

11 (None)

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1 SAN FRANCISCO, CA; WEDNESDAY, JULY 14, 2021; 9:55 a.m.

2 OFFICER TIFFANY GUNTER,
3 having first been duly sworn, was
4 examined and testified as follows:

5

6 EXAMINATION

7 BY MS. HUSSAIN:

8 Q Please introduce yourself for the record.

9 A Officer Tiffany Gunter.

10 Q And have you ever been deposed before today?

11 A No, I have not.

12 Q So I'm going to give you some ground rules right
13 now about how this deposition is going to be run. So I'll
14 ask you questions and my questions and your answers will
15 be recorded by the court reporter. We want to make this
16 deposition as easy as possible for the court reporter and
17 so you need to answer audibly so that the court reporter
18 can hear you. She won't be able to record a nod or shake
19 of the head; do you understand?

20 A I do.

21 Q If you don't understand a question, let me know
22 and I'll try to rephrase so that you can understand it; do
23 you understand?

24 A I do.

25 Q Your attorney, Mr. Snodgrass, may object to

1 business improvement district.

2 Q (By Ms. Hussain) So let's talk a little bit
3 about life access; is there a process for S.F.P.D. to
4 obtain a live access to a BID camera network?

5 A Other than requesting through a -- if we have a
6 contact.

7 Q So walk me through that process; it sounds like
8 there is some sort of request that's made.

9 A You're asking specifically for this BID?

10 Q That's right.

11 A For the BID, the times that it's been used,
12 Officer Lim in our HSU office had a contact with the Union
13 Square BID. I don't know how. And so he would e-mail
14 that person in the BID and request use of the cameras for
15 whatever time frame.

16 Q So was this process in writing at all?

17 MR. SNODGRASS: Calls for speculation.

18 Go ahead and answer, if you have an
19 understanding.

20 THE WITNESS: I should back up because when you
21 say process, the only way we would request -- we being an
22 officer in the office -- the BID cameras is if someone
23 above us told us to request a BID camera. So at any time
24 the BID cameras were requested by Officer Lim or myself,
25 we received that request from either a captain or a

1 lieutenant in our office. That was not typically written.
2 They would come in the office and say, hey, we have this
3 coming up; can you guys get the cameras? Or what things
4 can you put in place for the activation? It was a verbal
5 request.

6 Then, to my knowledge, Officer Lim only
7 requested them via e-mail. To my knowledge.

8 MS. HUSSAIN: Okay.

9 Q (By Ms. Hussain) So just to make sure I'm
10 understanding correctly, you would receive a command from
11 your supervising officer?

12 A Yes.

13 Q Either a captain or lieutenant?

14 A Yes.

15 Q To request access to the BID cameras?

16 A Yes.

17 Q And then Officer Lim would make that request by
18 e-mail?

19 A Yes.

20 Q So there is nothing in writing sort of laying
21 out that process; is that correct?

22 A That's correct.

23 Q And who would within S.F.P.D. was permitted to
24 seek live access from a BID camera network?

25 MR. SNODGRASS: Calls for speculation.

1 Q (By Ms. Hussain) I just want to separate out --
2 because I heard you say both viewing and then having it,
3 so I just want to set aside viewing for a second; do you
4 recall HSU having access to the camera feed during these
5 prior three times that you identified?

6 A I personally do not recall.

7 Q So, in your experience, how is live access set
8 up on S.F.P.D.'s side when you all get access to the
9 business improvement district camera's network?

10 A In particular, I can speak to the instance that
11 I remember clearly. And when we received access, Oliver
12 Lim worked with the BID's, I believe, IT person. And on a
13 laptop that's in the DOC activation side, that has the
14 software already downloaded on to it necessary to view the
15 camera system that the BID apparently uses. He then
16 worked with the IT department to input their information.
17 He was given a specific username and password to access
18 and then he brought up their cameras on that software on a
19 laptop inside the DOC.

20 Q When you say the BID's IT person, is there a
21 particular name that you know?

22 A I know for the George Floyd riots it was Dmitri.
23 I don't remember his last name. It's on the e-mails.

24 Q And you mentioned software; are you aware of
25 what software was used?

1 A I was trying to remember that. I think it's
2 mentioned in the e-mails, also. I think it's Vigilant,
3 but I'm not 100 percent.

4 Q Avigilon?

5 A Avigilon. That's it, thank you.

6 Q Of course.

7 Let's back up a little bit, as we're talking
8 about May of 2020. Do you remember the period when
9 protests began in San Francisco following the killing of
10 George Floyd in Minneapolis?

11 A To my knowledge, the first riot in San Francisco
12 was on Saturday, which was the -- I don't remember the
13 date. I believe the 30th.

14 Q And during that time you were an HSU officer.
15 Correct?

16 A Yes.

17 Q What role did HSU play with regard to the
18 protest in San Francisco?

19 A We just did our activation starting that Sunday.
20 We activated the DOC activation room.

21 Q And by the "activation" you mean the BID camera
22 access; is that correct?

23 A No. By activation I mean activated the DOC's --
24 so our department operation center is a 24-hour operation
25 center for the police department. When there is an

1 Respectfully, Oliver."

2 Did I read that correctly?

3 A Yes.

4 Q Did you know that Officer Lim made this
5 request?

6 A At the time of the request?

7 Q Yes.

8 A No.

9 Q When did you find out that he made this request?

10 A I don't recall.

11 Q Later that day you e-mailed Dmitri Shimolin
12 about camera access; is that correct?

13 A Yes.

14 Q So it's fair to say that between when Officer
15 Lim sent this e-mail and when you responded to
16 Mr. Shimolin's e-mail, you were aware that Officer Lim had
17 made a request for the BID's cameras. Correct?

18 A Yes.

19 Q How did you find out about this request?

20 A I don't recall.

21 Q Who else besides you knew about this request?

22 MR. SNODGRASS: Calls for speculation.

23 THE WITNESS: I have no idea.

24 Q (By Ms. Hussain) Do you know who asked Officer
25 Lim to make this request?

1 A Per his e-mail, it says, the captain.

2 Q Were you aware that the captain had asked
3 Officer Lim to seek access?

4 A No.

5 Q Do you know why the S.F.P.D. sought live access
6 to the Union Square BID's camera network?

7 MS. SNODGRASS: It calls for speculation.

8 You can answer to any understanding that you
9 have.

10 THE WITNESS: It would be a guess at best.

11 Q (By Ms. Hussain) Do you have any understanding
12 as to why they made the request for the camera network?

13 A I have an understanding as to the level of civil
14 unrest that was going on at the time of the request so I
15 can only speculate that the captain requested the cameras
16 based on that civil unrest.

17 Q Had there been conversation within HSU about the
18 civil unrest prior to this request?

19 MR. SNODGRASS: Calls for speculation.

20 If you have an awareness of it, you can share
21 it.

22 THE WITNESS: The reason we activated the DOC
23 was based on that civil unrest.

24 Q (By Ms. Hussain) Do you know what was said
25 within HSU about the civil unrest?

1 MR. SNODGRASS: Again, calls for speculation.

2 THE WITNESS: I can't.

3 Q (By Ms. Hussain) Do you recall any
4 conversations that you had with anybody else at HSU about
5 the civil unrest at the time of activation of the DOC?

6 A I can't recall specific conversations that we
7 had.

8 Q Officer Lim's request was approved by the Union
9 Square BID; is that correct?

10 A Yes.

11 MS. HUSSAIN: I next want to mark this as
12 Exhibit 3.

13 (Deposition Exhibit No. 3 was marked for
14 identification.)

15 MS. HUSSAIN: As the papers are flying around,
16 this is a document consisting of an e-mail thread that is
17 three pages long. The first e-mail is dated May 31st of
18 2020, and it continues to June 2nd of 2020. It's stamped
19 CCSF 203 to 205.

20 Q (By Ms. Hussain) Have you seen this document
21 before?

22 A Yes.

23 Q And you wrote some of the e-mails in this
24 thread; is that right?

25 A Yes.

1 once the approval had been granted for live access to the
2 camera network?

3 MR. SNODGRASS: Vague and ambiguous.

4 THE WITNESS: As in what they did to set it up
5 or what it looked like on Avigilon after it was set up?

6 Q (By Ms. Hussain) What they did to set it up.

7 A I don't know exactly what they do to set it up.
8 I deferred to Sgt. Padrones for the setup. Him and Oliver
9 Lim are the ones that know how to work the tech side of
10 things better than I do.

11 Q When you were in the department operation
12 center, did you see any setup taking place for the camera
13 access?

14 A I have a vague recollection of deferring to
15 Sgt. Padrones. At some point, I know that Dmitri let me
16 know that we could have access. I don't remember if that
17 was a phone call. I don't remember how that came about.
18 I remember deferring him to Sgt. Padrones because, like I
19 said, I'm not comfortable with my tech level on setting
20 something like that up, whereas I knew that Sgt. Padrones
21 is better at the tech stuff.

22 Q Do you remember when the system was up and
23 running?

24 A I do not. Specific time?

25 Q Not time.

1 A I don't remember.

2 Q Do you remember the date?

3 A I know it was up on that Sunday.

4 Q Okay. Let's talk a little bit about the room.
5 Let's go back to that room. You said there was a 3-by-3
6 video wall?

7 A Correct.

8 Q And what is the source of the video that's
9 appearing on the wall?

10 A So it's through -- I don't know how to describe
11 it. You have to go on to a certain program, called
12 Galileo, to operate the wall. And through Galileo there
13 are multiple sources connected to it so I can share any
14 workstation within the entire DOC on the non-activation
15 side. I can share any of the laptops in DOC that have a
16 numbered cord. They're all coming out of the table. If
17 there is an HDMI cord going into the laptop, I can share
18 that via that number.

19 I can put a browser up and log on to a screen.
20 Multiple sources can be shared. I can make as many
21 windows out of the wall as I want, I think. I don't know
22 if there is a limit.

23 Q And when you say you can share any workstation,
24 do you mean that you can share the desktop of any
25 workstation?

1 Q And was that laptop being projected on to that
2 3-by-3 video wall?

3 A Not at any time.

4 Q And who could access that laptop?

5 A It's password protected for the room and
6 typically stayed minimized. All the screens stay
7 minimized unless I'm displaying something.

8 Q When you say, "all the screens," what was up on
9 that laptop? What was running on that laptop?

10 A That particular laptop, I believe, just
11 Avigilon.

12 Q Were you aware when the laptop began running the
13 Union Square BID camera feed?

14 A Yes.

15 Q And how did you find out?

16 A Sgt. Padrones.

17 Q And who else knew?

18 A I believe Oliver Lim.

19 Q Anyone else?

20 A Not to my knowledge.

21 Q Once the feed was set up, was it continuously
22 running on the laptop?

23 A Avigilon was running on the laptop, yes, but
24 minimized.

25 Q And by continuously running, it was -- the

1 program was -- open for the entire time that you had
2 access; is that correct?

3 A Not on the screen open. It was minimized on the
4 screen; but the program was running, yes.

5 Q And the laptop screen was open the entire time;
6 is that correct?

7 A I can't say for certain.

8 Q Do you ever recall seeing it down?

9 A I don't recall.

10 Q And you said the window was minimized with the
11 camera feed?

12 A Yes.

13 Q Once the feed was set up, was there any need to
14 enter credentials in order to view it?

15 A Not to Avigilon but to the laptop.

16 Q So every time you wanted to take a look at
17 whatever was happening on the laptop, you would have to
18 enter a password?

19 A Correct.

20 Q Did you see anyone viewing the screen?

21 A No.

22 Q Did you view it the day that it was set up?

23 A Yes.

24 Q When did you view it?

25 A When it was first set up and possibly one other

1 time that night.

2 Q What prompted you to look at the screen?

3 A To ensure there were no crowds forming in Union
4 Square.

5 Q And what did you see when you looked?

6 A A line of police officers.

7 Q Did you see anything else?

8 A No.

9 Q Did you see people apart from police officers on
10 the scene?

11 A No.

12 Q How long do you estimate you looked?

13 A Less than a minute.

14 Q And so you recall viewing it twice on May 31st;
15 is that correct?

16 A I believe.

17 Q Let's talk a little bit about the next day.

18 Before we move on, so you said you viewed it for
19 less than a minute; do you recall if you saw it for more
20 than 30 seconds?

21 A I don't recall.

22 MS. HUSSAIN: Let's talk about the next day and
23 I'm going to present two exhibits.

24 (Deposition Exhibits Nos. 4 and 5 were marked
25 for identification.)

1 A Because a couple of times I viewed them, there
2 was no activity on them so it gave us the awareness that
3 there was no activity in Union Square.

4 Q And prior to making the statement, had you
5 looked at the camera feed that day?

6 A I do not recall.

7 Q So you recall looking at the camera, you
8 believe, twice on May 31st; is that correct?

9 A I believe, yes.

10 Q Do you recall looking at it in subsequent
11 days?

12 A I do recall looking at the cameras. On what
13 days and times, I do not know.

14 Q I know it may have been awhile ago, so what do
15 you recall ever seeing on the cameras besides officers?

16 A I personally don't remember seeing anything that
17 was -- how can I word it -- police worthy. I don't
18 remember seeing a crowd. Or if I, maybe, saw some people,
19 I don't recall. It didn't leave anything in my mind
20 because I don't remember there being any further civil
21 unrest beyond that Saturday in Union Square.

22 Q And the subsequent times that you viewed the
23 cameras, do you remember for how long you viewed?

24 A I don't remember it ever being very long.

25 Q And when you say you don't remember it being

1 was no one in Union Square.

2 Q Prior to sending this e-mail to Mr. Boss, do you
3 recall looking at the cameras that day?

4 A Again, I do not recall a specific time that I
5 looked at the cameras.

6 MS. HUSSAIN: I would like to mark this next
7 exhibit.

8 (Deposition Exhibit No. 8 was marked for
9 identification.)

10 MS. HUSSAIN: Let's take a break.

11 (Recess from 11:36 a.m. to 12:00 p.m.)

12 MS. HUSSAIN: Back on the record.

13 So Exhibit 8 is an e-mail dated June 2nd of
14 2020. It is two pages long, and it's marked CCSF 30 to
15 31.

16 Q (By Ms. Hussain) Have you seen this document
17 before?

18 A Yes -- I believe so, yes.

19 Q And you wrote part of this e-mail thread; is
20 that correct?

21 A Yes.

22 Q And in response to your extension request, the
23 Union Square BID gave you that additional access for five
24 days or through the weekend; is that correct?

25 A Yes.

1 Q And Mr. Boss notified ABS?

2 A Who is ABS?

3 Q Did Mr. Boss notify Mr. Shimolin about the
4 access?

5 MR. SNODGRASS: Calls for speculation.

6 THE WITNESS: I don't recall.

7 Q (By Ms. Hussain) But you continued the access;
8 is that correct?

9 A Correct.

10 Q And how did the Union Square BID communicate to
11 you that you would get that additional access?

12 A I don't recall.

13 Q Do you remember receiving word from Union Square
14 BID that the access would be continued?

15 A I do recall that the access was continued, but I
16 don't recall if there was a break in access at any point.
17 I don't remember.

18 Q After your extension request was granted, did
19 you look at the cameras?

20 A I would imagine I looked at them, like I said,
21 intermittently while we had them for those brief periods;
22 but I can't say for certain when.

23 Q By "intermittently" do you mean every few
24 days?

25 A I don't remember.

1 A I honestly don't know if that was a
2 conversation or -- I don't see it in the e-mail. But I
3 know we just needed access to the Union Square portion,
4 which is where the looting had occurred.

5 Q And how do you know that you were only provided
6 with the cameras that were located specifically within
7 Union Square for the George Floyd protest?

8 A Because that's what was on the screen. The
9 Avigilon.

10 Q So you recall viewing cameras that showed Union
11 Square?

12 A Correct.

13 Q Is there anything else that you recall viewing
14 on the cameras?

15 A No.

16 Q Does the department require officers to document
17 every time they look at a camera feed; a non-city entity
18 camera feed?

19 A No.

20 Q So if an officer looked at the camera feed
21 during the George Floyd protest, they might not have
22 documented that; is that right?

23 A Correct.

24 Q So is it possible that someone else viewed the
25 camera feed besides yourself?

1 A Yes.

2 Q Are you familiar with the acquisition of
3 surveillance technology ordinance codified in San
4 Francisco Administrative Code Chapter 19B?

5 A Familiar in what capacity?

6 Q Do you know of its existence?

7 A Yes.

8 MS. HUSSAIN: I'm going to mark this next
9 exhibit. I believe that this is Exhibit 13.

10 (Deposition Exhibit No. 13 was marked for
11 identification.)

12 Q (By Ms. Hussain) So this is a document that
13 reflects the San Francisco Administrative Code, and it
14 consists of seven pages. We pulled this from The City's
15 Web site on July 13th of 2021; is this a document you've
16 seen before?

17 A Not specifically this one, no.

18 Q Have you seen the acquisition of surveillance
19 technology in some other format?

20 A Yes.

21 Q Without reading it completely, can you give me
22 your general understanding of what the ordinance says?

23 A Honestly, I cannot.

24 Q Do you know if it has any sort of restrictions
25 or prohibitions?

1 A I know that it has restrictions.

2 Q On what?

3 MR. SNODGRASS: Calls for legal conclusion.

4 If you have an understanding, you're free to
5 share it.

6 THE WITNESS: I do not.

7 Q (By Ms. Hussain) Have you ever discussed this
8 ordinance with your colleagues at the S.F.P.D.?

9 A Yes.

10 Q When?

11 A After this lawsuit came to our attention.

12 Q During the course of S.F.P.D.'s response to the
13 protest in May and June of 2020, was this ordinance ever
14 discussed among your S.F.P.D. colleagues?

15 MR. SNODGRASS: Calls for speculation.

16 THE WITNESS: I have no idea.

17 Q (By Ms. Hussain) Did you ever hear it being
18 discussed among your colleagues?

19 A I did not.

20 Q And you mentioned that you became -- this was
21 the subject of discussion among your S.F.P.D. colleagues
22 after the initiation of this lawsuit; is that correct?

23 A Correct.

24 Q Do you remember when you all spoke about it?

25 A I do not.

Exhibit C

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15 **SUPERIOR COURT OF CALIFORNIA**
16 **IN AND FOR THE COUNTY OF SAN FRANCISCO**
17 **UNLIMITED JURISDICTION**
18

19 HOPE WILLIAMS, NATHAN SHEARD, and

20 NESTOR REYES,

21 Plaintiffs,

22 v.

23 CITY AND COUNTY OF SAN FRANCISCO,

24 Defendant.

Case No.: CGC-20-587008

**DECLARATION OF HOPE
WILLIAMS IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

Hearing Date: December 17, 2021
Hearing Time: XXXX

Action Filed: October 7, 2020
Trial Date: February 22, 2022

1 I, Hope Williams, declare as follows:

- 2 1. I am a Black woman, a San Francisco resident, a recent graduate of San Francisco State
3 University, a community organizer, and an activist. The following facts are based on
4 my personal knowledge.
- 5 2. I have been a community and labor organizer for over four years. As an organizer, I
6 connect people, organizations, and campaigns together. For example, I have connected
7 other activists to campaigns to defund the San Francisco Police Department and
8 Sheriff's Department.
- 9 3. Shortly after the violent police murder of George Floyd in Minneapolis, I organized and
10 participated in protests in San Francisco against police violence and racism, to affirm
11 that Black lives matter. It was important for me to take to the streets and to get others to
12 join us because I knew I could contribute to the movement to end police violence and
13 racism against Black communities.
- 14 4. I participated in and helped to organize protests against police violence that took place
15 in San Francisco in spring and summer 2020.
- 16 5. On June 2, 2020, I helped to organize and participated in a protest that began at City
17 Hall and culminated in a sit-in in front of the Hall of Justice at 850 Bryant Street.
- 18 6. On June 3, 2020, I participated in a protest of an estimated 10,000 people in the
19 Mission District, which was organized by students at Mission High School.
- 20 7. On June 20, 2020, I helped to organize and participated in a protest outside City Hall.
- 21 8. The San Francisco Police Department's illegal spying on activists during the George
22 Floyd protests violates protestors' rights to organize, speak out, and march without fear
23 of police surveillance. It is an affront to our movement for equity and justice that the
24 SFPD responded to police abuse and violence by secretly spying on us.
- 25 9. When I found out that SFPD used a huge camera network to spy on us as we marched
26 in May and June 2020, it shocked me and made me worried about privacy and freedom
27 from police surveillance if I continue to organize and attend protests.
- 28

- 1 10. My experience as an organizer has shown me that to sustain a movement, you need
2 people to turn out. During and after the protests in San Francisco in spring and summer
3 2020, I spoke to people, especially younger people, who were reluctant to join a protest
4 because they wanted to prevent the weaponization of personal data and their digital
5 information. The fear that police are spying on them through surveillance cameras
6 makes them worry about their privacy if they attend a protest. This made it harder for
7 activists like me to organize protests.
- 8 11. I have previously participated in debates in San Francisco over surveillance technology.
9 These debates took place when I was a board member of the Harvey Milk LGBTQ
10 Democratic Club. In October 2020, the Club sent a letter to the Castro/Upper Market
11 Community Benefit District (“Castro CBD”), urging them to reject a plan to install
12 security cameras in the Castro. The Castro CBD ultimately voted to reject the plan after
13 allowing for debate.
- 14 12. I want to participate in the implementation of the San Francisco Surveillance
15 Technology Ordinance by providing public comment before the San Francisco
16 Committee on Information Technology about city departments’ requests to acquire or
17 use new surveillance technologies. I believe it is important for the community to be
18 heard before decisions about surveillance technology are made.
- 19 13. SFPD did not seek Board of Supervisors’ approval under the Ordinance for its
20 acquisition or use of the Union Square Business Improvement District surveillance
21 camera network. As a result, there was never any public debate about SFPD’s decision
22 to acquire and use that network. SFPD’s actions deprived me of the opportunity to
23 provide public comment about the privacy and civil rights concerns with this
24 technology.

25 I declare under penalty of perjury under the laws of the State of California and the United States of
26

1 America that the foregoing is true and correct to the best of my knowledge.

2 Dated: Sep 10, 2021

HOPE WILLIAMS

3 Hope Williams

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Exhibit D

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15 **SUPERIOR COURT OF CALIFORNIA**
16 **IN AND FOR THE COUNTY OF SAN FRANCISCO**
17 **UNLIMITED JURISDICTION**
18

19 HOPE WILLIAMS, NATHAN SHEARD, and

20 NESTOR REYES,

21 Plaintiffs,

22 v.

23 CITY AND COUNTY OF SAN FRANCISCO,

24 Defendant.

Case No.: CGC-20-587008

**DECLARATION OF NATHAN
SHEARD IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

Hearing Date: December 17, 2021
Hearing Time: XXXX

Action Filed: October 7, 2020
Trial Date: February 22, 2022

1 I, Nathan Sheard, declare as follows:

- 2 1. I am a Black man and I reside in San Francisco, California. In my personal capacity, I
3 am an activist and community organizer. In my professional capacity, I am an
4 employee of the Electronic Frontier Foundation. The following facts are based on my
5 personal knowledge.
- 6 2. I have been organizing protests since 2011. A month after protests began in Ferguson,
7 Missouri, in 2014 over the police killing of Michael Brown, activists there reached out
8 to my New York-based legal collective about legal support. I went to Ferguson and
9 during the fall of 2014 I helped provide legal support.
- 10 3. In the winter of 2014, I also helped organize legal support for protests in New York
11 City after the police officer who killed Eric Garner was not indicted. In the spring and
12 summer of 2015, I also helped organize legal support for protests in Baltimore after
13 police killed Freddie Gray.
- 14 4. In 2019, I advocated for the San Francisco Board of Supervisors to adopt the
15 Acquisition of Surveillance Technology Ordinance. My advocacy included public
16 comment in support of the Ordinance on April 15, April 22, and May 6, before the
17 Rules Committee on several issues, including the importance of transparency and
18 public input before acquisition and use of surveillance technologies.
- 19 5. Other Bay Area cities have enacted laws that, like the San Francisco Surveillance
20 Technology Ordinance, require public input before a city department acquires or uses a
21 surveillance technology. I provided public comments in 2018, 2019, and 2020 in
22 Oakland and Berkeley on their respective laws.
- 23 6. After the police killing of George Floyd in Minneapolis, in my personal capacity, I
24 participated in and helped support the protest movement against police violence and
25 racism in San Francisco in May and June of 2020.
- 26 7. On May 30, 2020, I participated in a protest that began at City Hall and went east up
27 Market Street.

- 1 8. From the end of May through June, I helped staff a hotline to connect Bay Area
2 protesters with legal support.
- 3 9. When I found out that SFPD spied on protesters through the Union Square Business
4 Improvement District's ("USBID") surveillance camera network in May and June
5 2020, it made me worried about my privacy and freedom from police surveillance if I
6 attend or organize future protests.
- 7 10. From my protest organizing experience, I am aware of instances where police, based on
8 their surveillance of a protest, have approached employers about their employees'
9 protest activities. In one of these instances, someone I helped organize legal support for
10 was fired because of their participation in a protest. These kinds of actions instill fear
11 and apprehension among activists.
- 12 11. Based on my organizing experience, I believe that knowing that SFPD spied on protests
13 will make people reluctant to attend future protests. This spying instills fear and
14 apprehension and will make it harder for activists like me to organize and provide
15 support for protests.
- 16 12. In addition, I want to participate in the implementation of the San Francisco
17 Surveillance Technology Ordinance by providing public comment before the San
18 Francisco Committee on Information Technology about city departments' requests to
19 acquire or use new surveillance technologies. I want to participate in these public
20 debates because it is important for the community to be heard before decisions about
21 surveillance technology are made.
- 22 13. SFPD did not seek Board of Supervisors approval under the Ordinance for its
23 acquisition or use of the USBID surveillance camera network. As a result, there was
24 never any public debate about SFPD's decision to acquire and use that network.
25 SFPD's actions deprived me of the opportunity to provide public comment about the
26 privacy and civil rights concerns with this technology.

27 I declare under penalty of perjury under the laws of the State of California and the United States of
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America that the foregoing is true and correct to the best of my knowledge.

Dated: Sep 13, 2021


Nathan Sheard (Sep 13, 2021 09:48 PDT)

Nathan Sheard

Exhibit E

1 SAIRA HUSSAIN (SBN 300326)
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15 **SUPERIOR COURT OF CALIFORNIA**
16 **IN AND FOR THE COUNTY OF SAN FRANCISCO**
17 **UNLIMITED JURISDICTION**
18

19 HOPE WILLIAMS, NATHAN SHEARD, and

20 NESTOR REYES,

21 Plaintiffs,

22 v.

23 CITY AND COUNTY OF SAN FRANCISCO,

24 Defendant.

Case No.: CGC-20-587008

**DECLARATION OF NESTOR
REYES IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

Hearing Date: December 17, 2021
Hearing Time:

Action Filed: October 7, 2020
Trial Date: February 22, 2022

1 I, Nestor Reyes, declare as follows:

- 2 1. I am a Latinx activist, native San Franciscan, and community healer. I reside in
3 Berkeley, California. The following facts are based on my personal knowledge.
- 4 2. I have been an activist and organizer since high school. I believe that getting large
5 numbers of people together in public is necessary to achieve positive social change.
- 6 3. I organized and participated in several protests against police violence and racism in
7 San Francisco in May and June 2020, following the police murder of George Floyd in
8 Minneapolis.
- 9 4. On May 31, 2020, I participated in a protest that began at City Hall. From there, we
10 went east up Market Street, before winding our way through other parts of the city. The
11 protest eventually ended up at Union Square. We then returned to Market Street via
12 Powell Street and went west on Market Street towards City Hall.
- 13 5. After my participation in that protest on May 31, 2020, I learned that the Union Square
14 Business Improvement District (USBID) has surveillance cameras located in many of
15 the areas where I protested, including in and around Union Square and on Market
16 Street.
- 17 6. On June 3, 2020, I participated in a protest of an estimated 10,000 people in the
18 Mission District, which was organized by students at Mission High School.
- 19 7. On June 5, 2020, I participated in a protest that began at City Hall and went west up
20 Market Street, toward the Castro District.
- 21 8. I was upset when I learned that SFPD spied on me through the USBID cameras on May
22 31, 2020. These actions were an affront to my right to protest and violated my privacy
23 and that of my fellow protesters.
- 24 9. Knowing that SFPD spied on me through the USBID cameras on May 31, 2020 makes
25 me worry about my privacy and freedom from police surveillance if I attend or
26 organize future protests.
- 27 10. Based on my organizing experience and familiarity with activists, I believe that this
28 past spying will also make others reluctant to attend protests. People should feel secure

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when they go to a protest and stand in solidarity with Black Lives Matter, without fear of being watched by police.

