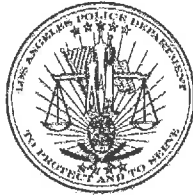


LOS ANGELES POLICE DEPARTMENT

CHARLIE BECK
Chief of Police



ERIC GARCETTI
Mayor

P. O. Box 30158
Los Angeles, California 90030
Telephone: (213) 978-2100
TDD: (877) 275-5273
Reference Number: 14.4

May 7, 2015

Mr. Hamid Khan
Stoplapdspying@gmail.com

Dear Mr. Khan:

I have reviewed your California Public Records Act request for information pertaining to details of past and future meetings that LAPD has held or will be holding in the community regarding the use of Drones or UAV's. Your request further seeks "day, date, time, location and additional details that clearly indicate the purpose and scope of these meetings including the agenda, community partners present, and documentation and material used during these events".

Staff from the Los Angeles Police Department's Counter Terrorism and Special Operations Bureau has compiled information responsive to your request, which is being provided to you.

Any correspondence regarding this matter should include a copy of this letter and be directed to the Los Angeles Police Department - Discovery Section, 201 North Los Angeles Street, Space 301, Los Angeles, California 90012. If you have any questions regarding this correspondence, please contact Senior Management Analyst Greg Toyama of the Discovery Section at (213) 978-2178.

Very truly yours,

CHARLIE BECK
Chief of Police

A handwritten signature in black ink, appearing to read "Martin Bland".

MARTIN BLAND, Senior Management Analyst
Officer-in-Charge, Discovery Section
Legal Affairs Division

Attachments

MICHAEL DOWNING - Re: touching base on surveillance issues

From: Peter Bibring <PBibring@ACLUSOCAL.ORG>
To: MICHAEL DOWNING <michael.downing@lapd.lacity.org>
Date: 10/10/2014 9:07 PM
Subject: Re: touching base on surveillance issues
CC: Peter Bibring <PBibring@ACLUSOCAL.ORG>, ELSA MANLEY <elsa.manley@lapd.la...>

Great. Arif and I spoke about this in general terms earlier this week, so if he's available I'll be glad for the chance to follow up with some specifics. Look forward to seeing you Tuesday.

On Oct 10, 2014, at 8:57 PM, MICHAEL DOWNING <michael.downing@lapd.lacity.org> wrote:

Peter yes that would be great. I will have parking for you under our building. I will ask ARIF if he is available as well. Mike.

Sent from my iPhone

On Oct 10, 2014, at 8:55 PM, Peter Bibring <PBibring@ACLUSOCAL.ORG> wrote:

That would be great. Thanks for making time on short notice. Shall I come to your office?

On Oct 10, 2014, at 5:23 PM, MICHAEL DOWNING <michael.downing@lapd.lacity.org> wrote:

Peter how about Tuesday at 11

Sent from my iPhone

On Oct 10, 2014, at 5:17 PM, Peter Bibring <PBibring@ACLUSOCAL.ORG> wrote:

Chief Downing,

I wondered if you might have time to meet briefly sometime in the next week or two to talk about surveillance technology generally and the process around its adoption and deployment. We've been trying to think about ways to bring transparency and public trust to police use of surveillance tech, and I'd very much like to talk to you about what we've come up with and how it might work in LA. As always, I'm happy to come by your office, or meet you nearby for a cup of coffee – whatever's easiest for you.
Best,

Peter Bibring
Director of Police Practices & Senior Staff Attorney
ACLU of Southern California
1313 W. 8th Street | Los Angeles, CA 90017
(t) 213.977.9500 x.295 | (f) 213.977.5297

MICHAEL DOWNING - RE: touching base on surveillance issues

From: Peter Bibring <PBibring@ACLUSOCAL.ORG>
To: 'MICHAEL DOWNING' <michael.downing@lapd.lacity.org>
Date: 10/22/2014 10:05 AM
Subject: RE: touching base on surveillance issues
Attachments: Principles of Surveillance Governance.pdf

Absolutely. I've attached the principles and will get you a clean, current version of the draft ordinance as soon as possible, definitely by the end of the day.

From: MICHAEL DOWNING [michael.downing@lapd.lacity.org]
Sent: Tuesday, October 21, 2014 11:22 PM
To: Peter Bibring
Cc: MICHAEL DOWNING
Subject: Re: touching base on surveillance issues

Peter can you send me a copy of draft ordinance and the six themes.

Sent from my iPhone

On Oct 21, 2014, at 5:30 PM, Peter Bibring <PBibring@ACLUSOCAL.ORG> wrote:

Chief Downing,

I've spoken further with the Mayor's office on the issue we discussed last week, and Eileen Decker should be reaching out to you soon. If there's any more information you need or concerns you'd like to discuss, let me know.

Best,

Peter Bibring
Director of Police Practices & Senior Staff Attorney
ACLU of Southern California
1313 W. 8th Street | Los Angeles, CA 90017
(t) 213.977.9500 x.295 | (f) 213.977.5297
pbibring@aclusocal.org

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From: MICHAEL DOWNING [<mailto:michael.downing@lapd.lacity.org>]
Sent: Friday, October 10, 2014 8:58 PM
To: Peter Bibring; ELSA MANLEY
Cc: ARIF ALIKHAN; MICHAEL DOWNING
Subject: Re: touching base on surveillance issues

MICHAEL DOWNING - RE: touching base on surveillance issues

From: Peter Bibring <PBibring@ACLUSOCAL.ORG>
To: 'MICHAEL DOWNING' <michael.downing@lapd.lacity.org>
Date: 10/22/2014 1:28 PM
Subject: RE: touching base on surveillance issues
Attachments: Model Surveillance Community Safety Ordinance (DRAFT).pdf

Chief Downing,

I'm attaching the current draft ordinance (which comes with a slightly condensed version of the principles, as well).

