

SFPD INTELLIGENCE-GATHERING PRACTICES AND REFORMS:

AN ABBREVIATED HISTORY

MID-1970's

- SFPD Intelligence Unit says it still has files on 100,000 individuals – some dating back to the 1930's. They include “actors and actresses who were questioned during the McCarthy era, members of the Wobblies, civil rights demonstrators, anti-war activists. . . protestors from San Francisco State . . . as well as the department's entire `red file.’” By 1975, the Unit says it has culled the files down to 50,000 individuals with further reductions expected to leave files on 25,000 people. (San Francisco Examiner, April 23, 1975.)

MID-1980's

- A number of examples of abusive or overbroad SFPD intelligence practices aimed at groups peacefully exercising their First Amendment rights are exposed. These include posing as a television news cameraperson to tape a lawful protest, infiltrating planning meetings for events, recording identities of participants and sharing the political intelligence gathered with the FBI and other agencies.

1989

- Human Rights Commission (HRC) recommends, after an extensive public hearing, that SFPD intelligence policies be overhauled to reflect “best practices” in other cities. Board of Supervisors vote 9 – 1 to endorse the recommendations.
- SFPD abandons five-year effort to keep their intelligence guidelines secret when the Court of Appeals declares in an ACLU lawsuit that they are a public record.

1990

- Police Commission appoints a committee including HRC staff, ACLU and others to work with SFPD command staff to draft a new intelligence policy. After six months of meetings, the committee's consensus recommendations are adopted by the Police Commission. (The main policy is now known as DGO 8.10.)
- Chief Willis Casey (who led the committee effort) announces he is disbanding the old Intelligence Unit and replacing it with a new Special Investigations Division commenting – “Whatever may or may not have been appropriate in the '50s just isn't appropriate now. This is a police department, not the CIA.” (San Francisco Examiner, December 19, 1991.)

1993

- A wide-ranging scandal unfolds involving SFPD intelligence officer (and ex-CIA agent) Tom Gerard. Among other things, the scandal includes: the admission by Chief Tony Ribera that files on non-criminal political activity had *not* been destroyed as required by the 1990 reforms; the published allegation by a police source that several SFPD intelligence officers had transferred files to their home computers to evade the policy reforms; the selling of confidential intelligence material to foreign governments and the sharing of this information with non-law enforcement, private entities; Gerard's entanglement with the FBI (swapping intelligence information, sharing an informant, etc.); and, a published threat from Gerard (who had fled to the Philippines) that he would expose CIA involvement in Central American death squad activity if he is aggressively prosecuted.

1994

- In response to Gerard scandal and the prior failure to fully implement the 1990 reforms, the Police Commission strengthens the civilian auditing requirements in DGO 8.10.
- Having voluntarily returned from exile, Gerard pleads “no contest” to one count of illegally accessing police computer records. He is sentenced to 45 days and fined \$2,500.

1997

- Reacting to strong opposition from Mayor Willie Brown and public outrage, the Police Commission kills a proposal that it grant for waivers from the requirements of 8.10 so SFPD officers could join the new FBI Bay Area Counterterrorism Task Force (later renamed the Joint Terrorism Task Force - JTTF)

1999

- San Francisco settles lawsuit brought by National Lawyers Guild over the Gerard scandal by agreeing to make DGO 8.10 enforceable through a court decree.

2002

- SFPD now joins JTTF but under a publicly-released MOU with specific guarantees that local officers will follow stricter local policies, including 8.10.

2004

- Police Commission publicly questions SFPD command staff about JTTF activities and whether SFPD JTTF officers are complying with 8.10. SFPD assures them and the public that strict compliance with 8.10 continues.

2005

- Local FBI Special Agent in Charge assures civil rights groups that local JTTF officers are still following stronger local policies and the standards the California constitution’s right to privacy in their work with the FBI.

2007

- SFPD signs a new JTTF MOU with the FBI eliminating application of 8.10 and local policies and sharply reducing local control of SFPD’s JTTF officers. (The MOU is kept secret at the insistence of the FBI for more than four years.)

2010

- Human Rights Commission holds hearing on community surveillance concerns.
- SFPD tells civil rights groups they can no longer discuss JTTF arrangements without the permission of the FBI

2011

- Human Rights Commission issues report calling for renewed transparency in the SFPD-FBI JTTF relationship and steps to ensure SFPD compliance with local policy. Board of Supervisors vote unanimously to call on the SFPD and Police Commission to address the recommendations
- The previously-secret SFPD-FBI JTTF MOU is released. Local FBI Special Agent in Charge tells civil rights group the MOU prohibits application of 8.10 requirements that SFPD officers receive written authorizations from their supervisors for participating in investigations and intelligence gathering involving First Amendment activity based on reasonable suspicion of criminal activity.