11. A protest's power is drawn from people, and this power is significantly weakened if protesters avoid participating for fear that police are spying on them. SFPD's unlawful spying will make it harder for activists like me to organize protests.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct to the best of my knowledge.

Dated: Sep 13, 2021


Nestor Reyes (Sep 13, 2021 09:37 PDT)

Nestor Reyes

Exhibit F

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12 *Attorneys for Plaintiffs*

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14 **SUPERIOR COURT OF CALIFORNIA**
15 **IN AND FOR THE COUNTY OF SAN FRANCISCO**

16
17 HOPE WILLIAMS, NATHAN SHEARD, and
18 NESTOR REYES,
19 Plaintiffs,
20 v.
21 CITY AND COUNTY OF SAN FRANCISCO,
22 Defendant.

**ENDORSED
FILED**
San Francisco County Superior Court

OCT 07 2020
CLERK OF THE COURT
BY: KALENE APOLONIO Deputy Clerk

Case No. **CGC-20-587008**
**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

1 **INTRODUCTION**

2 1. From May 31 through June 7, 2020, as thousands of people took to the streets in San
3 Francisco to exercise their First Amendment rights and participate in Black-led protests against
4 police violence, the San Francisco Police Department (“SFPD”) acquired, borrowed, and used a
5 private network of more than 400 surveillance cameras to spy on protestors in real time. In doing so,
6 the SFPD violated the City’s Acquisition of Surveillance Technology Ordinance (“the Ordinance”).

7 2. Plaintiffs are Black and Latinx protestors who participated in and organized several
8 protests against police violence that have taken place in San Francisco since May 2020, including
9 during the period of SFPD’s acquisition, borrowing, and use of the camera network. SFPD’s
10 sweeping surveillance of these protests has invaded Plaintiffs’ privacy, chills them from
11 participating in and organizing future protests, and undermines their ability to recruit activists and
12 organize protests, a cornerstone of our democracy.

13 3. Plaintiffs seek a declaratory judgment that the City and County of San Francisco
14 (“the City”) violated the Ordinance when the SFPD acquired, borrowed, and used a private camera
15 network without prior approval from the City’s Board of Supervisors (“Board”). In addition,
16 Plaintiffs seek an injunction requiring the City to ensure that the SFPD does not acquire, borrow, or
17 use any private camera network without prior Board approval.

18 **JURISDICTION AND VENUE**

19 4. This Court has jurisdiction under article VI, section 10 of the California Constitution
20 and California Code of Civil Procedure §§ 410.10, 525–26, and 1060.

21 5. Venue in this court is proper because Plaintiffs’ claims arose in and around the City
22 and County of San Francisco, and because this is an action against the City and County of San
23 Francisco. Code Civ. Proc. § 394.

24 **PARTIES**

25 6. Plaintiff Hope Williams is a Black woman who resides in San Francisco, California.
26 Williams is an activist who both organized and participated in several protests against police
27 violence in San Francisco in May and June of 2020.
28

1 7. Plaintiff Nathan Sheard is a Black man who resides in San Francisco, California.
2 Sheard is an activist and in his personal capacity, he participated in one protest and helped connect
3 protestors with legal support in San Francisco in May and June of 2020. In his professional
4 capacity, Sheard is an employee of the Electronic Frontier Foundation.

5 8. Plaintiff Nestor Reyes is a Latinx person and native San Franciscan who resides in
6 Berkeley, California. Reyes is an activist who participated and organized several protests against
7 police violence in San Francisco in May and June of 2020.

8 9. Defendant City and County of San Francisco is a political subdivision of the State of
9 California that can be sued in its own name. The San Francisco Police Department is a City
10 department. Defendant operates, governs, and is responsible for the SFPD pursuant to the laws of
11 the State of California and San Francisco.

12 **STATEMENT OF FACTS**

13 **SFPD’s History of Unlawful Surveillance**

14 10. The SFPD has a long and troubling history of targeting individuals for unlawful
15 surveillance based on, among other attributes, their race, ethnicity, religion, socioeconomic status,
16 sexuality, gender identity, and political activism.

17 11. Throughout the 20th century, the SFPD surveilled and conducted raids on
18 establishments frequented by the LGBTQ+ community, including bars and bathhouses. By the
19 1970s, the SFPD Intelligence Unit had amassed files on more than 100,000 San Franciscans dating
20 back decades, including civil rights demonstrators, anti-war activists, labor union members, and
21 student protestors from San Francisco State University. In the 1980s, the SFPD spied on
22 organizations during the 1984 Democratic National Convention, and maintained files on at least 100
23 civil rights, labor, and special interest groups. It also conducted undercover surveillance of political
24 groups challenging U.S. intervention in Central America.

25 12. Public outcry about this decades-long pattern of SFPD surveillance abuses led the
26 Police Commission to adopt Department General Order 8.10 in 1990, which requires “articulable
27 and reasonable suspicion” before SFPD officers may conduct a criminal investigation that involves
28 the First Amendment activities of any individual, group, or organization.

1 13. Despite this policy, there have been prominent examples of the SFPD’s continued
2 surveillance of First Amendment activities. For example, in 1993, an SFPD inspector was caught
3 selling to a third-party organization intelligence information obtained through surveillance of Arab
4 American groups and opponents of South African apartheid.

5 **Black Lives Matter Protests and San Francisco’s Surveillance Technology Ordinance**

6 14. Since 2014, Black-led protests against police violence, often known as Black Lives
7 Matter protests, have been similarly monitored and baselessly treated as a potential threat by federal
8 and local law enforcement agencies across the nation.

9 15. The growth of this movement has coincided with the proliferation of modern
10 surveillance technologies that give the government unprecedented power to identify, track, and
11 target activists.

12 16. In the past several years, SFPD has acquired an arsenal of sophisticated surveillance
13 technologies, including automated license plate readers; Cellebrite, a mobile system that enables
14 police to conduct forensic searches of smartphones; and ShotSpotter, a microphone-equipped
15 technology designed to detect gunshots.

16 17. SFPD’s history of targeting activists and marginalized groups for surveillance,
17 coupled with the unprecedented surveillance powers made possible by modern technology,
18 prompted the San Francisco Board of Supervisors to pass an ordinance limiting government use of
19 surveillance technologies.

20 18. In June 2019, the San Francisco Board of Supervisors passed the Acquisition of
21 Surveillance Technology Ordinance (codified in San Francisco Administrative Code, Chapter 19B
22 *et seq.*), which, among other things, prohibits any City department from acquiring, borrowing,
23 sharing, or using surveillance technology¹ without first obtaining approval from the Board via a
24 separate ordinance and specific use policy. The Ordinance went into effect on July 15, 2019.

25
26
27 _____
28 ¹ The Ordinance’s definition of “surveillance technology” includes surveillance cameras. S.F.
Admin. Code. § 19B.1.

1 19. Section 19B.2(a) of the Ordinance states, in relevant part, that a City department
2 must obtain Board of Supervisors approval of a separate ordinance and specific use policy prior to
3 engaging in any of the following actions:

4 “(2) Acquiring or borrowing new Surveillance Technology, including but not
5 limited to acquiring Surveillance Technology without the exchange of monies or
6 other consideration;

7 (3) Using new or existing Surveillance Technology for a purpose, in a manner,
8 or in a location not specified in a Surveillance Technology Policy ordinance
9 approved by the Board in accordance with this Chapter 19B;

10 (4) Entering into agreement with a non-City entity to acquire, share, or
11 otherwise use Surveillance Technology[.]”

12 20. Leading up to the passage of the Ordinance, the author of the legislation, Supervisor
13 Aaron Peskin, repeatedly emphasized that one of the Ordinance’s goals was to protect marginalized
14 communities and political dissidents from high-tech police surveillance.

15 a. On April 15, 2019, during a Board of Supervisors Rules Committee meeting,
16 Supervisor Peskin stated: “If you take even a cursory look at some historical uses of surveillance
17 technologies it is often times these marginalized groups, artists, and political dissidents who are
18 disproportionately subject to the abuses of this technology.”

19 b. On May 6, 2019, during another Rules Committee meeting, Supervisor Peskin
20 emphasized the need for “oversight into a category of technology that historically has often been
21 used in abusive ways against marginalized communities.” He continued: “I could regale you with
22 some of the things that have happened in this city in the late 60s, early 70s, again with surveillance
23 of Act Up during the AIDS crisis, with surveillance of the Black Lives Matter movement.”

24 c. On May 14, 2019, during a Board of Supervisors meeting, Supervisor Peskin again
25 pointed to inappropriate use of surveillance technology against Black Lives Matter protesters as an
26 example of the need for the Ordinance. After these remarks and at that same meeting, the Board of
27 Supervisors voted to approve the Ordinance.

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1 **Business Improvement Districts**

2 21. Business improvement districts—also called community benefit districts—are non-
3 city entities formed by a majority of property owners within a certain geographic area, with
4 approval from the Board of Supervisors and in accordance with state and local law. The property
5 owners pay a special assessment and those funds are used to make agreed-upon improvements that
6 supplement services that the city provides. There are currently 18 business improvement districts
7 and community benefit districts in San Francisco.

8 22. Several of San Francisco’s business improvement districts have surveillance camera
9 networks that consist of hundreds of cameras streamed to a control room within the district.

10 23. The Union Square Business Improvement District (“USBID”) is a business
11 improvement district in San Francisco. It is a California nonprofit corporation. It is bound on the
12 north by Bush Street, on the east by Kearny Street, on the south by Market Street, and on the west
13 by Taylor and Mason Streets. The USBID operates a network of more than 400 video surveillance
14 cameras. These cameras are high definition, allow remote control of zoom and focus capabilities,
15 and are linked to a software system that can automatically analyze content, including distinguishing
16 between when a car or a person passes within the frame. Below is a map of the USBID’s camera
17 network.

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San Francisco Protests Against Police Violence in Summer 2020

24. Following the police killing of George Floyd on May 25, 2020, in Minneapolis, Minnesota, protests against police violence spread throughout the country, including in San Francisco. Thousands of people participated in protests in San Francisco during the end of May and early June.

25. During this time period, the protests were overwhelmingly peaceful. A small number of people engaged in property destruction, which primarily affected commercial properties.

26. Plaintiffs participated in and organized peaceful protests against police violence in San Francisco during this time.

27. On May 30, 2020, Plaintiff Nathan Sheard participated in a protest that began at City Hall and went east up Market Street, including past areas where USBID's cameras are located.

1 28. On May 31, 2020, Plaintiff Nestor Reyes participated in a protest that began at City
2 Hall and went east up Market Street, including past areas where USBID’s cameras are located.

3 29. On June 2, 2020, Plaintiff Hope Williams organized and participated in a protest that
4 began at City Hall and culminated in a sit-in in front of 850 Bryant Street.

5 30. On June 3, 2020, Plaintiffs Williams and Reyes participated in a protest of an
6 estimated 10,000 people in the Mission District, which was organized by students at Mission High
7 School.

8 31. On June 5, 2020, Plaintiff Reyes participated in a protest that began at City Hall and
9 went west up Market Street, toward the Castro District.

10 32. From the end of May through June, Plaintiff Sheard helped staff a hotline to connect
11 Bay Area protestors with legal support.

12 33. Plaintiffs participated in and organized these protests in order to exercise their First
13 Amendment right to petition the government, and persuade their fellow residents, regarding the
14 need for concrete action to end racism and violence by police and other law enforcement officers.

15 **SFPD’s Acquisition, Borrowing, and Use of the USBID’s Surveillance Cameras During**
16 **Protests**

17 34. Between May 31 and June 7, 2020, the SFPD acquired, borrowed, and used the
18 USBID’s camera network for real-time surveillance of protests against police violence in the Union
19 Square area.

20 35. On the morning of May 31, 2020, an officer from SFPD’s Homeland Security Unit,
21 Officer Oliver Lim, emailed the USBID’s Director of Services, Chris Boss, requesting real-time use
22 of the USBID’s cameras on Market Street “to monitor the potential violence today for situational
23 awareness and enhanced response.”

24 36. In an email response that same morning, Mr. Boss provided the SFPD with 48-hour
25 remote use of the cameras.

26 37. On June 2, 2020, another officer from SFPD’s Homeland Security Unit, Officer
27 Tiffany Gunter, emailed Mr. Boss requesting an extension for real-time use of the cameras for five
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1 more days, through June 7, stating, “We have several planned demos all week and we anticipate
2 several more over the weekend[.]”

3 38. The USBID provided the SFPD with this extension of remote, real-time use of the
4 USBID’s camera network.

5 39. On June 10, 2020, Officer Gunter sent an email to Mr. Boss thanking him for “the
6 use of your cameras,” and stating that the cameras “were extremely helpful in giving us situational
7 awareness and ensuring public safety during the multiple demos that came through the area.”²

8 40. The SFPD acquired, borrowed, and used the USBID’s private network of
9 surveillance cameras without prior approval from the Board of Supervisors.

10 **No Exigency Justified the SFPD’s Violation of the Ordinance**

11 41. The Ordinance exempts the temporary acquisition or use of surveillance technology
12 in exigent circumstances, which are narrowly defined as “an emergency involving imminent danger
13 of death or serious physical injury to any person that requires the immediate use of Surveillance
14 Technology or the information it provides.” S.F. Admin. Code §§ 19B.1 & 19B.7.

15 42. Here, no exigent circumstances existed within the meaning of the Ordinance that
16 permitted SFPD to acquire and use the USBID’s camera network, absent prior approval from the
17 Board of Supervisors. There was no emergency involving imminent danger of death or serious
18 physical injury to a person that required SFPD’s immediate use of the USBID’s camera network.

19 **Plaintiffs Are Affected by SFPD’s Violation of the Ordinance**

20 43. The Ordinance provides a private right of action to “any person affected” by “any
21 alleged violation” of the Ordinance. S.F. Admin. Code § 19B.8(a).

22 44. Plaintiffs are affected by the SFPD’s violation of the Ordinance. First, their privacy
23 and free speech rights were violated when the SFPD subjected their protest activity to unlawful
24 _____

25 ² Nearly a month later, in an August 5 report to the Board of Supervisors, the SFPD Chief took the
26 position that, while the SFPD obtained a remote real-time link to the USBID’s network of
27 surveillance cameras, the SFPD did not monitor this network. In fact, the June 10 email from SFPD
28 sent at the time of the surveillance shows the SFPD monitored the camera network. Even if SFPD
did not visually monitor the cameras feeds, the SFPD acquired, borrowed, and used the network by,
among other things, establishing a remote real-time link without prior Board approval.

1 surveillance. Second, the risk of further unlawful SFPD surveillance makes them afraid to
2 participate in future protests and chills the exercise of their First Amendment rights. Third, the risk
3 of further unlawful SFPD surveillance makes it harder for them to recruit activists and organize
4 future protests.

5 **CAUSE OF ACTION**

6 **SFPD's Acquisition, Borrowing, and Use of the USBID's Surveillance Camera Network**
7 **in Violation of San Francisco Administrative Code §§ 19B.2(a)(2), (3), and (4)**

8 45. Plaintiffs incorporate by reference the allegations of the above paragraphs as though
9 fully set forth herein.

10 46. The Ordinance prohibits City departments from acquiring, borrowing, or using
11 surveillance technology prior to obtaining express approval from the Board of Supervisors of a
12 surveillance technology policy. S.F. Admin. Code §§ 19B.2(a)(2), (3), & (4).

13 47. The SFPD acquired, borrowed, and used the USBID's network of more than 400
14 cameras, by means of a remote real-time link, without obtaining prior Board approval.

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiffs request that this Court:

17 A. Enter a declaratory judgment stating that the City violated the Ordinance because the
18 SFPD, without prior Board approval, acquired, borrowed, and used the USBID's camera network.

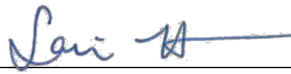
19 B. Enter an order enjoining the City, its agents, employees, successors, and all others
20 acting in concert with it, to ensure that the SFPD does not, without prior Board approval, acquire,
21 borrow, or use any private camera network.

22 C. Enter an order requiring the City to pay Plaintiffs' attorneys' fees and costs under
23 San Francisco Administrative Code § 19B.8(e), Code of Civil Procedure § 1021.5, and any other
24 applicable statutes.

25 D. Grant Plaintiffs any further relief the Court deems just and proper.

26 Dated: October 7, 2020

27 Respectfully Submitted,

28 By: 
Saira Hussain

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Exhibit G

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6 Attorneys for Defendant
7 CITY AND COUNTY OF SAN FRANCISCO

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN FRANCISCO
11 UNLIMITED JURISDICTION

12 HOPE WILLIAMS, NATHAN SHEARD, and
13 NESTOR REYES,

14 Plaintiff,

15 vs.

16 CITY AND COUNTY OF SAN
FRANCISCO,

17 Defendant.

Case No. CGC-20-587008

**DEFENDANT CITY AND COUNTY OF SAN
FRANCISCO'S FIRST AMENDED ANSWER
TO COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF**

Date Action Filed: October 7, 2020
Trial Date: None set.

1 **ANSWER**

2 On behalf of itself and no other persons or entities, Defendant the CITY AND COUNTY OF
3 SAN FRANCISCO (“San Francisco” or “Defendant”) hereby submits its First Amended Answer to
4 Plaintiffs HOPE WILLIAMS, NATHAN SHEARD, and NESTOR REYES’ (collectively “Plaintiffs”
5 or individually “Williams,” Sheard,” or “Reyes”) Complaint For Declaratory and Injunctive Relief
6 filed on or about October 7, 2020 (“Complaint”) as follows:

7 1. Answering the allegations of Paragraph 1, Defendant admits that a large number of
8 people engaged in protest activity in San Francisco during the date range identified in this paragraph.
9 Further answering, Defendant states that the San Francisco Police Department (SFPD) worked to
10 facilitate peaceful protests across the City. Defendant lacks information and belief sufficient to form a
11 belief as to the truth of the paragraph’s allegation regarding the number of people engaged in protest
12 activity during this time frame, and denies the same on that basis. Except as expressly admitted,
13 Defendant denies the remaining allegations of this paragraph.

14 2. Answering the allegations of Paragraph 2, Defendant denies that it engaged in
15 surveillance that was unlawful. Defendant lacks information sufficient to form a belief as to the truth
16 of the paragraph’s remaining allegations, and denies the same on that basis.

17 3. Answering the allegations of Paragraph 3, Defendant admits that Plaintiffs seek a
18 declaratory judgment and an injunction pursuant to the San Francisco Acquisition of Surveillance
19 Technology Ordinance (“the Ordinance”). Defendant further answers that the paragraph states legal
20 conclusions to which no response is required. Except as expressly admitted, Defendant denies the
21 remaining allegations of this paragraph.

22 4. Answering the allegations of Paragraph 4, Defendant admits the allegations in this
23 paragraph.

24 5. Answering the allegations of Paragraph 5, Defendant admits the allegations in this
25 paragraph.

26 6. Answering the allegations of Paragraph 6, Defendant lacks information sufficient to
27 form a belief as to the truth of the paragraph’s allegations, and denies the same on that basis.

1 7. Answering the allegations of Paragraph 7, Defendant lacks information sufficient to
2 form a belief as to the truth of the paragraph’s allegations, and denies the same on that basis.

3 8. Answering the allegations of Paragraph 8, Defendant lacks information and belief
4 sufficient to form a belief as to the truth of the paragraph’s allegations, and denies the same on that
5 basis.

6 9. Answering the allegations of Paragraph 9, Defendant admits that it is a charter city and
7 county, existing pursuant to the California Constitution and state laws and its own municipal charter.
8 Defendant admits that it can be sued in its own name, and further admits the allegations of said
9 paragraph’s second and third sentences. Defendant denies any remaining allegations in said
10 paragraph.

11 10. Answering the allegations of Paragraph 10, Defendant denies the allegations in this
12 paragraph.

13 11. Answering the allegations of Paragraph 11, Defendant lacks information sufficient to
14 form a belief as to the truth of the paragraph’s allegations, and denies the same on that basis.

15 12. Answering the allegations of Paragraph 12, Defendant admits that the terms of San
16 Francisco Police Department General Order 8.10 speak for themselves. Defendant lacks information
17 sufficient to form a belief as to the truth of the paragraph’s remaining allegations, and denies the same
18 on that basis.

19 13. Answering the allegations of Paragraph 13, Defendant admits that the San Francisco
20 Police Department monitors conduct at protests and similar gatherings to protect public safety.
21 Defendant also admits the allegations of the paragraph’s second sentence. Defendant lacks
22 information sufficient to form a belief as to the truth of the remaining allegations contained in this
23 paragraph, and denies the same on that basis.

24 14. Answering the allegations of Paragraph 14, Defendant states that it lacks information
25 sufficient to form a belief as to the truth of the allegations contained in this paragraph.

1 15. Answering the allegations of Paragraph 15, Defendant states that it lacks information
2 sufficient to form a belief as to the truth of this paragraph’s allegations, and denies the same on that
3 basis.

4 16. Answering the allegations of Paragraph 16, Defendant admits that the San Francisco
5 Police Department uses surveillance technology that includes automatic license plate reader
6 technology; Cellebrite; and ShotSpotter. Defendant further admits that Cellebrite is a mobile system
7 that enables police to conduct forensic searches of smartphones; and that ShotSpotter is a microphone-
8 based technology designed to detect gunshots. Except as expressly admitted herein, Defendant denies
9 the remaining allegations of this paragraph.

10 17. Answering the allegations of Paragraph 17, Defendant admits that the contents of the
11 Ordinance speak for themselves. Except as expressly admitted herein, Defendant denies the remaining
12 allegations of this paragraph.

13 18. Answering the allegations of Paragraph 18, Defendant admits that the contents of the
14 Ordinance speak for themselves. San Francisco further admits that the Ordinance went into effect in
15 July 2019. Defendant further admits that “surveillance technology,” as that term is used in the
16 Ordinance, includes surveillance cameras. Except as expressly admitted herein, Defendant denies the
17 remaining allegations of this paragraph.

18 19. Answering the allegations of Paragraph 19, Defendant admits that the contents of the
19 Ordinance speak for themselves. Defendant lacks information sufficient to form a belief as to the truth
20 of any remaining allegations contained in this paragraph, and denies the same on that basis.

21 20. Answering the allegations of Paragraph 20, Defendant admits that Supervisor Aaron
22 Peskin made the following alleged statements during the hearings that led up to the Ordinance’s
23 approval. Except as expressly admitted herein and in the following subparagraphs, Defendant denies
24 the allegations in this paragraph:

25 a. Answering the allegations of Paragraph 20(a), Defendant admits that Supervisor Aaron
26 Peskin made the quoted statement during the April 15, 2019 Board of Supervisors Rules Committee
27 meeting. Further answering, Defendant admits that the Board of Supervisors Rules Committee
28

1 hearing from that date is available at

2 http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=10&clip_id=32890&meta_id=701009
3 (last viewed Jan. 5, 2021).

4 b. Answering the allegations of Paragraph 20(b), Defendant admits that Supervisor Aaron
5 Peskin made the quoted statement during the May 6, 2019 Board of Supervisors Rules Committee
6 meeting. Further answering, Defendant admits that the Board of Supervisors Rules Committee

7 hearing from that date is available at

8 http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=10&clip_id=33045&meta_id=708893
9 (last viewed Jan. 5, 2021).

10 c. Answering the allegations of Paragraph 20(c), Defendant admits that Supervisor Peskin
11 referred to the Black Lives Matter protests at the May 14, 2019 Board of Supervisors meeting, when
12 describing the need for the Ordinance. Defendant further admits that the Board of Supervisors voted
13 to approve the Ordinance upon first reading at this meeting. Further answering, Defendant admits that
14 the Board of Supervisors meeting from that date is available at

15 http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=10&clip_id=33135&meta_id=712484
16 (last visited Jan. 5, 2021). Except as expressly admitted herein, Defendant denies the remaining
17 allegations of this paragraph.

18 21. Answering the allegations of Paragraph 21, Defendant admits the allegations of this
19 paragraph.

20 22. Answering the allegations of Paragraph 22, Defendant lacks information sufficient to
21 form a belief as to the truth of the paragraph's allegations, and denies the same on that basis.

22 23. Answering the allegations of Paragraph 23, Defendant admits the allegations contained
23 in this paragraph's first, second, third, fifth, and sixth sentences. Defendant further admits that USBID
24 operates a network of video surveillance cameras. Defendant lacks information sufficient to form a
25 belief as to the truth of the remaining allegations contained in said paragraph, and denies the same on
26 that basis.

1 24. Answering the allegations of Paragraph 24, Defendant admits the allegations contained
2 in said paragraph.

3 25. Answering the allegations of Paragraph 25, Defendant admits that property destruction
4 occurred during these protests in San Francisco. Defendant lacks information sufficient to form a
5 belief as to the truth of the remaining allegations contained in said paragraph, and denies the same on
6 that basis.

7 26. Answering the allegations of Paragraph 26, Defendant lacks information sufficient to
8 form a belief as to the truth of the paragraph's allegations, and denies the same on this basis.

9 27. Answering the allegations of Paragraph 27, Defendant admits that protest activity
10 occurred in the area around San Francisco City Hall and east up Market Street on May 30, 2020.
11 Defendant further admits that USBID cameras are located in this area. Defendant lacks information
12 sufficient to form a belief as to the truth of the remaining allegations contained in said paragraph, and
13 denies the same on that basis.

14 28. Answering the allegations of Paragraph 28, Defendant admits that protest activity
15 occurred in the area around San Francisco City Hall and east up Market Street on May 31, 2020.
16 Defendant further admits that USBID cameras are located in this area. Defendant lacks information
17 sufficient to form a belief as to the truth of the remaining allegations contained in said paragraph, and
18 denies the same on that basis.

19 29. Answering the allegations of Paragraph 29, Defendant admits that protest activity
20 occurred in the area around City Hall and the Hall of Justice (located at 850 Bryant Street) on June 2,
21 2020. Defendant lacks information sufficient to form a belief as to the truth of the remaining
22 allegations contained in said paragraph, and denies the same on that basis.

23 30. Answering the allegations of Paragraph 30, Defendant admits that protest activity
24 occurred in the Mission District neighborhood on June 3, 2020, and that approximately 10,000 people
25 attended this protest. Defendant lacks information sufficient to form a belief as to the truth of the
26 remaining allegations contained in said paragraph, and denies the same on that basis.

1 31. Answering the allegations of Paragraph 31, Defendant admits that protest activity
2 occurred in the City Hall area and in the nearby Market Street vicinity on June 5, 2020. Defendant
3 lacks information sufficient to form a belief as to the truth of the remaining allegations contained in
4 said paragraph, and denies the same on that basis.

5 32. Answering the allegations of Paragraph 32, Defendant lacks information sufficient to
6 form a belief as to the truth of the paragraph’s allegations, and denies the same on this basis.

7 33. Answering the allegations of Paragraph 33, Defendant lacks information sufficient to
8 form a belief as to the truth of the paragraph’s allegations, and denies the same on this basis.

9 34. Answering the allegations of Paragraph 34, Defendant admits that the San Francisco
10 Police Department obtained a remote, real-time link to access the Union Square BID’s camera
11 network, if needed, between May 31 and June 7, 2020. Further answering, Defendant states that no
12 member of SFPD monitored the camera network during this time frame to assess for potential violence
13 and situational awareness. Defendant denies that obtaining a remote, real-time link without
14 monitoring the camera network constitutes acquisition, borrowing, or use under the Ordinance.
15 Except as expressly admitted herein, Defendant denies the remaining allegations of this paragraph.

