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September 30, 2019

John F. Bennett
Special Agent in Charge
FBI - San Francisco
450 Golden Gate Ave., 13th Floor
San Francisco, CA 94102-9523

RE: Request for FBI White Paper - Government Audit and Oversight Committee Hearing on Civil Grand Jury Report (File #190791)

Dear Special Agent in Charge Bennett:

As a Member of the San Francisco Board of Supervisors and Chair of its Government Audit and Oversight (GAO) Committee, I will be holding a public hearing on October 3rd on a recent San Francisco Civil Grand Jury report, entitled “Joint Terrorism Task Force: Balancing Public Safety the Civil Rights.” The report involves, in part, the San Francisco Police Department’s (SFPD) application of local laws and policies to prior and possible future work in the Federal Bureau of Investigation’s (FBI) Joint Terrorism Task Force (JTTF), as required by the Safe San Francisco Civil Rights Ordinance. This ordinance was adopted unanimously by the Board and signed into law by Mayor Ed Lee in 2012 (San Francisco Administrative Code § 2A.74).

I learned that in 2017, the FBI shared a white paper with SFPD Chief William Scott that provided “clarification and understanding” of the FBI’s perspective on that Ordinance, as well as the prior JTTF Memorandum of Understanding (MOU) between the FBI and SFPD and other publicly-enacted SFPD policies that cover SFPD JTTF activities. As these matters are the subject of the Civil Grand Jury’s findings and recommendations, I am requesting a copy of the white paper in advance of the public hearing at the GAO Committee.

I understand the FBI’s position is that it merely loaned this white paper to the SFPD on a confidential basis and that members of the public cannot obtain it from the SFPD under state and local public records laws, but instead must submit a Freedom of Information Act (FOIA) request to the FBI. I also understand that litigation about public disclosure of the white paper is pending.

However, I am requesting a copy of this white paper addressing our law and policies not as a member of the public, but as an elected member of the local government body that has legislative and oversight responsibilities over all City agencies (including the SFPD), just as Congress plays a similar role over the FBI. While I understand the FBI white paper may have been initially intended only for the SFPD, the contents of the white paper seem highly relevant to our understanding of these issues and to any evaluation of the Grand Jury’s findings and recommendations. Since the Board is obligated to hold a public hearing on the Civil Grand Jury’s report, I urge you to provide a copy as soon as possible.

You copied the Board of Supervisors in your January 29, 2019 letter to Mayor Breed wherein you stated:

“(I)t is essential you have an accurate and complete understanding of how the FBI and the JTTF work to protect the citizens of the City and County of San Francisco....

Confronting violence in any form in our communities can only be successful when law enforcement works in close collaboration with the communities and the citizens they serve. In this spirit, it is essential the FBI maintains a robust relationship with our local partners, both inside and outside of law enforcement, based on a common and accurate understanding of what we do and how we do it.”

I hope you agree that “accurate and complete understanding” requires access to relevant information about how our publicly-enacted laws and policies are being understood and applied in joint activities with federal agencies. In that same spirit, I am requesting that you voluntarily provide the white paper ahead of our upcoming hearing on the Civil Grand Jury report. Thank you in advance for your timely reply to this request.

Sincerely,



Gordon Mar
Chair, Government Audit and Oversight Committee
San Francisco Board of Supervisors

cc. Supervisor Vallie Brown
Supervisor Aaron Peskin