



**GAVIN NEWSOM**  
MAYOR

**POLICE DEPARTMENT**  
**CITY AND COUNTY OF SAN FRANCISCO**

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850 BRYANT STREET  
SAN FRANCISCO, CALIFORNIA 94103-4603



**HEATHER J. FONG**  
CHIEF OF POLICE

March 27, 2008

By Fax (415-258-1478) and Mail

Michael T. Risher  
Staff Attorney  
American Civil Liberties Union of Northern California  
39 Drumm Street  
San Francisco, CA 94111

**Re: San Francisco Police Department Response to Public Records Act  
Request dated March 13, 2008.**

Dear Mr. Risher:

This letter responds to your Public Records Act request dated March 13, 2008, in which you seek documents relating to San Francisco's "plans, policies or procedures for allowing, regulating, or restricting assemblies – including but not limited to protests, demonstrations, and parades – on the date the Olympic torch is expected to pass through the City (April 9, 2008)."

The Police Department's planning for the April 9 torch event is focused on ensuring public safety while facilitating lawful activities, including protests, demonstrations and other first amendment expression.

Your request included but was not limited to eight categories of documents.

1. "Communications between the City and any other public or private entity or person – including the Olympic Committee – concerning demonstrations or protests."

The Police Department has documents relating to the creation of a safe environment for all participants in and spectators of the torch relay. Enclosed please find sections of a powerpoint presentation concerning general issues of crowd management and control, redacted to remove information regarding the details of specific security procedures not subject to disclosure under Government Code Section 6254(f). The Police Department is not producing other documents pertaining to the details of the Police Department's plans for deploying police personnel or equipment, or handling potential threats to public safety, for the April 9 torch relay and related events and activities. These documents are protected from disclosure under Government Code Section 6254(f) which permits nondisclosure of "security procedures" of "any state or local police agency."

2. "Areas where assemblies will or will not be permitted."

In general, your request appears to be based on press reports that San Francisco intends to restrict protestors to particular zones or to keep the torch relay route secret. These reports are inaccurate. The public is welcome to line the sidewalks along the torch relay route and to attend the opening and closing ceremonies. The Police Department has been informed that the opening ceremony is tentatively set for McCovey Cove and the closing ceremony for Justin Herman Plaza. There will be open areas near the opening and closing ceremonies where groups may assemble if they wish. We understand that the torch relay route will be along major thoroughfares in the area of the waterfront. Under International Olympic Committee procedures, the torch relay route is selected by the Beijing Olympic Committee in consultation with the national Olympic Committee and the community that hosts the torch relay. The relay route is still being reviewed under these procedures and the City hopes to be able to finalize and release the route soon.

3. "Criteria for granting permits for parades or other assemblies, other than those specified in the San Francisco Police Code." The Police Department has no documents responsive to this request.

4. "Applications for permits to parade, protest, or demonstrate, including whether these applications have been granted or denied."

The Police Department is working with representatives of several groups, including the Falun Gong, Burma America Democratic Alliance and the Committee of 100 for Tibet, to facilitate their expressive activities on April 9 and before. The Department has referred these groups to the Recreation and Parks Department to apply for permits to use public park space near the waterfront on April 9. The Police Department is also facilitating marches and other activities by these groups on April 5, 8 and 9. Enclosed please find permit documents related to these activities. Finally, you may want to check with Dennis Kern of the Recreation and Parks Department for any applications for permits that the Recreation and Parks Department has received or permits it has issued.

5. "Requests by any person or entity asking that CCSF restrict or prohibit protests, demonstrations, or other expression relating to the torch, the Olympics, or the Olympic host country." The Department has no documents responsive to this request.

6. "The planned or expected route that the torch will take, or any areas reserved or set aside as possible torch routes."

As described above, the relay torch route has not been finalized. The only responsive documents in the possession of the Police Department consist of outdated

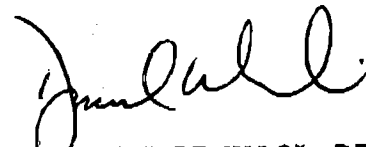
draft maps that were created by the Police Department. The Police Department is not releasing these outdated drafts under the authority of San Francisco Administrative Code Section 67.24(a)(1), pertaining to a "preliminary draft or department memorandum." That section permits nondisclosure of a "recommendation of the author" if "a document is not normally kept on file and would otherwise be disposed of." These outdated draft maps fit that definition. The Department is not releasing these drafts to avoid confusion when the final plans for the route are released. Moreover, because these drafts outline the deployment of police officers and supporting vehicles, they are protected from disclosure under Government Code Section 6254(f) which permits nondisclosure of "security procedures" of "any state or local police agency."

7. "Plans to restrict protesters to 'areas set up for First Amendment rights issues' or 'areas associated with the torch route,' as reported in the San Francisco Chronicle, S.F. Restricts China Protests for Torch Relay, March 12, 2008." As explained above, the City has no plans to restrict protesters to certain areas. Therefore, the Police Department has no documents responsive to this request.

8. "Plans or guidelines to arrest or otherwise restrict the rights of individuals or groups of protesters that do not constitute a 'parade' as defined in the Police Code." The Police Department has no documents responsive to this request, because the City has no plans to restrict the rights of individuals or groups of protesters.

Please direct any additional questions regarding this matter to me at (415) 553-1511.

Sincerely,



A/L. DONALD WOOLARD  
Commanding Officer  
Legal Division