16 35. Answering the allegations of Paragraph 35, Defendant admits that the contents of the
17 May 31, 2020 email between SFPD officer Oliver Lim and Union Square BID Director of Services,
18 Chris Boss, speak for themselves. Further answering, Defendant admits that the email requested
19 access to the cameras “on Market St to monitor the potential violence today for situational awareness
20 and enhanced response.” Except as expressly admitted herein, Defendant denies the remaining
21 allegations of this paragraph.

22 36. Answering the allegations of Paragraph 36, Defendant admits that the contents of the
23 May 31, 2020 email from Chris Boss, Union Square BID Director of Services to SFPD officer Oliver
24 Lim speak for themselves. Further answering, Defendant admits that the email asked Dmitri Shimolin
25 provide “48 hour remote access to Oliver.” Except as expressly admitted herein, Defendant denies the
26 remaining allegations of this paragraph.

1 37. Answering the allegations of Paragraph 37, Defendant admits that the contents of the
2 June 2, 2020 email from SFPD officer Tiffany Gunter to Union Square BID Director of Services Chris
3 Boss speak for themselves. Further answering, Defendant admits that the email stated, in part: “We
4 greatly appreciate you guys allowing us access for the past 2 days but we are hoping to extend our
5 access through the weekend. We have several planned demos all week and we anticipate several more
6 over the weekend which are the ones we worry will turn violent again.” Except as expressly admitted
7 herein, Defendant denies the remaining allegations of this paragraph.

8 38. Answering the allegations of Paragraph 38, Defendant admits that the contents of the
9 June 2, 2020 email from Union Square BID Director of Services Chris Boss to SFPD officer Tiffany
10 Gunter speak for themselves. Further answering, Defendant admits that the email said, in relevant
11 part: “Thank you for reaching out. I have received the request and am reviewing with our Executive
12 Director for approval. If approved I will notify AVS to provide the access and will also follow up
13 with you.” Except as expressly admitted herein, Defendant denies the remaining allegations of this
14 paragraph.

15 39. Answering the allegations of Paragraph 39, Defendant admits that the contents of the
16 June 10, 2020 email from SFPD officer Tiffany Gunter to US BID Director of Services Chris Boss
17 speak for themselves. Further answering, Defendant admits that the email states, in relevant part: “I
18 just wanted to follow up and say thank you for assisting us with our request for the use of your
19 cameras during this period of civil unrest and rioting. They were extremely helpful in giving us
20 situational awareness and ensuring public safety during the multiple demos that came through the
21 area.” Except as expressly admitted herein, Defendant denies the remaining allegations of this
22 paragraph.

23 Answering the allegations in footnote 2 to Paragraph 39, Defendant admits that the contents of
24 the August 5, 2020 letter from SFPD Chief William Scott to President Yee and the Members of the
25 San Francisco Board of Supervisors speak for themselves. Further answering, Defendant states that
26 the letter states, in relevant part: “On May 31st, BID provided a remote link which allowed SFPD
27 members to access live feed, if needed. As looting, vandalism and rioting did not continue in the areas
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1 covered by BID, SFPD did not monitor BID’s network of security cameras.” Further answering, the
2 letter also states that it provided an “exigency report” to “confirm” the existence of “exigent
3 circumstances” during the May 31 to June 7, 2020 time frame. In relevant part, the letter provided that
4 “civil unrest following peaceful protests on May 30 and into the morning of May 31 resulted in 33
5 arrests relating to looting and injury of one officer and numerous structure fires putting protesters and
6 first responders in peril. Demonstration activities occurring on May 31 resulted in 80 arrests and
7 seizure of several weapons and contraband.” Except as expressly admitted herein, Defendant denies
8 the remaining allegations of this paragraph.

9 40. Answering the allegations of Paragraph 40, the paragraph states legal conclusions to
10 which no response is required. To the extent a response is necessary, Defendant denies the allegations
11 of this paragraph.

12 41. Answering the allegations of Paragraph 41, Defendant admits that the contents of the
13 cited portions of the Ordinance, S.F. Admin. Code §§ 19B.2 & 19B.7, speak for themselves. Further
14 answering, the paragraph states legal conclusions to which no response is required. Except as
15 expressly admitted herein, Defendant denies the remaining allegations of this paragraph.

16 42. Answering the allegations of Paragraph 42, Defendant states that it did not acquire or
17 use the USBID’s camera network. Defendant states that it lacks information sufficient to form a belief
18 as to the truth of the remaining allegations in said paragraph, and denies the same on that basis.

19 43. Answering the allegations of Paragraph 43, Defendant admits that the contents of the
20 cited portion of the Ordinance, S.F. Admin. Code § 19B.8(a), speak for themselves. Except as
21 expressly admitted herein, Defendant denies the remaining allegations of this paragraph.

22 44. Answering the allegations of Paragraph 44, Defendant denies the allegations of this
23 paragraph, and denies that the SFPD engaged in unlawful surveillance or violated the Ordinance.

24 45. Answering the allegations of Paragraph 45, Defendant incorporates by references its
25 answers to the above paragraphs as if set forth fully herein.

26 46. Answering the allegations of Paragraph 46, Defendant admits that the contents of the
27 Ordinance, as set forth in S.F. Admin Code §§ 19B.2(a)(2), (3), and (4) speak for themselves. Further
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1 answering, the paragraph states legal conclusions to which no response is required. Except as
2 expressly admitted herein, the allegations of this paragraph are denied.

3 47. Answering the allegations of Paragraph 47, the paragraph states legal conclusions to
4 which no response is required. To the extent a response is necessary, Defendant denies the allegations
5 of this paragraph.

6 **ANSWER TO PRAYER FOR RELIEF**

7 Defendant denies each and every legal conclusion and factual assertion in the Prayer for Relief,
8 and further denies that Plaintiffs Hope Williams, Nathan Sheard, and Nestor Reyes are entitled to any
9 of the relief they seek.

10 **AFFIRMATIVE DEFENSES**

11 Without conceding that it has the burden of proof as to any of these matters, San Francisco
12 alleges on information and belief the following affirmative defenses. By setting forth these affirmative
13 defenses, San Francisco does not assume the burden of proving any fact, issue, or element of a cause
14 of action where such burden properly belongs with Plaintiffs. Moreover, nothing stated in any of these
15 affirmative defenses is intended or shall be construed as an acknowledgment that any particular issue
16 or subject matter is relevant to the Complaint's allegations.

17 1. The Complaint, and every purported cause of action therein against San Francisco, fails
18 to state facts sufficient to constitute a cause of action.

19 2. Plaintiffs are barred from recovery under the doctrine of mootness.

20 3. Plaintiffs' claims are barred, in whole or in part, because Plaintiffs lack standing to
21 bring some or all of the claims alleged.

22 4. Plaintiffs are not entitled to any relief, insofar as San Francisco substantially complied
23 with all applicable laws, and to the extent that San Francisco made any error, such error was not
24 prejudicial.

25 5. The relief that Plaintiffs seek, if granted, would not confer a public benefit.

26 6. The relief Plaintiffs seek, if granted, would compel San Francisco to act in a manner
27 contrary to public policy.

1 7. Plaintiffs cannot obtain a restraining order, preliminary injunction, or other form of
2 interim relief based on the contentions set forth in the Complaint.

3 8. San Francisco has not knowingly or intentionally waived any applicable affirmative
4 defense. San Francisco reserves the right to assert and to rely upon such other defenses as may
5 become available or apparent during discovery proceedings, and to amend its answer and/or
6 affirmative defenses accordingly. San Francisco further reserves the right to amend its answer to
7 delete affirmative defenses that it determines are not applicable after subsequent discovery.

8 **SAN FRANCISCO’S PRAYER FOR RELIEF**

9 WHEREFORE, San Francisco prays for relief as follows:

- 10 1. That Plaintiffs take nothing by their Complaint.
- 11 2. That the Complaint be dismissed with prejudice and judgment entered in favor of San
12 Francisco.
- 13 3. That San Francisco be awarded its costs, including reasonable attorney’s fees, incurred
14 in the defense of this action.
- 15 4. For such other and further relief as the Court may deem just.

16 Dated: January 29, 2021

17 DENNIS J. HERRERA
18 City Attorney
19 WAYNE K. SNODGRASS
20 Deputy City Attorney

21 By: s/Wayne K. Snodgrass
22 WAYNE K. SNODGRASS

23 Attorneys for Defendant
24 CITY AND COUNTY OF SAN FRANCISCO
25
26
27
28

PROOF OF SERVICE

I, Pamela Cheeseborough, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney’s Office of San Francisco, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

On January 29, 2021, I served the following document(s):

DEFENDANT CITY AND COUNTY OF SAN FRANCISCO’S FIRST AMENDED ANSWER TO COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

on the following persons at the locations specified:

Saira Hussain, Esq.
Adam Schwartz, Esq.
ELECTRONIC FRONTIER FOUNDATION
815 Eddy Street
San Francisco, CA ~4109
Telephone.: (415) 436-9333
Facsimile: (415) 436-9993
Email: saira@eff.org
adam@eff.org

Matthew Cagle, Esq.
ACLU FOUNDATION OF NORTHERN CALIFORNIA, INC.
39 Drumm Street
San Francisco, CA 94111
Telephone.: (415) 621-2493
Facsimile: (415) 255-1478
Email: mcagle@aclunc.org

[Co-Counsel for Plaintiffs HOPE WILLIAMS, NATHAN SHEARD, and NESTOR REYES]

[Co-Counsel for Plaintiffs HOPE WILLIAMS, NATHAN SHEARD, and NESTOR REYES]

[VIA E-SERVICE & E-MAIL]

[VIA E-MAIL]

in the manner indicated below:

BY ELECTRONIC MAIL: Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the person(s) at the electronic service address(es) listed above. Such document(s) were transmitted *via* electronic mail from the electronic address: pamelacheeseborough@sfcityatty.org in portable document format ("PDF") Adobe Acrobat or in Word document format. OR

BY ELECTRONIC-SERVICE: Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be served electronically through **File & ServeExpress** in portable document format ("PDF") Adobe Acrobat.

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

Executed January 29, 2021, at San Francisco, California.



Pamela Cheeseborough

Exhibit H

1 SAIRA HUSSAIN (SBN 300326)
ADAM SCHWARTZ (SBN 309491)
2 ELECTRONIC FRONTIER FOUNDATION
815 Eddy Street
3 San Francisco, CA 94109
4 Tel.: (415) 436-9333
Fax: (415) 436-9993
5 Email: saira@eff.org
adam@eff.org

6
7 MATTHEW CAGLE (SBN 286101)
ACLU FOUNDATION OF NORTHERN CALIFORNIA, INC.
8 39 Drumm Street
San Francisco, CA 94111
9 Tel.: (415) 621-2493
Fax: (415) 255-1478
10 Email: mcagle@aclunc.org

11 *Attorneys for Plaintiffs*

12
13 **SUPERIOR COURT OF CALIFORNIA**
14 **IN AND FOR THE COUNTY OF SAN FRANCISCO**
15

16
17 HOPE WILLIAMS, NATHAN SHEARD, and
18 NESTOR REYES,
19 Plaintiffs,

20 v.

21 CITY AND COUNTY OF SAN FRANCISCO,
22 Defendant.
23

Case No.: CGC-20-587008

**PLAINTIFFS' REQUEST FOR
ADMISSIONS, SET ONE**

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PROPOUNDING PARTIES: Plaintiffs Hope Williams, Nathan Sheard, and Nestor Reyes

RESPONDING PARTY: Defendant City and County of San Francisco

SET NUMBER One

TO DEFENDANT AND ITS ATTORNEYS OF RECORD:

Pursuant to section 2033 *et seq.* of the Code of Civil Procedure, Plaintiffs request that Defendant City and County of San Francisco respond, in writing and under oath, to the following Requests for Admission within thirty (30) days from the date of service. Please note that Form Interrogatory Set One, No. 17.1 applies to these Requests for Admissions.

INSTRUCTIONS

1. As used in this discovery request, and as necessary to bring within its scope any information which otherwise might be outside of its scope:
 - a. The singular form of a word shall be interpreted to include the plural, and the plural to include the singular.
 - b. “And” shall be interpreted to include “or,” and “or” to include “and.”
 - c. “Including” shall be interpreted as “including but not limited to.”
2. With respect to any objections YOU have in responding to a discovery request, state YOUR objections and reasons for not responding, and state all factual and legal justification that YOU believe support the objection or failure to answer. If YOU object to answering only part of a discovery request, please specify the part to which YOU object and respond to the remainder.
3. With respect to any information that YOU withhold on a claim of privilege, please provide a statement setting forth:
 - a. A brief description of the nature and subject matter of the information; and
 - b. The statute, rule, or decision that is claimed to give rise to the privilege.

1 **DEFINITIONS**

2 1. The term "ACCESS" shall mean any accessing, viewing, or monitoring of any REMOTE,
3 REAL-TIME LINK. "ACCESS" includes, but is not limited to, any INDIVIDUAL observing any
4 kind of information through the link, or checking the link to make sure it works.

5 2. The term "CAMERA NETWORK" shall mean any network of cameras operated and
6 maintained by a Business Improvement District.

7 3. The term "INDIVIDUAL" shall mean a natural person.

8 4. The term "ORDINANCE" shall mean the Acquisition of Surveillance Technology
9 Ordinance, codified in San Francisco Administrative Code, Chapter 19B *et seq.*

10 5. The term "REMOTE, REAL-TIME LINK" shall mean any means of accessing, viewing, or
11 monitoring in real time any Business Improvement District CAMERA NETWORK from a remote
12 location.

13 6. The term "THIS LAWSUIT" shall mean the above-captioned matter, Williams v. San
14 Francisco, No. CGC-20-587008.

15 7. The term "USBID" shall mean the Union Square Business Improvement District.

16 8. The term "YOU" and "YOUR" shall mean Defendant City and County of San Francisco,
17 and all of its divisions, programs, boards, and offices, including but not limited to the San Francisco
18 Police Department, and each of its agents, attorneys, officers, directors, managers, employees, or
19 others acting on its behalf.

20 **REQUEST FOR ADMISSIONS**

21 **Request for Admission No. 1:**

22 Admit that in May and June 2020, YOU ACCESSED the REMOTE, REAL-TIME LINK to
23 the USBID CAMERA NETWORK.

24
25 **Request for Admission No. 2:**

26 Admit that YOU did not seek, nor did YOU receive, approval from the Board of
27 Supervisors, pursuant to the ORDINANCE, prior to obtaining a REMOTE, REAL-TIME LINK to
28 the USBID CAMERA NETWORK in May and June 2020.

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Request for Admission No. 3:

Admit that the following website is controlled and maintained by YOU:
<https://www.sanfranciscopolice.org/your-sfpd/policies/19b-surveillance-technology-policies>.

Request for Admission No. 4:

Admit that Exhibit 1 attached hereto is a genuine copy of the information displayed at the website in Request for Admission No. 3, as of February 18, 2021.

Request for Admission No. 5:

Admit that YOU added “Non-City Entity Surveillance Cameras” to the Current Surveillance Technology Inventory page, attached hereto as Exhibit 1, on YOUR website following the initiation of THIS LAWSUIT.

Request for Admission No. 6:

Admit that Exhibit 2 attached hereto is a genuine copy of the email transmitted from SFPD Officer Oliver Lim to USBID Director of Services Chris Boss on May 31, 2020 at 9:38 AM.

Request for Admission No. 7:

Admit that Exhibit 3 attached hereto is a genuine copy of the email transmitted from USBID Director of Services Chris Boss to Dmitri Shimolin and SFPD Officer Oliver Lim on May 31, 2020 at 11:47 AM.

Request for Admission No. 8:

Admit that Exhibit 4 attached hereto is a genuine copy of the email transmitted from SFPD Officer Tiffany Gunter to USBID Director of Services Chris Boss on June 2, 2020 at 12:32 PM.

1 **Request for Admission No. 9:**

2 Admit that Exhibit 5 attached hereto is a genuine copy of the email transmitted from USBID
3 Director of Services Chris Boss to SFPD Officers Tiffany Gunter and Oliver Lim on June 2, 2020 at
4 1:53 PM.

5
6 **Request for Admission No. 10:**

7 Admit that Exhibit 6 attached hereto is a genuine copy of the email transmitted from SFPD
8 Officer Tiffany Gunter to USBID Director of Services Chris Boss on June 10, 2020 at 9:06 AM.

9
10 **Request for Admission No. 11:**

11 Admit that Exhibit 7 attached hereto is a genuine copy of the email transmitted from SFPD
12 Officer Oliver Lim to USBID Director of Services Chris Boss on June 10, 2020 at 10:14 AM.

13
14 Dated: February 19, 2021

By: /s/ Saira Hussain
SAIRA HUSSAIN

15 SAIRA HUSSAIN (SBN 300326)
16 ADAM SCHWARTZ (SBN 309491)
17 ELECTRONIC FRONTIER FOUNDATION
815 Eddy Street
18 San Francisco, CA 94109
Tel.: (415) 436-9333
19 Fax: (415) 436-9993
Email: saira@eff.org
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ACLU FOUNDATION OF
NORTHERN CALIFORNIA, INC.
39 Drumm Street
San Francisco, CA 94111
Tel.: (415) 621-2493
Fax: (415) 255-1478
Email: mcagle@aclunc.org

20
21 *Attorneys for Plaintiffs Williams and*
22 *Reyes*

Attorney for Plaintiffs Williams, Sheard,
and Reyes

Exhibit 1



19B Surveillance Technology Policies

Home / Your SFPD / Policies / 19B Surveillance Technology Policies

In 2019, San Francisco's Board of Supervisors passed the [Acquisition of Surveillance Technology Ordinance](#) banning the use of Facial Recognition Technology, with limited exceptions, and requiring public posting of current surveillance technologies in possession or use by city departments. The ordinance also requires the [Committee on Information Technology \(COIT\)](#) to help develop, review and approve policies for all surveillance technologies in possession or in use by each City department before sending their recommendations to the Board of Supervisors. 19B requires each policy to be approved by the COIT, City Department, the Mayor, the City Attorney and the Board of Supervisors.

This City Ordinance defines a "Surveillance Technology" as: A software, electronic device, system using an electronic device, or similar device used, designed, or primarily intended to collect, retain, process, or share audio, electronic, visual, location, thermal, biometric, olfactory or similar information specifically associated with, or capable or being associated with, any individual or group.

Below is the inventory list of Surveillance Technologies that SFPD uses or has in its possession. Each technology listed is required to have a policy approved through the processes outlined in SF Admin Code 19B. This page will be updated as each policy is approved.

Current Surveillance Technology Inventory

Analysis software (Genemapper, Verogen sequencing software, STRmix)	Fiber Optic Camera	OpenText™ EnCase™ Forensic
Andros Robotics w/ Camera and Audio	FLIR Voyager cameras	Pen Link "PLX"
Automated License Plate Reader (ALPR)	Forensic Toolkit, or FTK	Pole Camera
Avatar Tactical Robot camera	GPS Tracking Device	Qiagen EZ1 or EZ2 extraction robots
Blackbag BlackLight	GrayKey	Qiagen Qiacubes
Body Worn Cameras (Axon)	HNT Throw Phone / Camera	QinetiQ Robotics w/ Camera and Audio
Cell Hawk	IP Cameras (Digital Cameras)	Recon Scout camera
Cellebrite	iRobot	RFID Scanner
City Department Surveillance Cameras	Life Tech 7500 or RT-PCR instruments	SeaFLIR II camera
Cogent ABIS (Automatic Biometric Identification System)	Life Technology 3500 and 3130xl Capillary Electrophoresis instruments	ShotSpotter
CommPort Tech (Under Vehicle Camera)	Lil Ears Microphone	SWAT Camera
Dataminr First Alert	MacQuisition	Tactical Electronics Fiber Scope camera
DataWorksPlus Digital Crime Scene system	Magnet Forensics	Thermalcyclers
DataWorksPlus Digital Photo Manager system	Non-City Entity Surveillance Cameras	Under Door Camera
		Vertmax Camera

If you have questions or concerns about any of the above listed technologies or want to submit a written allegation of violation of 19B, please contact SFPDChief@sfgov.org.

Contact Us

Emergency Phone 9-1-1

Non-Emergency Phone 1-415-553-0123

City Services & Questions 3-1-1



Career Opportunities

- Civilian Job Openings
- Sworn Job Openings
- SFPD Academy
- Salary & Benefits

Police Commission

- Policies
- About the Commission
- Commission Meetings
- Commissioner Bios
- Commend an Officer
- Department of Police Accountability

Accessibility

- Language Assistance Services
- Sitemap

GO TO SUBMIT SFPD FEEDBACK

Exhibit 2

Chris Boss

From: Lim, Oliver (POL) <Oliver.Lim@sfgov.org>
Sent: Sunday, May 31, 2020 9:38 AM
To: Chris Boss
Subject: Union Square BID Camera request

Good morning Chris:

I hope this email finds you well. I apologize for contacting you on the weekend. I was directed by my Captain to request for the Union Square BID cameras on Market St to monitor the potential violence today for situational awareness and enhanced response. I would greatly appreciate your consideration in this request. Thank you.

Respectfully,
Oliver

Officer Oliver Lim #2001
San Francisco Police Department
Homeland Security Unit
1700 17th Street
San Francisco, CA 94103
Cell: 415-589-1539
Desk: 415-832-8402

Exhibit 3

From: Chris Boss <Chris@unionsquarebid.com>
Sent: Sunday, May 31, 2020 11:47 AM
To: Dmitri Shimolin
Cc: Lim, Oliver (POL)
Subject: Fwd: Union Square BID Camera request

Dmitri,

We have approved this request to provide access to all of our cameras for tonight and tomorrow night. Can you grant 48 hour remote access to Oliver?

Chris Boss
Director of Services
Union Square Business Improvement District

323 Geary Street, Suite 203
San Francisco, CA 94102
www.visitunionsquaresf.com

Member Services: 415-781-4456

From: Lim, Oliver (POL) <Oliver.Lim@sfgov.org>
Sent: Sunday, May 31, 2020 9:38:28 AM
To: Chris Boss <Chris@unionsquarebid.com>
Subject: Union Square BID Camera request

Good morning Chris:

I hope this email finds you well. I apologize for contacting you on the weekend. I was directed by my Captain to request for the Union Square BID cameras on Market St to monitor the potential violence today for situational awareness and enhanced response. I would greatly appreciate your consideration in this request. Thank you.

Respectfully,
Oliver

Officer Oliver Lim #2001
San Francisco Police Department
Homeland Security Unit
1700 17th Street
San Francisco, CA 94103
Cell: 415-589-1539
Desk: 415-832-8402

Exhibit 4

Chris Boss

From: Gunter, Tiffany (POL) <Tiffany.L.Gunter@sfgov.org>
Sent: Tuesday, June 2, 2020 12:32 PM
To: Chris Boss
Subject: Extension request

Hi Chris,

I know the you have been working with my colleague, Oliver Lim, but he was called out on our specialist team in response to the demonstrations. I work in the same office and have been tasked by our Captain to reach out to see if can extend our request for you BID cameras. We greatly appreciate you guys allowing us access for the past 2 days but we are hoping to extend our access through the weekend. We have several planned demos all week and we anticipate several more over the weekend which are the ones we worry will turn violent again.

Please let me know if we need to do anything on our end or anything else that you need from us.

Again, thank you for the access thus far and for considering this request.
Tiffany

Ofc Tiffany Gunter #1840
SFPD HSU/DOC
415-969-1500

Exhibit 5

From: Chris Boss <Chris@unionsquarebid.com>
Sent: Tuesday, June 2, 2020 1:53 PM
To: Gunter, Tiffany (POL) <Tiffany.L.Gunter@sfgov.org>
Cc: Lim, Oliver (POL) <Oliver.Lim@sfgov.org>
Subject: RE: Extension request

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

Tiffany,
I appreciate you reaching out. I have received the request and am reviewing with our Executive Director for approval. If approved I will notify AVS to provide the access and will also follow up with you.

Best,

Chris Boss | Director of Services



Union Square Business Improvement District

Email: chris@unionsquarebid.com
Office: 415-781-7880 x106
323 Geary Street, Suite 203
San Francisco, CA 94102

Member Services: 415-781-4456 CleanAndSafe@UnionSquareBID.com
Video Requests: Video.Request@UnionSquareBID.com

 www.VisitUnionSquareSF.com



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Supporting Businesses & First Responders, Relief Programs,
Restaurants, Services

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From: Gunter, Tiffany (POL) <Tiffany.L.Gunter@sfgov.org>

Sent: Tuesday, June 2, 2020 12:32 PM

To: Chris Boss <Chris@unionsquarebid.com>

Subject: Extension request

Hi Chris,

I know the you have been working with my colleague, Oliver Lim, but he was called out on our specialist team in response to the demonstrations. I work in the same office and have been tasked by our Captain to reach out to see if can extend our request for you BID cameras. We greatly appreciate you guys allowing us access for the past 2 days but we are hoping to extend our access through the weekend. We have several planned demos all week and we anticipate several more over the weekend which are the ones we worry will turn violent again.

Please let me know if we need to do anything on our end or anything else that you need from us.

Again, thank you for the access thus far and for considering this request.

Tiffany

Ofc Tiffany Gunter #1840

SFPD HSU/DOC

415-969-1500

Exhibit 6

From: Gunter, Tiffany (POL) <Tiffany.L.Gunter@sfgov.org>

Sent: Wednesday, June 10, 2020 9:06 AM

To: Chris Boss <Chris@unionsquarebid.com>

Cc: Lim, Oliver (POL) <Oliver.Lim@sfgov.org>; Padrones, Robert (POL) <robert.padrones@sfgov.org>

Subject: Re: Extension request

Hi Chris,

I just wanted to follow up and say thank you for assisting us with our request for the use of your cameras during this period of civil unrest and rioting. They were extremely helpful in giving us situational awareness and ensuring public safety during the multiple demos that came through the area.

Please reach out anytime if you need anything from us.

Thank you again and stay safe.

Tiffany

Ofc Tiffany Gunter #1840

SFPD HSU/DOC

415-969-1500

From: Chris Boss <Chris@unionsquarebid.com>
Sent: Tuesday, June 2, 2020 1:53 PM
To: Gunter, Tiffany (POL) <Tiffany.L.Gunter@sfgov.org>
Cc: Lim, Oliver (POL) <Oliver.Lim@sfgov.org>
Subject: RE: Extension request

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

Tiffany,

I appreciate you reaching out. I have received the request and am reviewing with our Executive Director for approval. If approved I will notify AVS to provide the access and will also follow up with you.

Best,

Chris Boss | Director of Services



Union Square Business Improvement District

Email: chris@unionsquarebid.com

Office: 415-781-7880 x106
323 Geary Street, Suite 203
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Video Requests: Video.Request@UnionSquareBID.com



www.VisitUnionSquareSF.com



We Are Here For You

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Restaurants, Services



Learn More

From: Gunter, Tiffany (POL) <Tiffany.L.Gunter@sfgov.org>

Sent: Tuesday, June 2, 2020 12:32 PM

To: Chris Boss <Chris@unionsquarebid.com>

Subject: Extension request

Hi Chris,

I know the you have been working with my colleague, Oliver Lim, but he was called out on our specialist team in response to the demonstrations. I work in the same office and have been tasked by our Captain to reach out to see if can extend our request for you BID cameras. We greatly appreciate you guys allowing us access for the past 2 days but we are hoping to extend our access through the weekend. We have several planned demos all week and we anticipate several more over the weekend which are the ones we worry will turn violent again.

Please let me know if we need to do anything on our end or anything else that you need from us.

Again, thank you for the access thus far and for considering this request.

Tiffany

Ofc Tiffany Gunter #1840

SFPD HSU/DOC

415-969-1500

Exhibit 7

From: Lim, Oliver (POL) <Oliver.Lim@sfgov.org>

Sent: Wednesday, June 10, 2020 10:14:53 AM

To: Chris Boss <Chris@unionsquarebid.com>; Gunter, Tiffany (POL) <Tiffany.L.Gunter@sfgov.org>

Cc: Padrones, Robert (POL) <robert.padrones@sfgov.org>

Subject: Re: Extension request

Hi Chris

I just want to echo what Tiffany said and thank you for your assistance on such short notice. I especially want to thank you for Dmitri's assistance in setting everything up. He really went out of his way to make sure we were up and running. It is greatly appreciated. Thanks.

Oliver

Officer Oliver Lim #2001

San Francisco Police Department

Homeland Security Unit

Cell 415 589 1539

From: Chris Boss <Chris@unionsquarebid.com>

Sent: Wednesday, June 10, 2020 9:24 AM

To: Gunter, Tiffany (POL)

Cc: Lim, Oliver (POL); Padrones, Robert (POL)

Subject: RE: Extension request

Glad we could be of assistance. Let us know if you need anything in the future.

Best,

Chris Boss | Director of Services



Union Square Business Improvement District

Email: chris@unionsquarebid.com

Office: 415-781-7880 x106

323 Geary Street, Suite 203

San Francisco, CA 94102

Member Services: 415-781-4456 CleanAndSafe@UnionSquareBID.com

Video Requests: Video.Request@UnionSquareBID.com



www.VisitUnionSquareSF.com



From: Gunter, Tiffany (POL) <Tiffany.L.Gunter@sfgov.org>

Sent: Wednesday, June 10, 2020 9:06 AM

To: Chris Boss <Chris@unionsquarebid.com>

Cc: Lim, Oliver (POL) <Oliver.Lim@sfgov.org>; Padrones, Robert (POL) <robert.padrones@sfgov.org>

Subject: Re: Extension request

Hi Chris,

I just wanted to follow up and say thank you for assisting us with our request for the use of your cameras during this period of civil unrest and rioting. They were extremely helpful in giving us situational awareness and ensuring public safety during the multiple demos that came through the area.

Please reach out anytime if you need anything from us.

Thank you again and stay safe.

Tiffany

Ofc Tiffany Gunter #1840

SFPD HSU/DOC

415-969-1500

From: Chris Boss <Chris@unionsquarebid.com>
Sent: Tuesday, June 2, 2020 1:53 PM
To: Gunter, Tiffany (POL) <Tiffany.L.Gunter@sfgov.org>
Cc: Lim, Oliver (POL) <Oliver.Lim@sfgov.org>
Subject: RE: Extension request

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Tiffany,

I appreciate you reaching out. I have received the request and am reviewing with our Executive Director for approval. If approved I will notify AVS to provide the access and will also follow up with you.

Best,

Chris Boss | Director of Services



Union Square Business Improvement District

Email: chris@unionsquarebid.com

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Supporting Businesses & First Responders, Relief Programs,
Restaurants, Services



Learn More

From: Gunter, Tiffany (POL) <Tiffany.L.Gunter@sfgov.org>
Sent: Tuesday, June 2, 2020 12:32 PM
To: Chris Boss <Chris@unionsquarebid.com>
Subject: Extension request

Hi Chris,

I know the you have been working with my colleague, Oliver Lim, but he was called out on our specialist team in response to the demonstrations. I work in the same office and have been tasked by our Captain to reach out to see if can extend our request for you BID cameras. We greatly appreciate you guys allowing us access for the past 2 days but we are hoping to extend our access through the weekend. We have several planned demos all week and we anticipate several more over the weekend which are the ones we worry will turn violent again.

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Tiffany

Ofc Tiffany Gunter #1840

SFPD HSU/DOC

415-969-1500

Exhibit I

1 SAIRA HUSSAIN (SBN 300326)
ADAM SCHWARTZ (SBN 309491)
2 ELECTRONIC FRONTIER FOUNDATION
815 Eddy Street
3 San Francisco, CA 94109
4 Tel.: (415) 436-9333
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7 MATTHEW CAGLE (SBN 286101)
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San Francisco, CA 94111
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Fax: (415) 255-1478
10 Email: mcagle@aclunc.org

11 *Attorneys for Plaintiffs*

12
13 **SUPERIOR COURT OF CALIFORNIA**
14 **IN AND FOR THE COUNTY OF SAN FRANCISCO**
15

16
17 HOPE WILLIAMS, NATHAN SHEARD, and
18 NESTOR REYES,
19 Plaintiffs,
20 v.
21 CITY AND COUNTY OF SAN FRANCISCO,
22 Defendant.

Case No.: CGC-20-587008

**PLAINTIFFS' FIRST SET OF
SPECIAL INTERROGATORIES
PROPOUNDED TO DEFENDANT
CITY AND COUNTY OF SAN
FRANCISCO**

1 PROPOUNDING PARTIES: Plaintiffs Hope Williams, Nathan
2 Sheard, and Nestor Reyes

3 RESPONDING PARTY: Defendant City and County of San
4 Francisco

5 SET NUMBER One

6 **TO DEFENDANT AND ITS ATTORNEYS OF RECORD:**

7 Pursuant to section 2030.010 et seq. of the Code of Civil Procedure, Plaintiffs request that
8 Defendant City and County of San Francisco respond, in writing and under oath, to the following
9 set of special interrogatories within thirty (30) days from the date of service.

10 **INSTRUCTIONS**

11 1. As used in this discovery request, and as necessary to bring within its scope any information
12 which otherwise might be outside of its scope:

- 13 a. The singular form of a word shall be interpreted to include the plural, and the plural
14 to include the singular.
15 b. “And” shall be interpreted to include “or,” and “or” to include “and.”
16 c. “Including” shall be interpreted as “including but not limited to.”

17 2. With respect to any objections YOU have in responding to a discovery request, state YOUR
18 objections and reasons for not responding, and state all factual and legal justification that YOU
19 believe support the objection or failure to answer. If YOU object to answering only part of a
20 discovery request, please specify the part to which YOU object and respond to the remainder.

21 3. With respect to any information that YOU withhold on a claim of privilege, please provide a
22 statement setting forth:

- 23 a. A brief description of the nature and subject matter of the information; and
24 b. The statute, rule, or decision that is claimed to give rise to the privilege.

25 **DEFINITIONS**

26 1. The term “ACCESS” shall mean any accessing, viewing, or monitoring of any REMOTE,
27 REAL-TIME LINK. “ACCESS” includes, but is not limited to, any INDIVIDUAL observing any
28

1 kind of information through the link, or checking the link to make sure it works.

2 2. The term "AUDIT SYSTEM" shall mean any mechanism used to automatically or manually
3 document ACCESS to a REMOTE, REAL-TIME LINK.

4 3. The term "BID" shall mean any Business Improvement District or Community Benefit
5 District located in the state of California.

6 4. The term "CAMERA NETWORK" shall mean any network of cameras operated and
7 maintained by a BID.

8 5. The term "CONCERNING" shall mean relating to, pertaining to, referring to, mentioning,
9 commenting on, connected with, discussing, describing, documenting, analyzing, explaining,
10 showing, reflecting, dealing with, comprising, consisting of, containing, constituting, resulting
11 from, or recording a particular subject in whole or in part and either directly or indirectly.

12 6. The term "DOCUMENT" or "DOCUMENTS" shall mean the most comprehensive and
13 inclusive interpretation of sections 2031.010 and 2016.020 of the Code of Civil Procedure and
14 includes, without limitation, the original and all non-identical copies (including those with any
15 notations, marks, alterations, comments or other changes) and means information responsive to the
16 request in whatever form the information exists in YOUR possession, custody, or control, or known
17 to YOU even though not actually in YOUR possession. DOCUMENT or DOCUMENTS includes,
18 but shall not be limited to, all handwritten, typed, printed, or otherwise visually or orally recorded
19 materials, whether originals, copies, drafts, or translations within YOUR possession, custody, or
20 control, including without limitation: agreements and contracts; correspondence; reports, notes and
21 memoranda; summaries, minutes, notes and records of telephone conversations, meetings and
22 conferences; reports and/or summaries of investigations, including police reports and summaries;
23 opinions and reports of experts and consultants; statements of persons having knowledge of relevant
24 facts; cablegrams and telex messages; emails and voice mail messages; facsimile transmissions;
25 patents, registrations of service or trademarks, copyrights, and applications for each of them;
26 opinions of counsel; sales records, including purchase orders, order acknowledgments, invoices and
27 books of account; statements, bills, checks and vouchers; brochures, pamphlets, catalogs, sales
28 literature and sales promotion material; advertisements; trade letters, notices and announcements,

1 and press releases; specification sheets and diagrams; warranty forms; notebooks, data sheets,
2 microfilm, microfiche, photographic negatives, architectural diagrams, blueprints, schematics, logic
3 diagrams, timing diagrams, pictures, photographs; all data or information stored on computer-
4 readable media, such as electro-magnetic or other disks, diskettes, hard disk drives, tapes,
5 cartridges, and CD-ROM, including without limitation software, firmware, source code and
6 electronic mail including without limitation attachments thereto; software, firmware and source
7 code not stored on computer-readable media; and all writings as that term is defined by section 250
8 of the California Evidence Code.

9 7. The term "IDENTIFY" shall mean:

- 10 a. when referring to an INDIVIDUAL, to the extent known, to provide the: (i) full
11 name, (ii) present or last known address, and (iii) present or last known place of
12 employment. Once a person has been identified in accordance with this
13 subparagraph, only the name of that person need be listed in response to
14 subsequent discovery requesting the identification of that person.
- 15 b. when referring to DOCUMENTS, to the extent known, to provide the: (i) type of
16 document; (ii) general subject matter; (iii) date of the document; (iv) author or
17 authors, according to the document; and (v) persons to whom, according to the
18 document, the document (or a copy) was to have been sent.

19 8. The term "INDIVIDUAL" shall mean a natural person.

20 9. The term "REMOTE, REAL-TIME LINK" shall mean any means of accessing, viewing, or
21 monitoring in real time any BID CAMERA NETWORK from a remote location.

22 10. The term "SURVEILLANCE TECHNOLOGY" shall mean the same as the term does in the
23 Acquisition of Surveillance Technology Ordinance, San Francisco Administrative Code, section
24 19B.1.

25 11. The term "USBID" shall mean the Union Square Business Improvement District.

26 12. The term "YOU" and "YOUR" shall mean Defendant City and County of San Francisco,
27 and all of its divisions, programs, boards, and offices, including but not limited to the San Francisco
28

1 Police Department, and each of its agents, attorneys, officers, directors, managers, employees, or
2 others acting on its behalf.

3 SPECIAL INTERROGATORIES

4 **Special Interrogatory No. 1:**

5 IDENTIFY each instance in May and June 2020 when YOU ACCESSED the REMOTE,
6 REAL-TIME LINK to the USBID CAMERA NETWORK. For each responsive instance,
7 IDENTIFY all facts (including but not limited to the INDIVIDUAL who ACCESSED, the time and
8 date of the ACCESS, the purpose of the ACCESS, and the information ACCESSED),
9 DOCUMENTS, and INDIVIDUAL witnesses concerning the ACCESS.

11 **Special Interrogatory No. 2:**

12 IDENTIFY the technical methods (e.g., a webpage with a hyperlink or a specialized client
13 program) used to provide YOU with the REMOTE, REAL-TIME LINK to the USBID CAMERA
14 NETWORK in May and June 2020.

16 **Special Interrogatory No. 3:**

17 IDENTIFY each INDIVIDUAL associated with YOU with whom the REMOTE, REAL-
18 TIME LINK to the USBID CAMERA NETWORK was shared in May and June 2020.

20 **Special Interrogatory No. 4:**

21 IDENTIFY each instance in which YOU were granted a REMOTE, REAL-TIME LINK
22 from a BID, including, but not limited to, the 2019 Pride Parade, the 2020 Super Bowl celebrations,
23 and the 2020 Fourth of July celebrations. For each instance, IDENTIFY all facts, DOCUMENTS,
24 and INDIVIDUAL witnesses.

26 **Special Interrogatory No. 5:**

27 IDENTIFY each instance when YOU ACCESSED a REMOTE, REAL-TIME LINK from a
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1 BID CAMERA NETWORK, including but not limited to the 2019 Pride Parade, the 2020 Super
2 Bowl celebrations, and the 2020 Fourth of July celebrations, and not including those instances
3 identified in Special Interrogatory No. 1. For each responsive instance, IDENTIFY all facts
4 (including but not limited to the INDIVIDUAL who ACCESSED, the time and date of the
5 ACCESS, the purpose of the ACCESS, and the information ACCESSED), DOCUMENTS, and
6 INDIVIDUAL witnesses concerning the ACCESS.

7
8 **Special Interrogatory No. 6:**

9 IDENTIFY all facts, DOCUMENTS, and INDIVIDUAL witnesses CONCERNING any
10 AUDIT SYSTEM that YOU use or possess CONCERNING ACCESS to a REMOTE, REAL-TIME
11 LINK to a BID CAMERA NETWORK.

12
13 **Special Interrogatory No. 7:**

14 IDENTIFY each SURVEILLANCE TECHNOLOGY YOU own or possess that does not
15 come in a physical form (e.g., software).

16
17 **Special Interrogatory No. 8:**

18 IDENTIFY each SURVEILLANCE TECHNOLOGY that YOU have the ability to use
19 remotely (e.g., databases or news services).

20
21 **Special Interrogatory No. 9:**

22 Explain what is meant by “Non-City Entity Surveillance Cameras” as listed on the Current
23 Surveillance Technology Inventory page of YOUR website:

24 <https://www.sanfranciscopolice.org/your-sfpd/policies/19b-surveillance-technology-policies>.

25
26 **Special Interrogatory No. 10:**

27 IDENTIFY all facts, DOCUMENTS, and INDIVIDUAL witnesses known to YOU on May
28 31, 2020, CONCERNING the existence of exigent circumstances relating to protest activity in San

1 Francisco following the killing of George Floyd on May 25, 2020.

2
3 **Special Interrogatory No. 11:**

4 IDENTIFY all facts, DOCUMENTS, and INDIVIDUAL witnesses known to YOU on June
5 2, 2020 CONCERNING the existence of exigent circumstances relating to protest activity in San
6 Francisco following the killing of George Floyd on May 25, 2020.

7
8 **Special Interrogatory No. 12:**

9 IDENTIFY all facts, DOCUMENTS, and INDIVIDUAL witnesses known to YOU between
10 May 31 and June 7, 2020, CONCERNING the existence of exigent circumstances relating to protest
11 activity in San Francisco following the killing of George Floyd on May 25, 2020, other than those
12 identified in Special Interrogatories No. 10 and 11.

13
14 **Special Interrogatory No. 13:**

15 IDENTIFY each INDIVIDUAL who assisted in responding to these special interrogatories.

16
17 Dated: February 19, 2021

By: /s/ Saira Hussain
SAIRA HUSSAIN

18
19 SAIRA HUSSAIN (SBN 300326)
20 ADAM SCHWARTZ (SBN 309491)
21 ELECTRONIC FRONTIER FOUNDATION
22 815 Eddy Street
23 San Francisco, CA 94109
24 Tel.: (415) 436-9333
25 Fax: (415) 436-9993
26 Email: saira@eff.org
27 adam@eff.org

MATTHEW CAGLE (SBN 286101)
ACLU FOUNDATION OF
NORTHERN CALIFORNIA, INC.
39 Drumm Street
San Francisco, CA 94111
Tel.: (415) 621-2493
Fax: (415) 255-1478
Email: mcagle@aclunc.org

28
*Attorneys for Plaintiffs Williams and
Reyes*

*Attorney for Plaintiffs Williams, Sheard,
and Reyes*

Exhibit J

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 WAYNE K. SNODGRASS, State Bar #148137
Deputy City Attorney
3 City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
4 San Francisco, California 94102-4682
Telephone: (415) 554-4675
5 Facsimile: (415) 554-4699
E-Mail: wayne.snodgrass@sfcityatty.org

6 Attorneys for Defendant
7 CITY AND COUNTY OF SAN FRANCISCO

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN FRANCISCO
11 UNLIMITED JURISDICTION

12 HOPE WILLIAMS, NATHAN SHEARD, and
13 NESTOR REYES,

14 Plaintiff,

15 vs.

16 CITY AND COUNTY OF SAN
FRANCISCO,

17 Defendant.

Case No. CGC-20-587008

**DEFENDANT CITY AND COUNTY OF SAN
FRANCISCO'S RESPONSES TO PLAINTIFFS'
FIRST REQUEST FOR ADMISSIONS**

Date Action Filed: October 7, 2020
Trial Date: February 22, 2022

1 PROPOUNDING PARTY: Plaintiffs HOPE WILLIAMS, NATHAN SHEARD, and NESTOR REYES

2 RESPONDING PARTY: Defendant CITY AND COUNTY OF SAN FRANCISCO

3 SET NO.: ONE

4 Pursuant to Code of Civil Procedure Sections 2033.010 et seq., Defendant CITY AND
5 COUNTY OF SAN FRANCISCO (“the City” or “Defendant”) responds as follows to Plaintiffs HOPE
6 WILLIAMS, NATHAN SHEARD, and NESTOR REYES’ First Request for Admissions

7 **PRELIMINARY STATEMENT**

8 Defendant’s responses herein are based only upon facts known at this time. Discovery in this
9 case is still ongoing, and during the course of subsequent discovery, Defendant may become aware of
10 supplemental, additional, or other responsive information. Therefore, the following responses and
11 objections are given without prejudice to Defendant’s right to rely on subsequently discovered or
12 recalled information and evidence. Defendant specifically reserves the right to make use of, or to
13 introduce at any hearing and at trial, information discovered or recalled subsequent to the date of these
14 responses, including, without limitation, any information obtained in discovery or by further
15 investigation of this matter. Defendant also reserves the right to update, amend or supplement these
16 responses.

17
18 **RESPONSES TO FIRST REQUEST FOR ADMISSIONS**

19
20 **REQUEST FOR ADMISSIONS NO. 1:**

21 Admit that in May and June 2020, YOU ACCESSED the REMOTE, REAL-TIME LINK to
22 the USBID CAMERA NETWORK.

23 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 1:**

24 Admitted.

25 ///

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2 **REQUEST FOR ADMISSIONS NO. 2:**

3 Admit that YOU did not seek, nor did YOU receive, approval from the Board of Supervisors,
4 pursuant to the ORDINANCE, prior to obtaining a REMOTE, REAL-TIME LINK to the USBID
5 CAMERA NETWORK in May and June 2020.

6 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 2:**

7 Admitted.

8 **REQUEST FOR ADMISSIONS NO. 3:**

9 Admit that the following website is controlled and maintained by YOU:
10 <https://www.sanfranciscopolice.org/your-sfpd/policies/19b-surveillance-technology-policies>.

11 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 3:**

12 Admitted.

13 **REQUEST FOR ADMISSIONS NO. 4:**

14 Admit that Exhibit 1 attached hereto is a genuine copy of the information displayed at the
15 website in Request for Admission No. 3, as of February 18, 2021.

16 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 4:**

17 Admitted.

18 **REQUEST FOR ADMISSIONS NO. 5:**

19 Admit that YOU added "Non-City Entity Surveillance Cameras" to the Current Surveillance
20 Technology Inventory page, attached hereto as Exhibit 1, on YOUR website following the initiation of
21 THIS LAWSUIT.

22 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 5:**

23 Denied.

24 **REQUEST FOR ADMISSIONS NO. 6:**

25 Admit that Exhibit 2 attached hereto is a genuine copy of the email transmitted from SFPD
26 Officer Oliver Lim to USBID Director of Services Chris Boss on May 31, 2020 at 9:38 AM.

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RESPONSE TO REQUEST FOR ADMISSIONS NO. 6:

Admitted.

REQUEST FOR ADMISSIONS NO. 7:

Admit that Exhibit 3 attached hereto is a genuine copy of the email transmitted from USBID Director of Services Chris Boss to Dmitri Shimolin and SFPD Officer Oliver Lim on May 31, 2020 at 11:47 AM.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 7:

Admitted in part and denied in part. Admitted that Exhibit 3 is a genuine copy of the referenced email, but denied that the email was transmitted at 11:47 a.m., inasmuch as the City’s copy of that email shows an 11:48 a.m. transmission time.

REQUEST FOR ADMISSIONS NO. 8:

Admit that Exhibit 4 attached hereto is a genuine copy of the email transmitted from SFPD Officer Tiffany Gunter to USBID Director of Services Chris Boss on June 2, 2020 at 12:32 PM.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 8:

Admitted.

REQUEST FOR ADMISSIONS NO. 9:

Admit that Exhibit 5 attached hereto is a genuine copy of the email transmitted from US BID Director of Services Chris Boss to SFPD Officers Tiffany Gunter and Oliver Lim on June 2, 2020 at 1:53 PM.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 9:

Admitted.

REQUEST FOR ADMISSIONS NO. 10:

Admit that Exhibit 6 attached hereto is a genuine copy of the email transmitted from SFPD Officer Tiffany Gunter to USBID Director of Services Chris Boss on June 10, 2020 at 9:06 AM.

RESPONSE TO REQUEST FOR ADMISSIONS NO. 10:

Admitted.

///

1 **REQUEST FOR ADMISSIONS NO. 11:**

2 Admit that Exhibit 7 attached hereto is a genuine copy of the email transmitted from SFPD
3 Officer Oliver Lim to USBID Director of Services Chris Boss on June 10, 2020 at 10:14 AM.

4 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 11:**

5 Admitted in part and denied in part. Admitted that Exhibit 7 is a genuine copy of the
6 referenced email, but denied that the email was transmitted at 10:14 a.m., inasmuch as the City's copy
7 of that email shows a 10:15 a.m. transmission time.

8
9
10
11 Dated: April 7, 2021

12 DENNIS J. HERRERA
13 City Attorney
14 WAYNE K. SNODGRASS
15 Deputy City Attorney

16 By: Wayne K. Snodgrass
17 WAYNE K. SNODGRASS

18 Attorneys for Defendant
19 CITY AND COUNTY OF SAN FRANCISCO
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VERIFICATION

Hope Williams, et al. vs. City and County of San Francisco
San Francisco Superior Court Case No. CGC-20-587008

1
2
3 I, Lieutenant Arran Pera, declare as follows:

4 I am employed as a Lieutenant with the San Francisco Police Department of the City and
5 County of San Francisco and am authorized to make this verification on its behalf. I have read and
6 know the contents of **DEFENDANT CITY AND COUNTY OF SAN FRANCISCO'S**
7 **RESPONSES TO PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS.** Some of the matters
8 stated in these responses are not within my personal knowledge and there is no individual employee of
9 the City who has personal knowledge of all such matters. These responses were prepared with the
10 assistance of counsel for the City and these responses, subject to inadvertent and undiscovered errors,
11 are based upon and necessarily limited by the records and information still in existence, presently
12 recollected, and thus far discovered in the course of the preparation of these responses. The responses
13 are true to the best of my knowledge, information and belief.

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

16 Executed on April 6, 2021 at San Francisco, California.

17
18 
19 _____
20 LT. ARRAN PERA
21
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PROOF OF SERVICE

I, Pamela Cheeseborough, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney's Office of San Francisco, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

On April 7, 2021, I served the following document(s):

DEFENDANT CITY AND COUNTY OF SAN FRANCISCO'S RESPONSES TO PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS;

VERIFICATION TO DEFENDANT CITY AND COUNTY OF SAN FRANCISCO'S RESPONSES TO PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS

on the following persons at the locations specified:

Saira Hussain, Esq.
Adam Schwartz, Esq.
ELECTRONIC FRONTIER FOUNDATION
815 Eddy Street
San Francisco, CA ~4109
Telephone.: (415) 436-9333
Facsimile: (415) 436-9993
Email: saira@eff.org
adam@eff.org

Matthew Cagle, Esq.
ACLU FOUNDATION OF NORTHERN CALIFORNIA, INC.
39 Drumm Street
San Francisco, CA 94111
Telephone.: (415) 621-2493
Facsimile: (415) 255-1478
Email: mcagle@aclunc.org

[Co-Counsel for Plaintiffs HOPE WILLIAMS, NATHAN SHEARD, and NESTOR REYES]

[Co-Counsel for Plaintiffs HOPE WILLIAMS, NATHAN SHEARD, and NESTOR REYES]

[VIA E-MAIL]

[VIA E-MAIL]

in the manner indicated below:

BY UNITED STATES MAIL: Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

BY ELECTRONIC MAIL: Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the person(s) at the electronic service address(es) listed above. Such document(s) were transmitted *via* electronic mail from the electronic address: pamela.cheeseborough@sfcityatty.org in portable document format ("PDF") Adobe Acrobat or in Word document format. OR

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

Executed April 7, 2021, at San Francisco, California.



Pamela Cheeseborough

Exhibit K

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 WAYNE K. SNODGRASS, State Bar #148137
Deputy City Attorney
3 City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
4 San Francisco, California 94102-4682
Telephone: (415) 554-4675
5 Facsimile: (415) 554-4699
E-Mail: wayne.snodgrass@sfcityatty.org

6 Attorneys for Defendant
7 CITY AND COUNTY OF SAN FRANCISCO

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN FRANCISCO
11 UNLIMITED JURISDICTION

12 HOPE WILLIAMS, NATHAN SHEARD, and
13 NESTOR REYES,

14 Plaintiff,

15 vs.

16 CITY AND COUNTY OF SAN
FRANCISCO,

17 Defendant.

Case No. CGC-20-587008

**DEFENDANT CITY AND COUNTY OF SAN
FRANCISCO'S RESPONSES TO PLAINTIFFS'
FIRST SET OF SPECIAL INTERROGATORIES**

Date Action Filed: October 7, 2020
Trial Date: February 22, 2022

1 PROPOUNDING PARTY: Plaintiffs HOPE WILLIAMS, NATHAN SHEARD, and NESTOR REYES

2 RESPONDING PARTY: Defendant CITY AND COUNTY OF SAN FRANCISCO

3 SET NO.: ONE

4 Defendant CITY AND COUNTY OF SAN FRANCISCO (“the City” or “Defendant”)
5 responds as follows to Plaintiffs HOPE WILLIAMS, NATHAN SHEARD, and NESTOR REYES’
6 First Set of Special Interrogatories:

7 **PRELIMINARY STATEMENT**

8 This Preliminary Statement is incorporated into each of the responses of the Defendant as if set
9 forth in full.

10 Discovery in this action has begun only recently and is still continuing. Defendant has neither
11 completed an investigation of the facts relating to this action, nor discovery, investigation, research,
12 evaluation, and other preparation for trial. For these reasons, Defendant’s objections and responses
13 below are made without prejudice to Defendant’s right, which Defendant hereby expressly reserves, to
14 present at trial, or in pretrial proceedings, subsequently discovered documents or information, or
15 documents or information that are already known but whose relevance, significance, or applicability
16 Defendant has not yet ascertained. Defendant also reserves the right to provide supplemental
17 responses to these Interrogatories, or otherwise supplement, revise or explain the information
18 contained in the responses, in light of information gathered through further investigation and
19 discovery.

20 By objecting and responding to the First Set of Special Interrogatories propounded by Plaintiffs
21 Hope Williams, Nathan Sheard, and Nestor Reyes (“the Interrogatories”), Defendant does not waive
22 the right to object to the use or admission in evidence of the Interrogatories or Defendant’s responses
23 in any subsequent proceeding or trial in this or any other action. Furthermore, by responding,
24 Defendant does not waive the right to object on any ground whatsoever, at any time, to any demand
25 for further responses to these Interrogatories or to any other discovery procedures involving or relating
26 to the subject matter of these Interrogatories.

1 Defendant's responses to these Interrogatories are based on information that is reasonably and
2 currently available to Defendant and that is maintained in the ordinary course of Defendant's business.

3 **RESPONSES TO SPECIAL INTERROGATORIES**

4 **SPECIAL INTERROGATORY NO. 1:**

5 IDENTIFY each instance in May and June 2020 when YOU ACCESSED the REMOTE,
6 REAL-TIME LINK to the USBID CAMERA NETWORK. For each responsive instance, IDENTIFY
7 all facts (including but not limited to the INDIVIDUAL who ACCESSED, the time and date of the
8 ACCESS, the purpose of the ACCESS, and the information ACCESSED), DOCUMENTS, and
9 INDIVIDUAL witnesses concerning the ACCESS.

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 1:**

11 Defendant objects to this interrogatory on the ground that the term "IDENTIFY," although
12 capitalized, is undefined in plaintiffs' special interrogatories in the context of identifying "instances,"
13 making the interrogatory vague and ambiguous. Subject to and without waiving the foregoing
14 objection, defendant responds as follows: During the afternoon or evening of May 31, 2020, Oliver
15 Lim entered the credentials that USBID had provided to SFPD into the Avigilon client program that
16 had been installed on a laptop computer located in the SFPD's Department Operations Center. He did
17 so for for the purpose of verifying whether the credentials and the client program worked, i.e. were
18 effective to connect the laptop to USBID's camera network. Once he saw that they were, he ceased
19 viewing the laptop screen. This was witnessed by Officer Tiffany Gunter and Sergeant Rob Padrones.
20 Documents concerning this occurrence include a 7/28/20 email from Tiffany Gunter to Oliver Lim
21 concerning what SFPD did with the connection USBID had granted; a 7/28/20 email from Oliver Lim
22 to Bassey Obot and Michael Nelson, cc'd to Dack Thompson and Tiffany Gunter, concerning what
23 SFPD did with the connection USBID had granted; a second 7/28/20 email from Oliver Lim to Bassey
24 Obot and Michael Nelson, cc'd to Dack Thompson and Tiffany Gunter, concerning what SFPD did
25 with the connection USBID had granted and a 7/28/20 email from Tiffany Gunter to Ann Mannix
26 concerning what SFPD did with the connection USBID had granted.

1 On somewhere from one to five occasions after the above actions by Officer Lim, Officer
2 Tiffany Gunter briefly viewed the laptop screen, which was otherwise minimized, in the Department
3 Operations Center. Defendant does not know the dates or times on which this occurred. Officer
4 Gunter briefly viewed the screen for purposes of situational awareness, and only to the extent
5 necessary to verify that there were no signs of civilian unrest occurring in the Union Square area. In
6 each instance the views of Union Square showed no such signs, and in each instance Officer Gunter
7 immediately ceased viewing the laptop upon determining that it showed no such unrest.

8 Defendant is unaware of any witnesses to these events.

9 Documents concerning the aforementioned events include a 7/28/20 email from Tiffany Gunter
10 to Oliver Lim concerning what SFPD did with the connection USBID had granted; a 7/28/20 email
11 from Oliver Lim to Basseyy Obot and Michael Nelson, cc'd to Dack Thompson and Tiffany Gunter,
12 concerning what SFPD did with the connection USBID had granted; a second 7/28/20 email from
13 Oliver Lim to Basseyy Obot and Michael Nelson, cc'd to Dack Thompson and Tiffany Gunter,
14 concerning what SFPD did with the connection USBID had granted; a 7/28/20 email from Tiffany
15 Gunter to Ann Mannix concerning what SFPD did with the connection USBID had granted; a 6/2/20
16 email from Tiffany Gunter to Dmitri Shimolin concerning the USBID's surveillance cameras; a
17 6/10/20 email from Tiffany Gunter to Chris Boss, cc/d to Oliver Lim and Rob Padrones.

18 The aforementioned individuals are all employees of defendant and may be contacted through
19 defendant's counsel, with the exception of Chris Boss, who defendant believes is employed by Union
20 Square Business Improvement District, 323 Geary Street Suite 203, San Francisco 94102, tel. (415)
21 781-7880 x. 106, and Dmitri Shimolin, whose address is unknown to defendant, but whose telephone
22 number defendant believes to be (415) 824-1717.

23 **SPECIAL INTERROGATORY NO. 2:**

24 IDENTIFY the technical methods (e.g., a webpage with a hyperlink or a specialized client
25 program) used to provide YOU with the REMOTE, REAL-TIME LINK to the USBID CAMERA
26 NETWORK in May and June 2020.

27 ///

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 2:**

2 Defendant objects to this interrogatory on the ground that the term “IDENTIFY,” although
3 capitalized, is undefined in plaintiffs’ special interrogatories in the context of identifying technical
4 methods, making the interrogatory vague and ambiguous. Subject to and without waiving the
5 foregoing objection, defendant responds as follows: USBID provided the SFPD with credentials to use
6 to log into a commercial client program, known as Avigilon, that SFPD had installed on a laptop,
7 which allowed SFPD remote access to USBID’s camera network.

8 **SPECIAL INTERROGATORY NO. 3:**

9 IDENTIFY each INDIVIDUAL associated with YOU with whom the REMOTE, REAL-TIME
10 LINK to the USBID CAMERA NETWORK was shared in May and June 2020.

11 **RESPONSE TO SPECIAL INTERROGATORY NO. 3:**

12 Defendant objects to this interrogatory on the ground that the term “shared” is undefined,
13 making the interrogatory vague and ambiguous. Subject to and without waiving the foregoing
14 objection, defendant responds as follows: as defendant understands the term “shared,” Officers Oliver
15 Lim and Tiffany Gunter.

16 **SPECIAL INTERROGATORY NO. 4:**

17 IDENTIFY each instance in which YOU were granted a REMOTE, REAL-TIME LINK from
18 a BID, including, but not limited to, the 2019 Pride Parade, the 2020 Super Bowl celebrations, and the
19 2020 Fourth of July celebrations. For each instance, IDENTIFY all facts, DOCUMENTS, and
20 INDIVIDUAL witnesses.

21 **RESPONSE TO SPECIAL INTERROGATORY NO. 4:**

22 Defendant objects to this interrogatory on the ground that the term “IDENTIFY,” although
23 capitalized, is undefined in plaintiffs’ special interrogatories in the context of identifying “instances,”
24 making the interrogatory vague and ambiguous. Defendant further objects to this interrogatory to the
25 extent that it seeks information about events occurring before the effective date of the Acquisition of
26 Surveillance Technology Ordinance, codified at Chapter 19B of the San Francisco Administrative
27 Code, on the ground that such information is neither relevant to the subject matter of this action nor
28

1 reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving
2 the foregoing objection, defendant responds as follows: defendant was granted such a link from
3 USBID for anticipated 2020 Superbowl celebrations on Market Street (involving only the cameras in
4 USBID's camera network that covered the Market Street area) and for the 2020 Fourth of July
5 celebrations. On both occasions Officer Oliver Lim, at the direction of Captain Chris Pedrini, asked
6 Chris Boss of USBID for the ability to access the USBID's surveillance camera network for an
7 operational period of approximately 24 hours or less, and was given credentials to use to log into a
8 commercial client program, known as Avigilon, that SFPD had installed on a laptop, which allowed
9 SFPD remote access to the network. Access was given from 12:00 on July 4, 2020 through 6:00 a.m.
10 on July 5, 2020, and for a comparable period on the day of the Superbowl, February 2, 2020.

11 Documents concerning these events include CCSF 00001-000003; CCSF 000008-000009;
12 CCSF 000058-000061; CCSF 000064-000069; CCSF 000179; CCSF 000180-000184; CCSF 000185-
13 000189;

14 Witnesses concerning these events include Oliver Lim, Tiffany Gunter, Chris Pedrini, Bassey
15 Obot, Rob Padrones, and Michael Nelson, as well as Chris Boss and Dmitri Shimolin.

16 **SPECIAL INTERROGATORY NO. 5:**

17 IDENTIFY each instance when YOU ACCESSED a REMOTE, REAL-TIME LINK from a
18 BID CAMERA NETWORK, including but not limited to the 2019 Pride Parade, the 2020 Super Bowl
19 celebrations, and the 2020 Fourth of July celebrations, and not including those instances identified in
20 Special Interrogatory No. 1. For each responsive instance, IDENTIFY all facts (including but not
21 limited to the INDIVIDUAL who ACCESSED, the time and date of the ACCESS, the purpose of the
22 ACCESS, and the information ACCESSED), DOCUMENTS, and INDIVIDUAL witnesses
23 concerning the ACCESS.

24 **RESPONSE TO SPECIAL INTERROGATORY NO. 5:**

25 Defendant objects to this interrogatory on the ground that the term "IDENTIFY," although
26 capitalized, is undefined in plaintiffs' special interrogatories in the context of identifying "instances,"
27 making the interrogatory vague and ambiguous. Defendant further objects to this interrogatory to the
28

1 extent that it seeks information about events occurring before the effective date of the Acquisition of
2 Surveillance Technology Ordinance, codified at Chapter 19B of the San Francisco Administrative
3 Code, on the ground that such information is neither relevant to the subject matter of this action nor
4 reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving
5 the foregoing objection, defendant responds as follows: on both February 2, 2020 and July 4, 2020,
6 Officer Oliver Lim entered the credentials that USBID had provided to SFPD into the Avigilon client
7 program that had been installed on a laptop computer located in the SFPD's Department Operations
8 Center. He did so for the purpose of verifying whether the credentials and the client program
9 worked, i.e. were effective to connect the laptop to USBID's camera network. Once he saw that they
10 were, he ceased viewing the laptop screen. This was likely witnessed by Officer Tiffany Gunter and
11 possibly also by Sergeant Rob Padrones. To the best of defendant's knowledge, no one further
12 accessed or viewed the network on either occasion.

13 **SPECIAL INTERROGATORY NO. 6:**

14 IDENTIFY all facts, DOCUMENTS, and INDIVIDUAL witnesses CONCERNING any
15 AUDIT SYSTEM that YOU use or possess CONCERNING ACCESS to a REMOTE, REAL-TIME
16 LINK to a BID CAMERA NETWORK..

17 **RESPONSE TO SPECIAL INTERROGATORY NO. 6:**

18 Defendant does not use or possess any such "audit system," as plaintiffs' interrogatories define
19 that term.

20 **SPECIAL INTERROGATORY NO. 7:**

21 IDENTIFY each SURVEILLANCE TECHNOLOGY YOU own or possess that does not come
22 in a physical form (e.g., software).

23 **RESPONSE TO SPECIAL INTERROGATORY NO. 7:**

24 Defendant objects to this interrogatory to the extent it seeks seeks information concerning any
25 SURVEILLANCE TECHNOLOGY that is "owned or possessed" by any department of the City and
26 County of San Francisco other than the San Francisco Police Department, on the grounds that it is
27 overbroad and burdensome and seeks information that is neither relevant to the subject matter of this
28

1 action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further
2 objects to this interrogatory on the ground that the term “IDENTIFY,” although capitalized, is not
3 defined in the context of identifying SURVEILLANCE TECHNOLOGIES, making the interrogatory
4 vague and ambiguous. Defendant further objects on the ground that the term “own or possess” is
5 undefined, also making the interrogatory vague and ambiguous. Subject to and without waiving the
6 foregoing objections, defendant responds as follows: None. SFPD employs multiple surveillance
7 technologies involving software for which SFPD pays third-party vendors for use licenses and
8 maintenance, and the vendor owns the source code, but SFPD but not own or possess such
9 technologies, as defendant understands that term.

10 **SPECIAL INTERROGATORY NO. 8:**

11 IDENTIFY each SURVEILLANCE TECHNOLOGY that YOU have the ability to use
12 remotely (e.g., databases or news services).

13 **RESPONSE TO SPECIAL INTERROGATORY NO. 8:**

14 Defendant objects to this interrogatory to the extent it seeks seeks information concerning any
15 SURVEILLANCE TECHNOLOGY that is “owned or possessed” by any department of the City and
16 County of San Francisco other than the San Francisco Police Department, on the grounds that it is
17 overbroad and burdensome and seeks information that is neither relevant to the subject matter of this
18 action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further
19 objects to this interrogatory on the ground that the term “IDENTIFY,” although capitalized, is not
20 defined in the context of SURVEILLANCE TECHNOLOGIES, making the interrogatory vague and
21 ambiguous. Subject to and without waiving the foregoing objections, defendant responds as follows:
22 as defendant understands the interrogatory, (1) non-city entity surveillance camera networks (through
23 a request process and only upon approval of the entity), (2) ShotSpotter, and (3) Automated License
24 Plate Reader (ALPR).

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1 **SPECIAL INTERROGATORY NO. 9:**

2 Explain what is meant by "Non-City Entity Surveillance Cameras" as listed on the Current
3 Surveillance Technology Inventory page of YOUR website: [https://www.sanfranciscopolice.org/your-](https://www.sanfranciscopolice.org/your-sfpd/policies/19b-surveillance-technology-policies)
4 [sfpd/policies/19b-surveillance-technology-policies](https://www.sanfranciscopolice.org/your-sfpd/policies/19b-surveillance-technology-policies).

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 9:**

6 "Non-City Entity Surveillance Cameras" means any surveillance camera or network of
7 surveillance cameras that SFPD has accessed on more than one occasion that is controlled or operated
8 by any entity other than a department of the City and County of San Francisco.

9 **SPECIAL INTERROGATORY NO. 10:**

10 IDENTIFY all facts, DOCUMENTS, and INDIVIDUAL witnesses known to YOU on May 31,
11 2020, CONCERNING the existence of exigent circumstances relating to protest activity in San
12 Francisco following the killing of George Floyd on May 25, 2020.

13 **RESPONSE TO SPECIAL INTERROGATORY NO. 10:**

14 Defendant objects to this interrogatory on the ground that the term “exigent circumstances” is
15 undefined, making the interrogatory vague and ambiguous. Subject to and without waiving the
16 foregoing objection, defendant responds as follows: the facts known to defendant on May 31, 2020
17 concerning the existence of exigent circumstances relating to protest activity in San Francisco
18 following the killing of George Floyd on May 25, 2020 include the following: there was extensive
19 looting, vandalism, and rioting in the Union Square area on the night of May 30, 2020, which included
20 acts of violence which resulted in injuries to multiple persons such as store employees. Mayor London
21 Breed declared a state of emergency and issued a mandatory curfew order effective 8:00 p.m. on May
22 31. The SFPD made approximately 80 arrests for looting or curfew violations in the Union Square,
23 South of Market, and Market Street areas, some of which resulted in the seizure of a firearm or
24 explosives.

25 Concurrently, there were protests, some of which were accompanied by looting, rioting, and
26 violence, elsewhere in San Francisco, in other cities and even smaller communities around the Bay
27 Area, as well as in a great many other major cities in the United States. Intelligence reports warned
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1 that some persons participating in or otherwise in the vicinity of the protests had attacked and/or were
2 believed to be preparing to attack protestors, bystanders, and/or law enforcement personnel responding
3 to those protests by means including shootings, vehicular assaults, fireworks, and attacks with
4 improvised weapons. In Oakland, one Federal Protective Service officer was killed and another was
5 critically wounded in a drive-by shooting in the vicinity of protests in downtown Oakland on May 29.

6 Because the above events were widespread, witnesses (even only to events occurring in San
7 Francisco) include hundreds of SFPD officer and other law enforcement officers, protestors, and
8 employees and security personnel of looted businesses in Union Square and elsewhere.

9 Documents concerning the above include those identified as CCSF 000018; CCSF 000021-
10 000026; CCSF 000027-000028; CCSF 000029; CCSF 000054-000056; CCSF 000057; CCSF 000095-
11 000101; CCSF 000102; CCSF 000104-0001-6; CCSF 000110-000111; CCSF 000116-000119; CCSF
12 000120-000138; CCSF 000139-000161; CCSF 000220-000232; CCSF 000234-000246; and CCSF
13 000277-000289.

14 **SPECIAL INTERROGATORY NO. 11:**

15 IDENTIFY all facts, DOCUMENTS, and INDIVIDUAL witnesses known to YOU on June 2,
16 2020 CONCERNING the existence of exigent circumstances relating to protest activity in San
17 Francisco following the killing of George Floyd on May 25, 2020.

18 **RESPONSE TO SPECIAL INTERROGATORY NO. 11:**

19 Defendant objects to this interrogatory on the ground that the term “exigent circumstances” is
20 undefined, making the interrogatory vague and ambiguous. Subject to and without waiving the
21 foregoing objection, defendant responds as follows: See response to Special Interrogatory No. 10. The
22 protest activity described therein continued to occur after May 31, 2020, in San Francisco, in other
23 cities and communities in the Bay Area, and in cities across the United States. Looting and the
24 potential for violence remained present in San Francisco, although looting did not recur in Union
25 Square.

26 ///

27 ///

1 Because the above events were widespread, witnesses (even only to events occurring in San
2 Francisco) include hundreds of SFPD officer and other law enforcement officers, protestors, and
3 employees and security personnel of looted businesses in Union Square and elsewhere.

4 Documents concerning the above include all those identified in Response to Interrogatory No.
5 10, as well as CCSF 000252-000256 and CCSF 000257-000259.

6 **SPECIAL INTERROGATORY NO. 12:**

7 IDENTIFY all facts, DOCUMENTS, and INDIVIDUAL witnesses known to YOU between
8 May 31 and June 7, 2020, CONCERNING the existence of exigent circumstances relating to protest
9 activity in San Francisco following the killing of George Floyd on May 25, 2020, other than those
10 identified in Special Interrogatories No. 10 and 11.

11 **RESPONSE TO SPECIAL INTERROGATORY NO. 12:**

12 Defendant objects to this interrogatory on the ground that the term “exigent circumstances” is
13 undefined, making the interrogatory vague and ambiguous. Subject to and without waiving the
14 foregoing objection, defendant responds as follows: See responses to Special Interrogatories Nos. 10
15 and 11. The protest activity described therein continued to occur after June 2, 2020, in San Francisco,
16 in other cities and communities in the Bay Area, and in cities across the United States. Looting and
17 the potential for violence remained present in San Francisco, although looting did not recur in Union
18 Square.

19 Because the above events were widespread, witnesses (even only to events occurring in San
20 Francisco) include hundreds of SFPD officer and other law enforcement officers, protestors, and
21 employees and security personnel of looted businesses in Union Square and elsewhere.

22 Documents concerning the above include all those identified in Responses to Interrogatory
23 Nos. 10 and 11, as well as CCSF 000032-000037 and CCSF 000260-000276.

24 **SPECIAL INTERROGATORY NO. 13:**

25 IDENTIFY each INDIVIDUAL who assisted in responding to these special interrogatories.

26 ///

27 ///

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 13:**

2 Asja Steeves, Tiffany Gunter, Oliver Lim.

3
4 Dated: April 16, 2021

5 DENNIS J. HERRERA
6 City Attorney
7 WAYNE K. SNODGRASS
8 Deputy City Attorney

9 By: Wayne Snodgrass
10 WAYNE K. SNODGRASS

11 Attorneys for Defendant
12 CITY AND COUNTY OF SAN FRANCISCO

VERIFICATION

Hope Williams, et al. vs. City and County of San Francisco
San Francisco Superior Court Case No. CGC-20-587008

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I, Lieutenant Arran Pera, declare as follows:

I am employed as Lieutenant with the San Francisco Police Department of the City and County of San Francisco and am authorized to make this verification on its behalf. I have read and know the contents of **DEFENDANT CITY AND COUNTY OF SAN FRANCISCO'S RESPONSES TO PLAINTIFFS' FIRST SET OF SPECIAL INTERROGATORIES**. Some of the matters stated in these responses are not within my personal knowledge and there is no individual employee of the City who has personal knowledge of all such matters. These responses were prepared with the assistance of counsel for the City and these responses, subject to inadvertent and undiscovered errors, are based upon and necessarily limited by the records and information still in existence, presently recollected, and thus far discovered in the course of the preparation of these responses. The responses are true to the best of my knowledge, information and belief.

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

Executed on April 16, 2021 at San Francisco, California.



LT. ARRAN PERA

PROOF OF SERVICE

I, Pamela Cheeseborough, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney's Office of San Francisco, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

On April 16, 2021, I served the following document(s):

DEFENDANT CITY AND COUNTY OF SAN FRANCISCO'S RESPONSES TO PLAINTIFFS' FIRST SET OF SPECIAL INTERROGATORIES

VERIFICATION TO DEFENDANT CITY AND COUNTY OF SAN FRANCISCO'S RESPONSES TO PLAINTIFFS' FIRST SET OF SPECIAL INTERROGATORIES

on the following persons at the locations specified:

Saira Hussain, Esq.
Adam Schwartz, Esq.
ELECTRONIC FRONTIER FOUNDATION
815 Eddy Street
San Francisco, CA ~4109
Telephone.: (415) 436-9333
Facsimile: (415) 436-9993
Email: saira@eff.org
adam@eff.org

Matthew Cagle, Esq.
ACLU FOUNDATION OF NORTHERN CALIFORNIA, INC.
39 Drumm Street
San Francisco, CA 94111
Telephone.: (415) 621-2493
Facsimile: (415) 255-1478
Email: mcagle@aclunc.org

[Co-Counsel for Plaintiffs HOPE WILLIAMS, NATHAN SHEARD, and NESTOR REYES]

[Co-Counsel for Plaintiffs HOPE WILLIAMS, NATHAN SHEARD, and NESTOR REYES]

[VIA E-MAIL and MAIL]

[VIA E-MAIL and MAIL]

in the manner indicated below:

BY UNITED STATES MAIL: Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

BY ELECTRONIC MAIL: Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the person(s) at the electronic service address(es) listed above. Such document(s) were transmitted *via* electronic mail from the electronic address: pamela.cheeseborough@sfcityatty.org in portable document format ("PDF") Adobe Acrobat or in Word document format. OR

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

Executed April 16, 2021, at San Francisco, California.



Pamela Cheeseborough

Exhibit L

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 WAYNE K. SNODGRASS, State Bar #148137
Deputy City Attorney
3 City Hall, Room 234
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5 Facsimile: (415) 554-4699
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6 Attorneys for Defendant
7 CITY AND COUNTY OF SAN FRANCISCO

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN FRANCISCO
11 UNLIMITED JURISDICTION

12 HOPE WILLIAMS, NATHAN SHEARD, and
13 NESTOR REYES,

14 Plaintiff,

15 vs.

16 CITY AND COUNTY OF SAN
FRANCISCO,

17 Defendant.

Case No. CGC-20-587008

**DEFENDANT CITY AND COUNTY OF SAN
FRANCISCO'S SUPPLEMENTAL RESPONSES
TO PLAINTIFFS' SPECIAL
INTERROGATORIES 4 AND 5**

Date Action Filed: October 7, 2020
Trial Date: February 22, 2022

1 PROPOUNDING PARTY: Plaintiffs HOPE WILLIAMS, NATHAN SHEARD, and NESTOR
REYES

2 RESPONDING PARTY: Defendant CITY AND COUNTY OF SAN FRANCISCO

3 SET NO.: ONE

4 Defendant CITY AND COUNTY OF SAN FRANCISCO (“the City” or “Defendant”)
5 provides these supplemental responses to Plaintiffs HOPE WILLIAMS, NATHAN SHEARD, and
6 NESTOR REYES’ Special Interrogatories Nos. 4 and 5:

7 **PRELIMINARY STATEMENT**

8 This Preliminary Statement is incorporated into each of the supplemental responses of the
9 Defendant as if set forth in full.

10 Discovery in this action has begun only recently and is still continuing. Defendant has neither
11 completed an investigation of the facts relating to this action, nor discovery, investigation, research,
12 evaluation, and other preparation for trial. For these reasons, Defendant’s objections and supplemental
13 responses below are made without prejudice to Defendant’s right, which Defendant hereby expressly
14 reserves, to present at trial, or in pretrial proceedings, subsequently discovered documents or
15 information, or documents or information that are already known but whose relevance, significance, or
16 applicability Defendant has not yet ascertained. Defendant also reserves the right to provide further
17 supplemental responses to these Interrogatories, or otherwise supplement, revise or explain the
18 information contained in these supplemental responses, in light of information gathered through
19 further investigation and discovery.

20 By objecting and providing these supplemental responses to Special Interrogatories 4 and 5
21 propounded by Plaintiffs Hope Williams, Nathan Sheard, and Nestor Reyes (“the Interrogatories”),
22 Defendant does not waive the right to object to the use or admission in evidence of the Interrogatories
23 or Defendant’s responses or supplemental responses in any subsequent proceeding or trial in this or
24 any other action. Furthermore, by providing supplemental responses, Defendant does not waive the
25 right to object on any ground whatsoever, at any time, to any demand for further responses to these
26 Interrogatories or to any other discovery procedures involving or relating to the subject matter of these
27 Interrogatories.

1 Defendant's supplemental responses to these Interrogatories are based on information that is
2 reasonably and currently available to Defendant and that is maintained in the ordinary course of
3 Defendant's business.

4 **SUPPLEMENTAL RESPONSES**

5 **SPECIAL INTERROGATORY NO. 4:**

6 IDENTIFY each instance in which YOU were granted a REMOTE, REAL-TIME LINK from
7 a BID, including, but not limited to, the 2019 Pride Parade, the 2020 Super Bowl celebrations, and the
8 2020 Fourth of July celebrations. For each instance, IDENTIFY all facts, DOCUMENTS, and
9 INDIVIDUAL witnesses.

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 4:**

11 Defendant objects to this interrogatory on the ground that the term "IDENTIFY," although
12 capitalized, is undefined in plaintiffs' special interrogatories in the context of identifying "instances,"
13 making the interrogatory vague and ambiguous. Defendant further objects to this interrogatory to the
14 extent that it seeks information about events occurring before the effective date of the Acquisition of
15 Surveillance Technology Ordinance, codified at Chapter 19B of the San Francisco Administrative
16 Code, on the ground that such information is neither relevant to the subject matter of this action nor
17 reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving
18 the foregoing objection, defendant responds as follows:

19 Defendant was granted such a link from USBID on a total of four separate occasions: (1) for
20 the 2019 Pride Parade (involving only the cameras in USBID's camera network that covered the
21 Market Street area), (2) for anticipated 2020 Superbowl celebrations on Market Street (involving only
22 the cameras in USBID's camera network that covered the Market Street area), (3) in May and June
23 2020 during the George Floyd protests, and (4) for the 2020 Fourth of July celebrations.

24 On the 2019 Pride Parade occasion, Officer Oliver Lim, at the direction of Captain Chris
25 Pedrini, contacted Chris Boss of USBID and requested that SFPD be given access to the cameras
26 within USBID's network that covered the Market Street area. Chris Boss directed Officer Lim to send
27 a letter from his commanding officer stating the request, and Officer Lim did so, sending a letter from
28

1 Captain Pedrini to USBID making the request. USBID agreed and provided log-in credentials to the
2 commercial client program Avigilon, which SFPD, likely through Officer Lim, used to access the
3 Market Street cameras from a laptop computer in the SFPD's Department Operations Center. To the
4 best of defendant's knowledge, the link remained active for 24 hours or less, and was not viewed by
5 any person in SFPD other than to verify that the link was operational at the time the log-in credentials
6 were used. Witnesses to these events Oliver Lim, Tiffany Gunter, and Chris Pedrini, as well as Chris
7 Boss.

8 On the July 4, 2020 and 2020 Superbowl occasions, Officer Lim, at the direction of Captain
9 Pedrini, asked Chris Boss of USBID for the ability to access the USBID's surveillance camera
10 network for an operational period of approximately 24 hours or less, and was given credentials to use
11 to log into a commercial client program, known as Avigilon, that SFPD had installed on a laptop,
12 which allowed SFPD remote access to the network. Access was given from 12:00 on July 4, 2020
13 through 6:00 a.m. on July 5, 2020, and for a comparable period on the day of the Superbowl, February
14 2, 2020.

15 Documents concerning these events include CCSF 00001-000003; CCSF 000008-000009;
16 CCSF 000058-000061; CCSF 000064-000069; CCSF 000179; CCSF 000180-000184; CCSF 000185-
17 000189. They also include the letter from Captain Pedrini to USBID, which defendants are attempting
18 to locate and will make available to plaintiffs once it is located.

19 Witnesses concerning these events include Oliver Lim, Tiffany Gunter, Chris Pedrini, Bassey
20 Obot, Rob Padrones, and Michael Nelson, as well as Chris Boss and Dmitri Shimolin. The
21 aforementioned individuals are all employees of defendant and may be contacted through defendant's
22 counsel, with the exception of Chris Boss, who defendant believes is employed by Union Square
23 Business Improvement District, 323 Geary Street Suite 203, San Francisco 94102, tel. (415) 781-7880
24 x. 106, and Dmitri Shimolin, whose address is unknown to defendant, but whose telephone number
25 defendant believes to be (415) 824-1717.

26 ///

1 **SPECIAL INTERROGATORY NO. 5:**

2 IDENTIFY each instance when YOU ACCESSED a REMOTE, REAL-TIME LINK from a
3 BID CAMERA NETWORK, including but not limited to the 2019 Pride Parade, the 2020 Super Bowl
4 celebrations, and the 2020 Fourth of July celebrations, and not including those instances identified in
5 Special Interrogatory No. 1. For each responsive instance, IDENTIFY all facts (including but not
6 limited to the INDIVIDUAL who ACCESSED, the time and date of the ACCESS, the purpose of the
7 ACCESS, and the information ACCESSED), DOCUMENTS, and INDIVIDUAL witnesses
8 concerning the ACCESS.

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 5:**

10 Defendant objects to this interrogatory on the ground that the term “IDENTIFY,” although
11 capitalized, is undefined in plaintiffs’ special interrogatories in the context of identifying “instances,”
12 making the interrogatory vague and ambiguous. Defendant further objects to this interrogatory to the
13 extent that it seeks information about events occurring before the effective date of the Acquisition of
14 Surveillance Technology Ordinance, codified at Chapter 19B of the San Francisco Administrative
15 Code, on the ground that such information is neither relevant to the subject matter of this action nor
16 reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving
17 the foregoing objection, defendant responds as follows:

18 Defendant ACCESSED such a LINK on a total of three occasions other than the George Floyd
19 protests in May and June 2020: (1) for the 2019 Pride Parade (involving only the cameras in USBID’s
20 camera network that covered the Market Street area), (2) for anticipated 2020 Superbowl celebrations
21 on Market Street (involving only the cameras in USBID’s camera network that covered the Market
22 Street area), and (3) for the 2020 Fourth of July celebrations.

23 On the 2019 Pride Parade occasion, defendant believes that on the morning of the day of the
24 Parade, June 30, 2019, Officer Oliver Lim entered the log-in credentials that USBID had provided into
25 the Avigilon client program that had been installed on a laptop in the SFPD’s Department Operations
26 Center. He would have done so for for the purpose of verifying whether the credentials and the client
27 program worked, i.e. were effective to connect the laptop to USBID’s camera network. Once he saw
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1 that they were, he ceased viewing the laptop screen. Officer Tiffany Gunter may have witnessed
2 Officer Lim doing so. To the best of defendant's knowledge, no one else viewed or accessed the laptop
3 screen during the 12 hours or less that the link remained active.

4 On both February 2, 2020 and July 4, 2020, Officer Oliver Lim entered the credentials that
5 USBID had provided to SFPD into the Avigilon client program that had been installed on a laptop
6 computer located in the SFPD's Department Operations Center. He did so for for the purpose of
7 verifying whether the credentials and the client program worked, i.e. were effective to connect the
8 laptop to USBID's camera network. Once he saw that they were, he ceased viewing the laptop screen.
9 This was likely witnessed by Officer Tiffany Gunter and possibly also by Sergeant Rob Padrones. To
10 the best of defendant's knowledge, no one further accessed or viewed the network on either occasion.

11
12
13 Dated: June 10, 2021

14 DENNIS J. HERRERA
15 City Attorney
16 WAYNE K. SNODGRASS
17 Deputy City Attorney

18 By: Wayne Snodgrass
19 WAYNE K. SNODGRASS

20 Attorneys for Defendant
21 CITY AND COUNTY OF SAN FRANCISCO
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VERIFICATION

Hope Williams, et al. vs. City and County of San Francisco
San Francisco Superior Court Case No. CGC-20-587008

1
2
3 I, Lieutenant Arran Pera, declare as follows:

4 I am employed as Lieutenant with the San Francisco Police Department of the City and County
5 of San Francisco and am authorized to make this verification on its behalf. I have read and know the
6 contents of **DEFENDANT CITY AND COUNTY OF SAN FRANCISCO'S SUPPLEMENTAL**
7 **RESPONSES TO PLAINTIFFS' SPECIAL INTERROGATORIES, NOS. 4 AND 5**

8 Some of the matters stated in these responses are not within my personal knowledge and there
9 is no individual employee of the City who has personal knowledge of all such matters. These
10 responses were prepared with the assistance of counsel for the City and these responses, subject to
11 inadvertent and undiscovered errors, are based upon and necessarily limited by the records and
12 information still in existence, presently recollected, and thus far discovered in the course of the
13 preparation of these responses. The responses are true to the best of my knowledge, information and
14 belief.

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

17 Executed on June 10, 2021 at San Francisco, California.

18
19 

20 _____
LT. ARRAN PERA

PROOF OF SERVICE

I, Pamela Cheeseborough, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney's Office of San Francisco, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

On June 10, 2021, I served the following document(s):

DEFENDANT CITY AND COUNTY OF SAN FRANCISCO'S SUPPLEMENTAL RESPONSES TO PLAINTIFFS' SPECIAL INTERROGATORIES 4 AND 5

VERIFICATION TO DEFENDANT CITY AND COUNTY OF SAN FRANCISCO'S SUPPLEMENTAL RESPONSES TO PLAINTIFFS' SPECIAL INTERROGATORIES 4 AND 5

on the following persons at the locations specified:

Saira Hussain, Esq.
Adam Schwartz, Esq.
ELECTRONIC FRONTIER FOUNDATION
815 Eddy Street
San Francisco, CA ~4109
Telephone.: (415) 436-9333
Facsimile: (415) 436-9993
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adam@eff.org

Matthew Cagle, Esq.
ACLU FOUNDATION OF NORTHERN CALIFORNIA, INC.
39 Drumm Street
San Francisco, CA 94111
Telephone.: (415) 621-2493
Facsimile: (415) 255-1478
Email: mcagle@aclunc.org

[Co-Counsel for Plaintiffs HOPE WILLIAMS, NATHAN SHEARD, and NESTOR REYES]

[Co-Counsel for Plaintiffs HOPE WILLIAMS, NATHAN SHEARD, and NESTOR REYES]

[VIA E-MAIL and MAIL]

[VIA E-MAIL and MAIL]

in the manner indicated below:

BY UNITED STATES MAIL: Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

BY ELECTRONIC MAIL: Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the person(s) at the electronic service address(es) listed above. Such document(s) were transmitted *via* electronic mail from the electronic address: pamela.cheeseborough@sfcityattory.org in portable document format ("PDF") Adobe Acrobat or in Word document format. OR

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct. Executed June 10, 2021, at San Francisco, California.



Pamela Cheeseborough

Exhibit M

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 WAYNE K. SNODGRASS, State Bar #148137
Deputy City Attorney
3 City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
4 San Francisco, California 94102-4682
Telephone: (415) 554-4675
5 Facsimile: (415) 554-4699
E-Mail: wayne.snodgrass@sfcityatty.org

6 Attorneys for Defendant
7 CITY AND COUNTY OF SAN FRANCISCO

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN FRANCISCO
11 UNLIMITED JURISDICTION

12 HOPE WILLIAMS, NATHAN SHEARD, and
NESTOR REYES,

13 Plaintiff,

14 vs.

15 CITY AND COUNTY OF SAN
16 FRANCISCO,

17 Defendant.

Case No. CGC-20-587008

**DEFENDANT CITY AND COUNTY OF SAN
FRANCISCO'S RESPONSES TO PLAINTIFFS'
SECOND SET OF SPECIAL
INTERROGATORIES**

Date Action Filed: October 7, 2020
Trial Date: February 22, 2022

1 PROPOUNDING PARTY: Plaintiffs HOPE WILLIAMS, NATHAN SHEARD, and NESTOR REYES

2 RESPONDING PARTY: Defendant CITY AND COUNTY OF SAN FRANCISCO

3 SET NO.: TWO

4 Defendant CITY AND COUNTY OF SAN FRANCISCO (“the City” or “Defendant”)
5 responds as follows to Plaintiffs HOPE WILLIAMS, NATHAN SHEARD, and NESTOR REYES’
6 Second Set of Special Interrogatories:

7 **PRELIMINARY STATEMENT**

8 This Preliminary Statement is incorporated into each of the responses of the Defendant as if set
9 forth in full.

10 Discovery in this action has begun only recently and is still continuing. Defendant has neither
11 completed an investigation of the facts relating to this action, nor discovery, investigation, research,
12 evaluation, and other preparation for trial. For these reasons, Defendant’s objections and responses
13 below are made without prejudice to Defendant’s right, which Defendant hereby expressly reserves, to
14 present at trial, or in pretrial proceedings, subsequently discovered documents or information, or
15 documents or information that are already known but whose relevance, significance, or applicability
16 Defendant has not yet ascertained. Defendant also reserves the right to provide supplemental
17 responses to these Interrogatories, or otherwise supplement, revise or explain the information
18 contained in the responses, in light of information gathered through further investigation and
19 discovery.

20 By objecting and responding to the Second Set of Special Interrogatories propounded by
21 Plaintiffs Hope Williams, Nathan Sheard, and Nestor Reyes (“the Interrogatories”), Defendant does
22 not waive the right to object to the use or admission in evidence of the Interrogatories or Defendant’s
23 responses in any subsequent proceeding or trial in this or any other action. Furthermore, by
24 responding, Defendant does not waive the right to object on any ground whatsoever, at any time, to
25 any demand for further responses to these Interrogatories or to any other discovery procedures
26 involving or relating to the subject matter of these Interrogatories.

1 Defendant's responses to these Interrogatories are based on information that is reasonably and
2 currently available to Defendant and that is maintained in the ordinary course of Defendant's business.

3 **RESPONSES TO SPECIAL INTERROGATORIES**

4 **SPECIAL INTERROGATORY NO. 14:**

5 IDENTIFY all facts, DOCUMENTS, and INDIVIDUAL witnesses CONCERNING any
6 mutual understanding, arrangement, or agreement between YOU and any representative of USBID
7 CONCERNING YOUR ACCESS to a REMOTE, REAL-TIME LINK to the USBID CAMERA
8 NETWORK between in May and June 2020.

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 14:**

10 The only such mutual understanding, arrangement, or agreement between defendant and any
11 representative of USBID was what the emails attached as exhibits to Plaintiffs' First Set of Requests
12 for Admissions state: namely, that USBID agreed to provide SFPD with access to USBID's camera
13 network, and provided assistance in setting up the link, initially for a period of 48 hours, which -- in
14 response to a request that SFPD made to USBID by email on June 2, 2020 -- was subsequently
15 extended through June 7, 2020. Witnesses to these events include Oliver Lim, Tiffany Gunter, Robert
16 Padrones, Chris Boss, and Dmitri Shimolin. Documents concerning this understanding are those
17 attached as exhibits to Plaintiffs' First Set of Requests for Admissions.

18 **SPECIAL INTERROGATORY NO. 15:**

19 IDENTIFY each instance of physical injury to or death of a person relating to protest activity
20 in San Francisco between May 25, 2020 and June 7, 2020. For each responsive instance, IDENTIFY
21 all facts (including but not limited to the relation of the injured person to the protest activity (e.g.
22 protestor, police officer, store employee, etc.), the type of injury sustained, the time and date of each
23 instance, the location of each instance, and the details of any arrests or charges filed), DOCUMENTS
24 (including but not limited to police reports and indictments), and INDIVIDUAL witnesses.

25 **RESPONSE TO SPECIAL INTERROGATORY NO. 15:**

26 Defendant objects to this interrogatory on the ground that the term "IDENTIFY," although
27 capitalized, is undefined in plaintiffs' special interrogatories in the context of identifying "instances,"
28

1 making the interrogatory vague and ambiguous. Defendant also objects to this interrogatory to the
2 extent it calls for the production of information that is protected by the Constitutional right of privacy
3 of third parties. Subject to and without waiving the foregoing objections, defendant responds as
4 follows: defendant does not know of any instance of a death of a person relating to protest activity in
5 San Francisco during the referenced time period. Defendant also does not know the names of all
6 persons who suffered physical injury relating to protest activity in San Francisco during the referenced
7 time period. Defendant believes that one or more persons employed as security guards at businesses
8 located in Union Square were injured in altercations during the rioting and looting that occurred in
9 Union Square on May 30, 2020, but defendant does not know the names of such persons or possess
10 further information concerning any such injuries. Deandre Winthrop-McCray sustained a laceration to
11 his forearm while engaged in suspected looting of a marijuana dispensary at 3015 San Bruno Avenue
12 on May 31, 2020 at approximately midnight; witnesses include SFPD Officers Borgen, Haro, O’Leary,
13 and Elzey; relevant documents include SFPD Incident Report 200328028.

14 **SPECIAL INTERROGATORY NO. 16:**

15 IDENTIFY all facts, DOCUMENTS, and INDIVIDUAL witnesses CONCERNING the
16 existence of exigent circumstances known to YOU at the time YOU sought ACCESS to a BID
17 CAMERA NETWORK during the three following events: the 2019 Pride Parade, the 2020 Super
18 Bowl celebrations, and the 2020 Fourth of July celebrations.

19 **RESPONSE TO SPECIAL INTERROGATORY NO. 16:**

20 Defendant objects to this interrogatory on the ground that the term “exigent circumstances” is
21 undefined, making the interrogatory vague and ambiguous. Subject to and without waiving the
22 foregoing objection, defendant responds as follows: as defendant understands the term “exigent
23 circumstances,” defendant does not presently contend that exigent circumstances known to it existed at
24 the time SFPD contacted USBID to request access to USBID’s camera network during the three
25 referenced events.

26
27 ///

1 Cellebrite
2 Cogent ABIS (Automatic Biometric Identification System)
3 DataWorksPlus Digital Crime Scene system
4 DataWorksPlus Digital Photo Manager system
5 Forensic Toolkit, or FTK
6 GrayKey
7 Life Tech 7500 or RT-PCR instruments
8 Life Technology 3500 and 3130xl Capillary Electrophoresis instruments
9 MacQuisition
10 Magnet Forensics
11 OpenText™ EnCase™ Forensic
12 Pen Link "PLX"
13 Qiagen EZ1 or EZ2 extraction robots
14 Qiagen Qiacubes
15 ShotSpotter

16 **SPECIAL INTERROGATORY NO. 19:**

17 In response to Plaintiffs’ Special Interrogatory No. 8, YOU stated that YOU have the ability to
18 use remotely “(1) non-city entity surveillance camera networks (through a request process and only
19 upon approval of the entity), (2) ShotSpotter, and (3) Automated License Plate Reader (ALPR).”
20 IDENTIFY all software and databases CONCERNING these SURVEILLANCE TECHNOLOGIES to
21 which YOU have access.

22 **RESPONSE TO SPECIAL INTERROGATORY NO. 19:**

23 Defendant objects to this interrogatory on the ground that the term “IDENTIFY,” although
24 capitalized, is undefined in plaintiffs’ special interrogatories in the context of identifying surveillance
25 technologies, making the interrogatory vague and ambiguous. Defendant further objects to this
26 interrogatory on the ground that the information it seeks is neither relevant to the subject matter of this
27 action nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and
28

1 without waiving the foregoing objections, defendant responds as follows: to the best of defendant's
2 knowledge, (1) Avigilon; (2) ShotSpotter Flex, ShotSpotter Investigative Portal; (3) ALPR database
3 managed by the Northern California Regional Intelligence Center (NCRIC).

4 **SPECIAL INTERROGATORY NO. 20:**

5 IDENTIFY any INFORMATION SECURITY MEASURES used to protect the information
6 transmitted, received, or ACCESSED through the REMOTE, REAL-TIME LINK provided to YOU
7 by the USBID CAMERA NETWORK in May and June 2020.

8 **RESPONSE TO SPECIAL INTERROGATORY NO. 20:**

9 Defendant objects to this interrogatory on the ground that the term "IDENTIFY," although
10 capitalized, is undefined in plaintiffs' special interrogatories in the context of identifying
11 "INFORMATION SECURITY MEASURES," making the interrogatory vague and ambiguous.
12 Subject to and without waiving the foregoing objections, defendant responds as follows: In order to
13 ACCESS information from the USBID camera network, SFPD was required to enter log-in credentials
14 into the Avigilon client program; the laptop on which Avigilon had been downloaded, and on which
15 images from the camera network could be displayed, was password-protected; and access to the
16 Department Operations Center, where the laptop was located, was highly restricted.

17 **SPECIAL INTERROGATORY NO. 21:**

18 In response to Plaintiffs' Special Interrogatory No. 2, YOU stated that SFPD was allowed
19 remote ACCESS to the USBID CAMERA NETWORK through "a commercial client program, known
20 as Avigilon, that SFPD had installed on a laptop." IDENTIFY the frequency of the updates of this
21 client program's ENCRYPTION protections, the specific version of the software it used in May and
22 June of 2020, and the version of the client program YOU currently use.

23 **RESPONSE TO SPECIAL INTERROGATORY NO. 21:**

24 Defendant objects to this interrogatory in that the term "IDENTIFY," although capitalized in
25 this interrogatory, is not defined in the context of the types of information sought in this interrogatory,
26 making the interrogatory vague and ambiguous. Subject to and without waiving that objection,
27 defendant responds as follows: defendant does not know the frequency of any updates to Avigilon's
28

1 ENCRYPTION protections. When SFPD used Avigilon in May and June 2020, it used whatever
2 version of the software was most current at that time. SFPD does not currently use that client
3 program.

4 **SPECIAL INTERROGATORY NO. 22:**

5 IDENTIFY each INDIVIDUAL who assisted in responding to these special interrogatories.

6 **RESPONSE TO SPECIAL INTERROGATORY NO. 22:**

7 Asja Steeves, Oliver Lim, Lottie Baker, Tiffany Gunter.
8
9
10

11 Dated: June 10, 2021

12 DENNIS J. HERRERA
13 City Attorney
14 WAYNE K. SNODGRASS
15 Deputy City Attorney

16 By: /s/ Wayne K. Snodgrass
17 WAYNE K. SNODGRASS

18 Attorneys for Defendant
19 CITY AND COUNTY OF SAN FRANCISCO
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VERIFICATION

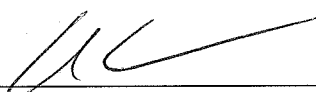
Hope Williams, et al. vs. City and County of San Francisco
San Francisco Superior Court Case No. CGC-20-587008

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2
3 I, Lieutenant Arran Pera, declare as follows:

4 I am employed as Lieutenant with the San Francisco Police Department of the City and County
5 of San Francisco and am authorized to make this verification on its behalf. I have read and know the
6 contents of **DEFENDANT CITY AND COUNTY OF SAN FRANCISCO'S RESPONSES TO**
7 **PLAINTIFFS' SECOND SET OF SPECIAL INTERROGATORIES**. Some of the matters stated
8 in these responses are not within my personal knowledge and there is no individual employee of the
9 City who has personal knowledge of all such matters. These responses were prepared with the
10 assistance of counsel for the City and these responses, subject to inadvertent and undiscovered errors,
11 are based upon and necessarily limited by the records and information still in existence, presently
12 recollected, and thus far discovered in the course of the preparation of these responses. The responses
13 are true to the best of my knowledge, information and belief.

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

16 Executed on June 10, 2021 at San Francisco, California.

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19 _____
LT. ARRAN PERA

PROOF OF SERVICE

I, Pamela Cheeseborough, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney’s Office of San Francisco, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

On June 10, 2021, I served the following document(s):

DEFENDANT CITY AND COUNTY OF SAN FRANCISCO’S RESPONSES TO PLAINTIFFS’ SECOND SET OF SPECIAL INTERROGATORIES

VERIFICATION TO DEFENDANT CITY AND COUNTY OF SAN FRANCISCO’S RESPONSES TO PLAINTIFFS’ SECOND SET OF SPECIAL INTERROGATORIES

on the following persons at the locations specified:

Saira Hussain, Esq.
Adam Schwartz, Esq.
ELECTRONIC FRONTIER FOUNDATION
815 Eddy Street
San Francisco, CA ~4109
Telephone.: (415) 436-9333
Facsimile: (415) 436-9993
Email: saira@eff.org
adam@eff.org

Matthew Cagle, Esq.
ACLU FOUNDATION OF NORTHERN CALIFORNIA, INC.
39 Drumm Street
San Francisco, CA 94111
Telephone.: (415) 621-2493
Facsimile: (415) 255-1478
Email: mcagle@aclunc.org

[Co-Counsel for Plaintiffs HOPE WILLIAMS, NATHAN SHEARD, and NESTOR REYES]

[Co-Counsel for Plaintiffs HOPE WILLIAMS, NATHAN SHEARD, and NESTOR REYES]

[VIA E-MAIL and MAIL]

[VIA E-MAIL and MAIL]

in the manner indicated below:

BY UNITED STATES MAIL: Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

BY ELECTRONIC MAIL: Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the person(s) at the electronic service address(es) listed above. Such document(s) were transmitted *via* electronic mail from the electronic address: pamela.cheeseborough@sfcityattorney.org in portable document format ("PDF") Adobe Acrobat or in Word document format. OR

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct. Executed June 10, 2021, at San Francisco, California.



Pamela Cheeseborough

Exhibit N

1 SAIRA HUSSAIN (SBN 300326)
ADAM SCHWARTZ (SBN 309491)
2 ELECTRONIC FRONTIER FOUNDATION
815 Eddy Street
3 San Francisco, CA 94109
4 Tel.: (415) 436-9333
Fax: (415) 436-9993
5 Email: saira@eff.org
adam@eff.org

6
7 MATTHEW CAGLE (SBN 286101)
ACLU FOUNDATION OF NORTHERN CALIFORNIA, INC.
8 39 Drumm Street
San Francisco, CA 94111
9 Tel.: (415) 621-2493
Fax: (415) 255-1478
10 Email: mcagle@aclunc.org

11
12 *Attorneys for Plaintiffs*

13
14 **SUPERIOR COURT OF CALIFORNIA**

15 **IN AND FOR THE COUNTY OF SAN FRANCISCO**

16
17 HOPE WILLIAMS, NATHAN SHEARD, and

18 NESTOR REYES,

19 Plaintiffs,

20 v.

21 CITY AND COUNTY OF SAN FRANCISCO,

22 Defendant.

Case No.: CGC-20-587008

JOINT STIPULATIONS OF FACT

Date Action Filed: October 7, 2020

Trial Date: February 22, 2022

1 Plaintiffs Hope Williams, Nathan Sheard, and Nestor Reyes (“Plaintiffs”), and Defendant
2 City and County of San Francisco (“Defendant”) (Plaintiff and Defendant together, the “Parties”)
3 by and through their respective counsel of record, stipulate to the following facts:

4 **FACT STIPULATIONS**

5 1. The City and County of San Francisco (“CCSF”) is a charter city and county, existing
6 pursuant to the California Constitution and state laws and its own municipal charter. CCSF can be
7 sued in its own name.

8 2. The San Francisco Police Department (“SFPD”) is a department of CCSF. CCSF operates,
9 governs, and is responsible for the SFPD pursuant to the laws of the State of California and San
10 Francisco.

11 3. The SFPD monitors conduct at protests and similar gatherings to protect public safety.

12 4. In 1993, an SFPD inspector was caught selling to a third-party organization intelligence
13 information obtained through surveillance of Arab American groups and opponents of South
14 African apartheid.

15 5. The SFPD uses surveillance technology that includes automatic license plate reader
16 technology, Cellebrite, and ShotSpotter. Cellebrite is a mobile system that enables police to
17 conduct forensic searches of smartphones. ShotSpotter is a microphone-based technology designed
18 to detect gunshots.

19 6. San Francisco’s Acquisition of Surveillance Technology Ordinance (“the Ordinance”) went
20 into effect in July 2019. “Surveillance technology,” as that term is used in the Ordinance, includes
21 surveillance cameras.

22 7. Supervisor Aaron Peskin made the following statement during the April 15, 2019 Board of
23 Supervisors Rules Committee meeting, one of the meetings that led up to the Ordinance’s
24 approval: “If you take even a cursory look at some historical uses of surveillance technologies it is
25 often times these marginalized groups, artists, and political dissidents who are disproportionately
26 subject to the abuses of this technology.”

27 8. Supervisor Aaron Peskin, during the May 6, 2019 Board of Supervisors Rules Committee
28 meeting, one of the meetings that led up to the Ordinance’s approval, emphasized the need for

1 “oversight into a category of technology that historically has often been used in abusive ways
2 against marginalized communities.” He continued: “I could regale you with some of the things that
3 have happened in this city in the late 60s, early 70s, again with surveillance of Act Up during the
4 AIDS crisis, with surveillance of the Black Lives Matter movement.”

5 9. At the May 14, 2019 Board of Supervisors meeting, Supervisor Aaron Peskin referred to the
6 Black Lives Matter protests when describing the need for the Ordinance.

7 10. Business improvement districts—also called community benefit districts—are non-city
8 entities formed by a majority of property owners within a certain geographic area, with approval
9 from the Board of Supervisors and in accordance with state and local law. The property owners
10 pay a special assessment and those funds are used to make agreed-upon improvements that
11 supplement services that the city provides. There are currently 18 business improvement districts
12 and community benefit districts in San Francisco.

13 11. The Union Square Business Improvement District (“USBID”) is a business improvement
14 district in San Francisco. It is a California nonprofit corporation. It is bound on the north by Bush
15 Street, on the east by Kearny Street, on the south by Market Street, and on the west by Taylor and
16 Mason Streets.

17 12. The USBID operates a network of video surveillance cameras. These cameras are high
18 definition, allow remote control of zoom and focus capabilities, and are linked to a software system
19 that can automatically analyze content, including distinguishing between when a car or a person
20 passes within the frame. Paragraph 23 of Plaintiffs’ Complaint includes a map of the USBID’s
21 camera network.

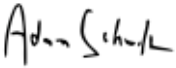
22 13. Following the police killing of George Floyd on May 25, 2020, in Minneapolis, Minnesota,
23 protests against police violence spread throughout the country, including in San Francisco.
24 Thousands of people participated in protests in San Francisco during the end of May and early June
25 2020.

26 14. Protest activity occurred in the area around San Francisco City Hall and east up Market
27 Street on May 30 and 31, 2020. USBID cameras are located in this area.
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Dated: August 4, 2021

Dated: August 5, 2021



By: _____
ADAM SCHWARTZ

By: _____
WAYNE K. SNODGRASS

SAIRA HUSSAIN (SBN 300326)
ADAM SCHWARTZ (SBN 3094910)
ELECTRONIC FRONTIER FOUNDATION
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adam@eff.org

DENNIS J. HERRERA (SBN 139669)
WAYNE K. SNODGRASS (SBN 148137)
SAN FRANCISCO CITY ATTORNEY'S
OFFICE
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1 Dr. Carlton B. Goodlett Place
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Fax: (415) 554-4699
E-Mail: wayne.snodgrass@sfcityatty.org

*Attorneys for Plaintiffs Williams and
Reyes*

Attorneys for Defendant

MATTHEW CAGLE (SBN 286101)
ACLU FOUNDATION OF
NORTHERN CALIFORNIA, INC.
39 Drumm Street
San Francisco, CA 94111
Tel.: (415) 621-2493
Fax: (415) 255-1478
Email: mcagle@aclunc.org

*Attorney for Plaintiffs Williams, Sheard, and
Reyes*

Exhibit O

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 WAYNE K. SNODGRASS, State Bar #148137
Deputy City Attorney
3 City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
4 San Francisco, California 94102-4682
Telephone: (415) 554-4675
5 Facsimile: (415) 554-4699
E-Mail: wayne.snodgrass@sfcityatty.org

6 Attorneys for Defendant
7 CITY AND COUNTY OF SAN FRANCISCO

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SAN FRANCISCO

11 UNLIMITED JURISDICTION

12 HOPE WILLIAMS, NATHAN SHEARD, and
NESTOR REYES,

13 Plaintiff,

14 vs.

15 CITY AND COUNTY OF SAN
16 FRANCISCO,

17 Defendant.

Case No. CGC-20-587008

**DEFENDANT CITY AND COUNTY OF SAN
FRANCISCO'S RESPONSES TO PLAINTIFFS'
SECOND REQUEST FOR ADMISSIONS**

Date Action Filed: October 7, 2020
Trial Date: February 22, 2022

1 PROPOUNDING PARTY: Plaintiffs HOPE WILLIAMS, NATHAN SHEARD, and NESTOR
2 REYES

3 RESPONDING PARTY: Defendant CITY AND COUNTY OF SAN FRANCISCO

4 SET NO.: SECOND

5 Pursuant to Code of Civil Procedure Sections 2033.010 et seq., Defendant CITY AND
6 COUNTY OF SAN FRANCISCO (“the City” or “Defendant”) responds as follows to Plaintiffs HOPE
7 WILLIAMS, NATHAN SHEARD, and NESTOR REYES’ Second Request for Admissions

8 **PRELIMINARY STATEMENT**

9 Defendant’s responses herein are based only upon facts known at this time. Discovery in this
10 case is still ongoing, and during the course of subsequent discovery, Defendant may become aware of
11 supplemental, additional, or other responsive information. Therefore, the following responses and
12 objections are given without prejudice to Defendant’s right to rely on subsequently discovered or
13 recalled information and evidence. Defendant specifically reserves the right to make use of, or to
14 introduce at any hearing and at trial, information discovered or recalled subsequent to the date of these
15 responses, including, without limitation, any information obtained in discovery or by further
16 investigation of this matter. Defendant also reserves the right to update, amend or supplement these
17 responses.

18
19 **RESPONSES TO SECOND REQUEST FOR ADMISSIONS**

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21 **REQUEST FOR ADMISSIONS NO. 12:**

22 Admit that YOU obtained a REMOTE, REAL-TIME LINK to the USBID CAMERA
23 NETWORK between May 31 and June 7, 2020.

24 **RESPONSE TO REQUEST FOR ADMISSIONS NO. 12:**

25 Admitted.
26
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1 Dated: August 18, 2021

2 DENNIS J. HERRERA
3 City Attorney
4 WAYNE K. SNODGRASS
5 Deputy City Attorney

6 By: /s/ Wayne K. Snodgrass
7 WAYNE K. SNODGRASS

8 Attorneys for Defendant
9 CITY AND COUNTY OF SAN FRANCISCO
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VERIFICATION

Hope Williams, et al. vs. City and County of San Francisco
San Francisco Superior Court Case No. CGC-20-587008

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I, Lieutenant Arran Pera, declare as follows:

I am employed as a Lieutenant with the San Francisco Police Department of the City and County of San Francisco and am authorized to make this verification on its behalf. I have read and know the contents of **DEFENDANT CITY AND COUNTY OF SAN FRANCISCO'S RESPONSES TO PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS**. Some of the matters stated in these responses are not within my personal knowledge and there is no individual employee of the City who has personal knowledge of all such matters. These responses were prepared with the assistance of counsel for the City and these responses, subject to inadvertent and undiscovered errors, are based upon and necessarily limited by the records and information still in existence, presently recollected, and thus far discovered in the course of the preparation of these responses. The responses are true to the best of my knowledge, information and belief.

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

Executed on August 18, 2021 at San Francisco, California.



LT. ARRAN PERA

PROOF OF SERVICE

I, HOLLY CHIN, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney’s Office of San Francisco, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

On August 18, 2021, I served the following document(s):

DEFENDANT CITY AND COUNTY OF SAN FRANCISCO’S RESPONSES TO PLAINTIFFS’ SECOND REQUEST FOR ADMISSIONS

on the following persons at the locations specified:

Saira Hussain, Esq.
Adam Schwartz, Esq.
ELECTRONIC FRONTIER FOUNDATION
815 Eddy Street
San Francisco, CA 94109
Telephone.: (415) 436-9333
Facsimile: (415) 436-9993
Email: saira@eff.org
adam@eff.org

Matthew Cagle, Esq.
ACLU FOUNDATION OF NORTHERN CALIFORNIA, INC.
39 Drumm Street
San Francisco, CA 94111
Telephone.: (415) 621-2493
Facsimile: (415) 255-1478
Email: mcagle@aclunc.org

[Co-Counsel for Plaintiffs HOPE WILLIAMS, NATHAN SHEARD, and NESTOR REYES]

[Co-Counsel for Plaintiffs HOPE WILLIAMS, NATHAN SHEARD, and NESTOR REYES]

[VIA E-MAIL and MAIL]

[VIA E-MAIL and MAIL]

in the manner indicated below:

BY UNITED STATES MAIL: Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney’s Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

BY ELECTRONIC MAIL: Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the person(s) at the electronic service address(es) listed above. Such document(s) were transmitted *via* electronic mail from the electronic address: holly.chin@sfcityatty.org in portable document format ("PDF") Adobe Acrobat or in Word document format.

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

Executed August 18, 2021, at San Francisco, California.



HOLLY CHIN

Exhibit P

From: Chris Boss <Chris@unionsquarebid.com>
Sent: Sunday, May 31, 2020 11:48 AM
To: Dmitri Shimolin
Cc: Lim, Oliver (POL)
Subject: Fwd: Union Square BID Camera request

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

Dmitri,
We have approved this request to provide access to all of our cameras for tonight and tomorrow night. Can you grant 48 hour remote access to Oliver?

Chris Boss
Director of Services
Union Square Business Improvement District

323 Geary Street, Suite 203
San Francisco, CA 94102
www.visitunionsquaresf.com

Member Services: 415-781-4456

From: Lim, Oliver (POL) <Oliver.Lim@sfgov.org>
Sent: Sunday, May 31, 2020 9:38:28 AM
To: Chris Boss <Chris@unionsquarebid.com>
Subject: Union Square BID Camera request

Good morning Chris:

I hope this email finds you well. I apologize for contacting you on the weekend. I was directed by my Captain to request for the Union Square BID cameras on Market St to monitor the potential violence today for situational awareness and enhanced response. I would greatly appreciate your consideration in this request. Thank you.

Respectfully,
Oliver

Officer Oliver Lim #2001
San Francisco Police Department
Homeland Security Unit
1700 17th Street
San Francisco, CA 94103
Cell: 415-589-1539
Desk: 415-832-8402

Exhibit Q



City and County of San Francisco
POLICE DEPARTMENT
MEDIA RELATIONS UNIT
1245 3RD Street, 6TH Floor
San Francisco, California 94158



NEWS RELEASE

May 31, 2020
20-058(a)

Statement by SFPD Chief Bill Scott on May 31, 2020 **Curfew Violations in San Francisco** **(Updated to Include Photo of Firearm)**

Demonstrations in San Francisco were overwhelmingly orderly and peaceful today, and SFPD officers were proud to help facilitate these in a way that protected the First Amendment rights and safety of all who took part.

But because of looting and vandalism that took place in San Francisco last night, Mayor London Breed today declared a state of emergency and issued a mandatory curfew order that took effect at 8:00 p.m. this evening.

Although the vast majority of demonstrators dispersed without incident before the curfew hour tonight, a relatively small number of defiant individuals refused to comply. Shortly after 8:00 p.m., SFPD issued a dispersal order to an unlawful assembly in the Civic Center area, which was met with defiance, thrown bottles and trash fires. In response, SFPD and Sheriff's Deputies began making arrests.

At this time, SFPD has made approximately 80 arrests in the Market Street, SOMA and Union Square areas for violations of the curfew order or looting. Some of these arrests resulted in the seizure of a firearm and explosives. We will continue making arrests throughout the night wherever we are unable to gain compliance voluntarily. A photo of the firearm accompanies this news release.

At this challenging time for our City and our nation, we are committed to public safety, and we will not tolerate continued rioting, looting or vandalism that threatens it. On behalf of all of us in the San Francisco Police Department, we are grateful to the overwhelming majority of San Franciscans who've abided by the curfew order and in doing so greatly aided our ability to keep our City safe.

###

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SFPD 96 (11/15)

CCSF 000018

Exhibit R

Perception Of Police Drops Among Americans, Survey Suggests

<https://www.usatoday.com/story/news/politics/2020/06/06/americans-views-police-drop-significantly-amid-protests-survey/3159072001/>

IACP President: Knee On Neck Is Never Appropriate

<https://www.dailyherald.com/news/20200605/knee-on-neck-never-appropriate-local-leader-of-police-chiefs-group-says>

Police Departments Adjusting Discipline Processes After Floyd's Death

<https://www.wsj.com/articles/after-george-floyds-killing-police-departments-change-how-they-discipline-officers-11591435800>

Technology:

Amid Pandemic and Upheaval, New Cyberthreats to the Presidential Election

<https://www.nytimes.com/2020/06/07/us/politics/remote-voting-hacking-coronavirus.html>

<https://www.cbsnews.com/news/foreign-actors-unsuccessfully-try-to-hack-biden-and-trump-campaigns-emails-google-official-says/>

Chronicle Selects:

It was quite a crime show in Union Square. And the stars — the looters — were caught on camera

Looters who hit San Francisco's fashionable Union Square during the protests may be in for a surprise — the area has nearly 430 security cameras, and video from them has been turned over to the police as evidence for arrests.

"We have a standing team of 23 burglary investigators and video analysts, and they are going through hundreds of hours of video from around the city," Deputy Chief **David Lazar** said.

During last weekend's chaos that followed protests over the police killing of George Floyd in Minneapolis, there were 18 smash-ins reported around Union Square and 129 reports of looting citywide.

Unlike other parts of the city, Union Square merchants have been aggressively installing security cameras in recent years while working with police to thwart organized shoplifting gangs. And when the looters rolled up and hit high-end stores such as Saks Fifth Avenue, Salvatore Ferragamo and West Coast Leather, the cameras were rolling too.

“We have made video footage available to the SFPD and are working with their burglary unit to pull video for the various incidents,” Union Square Business Improvement District Executive Director **Karin Flood** said.

In one instance, cameras caught a group smashing the windows of a camera store on Bush Street and then reportedly hauling out \$800,000 worth of merchandise and loading it into a getaway van.

Another video shows a man dressed as a security guard smashing the windows of the Christian Louboutin store on Maiden Lane so looters could enter.

“Then the cars come up and people start loading them up,” Lazar said. “It seems to be very organized.”

And it had nothing to do with the protests.

There were 32 arrests at Union Square as the looting occurred, and there have been 92 arrests for looting citywide.

Investigators are now working to match the pictures of those arrested to videos of the actual looting. The idea is to get photographic evidence directly linking suspects to crimes.

“We have also IDd a number of people that are known to us from prior burglaries or other instances,” Lazar said. “We have several suspects and will be pursuing more arrests involving individuals from all over the Bay Area.”

What consequences the looters may face remain to be seen.

Burglary and looting can be charged as a felony or a misdemeanor. In either case, looting is still a “nonviolent” crime, and diversion programs are often recommended over jail time. So the final result of the arrests is unknown.

Whatever the outcome of the arrests, most storefronts around Union Square that had earlier taken down their plywood are boarded up again, although many are still aiming for June 15 to reopen.

“But some have been delayed by a week due to this setback,” Flood said.

1 out of 5: Just-released numbers from the U.S. Department of Labor show the nation’s job numbers got a significant jolt, with economy gaining 2.5 million jobs in May.

Exhibit S

From: Gunter, Tiffany (POL)
Sent: Wednesday, June 10, 2020 9:06 AM
To: Chris Boss
Cc: Lim, Oliver (POL);Padrones, Robert (POL)
Subject: Re: Extension request

Hi Chris,

I just wanted to follow up and say thank you for assisting us with our request for the use of your cameras during this period of civil unrest and rioting. They were extremely helpful in giving us situational awareness and ensuring public safety during the multiple demos that came through the area.

Please reach out anytime if you need anything from us.

Thank you again and stay safe.
Tiffany

Ofc Tiffany Gunter #1840
SFPD HSU/DOC
415-969-1500

From: Chris Boss <Chris@unionsquarebid.com>
Sent: Tuesday, June 2, 2020 1:53 PM
To: Gunter, Tiffany (POL) <Tiffany.L.Gunter@sfgov.org>
Cc: Lim, Oliver (POL) <Oliver.Lim@sfgov.org>
Subject: RE: Extension request

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

Tiffany,
I appreciate you reaching out. I have received the request and am reviewing with our Executive Director for approval. If approved I will notify AVS to provide the access and will also follow up with you.

Best,

Chris Boss | Director of Services



Union Square Business Improvement District

Email: chris@unionsquarebid.com
Office: 415-781-7880 x106

Exhibit T

Let me check with the team on ETA. One moment.

On Sun, May 31, 2020 at 4:07 PM Gunter, Tiffany (POL) <Tiffany.L.Gunter@sfgov.org> wrote:
Any luck with those feeds so far?

Ofc Tiffany Gunter #1840
SFPD HSU/DOC
415-969-1500

From: Dmitri Shimolin <dmitri@avsnext.com>
Sent: Sunday, May 31, 2020 1:11 PM
To: Gunter, Tiffany (POL) <Tiffany.L.Gunter@sfgov.org>
Subject: Re: Email address check

Great, thanks.

Our team is setting access to the entire USBID Camera Network which will be active for 48 hours. We will reach out as soon as it's ready and be available to assist as needed.

Thank you,



Dmitri Shimolin
CEO & Co-founder
o (415) 824-1717 | m (415) 823-1613
e dmitri@avsnext.com | www.avsnext.com

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On Sun, May 31, 2020 at 1:08 PM Gunter, Tiffany (POL) <Tiffany.L.Gunter@sfgov.org> wrote:
Got it, thanks for confirming.

Ofc Tiffany Gunter #1840
SFPD HSU/DOC
415-969-1500

From: Dmitri Shimolin <dmitri@avsnext.com>
Sent: Sunday, May 31, 2020 1:03 PM
To: Gunter, Tiffany (POL) <Tiffany.L.Gunter@sfgov.org>
Subject: Email address check

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

Exhibit U

To: Chris@unionsquarebid.com[Chris@unionsquarebid.com]
From: Gunter, Tiffany (POL)
Sent: Tue 6/2/2020 7:32:12 PM
Subject: Extension request

Hi Chris,

I know the you have been working with my colleague, Oliver Lim, but he was called out on our specialist team in response to the demonstrations. I work in the same office and have been tasked by our Captain to reach out to see if can extend our request for you BID cameras. We greatly appreciate you guys allowing us access for the past 2 days but we are hoping to extend our access through the weekend. We have several planned demos all week and we anticipate several more over the weekend which are the ones we worry will turn violent again.

Please let me know if we need to do anything on our end or anything else that you need from us.

Again, thank you for the access thus far and for considering this request.
Tiffany

Ofc Tiffany Gunter #1840
SFPD HSU/DOC
415-969-1500

Exhibit V

1 [Administrative Code - Acquisition of Surveillance Technology]

2
3 **Ordinance amending the Administrative Code to require that City departments**
4 **acquiring Surveillance Technology, or entering into agreements to receive information**
5 **from non-City owned Surveillance Technology, submit a Board of Supervisors**
6 **approved Surveillance Technology Policy Ordinance, based on a policy or policies**
7 **developed by the Committee on Information Technology (COIT), and a Surveillance**
8 **Impact Report to the Board in connection with any request to appropriate funds for the**
9 **purchase of such technology or to accept and expend grant funds for such purpose, or**
10 **otherwise to procure Surveillance Technology equipment or services; require each City**
11 **department that owns and operates existing surveillance technology equipment or**
12 **services to submit to the Board a proposed Surveillance Technology Policy Ordinance**
13 **governing the use of the surveillance technology; and requiring the Controller, as City**
14 **Services Auditor, to audit annually the use of surveillance technology equipment or**
15 **services and the conformity of such use with an approved Surveillance Technology**
16 **Policy Ordinance and provide an audit report to the Board of Supervisors.**

17 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.
18 **Additions to Codes** are in *single-underline italics Times New Roman font*.
19 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
20 **Board amendment additions** are in double-underlined Arial font.
21 **Board amendment deletions** are in ~~strikethrough Arial font~~.
22 **Asterisks (* * * *)** indicate the omission of unchanged Code
23 subsections or parts of tables.

24 Be it ordained by the People of the City and County of San Francisco:

25 Section 1. General Findings.

1 (a) It is essential to have an informed public debate as early as possible about
2 decisions related to surveillance technology.

3 (b) Whenever possible, decisions relating to surveillance technology should occur with
4 strong consideration given to the impact such technologies may have on civil rights and civil
5 liberties, including those rights guaranteed by the First, Fourth, and Fourteenth Amendments
6 to the United States Constitution as well as Sections 1, 2, and 13 of Article I of the California
7 Constitution.

8 (c) While surveillance technology may threaten the privacy of all of us, surveillance
9 efforts have historically been used to intimidate and oppress certain communities and groups
10 more than others, including those that are defined by a common race, ethnicity, religion,
11 national origin, income level, sexual orientation, or political perspective.

12 (d) The propensity for facial recognition technology to endanger civil rights and civil
13 liberties substantially outweighs its purported benefits, and the technology will exacerbate
14 racial injustice and threaten our ability to live free of continuous government monitoring.

15 (e) Whenever possible, decisions regarding if and how surveillance technologies
16 should be funded, acquired, or used, and whether data from such technologies should be
17 shared, should be made only after meaningful public input has been solicited and given
18 significant weight.

19 (f) Legally enforceable safeguards, including robust transparency, oversight, and
20 accountability measures, must be in place to protect civil rights and civil liberties before any
21 surveillance technology is deployed; and

22 (g) If a surveillance technology is approved, data reporting measures must be adopted
23 that empower the Board of Supervisors and the public to verify that mandated civil rights and
24 civil liberties safeguards have been strictly adhered to.

25 ///

1 Section 2. The Administrative Code is amended by adding Chapter 19B, consisting of
2 Sections 19B.1-19B.8, to read as follows:

3
4 **CHAPTER 19B: ACQUISITION OF SURVEILLANCE TECHNOLOGY**

5
6 **SEC. 19B.1. DEFINITIONS.**

7 “Annual Surveillance Report” means a written report that includes all of the following:

8 (1) A general description of how the Surveillance Technology was used;

9 (2) A general description of whether and how often data acquired through the use of the
10 Surveillance Technology item was shared with outside entities, the name of any recipient outside entity,
11 the type(s) of data disclosed, under what legal standard(s) the data was disclosed, and the justification
12 for the disclosure(s);

13 (3) A summary of complaints or concerns from the public about the Surveillance
14 Technology item;

15 (4) The aggregate results of any internal audits required by the Surveillance Technology
16 Policy, any general, aggregate information about violations of the Surveillance Technology Policy, and
17 a general description of any actions taken in response;

18 (5) Information, including crime statistics, which help the Board of Supervisors assess
19 whether the Surveillance Technology has been effective at achieving its identified purposes;

20 (6) Aggregate statistics and information about any Surveillance Technology related to
21 Public Records Act requests;

22 (7) Total annual costs for the Surveillance Technology, including personnel and other
23 ongoing costs, and what source of funding will fund the Surveillance Technology in the coming year;

24 (8) Any requested modifications to the Surveillance Technology Policy and a detailed
25 basis for the request;

1 (9) Where applicable, a general breakdown of what physical objects the Surveillance
2 Technology hardware was installed upon, using general descriptive terms; for Surveillance Technology
3 software, a general breakdown of what data sources the Surveillance Technology was applied to; and

4 (10) A description of products and services acquired or used in the preceding
5 year that are not already included in the Surveillance Technology Policy, including
6 manufacturer and model numbers, and the identity of any entity or individual that provides to
7 the Department services or equipment essential to the functioning or effectiveness of the
8 Surveillance Technology; and

9 (11) A summary of all requests for Board of Supervisors' approval for a Surveillance
10 Technology Policy ordinance.

11 An Annual Surveillance Report shall not contain the specific records that a Surveillance
12 Technology item collects, stores, exchanges, or analyzes and/or information protected, restricted,
13 and/or sealed pursuant to State and/or federal laws, including information exempt from disclosure
14 under the California Public Records Act.

15 "City" means the City and County of San Francisco.

16 "City Department" or "Department" means any City official, department, board, commission,
17 or other entity in the City except that it shall not mean the District Attorney or Sheriff when performing
18 their investigative or prosecutorial functions, provided that:

19 (1) The District Attorney or Sheriff certifies in writing to the Controller that acquisition
20 or use of a specific Surveillance Technology is necessary to perform an investigative or prosecutorial
21 function. The certification shall identify the Surveillance Technology acquired or to be acquired
22 and shall be a public record; and

23 (2) The District Attorney or Sheriff provides in writing to the Controller either an
24 explanation of how compliance with this Chapter 19B will obstruct their investigative or prosecutorial
25 function or a declaration that the explanation itself will obstruct either function.

1 For purposes of subsection 19B.2(d) only, "City Department" and "Department" shall
2 not include federally-regulated facilities at the Airport or Port.

3 "COIT" means the Committee on Information Technology.

4 "Exigent circumstances" means an emergency involving imminent danger of death or serious
5 physical injury to any person that requires the immediate use of Surveillance Technology or the
6 information it provides.

7 "Face recognition technology" means an automated or semi-automated process that assists in
8 identifying or verifying an individual based on an individual's face.

9 "Surveillance Impact Report" means a written report that includes at a minimum the following:

10 (1) Information describing the Surveillance Technology and how it works, including
11 product descriptions from manufacturers;

12 (2) Information on the proposed purpose(s) for the Surveillance Technology;

13 (3) If applicable, the general location(s) it may be deployed and crime statistics for any
14 location(s);

15 (4) An assessment identifying any potential impact on civil liberties and civil rights and
16 discussing any plans to safeguard the rights of the public;

17 (5) The fiscal costs for the Surveillance Technology, including initial purchase,
18 personnel and other ongoing costs, and any current or potential sources of funding;

19 (6) Whether use or maintenance of the technology will require data gathered by the
20 technology to be handled or stored by a third-party vendor on an ongoing basis; and

21 (7) A summary of the experience, if any, other governmental entities have had with the
22 proposed technology, including information about its effectiveness and any known adverse information
23 about the technology such as unanticipated costs, failures, or civil rights and civil liberties abuses.

24 "Personal communication device" means a cellular telephone that has not been modified
25 beyond stock manufacturer capabilities, a personal digital assistant, a wireless capable tablet or

1 similar wireless two-way communications and/or portable Internet accessing devices, whether
2 procured or subsidized by a City entity or personally owned, that is used in the regular course of
3 conducting City business.

4 “Protected Class” means a class of persons with shared characteristics based on sex,
5 race, color, religion, ancestry, national origin, disability, medical condition, genetic information,
6 marital status, gender identity, gender expression, or sexual orientation, or any other class
7 protected under the California Unruh Civil Rights Act.

8 “Surveillance Technology” means any software, electronic device, system utilizing an
9 electronic device, or similar device used, designed, or primarily intended to collect, retain, process, or
10 share audio, electronic, visual, location, thermal, biometric, olfactory or similar information
11 specifically associated with, or capable of being associated with, any individual or group. Surveillance
12 Technology” includes but is not limited to the following: international mobile subscriber identity
13 (IMSI) catchers and other cell site simulators; automatic license plate readers; electric toll readers;
14 closed-circuit television cameras; gunshot detection hardware and services; video and audio
15 monitoring and/or recording technology, such as surveillance cameras, wide-angle cameras, and
16 wearable body cameras; mobile DNA capture technology; biometric software or technology, including
17 facial, voice, iris, and gait-recognition software and databases; software designed to monitor social
18 media services; x-ray vans; software designed to forecast criminal activity or criminality; radio-
19 frequency I.D. (RFID) scanners; and tools, including software and hardware, used to gain
20 unauthorized access to a computer, computer service, or computer network. Surveillance Technology
21 does not include the following devices, hardware, or software:

22 (1) Office hardware, such as televisions, computers, credit card machines, copy
23 machines, telephones, and printers, that are in common use by City Departments and used for routine
24 City business and transactions;

1 (2) City databases and enterprise systems that contain information kept in the ordinary
2 course of City business, including, but not limited to, human resource, permit, license, and business
3 records;

4 (3) City databases and enterprise systems that do not contain any data or other
5 information collected, captured, recorded, retained, processed, intercepted, or analyzed by
6 Surveillance Technology, including payroll, accounting, or other fiscal databases;

7 (4) Information technology security systems, including firewalls and other cybersecurity
8 systems intended to secure City data;

9 (5) Physical access control systems, employee identification management systems, and
10 other physical control systems;

11 (6) Infrastructure and mechanical control systems, including those that control or
12 manage street lights, traffic lights, electrical, natural gas, or water or sewer functions;

13 (7) Manually-operated technological devices used primarily for internal City
14 communications, which are not designed to surreptitiously collect surveillance data, such as radios,
15 personal communication devices, and email systems;

16 (8) Manually-operated and non-wearable handheld cameras, audio recorders, and video
17 recorders, that are not designed to be used surreptitiously and whose functionality is limited to
18 manually capturing and manually downloading video and/or audio recordings;

19 (9) Surveillance devices that cannot record or transmit audio or video or be remotely
20 accessed, such as image stabilizing binoculars or night vision equipment;

21 (10) Computers, software, hardware, or devices, used in monitoring the work
22 and work-related activities involving City buildings, employees, contractors, and volunteers or
23 used in conducting internal investigations involving City employees, contractors, and
24 volunteers;

1 (4110) Medical equipment and systems used to record, diagnose, treat, or prevent
2 disease or injury, and used and/or kept in the ordinary course of providing City services;

3 (4211) Parking Ticket Devices;

4 (4312) Police Department interview rooms, holding cells, and internal security
5 audio/video recording systems;

6 (4413) Police department computer aided dispatch (CAD), records/case management,
7 Live Scan, booking, Department of Motor Vehicles, California Law Enforcement Telecommunications
8 Systems (CLETS), 9-1-1 and related dispatch and operation or emergency services systems;

9 (4514) Police department early warning systems; and

10 (4615) Computers, software, hardware, or devices intended to be used solely to
11 monitor the safety and security of City facilities and City vehicles, not generally accessible to the
12 public, and their occupants.

13 “Surveillance Technology Policy” means a written policy that includes:

14 (1) A description of the product and services addressed by the Surveillance Technology,
15 including manufacturer and model numbers and/or the identity of any provider(s) whose services
16 are essential to the functioning or effectiveness of the Surveillance Technology equipment or services
17 for the intended purpose;

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

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

23 (4) A description of the formats in which information collected by the Surveillance
24 Technology is stored, copied, and/or accessed;

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

5 (6) The general safeguards that protect information from unauthorized access, including
6 encryption and access control mechanisms;

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

12 (8) How collected information can be accessed or used by members of the public,
13 including criminal defendants;

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

18 (10) The training required for any individual authorized to use the Surveillance
19 Technology or to access information collected by the Surveillance Technology;

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

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

5
6 **SEC. 19B.2. BOARD OF SUPERVISORS APPROVAL OF SURVEILLANCE**
7 **TECHNOLOGY POLICY.**

8 (a) Except as stated in subsection (c), and in accordance with the procedures set forth in
9 subsection (b), a Department must obtain Board of Supervisors approval by ordinance of a
10 Surveillance Technology Policy under which the Department will acquire and use Surveillance
11 Technology, prior to engaging in any of the following:

12 (1) Seeking funds for Surveillance Technology, including but not limited to applying for
13 a grant, or accepting state or federal funds, or public or private in-kind or other donations;

14 (2) Acquiring or borrowing new Surveillance Technology, including but not limited to
15 acquiring Surveillance Technology without the exchange of monies or other consideration;

16 (3) Using new or existing Surveillance Technology for a purpose, in a manner, or in a
17 location not specified in a Surveillance Technology Policy ordinance approved by the Board in
18 accordance with this Chapter 19B; ~~or~~

19 (4) Entering into agreement with a non-City entity to acquire, share, or otherwise use
20 Surveillance Technology; or

21 (5) Entering into an oral or written agreement under which a non-City entity or
22 individual regularly provides the Department with data or information acquired through the
23 entity's use of Surveillance Technology.

24 (b) The Board of Supervisors may approve a Surveillance Technology Policy ordinance
25 under subsection (a) only under the following circumstances:

1 (1) The Department seeking Board approval under subsection (a) first submits to
2 COIT a Surveillance Impact Report for the Surveillance Technology to be acquired or used;

3 (2) Based on the Surveillance Impact Report submitted by the Department,
4 COIT develops a Surveillance Technology Policy for the Surveillance Technology to be
5 acquired or used;

6 (3) At a public hearing at which COIT considers the Surveillance Technology
7 Policy, COIT recommends that the Board of Supervisors adopt, adopt with modifications, or
8 decline to adopt the Surveillance Technology Policy for the Surveillance Technology to be
9 acquired or used.

10 (c) A Department is not required to obtain Board of Supervisors approval by ordinance
11 of a Surveillance Technology Policy if the Department's acquisition or use of the Surveillance
12 Technology complies with a Surveillance Technology Policy previously approved by the Board
13 by ordinance.

14 (d) Notwithstanding the provisions of this Chapter 19B, it shall be unlawful for any Department
15 to obtain, retain, access, or use: 1) any Face Recognition Technology; or 2) any information obtained
16 from Face Recognition Technology. A Department's inadvertent or unintentional receipt,
17 retention, access to, or use of any information obtained from Face Recognition Technology
18 shall not be a violation of this subsection ~~(b)~~(d), provided that:

19 (1) The Department does not request or solicit its receipt, access to, or use of
20 such information; and

21 (2) The Department logs such receipt, access to, or use in its Annual
22 Surveillance Report.

23 (ee) If either the District Attorney or Sheriff certifies in writing to the Controller that
24 acquisition of Surveillance Technology is necessary to perform an investigative or prosecutorial
25 function and provides in writing to the Controller either an explanation of how compliance with this

1 Chapter 19B will obstruct their investigative or prosecutorial function or a declaration that the
2 explanation itself will obstruct either function, the District Attorney or Sheriff shall simultaneously
3 submit a copy of the document to the Clerk of the Board of Supervisors so that the Board in its
4 discretion may hold a hearing and request that the District Attorney or Sheriff appear to respond to the
5 Board's questions regarding such certification, explanation, and/or declaration. The written
6 certification shall specify the Surveillance Technology acquired, or to be acquired.

7 (df) Nothing in this Chapter 19B shall be construed to obstruct the constitutional and statutory
8 powers and duties of the District Attorney, the Sheriff, the Chief Adult Probation Officer, or the Chief
9 Juvenile Probation Officer.

10 (g) Except as restricted by subsection 19B.2(d) or expressly restricted in a Surveillance
11 Technology Policy developed pursuant to subsection 19B.2(a)(5), nothing in this Chapter 19B
12 shall be construed to prohibit, restrict, or interfere with the receipt, access to, or use by a City
13 department of information gathered by a non-City entity or individual from Surveillance
14 Technology.

15 (h) Nothing in this Chapter 19B shall prohibit, restrict, or interfere with a Department's
16 use of Surveillance Technology to conduct internal investigations involving City employees,
17 contractors, and volunteers, or the City Attorney's ability to receive or use, in preparation for
18 or in civil or administrative proceedings, information from Surveillance Technology (excluding
19 Face Recognition Technology to the extent prohibited under section 19B.2.d) that any City
20 agency, department or official gathers or that any other non-City entity or person gathers.

21
22 **SEC. 19B.3. SURVEILLANCE IMPACT REPORT AND SURVEILLANCE TECHNOLOGY**
23 **POLICY SUBMISSION.**

1 (a) COIT shall post on COIT's website each Surveillance Impact Report submitted by
2 Departments under subsection 19B.2(b)(1) and COIT's recommendations to the Board of
3 Supervisor's under subsection 19B.2(b)(3) for each Surveillance Technology Policy.

4 (ab) The Department seeking approval under Section 19B.2 shall submit to the Board of
5 Supervisors and publicly post on the Department website a Surveillance Impact Report and a proposed
6 Surveillance Technology Policy ordinance at least 30 days prior to the public meeting where the Board
7 will consider that Surveillance Technology Policy ordinance pursuant to Section 19B.2.

8 (bc) Prior to submitting the Surveillance Technology Policy ordinance to the Board, the
9 Department must first approve the policy, submit the policy to the City Attorney for review, and submit
10 the policy to the Mayor.

11
12 **SEC. 19B.4. STANDARD FOR APPROVAL.**

13 It is the policy of the Board of Supervisors that it will approve a Surveillance Technology Policy
14 ordinance only if it determines that the benefits the Surveillance Technology ordinance authorizes
15 outweigh its costs, that the Surveillance Technology Policy ordinance will safeguard civil liberties and
16 civil rights, and that the uses and deployments of the Surveillance Technology under the ordinance will
17 not be based upon discriminatory or viewpoint-based factors or have a disparate impact on any
18 community or Protected Classgroup.

19
20 **SEC. 19B.5. COMPLIANCE FOR EXISTING SURVEILLANCE TECHNOLOGY.**

21 (a) Each Department possessing or using Surveillance Technology before the effective date of
22 this Chapter 19B shall submit an inventory of its Surveillance Technology to COIT, within 60
23 days of the effective date of this Chapter. COIT shall publicly post the inventory on COIT's
24 website.

1 (b) Each Department possessing or using Surveillance Technology before the effective
2 date of this Chapter 19B shall submit a proposed Surveillance Technology Policy ordinance to the
3 Board of Supervisors, in accordance with the procedures set forth in subsection 19B.2(b), for
4 that each particular Surveillance Technology no later than 120 180 days following the effective date
5 of this Chapter, for review and approval by the Board by ordinance. A Department may submit a
6 Surveillance Technology Policy ordinance that includes multiple, separate policies for each
7 particular Surveillance Technology possessed or used before the effective date of this
8 Chapter 19B.

9 ~~(bc)~~ If a Department is unable to meet this 120180-day timeline, the Department may notify the
10 Clerk of the Board of Supervisors COIT in writing of the Department's request to extend this period
11 and the reasons for that request. The Clerk of the Board COIT may for good cause grant a
12 Department a single extensions of up to 90 days per extension, beyond the 120180-day timeline to
13 submit a proposed Surveillance Technology Policy.

14 ~~(ed)~~ Each Department possessing or using Surveillance Technology before the
15 effective date of this Chapter 19B may continue ~~If the Board has not approved a Surveillance~~
16 ~~Technology Policy ordinance for Surveillance Technology in use before the effective date of~~
17 ~~this Chapter 19B, within 180 days of its submission to the Board, the Department shall cease~~
18 ~~its use of the Surveillance Technology and the sharing of data from the Surveillance Technology until~~
19 ~~such time as the Board approves the~~ enacts an ordinance regarding the Department's
20 Surveillance Technology Policy ordinance in accordance with this Chapter and such ordinance
21 becomes effective under Charter Section 2.105.

22 **SEC. 19B.6. ANNUAL SURVEILLANCE REPORT.**

23 ~~(a)~~ A Department that obtains approval for the acquisition of Surveillance Technology under
24 Section 19B.2 must submit to the Board of Supervisors and COIT, and make available on its website,
25

1 an Annual Surveillance Report for each Surveillance Technology used by the City Department within
2 12 months of Board approval of the applicable Surveillance Technology Policy, and annually
3 thereafter on or before November 1. If the Department is unable to meet the deadline, the Department
4 may submit a request to the Clerk of the Board COIT for an extension of the deadline. The Clerk
5 COIT may extend the deadline for good cause.

6 (b) By no later than JanuaryFebruary 15 of each fiscal year, each Department that has
7 obtained approval for the acquisition of Surveillance Technology under Section 19B.2 shall submit to
8 the Board of Supervisors the Department's Annual Surveillance Report a report regarding
9 implementation of the policy and a resolution to accept the report.

10 (c) By no later than JanuaryFebruary 15 of each year, the Board of Supervisors shall publish
11 a summary of all requests for Board approval of Surveillance Technology Policy ordinances, which
12 shall include a summary of any Board action related to such requests, and all Annual Surveillance
13 Reports submitted in the prior calendar year.

14 (d) By no later than JanuaryFebruary 15 of each year, COIT shall post on its website
15 each Annual Surveillance Report submitted to COIT in the prior year.

16
17 **SEC. 19B.7. USE OF SURVEILLANCE TECHNOLOGY IN EXIGENT**
18 **CIRCUMSTANCES.**

19 (a) A Department may temporarily acquire or temporarily use Surveillance Technology in
20 exigent circumstances without following the provisions of this Chapter 19B. If a Department acquires
21 or uses Surveillance Technology under this Section 19B.7, the Department shall do all of the following:

- 22 (1) Use the Surveillance Technology solely to respond to the exigent circumstances;
23 (2) Cease using the Surveillance Technology within seven days, or when the exigent
24 circumstances end, whichever is sooner;

1 (3) Keep and maintain only data related to the exigent circumstances, and dispose of
2 any data that is not relevant to an ongoing investigation, unless its retention is (A) authorized by a
3 court based on a finding of probable cause to believe the information constitutes evidence of a crime;
4 or (B) otherwise required by law;

5 (4) Not disclose to any third party any information acquired during exigent
6 circumstances unless such disclosure is (A) authorized by a court based on a finding of probable cause
7 to believe the information constitutes evidence of a crime; or (B) otherwise required by law; and

8 (5) Submit a written report summarizing that acquisition and/or use of Surveillance
9 Technology under this Section 19B.7 to the Board of Supervisors within 45 60 days following the
10 inception of the exigent circumstances.

11 (b) Any Surveillance Technology temporarily acquired in exigent circumstances shall be
12 returned within 7 days following its acquisition, or when the conclusion of the exigent
13 circumstances end, whichever is sooner, unless the Department acquires the Surveillance
14 Technology in accordance with the requirements of this Chapter 19B.

15
16 **SEC. 19B.8. ENFORCEMENT.**

17 (a) If a Department alleged to have violated this Chapter 19B takes corrective measures in
18 response to such allegation, the Department shall post a notice on the Department's website that
19 generally describes any corrective measure taken to address such allegation.

20 (b) It shall be a misdemeanor to knowingly use City-owned Surveillance Technology (1)
21 for a purpose or in a manner that is specifically prohibited in a Board-approved Surveillance
22 Technology Policy ordinance, or (2) without complying with the terms of this Chapter 19B.
23 Unless otherwise prohibited by law, the District Attorney may prosecute a violation of this
24 Chapter.

1 (eb) Any violation of this Chapter 19B constitutes an injury and any person may institute
2 proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent
3 jurisdiction to enforce this Chapter 19B. An action instituted under this subsection (c) shall be brought
4 against the City.

5 (ec) Prior to the initiation of any legal proceeding under subsection (c), the City must be given
6 written notice of the violation(s) and an opportunity to correct such alleged violation(s) within 30 days
7 of receipt of the notice.

8 (ed) If the alleged violation(s) is substantiated and subsequently corrected, a notice shall be
9 posted in a conspicuous space on the City's website that describes the corrective measure(s) taken to
10 address the violation(s).

11 (ee) A court shall award costs and reasonable attorney's fees to a plaintiff who is a prevailing
12 party in any action brought under subsection (c).

13
14 Section 3. The Administrative Code is hereby amended by revising Sections 2A.20 and
15 10.170-1, and adding Sections 3.27 and 21.07, to read as follows:

16
17 **SEC. 2A.20. CONTROLLER'S AUDITS.**

18 (a) The Controller shall audit the accounts of all boards, officers, and employees of the
19 City and County charged in any manner with the custody, collection, or disbursement of funds.
20 The Controller shall audit all accounts of money coming into the hands of the Treasurer, the
21 frequency of which shall be governed by State law.

22 (b) The Controller shall have the authority to audit the operations of all boards,
23 commissions, officers, and departments to evaluate their effectiveness and efficiency. The
24 Controller shall have access to, and authority to examine all documents, records, books, and
25 other property of any board, commission, officer, or department.

1 (c) When requested by the Mayor, the Board of Supervisors, or any board or
2 commission for its own department, the Controller shall audit the accounts of any officer or
3 department.

4 (d) Surveillance Technology Audit.

5 (1) For purposes of this subsection (d), "Department," "Surveillance Technology,"
6 "Surveillance Technology Policy," and "Annual Surveillance Report" have the meanings set forth in
7 Section 19B.1 of the Administrative Code.

8 (2) Acting as City Services Auditor, and beginning in fiscal year 2019-2020, the
9 Controller shall audit annually the use of Surveillance Technology by Departments. Such an audit shall
10 include a review of whether a Department has operated and is operating in compliance with an
11 approved Surveillance Technology Policy ordinance, and has completed an Annual Surveillance
12 Report, and such other information as the Controller determines helpful to assess the
13 Surveillance Technology Policy. The audit shall also include a review of the difference, if any,
14 between the full cost of the Surveillance Technology equipment and services included in the
15 Surveillance Technology Policy and the total annual costs for the Surveillance Technology
16 included in the Annual Surveillance Report. At the completion of the audit and in consultation with
17 the City Attorney, the Controller shall may recommend any changes to any Surveillance Technology
18 Policy ordinance and its implementation to the Board of Supervisors.

19
20 **SEC. 10.170-1. GRANT FUNDS – ACCEPTANCE AND EXPENDITURE.**

21 (a) Any department, board, or commission that seeks to accept and expend federal,
22 State, or other grant funds must comply with any applicable provisions of this Section 10.170-
23 I.

24 (b) The acceptance and expenditure of federal, State, or other grant funds in the
25 amount of \$100,000 or more is subject to the approval by resolution of the Board of

1 Supervisors. If, as a condition of the grant, the City is required to provide any matching funds,
2 those funds shall be included in determining whether the grant meets the \$100,000 threshold.
3 This subsection (b) shall also apply to an increase in a grant where the increase, alone or in
4 combination with any other previous increases to that grant, would raise the cumulative total
5 amount of the grant to \$100,000 or more. The department, board, or commission requesting
6 approval shall submit the following documents to the Board prior to its consideration:

7 (1) A proposed resolution approving the acceptance and expenditure of grant
8 funds, or a proposed ordinance as required under subsection (d), signed by the department
9 head, the Mayor or his or her designee, and the Controller;

10 (2) A completed "Grant Information Form." The Clerk of the Board shall prepare
11 the form; it shall include a disability access checklist, indirect cost recovery, and other
12 information as the Board of Supervisors may require;

13 (3) A copy of the grant application;

14 (4) A letter of intent to award the grant or acknowledgment of grant award from
15 the granting agency; and,

16 (5) A cover letter to the Clerk of the Board ~~of Supervisors~~ substantially conforming
17 to the specifications of the Clerk of the Board.

18 (c) Grants or Increases to Grants of Less Than \$100,000. The Controller may prescribe
19 rules for the acceptance and expenditure of federal, State, or other grant funds in amounts
20 less than \$100,000, or for increases to grants where the increase, alone or in combination
21 with any other previous increases to that grant, would not raise the cumulative total amount of
22 the grant to \$100,000 or more. The Controller may also prescribe rules for the acceptance
23 and expenditure of increases to grants, where the original grant or any subsequent increase
24 to the grant has been approved by the Board of Supervisors under subsection (b) or (d) and
25 where the latest increase would be in an amount less than \$50,000.

1 * * * *

2 (l) Surveillance Technology.

3 (1) For purposes of this subsection (l), "Department," "Surveillance Technology," and
4 "Surveillance Technology Policy" have the meanings set forth in Section 19B.1 of the Administrative
5 Code.

6 (2) Notwithstanding the provisions of subsections (b) and (c) above, when any City
7 official, ~~Department,~~ board, commission or other entity of the City (collectively, the "requesting
8 department") seeks authority to apply for, accept, or expend federal, State, or other grant funds in any
9 amount to purchase Surveillance Technology, the requesting department must submit a Surveillance
10 Technology Policy, approved by the Board of Supervisors in accordance with Chapter 19B of the
11 Administrative Code, to the Board of Supervisors with a request for authorization to accept and expend
12 grant funds.

13
14 **SEC. 3.27. APPROPRIATIONS FOR SURVEILLANCE TECHNOLOGY.**

15 (a) For purposes of this Section 3.27, "Department," "Surveillance Technology," and
16 "Surveillance Technology Policy" have the meanings set forth in Section 19B.1 of the Administrative
17 Code.

18 (b) To the extent that a Department seeks funding to acquire Surveillance Technology, the
19 Department shall transmit a Surveillance Technology Policy, approved by the Board of Supervisors in
20 accordance with Chapter 19B of the Administrative Code, with any budget estimate submitted to the
21 Controller in accordance with Section 3.3(a) or 3.15 of the Administrative Code. To the extent the
22 Mayor concurs in the funding request and the Surveillance Technology Policy, the Mayor shall include
23 the Surveillance Technology Policy with the proposed budget submitted to the Board of Supervisors in
24 accordance with Section 3.3(c) or (d) of the Administrative Code, or, in the case of a supplemental
25 appropriation, Section 3.15 of the Administrative Code.

1
2 **SEC. 21.07. ACQUISITION OF SURVEILLANCE TECHNOLOGY.**

3 (a) For purposes of this Section 21.07, "Department," "Surveillance Technology," and
4 "Surveillance Technology Policy" have the meanings set forth in Section 19B.1 of the Administrative
5 Code.

6 (b) Notwithstanding any authority set forth in this Chapter 21, neither the Purchaser nor any
7 Contracting Officer may acquire any Surveillance Technology unless the Board of Supervisors has
8 appropriated funds for such acquisition in accordance with the requirements of Chapter 19B of the
9 Administrative Code.

10
11 Section 4. The Administrative Code is hereby amended by revising Chapter 22A,
12 Section 22A.3 as follows:

13
14 **SEC. 22A.3. COMMITTEE ON INFORMATION TECHNOLOGY.**

15
16 * * * *

17 (k) When a City Department submits to COIT a Surveillance Impact Report under
18 subsection 19B.2(b)(1) of Chapter 19B of the Administrative Code, COIT shall develop a
19 Surveillance Technology Policy for the Department. For purposes of this subsection (k), "City
20 Department," "Surveillance Technology Policy," and "Surveillance Impact Report" shall have
21 the meanings set forth in Section 19B.1 of Chapter 19B of the Administrative Code.

22
23 Section 5. Effective Date. This ordinance shall become effective 30 days after
24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
25

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

3 Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
4 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
5 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
6 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
7 additions, and Board amendment deletions in accordance with the "Note" that appears under
8 the official title of the ordinance.

9
10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12 By:


13 JANA CLARK
Deputy City Attorney

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City and County of San Francisco

Tails Ordinance

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

File Number: 190568

Date Passed: June 04, 2019

Ordinance amending the Administrative Code to require that City departments acquiring surveillance technology, or entering into agreements to receive information from non-City owned surveillance technology, submit a Board of Supervisors approved Surveillance Technology Policy Ordinance, based on a policy or policies developed by the Committee on Information Technology (COIT), and a Surveillance Impact Report to the Board in connection with any request to appropriate funds for the purchase of such technology or to accept and expend grant funds for such purpose, or otherwise to procure surveillance technology equipment or services; require each City department that owns and operates existing surveillance technology equipment or services to submit to the Board a proposed Surveillance Technology Policy Ordinance governing the use of the surveillance technology; and requiring the Controller, as City Services Auditor, to audit annually the use of surveillance technology equipment or services and the conformity of such use with an approved Surveillance Technology Policy Ordinance and provide an audit report to the Board of Supervisors.

May 21, 2019 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE
BEARING SAME TITLE

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani,
Walton and Yee

May 21, 2019 Board of Supervisors - PASSED ON FIRST READING AS AMENDED

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Walton
and Yee
Noes: 1 - Stefani

June 04, 2019 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Walton
and Yee
Noes: 1 - Stefani

File No. 190568

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 6/4/2019 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board

Unsigned

London N. Breed
Mayor

6/14/2019

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.



for Angela Calvillo
Clerk of the Board

6/17/2019

Date

Exhibit W

1 SAIRA HUSSAIN (SBN 300326)
ADAM SCHWARTZ (SBN 309491)
2 MUKUND RATHI (SBN 330622)
ELECTRONIC FRONTIER FOUNDATION
3 815 Eddy Street
4 San Francisco, CA 94109
Tel.: (415) 436-9333
5 Fax: (415) 436-9993
Email: saira@eff.org
6 adam@eff.org
7 mukund@eff.org

8 MATTHEW CAGLE (SBN 286101)
ACLU FOUNDATION OF NORTHERN CALIFORNIA, INC.
9 39 Drumm Street
San Francisco, CA 94111
10 Tel.: (415) 621-2493
11 Fax: (415) 255-1478
Email: mcagle@aclunc.org

12
13 *Attorneys for Plaintiffs*

14
15 **SUPERIOR COURT OF CALIFORNIA**
16 **IN AND FOR THE COUNTY OF SAN FRANCISCO**
17 **UNLIMITED JURISDICTION**
18

19 HOPE WILLIAMS, NATHAN SHEARD, and
20 NESTOR REYES,
21 Plaintiffs,
22
23 v.
24 CITY AND COUNTY OF SAN FRANCISCO,
25 Defendant.

Case No.: CGC-20-587008

**REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF PLAINTIFFS'
MOTION FOR SUMMARY
JUDGMENT**

Hearing Date: December 17, 2021
Time: 9:30 a.m.
Department: 302

Action Filed: October 7, 2020
Trial Date: February 22, 2022

1 Plaintiffs Hope Williams, Nathan Sheard, and Nestor Reyes, under the provisions of
2 Evidence Code Section 452(h), request that this Court take judicial notice of the fact that the Union
3 Square Business Improvement District (“USBID”) had over 300 video cameras in its network of
4 surveillance cameras in May and June 2020. *See Boghos v. Certain Underwriters at Lloyd’s of*
5 *London*, 36 Cal. 4th 495, 505 n. 6 (2005) (in a dispute about an arbitration clause, taking judicial
6 notice of the third-party American Arbitration Association’s website as an accurate source for the
7 full, up-to-date text of the organization’s commercial arbitration rules). *See also Surfrider Found. v.*
8 *Martins Beach 1, LLC*, 14 Cal. App. 5th 238, 244 n.1 (2017) (taking judicial notice of images taken
9 by the non-profit California Coastal Records Project as a source of information about coastal
10 accessibility). In support of Plaintiffs’ request are the following documents:

11 Exhibit 1: Union Square Business Improvement District, *Security Camera Project*, Dec.
12 28, 2019, *available at*
13 <https://web.archive.org/web/20191228204314/https://www.visitunionsquaresf.com/about-bid/services/security-camera-project> (stating “[o]ver 350 security
14 cameras are installed within the District”)

15 Exhibit 2: Union Square Business Improvement District, *Security Camera Project*, June
16 7, 2020, *available at*
17 <https://web.archive.org/web/20200607112601/https://www.visitunionsquaresf.com/about-bid/services/security-camera-project> (stating “[o]ver 375 security
18 cameras are installed within the District”)

19 Dated: September 16, 2021

By: /s/ Saira Hussain
SAIRA HUSSAIN

21 SAIRA HUSSAIN (SBN 300326)
22 ADAM SCHWARTZ (SBN 309491)
23 MUKUND RATHI (SBN 330622)
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25 815 Eddy Street
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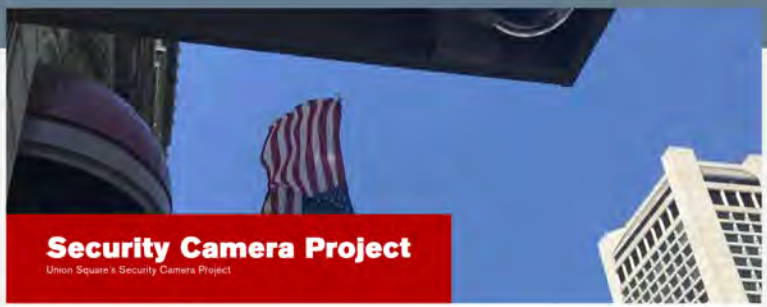
*Attorneys for Plaintiffs Williams and
Reyes*

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MATTHEW CAGLE (SBN 286101)
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San Francisco, CA 94111
Tel.: (415) 621-2493
Fax: (415) 255-1478
Email: mcagle@aclunc.org

*Attorney for Plaintiffs Williams, Sheard, and
Reyes*

Exhibit 1



Security Camera Project

Union Square's Security Camera Project

Home > About Us > Security Camera Program

- ABOUT US
- SERVICES**
- OUR TEAM
- BID EVENTS
- NEWSROOM
- UNION SQUARE FOUNDATION

Cross & Grafe Business / Shelby Heaton / Advertising / Production/Marketing / **Security Camera Program** / Gallery / Union Square Events & Business Resources

Our priority is to keep Union Square safe. We are proud of our collaboration with businesses and law enforcement.

Video Surveillance System Usage Policy & Procedures

DID YOU KNOW?



SECURITY CAMERAS

Over 350 security cameras are installed within the District.



PRIVATE FUNDING

Received a \$1,200,000 grant funded by Silicon Valley Community Foundation and \$400,000 from the Chris Larsen Fund to enhance District security.



VIDEO REQUESTS

Over 2,000+ video requests from law enforcement agencies (SFPD, DA, Public Defender) and citizens have been made since the start of the program.



"The San Francisco Police Department's work with the BID is the model on how partnerships make our community safer. Through community engagement, our "Park Smart" educational campaign and other crime prevention strategies we ensure that visitors have a safe and enjoyable experience in Union Square. The installation of 350+ security cameras have both served as a deterrent and have been an incredible tool in identifying those responsible for crime."

—David Lazar, Commander, Community Engagement Division, SFPD

VIDEO CONTROL CENTER

For video footage requests, please call (415) 781-7880 x109 or email: video.request@unionsquarebid.com
Monday–Friday: 9:00 am–5:30 pm

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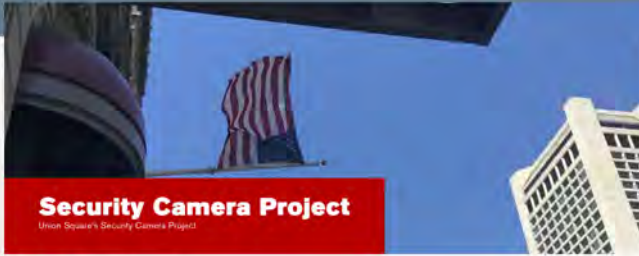
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Exhibit 2



Security Camera Project

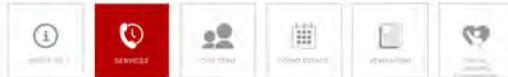
Union Square's Security Camera Project

[Home](#) > [About Us](#) > [Security Camera Program](#)

The USBID continues to provide clean and safe services to the district under the City & County of San Francisco's updated **Shelter-in-Place** policy. For more information about curb-side pick-up, [click here](#).

Cleaning & Safety Services
 (Effective 5/04/2020) Member Services is now returned to 8:30am - 10:30pm daily, with Overnight Security Services available between 10:00pm - 6:00am. Clean and safe ambassadors will operate between 5:30am - 11:30pm. Pressure washing and the ATU will operate between 9:00pm - 5:30am daily. To report a clean or safe incident between 5:30am - 10:30pm, please contact Member Services at 415-781-4458 or cleanandsafe@union-square-bid.com. To report a safe incident between 10:00pm - 6:00am, please contact Legion Security at 415-224-2929 and mention your membership with the USBID.

COVID-19
 The City & County of San Francisco is currently in **Phase 2a** of the re-opening plan. Business hours may be affected. Please check local listings. Retailers open for **touchless shopping** and restaurants open for **take-out** are available. Continue practicing social distancing and maintaining proper safety protocols like hand washing and wearing a facial mask. We look forward to seeing you soon. For on-going San Francisco alerts, text: COVID19SF to 888-777.



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—David Lazar, Deputy Chief, Investigations Bureau, SFPD

VIDEO CONTROL CENTER

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Monday—Sunday: 6:30am—10:30pm

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