I want to emphasize that this should be seen as a starting point, and that if you have concerns with any of the provisions that are in here, or with provisions you think should be in here but aren't, we're open to discussion. What we're asking right now is not the Department's agreement to this particular set of requirements, but an agreement to work towards enacting a set of rules, like these, that will ensure use of surveillance technology is consistent with the principles we've discussed that I think we agree on.

If you have any questions, please don't hesitate to call my direct line at [REDACTED]
-Peter

From: MICHAEL DOWNING [michael.downing@lapd.lacity.org]
Sent: Tuesday, October 21, 2014 11:22 PM
To: Peter Bibring
Cc: MICHAEL DOWNING
Subject: Re: touching base on surveillance issues

Peter can you send me a copy of draft ordinance and the six themes.

Sent from my iPhone

On Oct 21, 2014, at 5:30 PM, Peter Bibring <PBibring@ACLUSOCAL.ORG> wrote:

Chief Downing,

I've spoken further with the Mayor's office on the issue we discussed last week, and Eileen Decker should be reaching out to you soon. If there's any more information you need or concerns you'd like to discuss, let me know.

Best,

Peter Bibring
Director of Police Practices & Senior Staff Attorney
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*Transparency, Oversight & Accountability Mechanisms for Consideration of
Surveillance Technology*

- **Knowledge of the Public/Public Debate At Earliest Stage of Process**
Public notice, agenda items, community meetings prior to seeking funding or otherwise moving forward with proposals for surveillance technology. (**transparency**)
- **A Vote by Leaders:** Public debate, concerns and benefits discussed, and a vote by community leaders at earliest stage of process before action to move forward (**oversight**)
- **Information Made Publicly Available Before Approval:** information about the technology and fiscal and civil liberties impact completed and made available to local leaders and the public prior to approval. (**oversight**)
- **Determination that Benefits Outweigh Costs and Concerns:** Local leaders, after facilitating an informed public debate, expressly consider costs (fiscal and civil liberties) and determine that technology is appropriate or not. (**oversight**)
- **Thorough Surveillance Technology Use Policy:** If decision to move forward, legally enforceable use policy with robust civil liberties, civil rights, and security safeguards. (**accountability/oversight**)
- **Accountability Following Approval:** Ensuring that local leaders and the public are empowered to obtain information and exercise oversight of the surveillance technology's use through annual reports or evaluation, sunset provisions or other mechanisms to make sure the rules followed and entities are accountable. (**accountability**)

Model Surveillance & Community Safety Ordinance

KEY PRINCIPLES OF THE MODEL ORDINANCE

- **Informed Public Debate at Earliest Stage of Process:** Public notice, distribution of information about the proposal, and public debate prior to seeking funding or otherwise moving forward with surveillance technology proposals.
- **Determination that Benefits Outweigh Costs and Concerns:** Local leaders, after facilitating an informed public debate, expressly consider costs (fiscal and civil liberties) and determine that surveillance technology is appropriate or not before moving forward.
- **Thorough Surveillance Use Policy:** Legally enforceable Surveillance Use Policy with robust civil liberties, civil rights, and security safeguards approved by policymakers.
- **Ongoing Oversight & Accountability:** Proper oversight of surveillance technology use and accountability through annual reporting, review by policymakers, and enforcement mechanisms.

MODEL ORDINANCE TEXT

The [Council/Board of Supervisors] finds that any decision to use surveillance technology must be judiciously balanced with the need to protect civil rights and civil liberties, including privacy and free expression, and the costs to [City/County]. The [Council/Board] finds that proper transparency, oversight, and accountability are fundamental to minimizing the risks posed by surveillance technologies. The [Council/Board] finds it essential to have an informed public debate as early as possible about whether to adopt surveillance technology. The [Council/Board] finds it necessary that legally enforceable safeguards be in place to protect civil liberties and civil rights before any surveillance technology is deployed. The [Council/Board] finds that if surveillance technology is approved, there must be continued oversight and annual evaluation to ensure that safeguards are being followed and that the surveillance technology's benefits outweigh its costs.

NOW, THEREFORE, BE IT RESOLVED that the [Council/Board] of [City/County] adopts the following:

Section 1. Title

This ordinance shall be known as the Surveillance & Community Safety Ordinance.

Section 2. [Council/Board] Approval Requirement

- 1) A [City/County] entity must obtain [Council/Board] approval at a properly-noticed public hearing prior to any of the following:
 - a) Seeking funds for surveillance technology, including but not limited to applying for a grant, accepting state or federal funds, or in-kind or other donations;
 - b) Acquiring new surveillance technology, including but not limited to procuring such technology without the exchange of monies or consideration;
 - c) Using new surveillance technology, or using existing surveillance technology for a purpose, in a manner or in a location not previously approved by the [Council/Board]; or
 - d) Entering into an agreement with a non-[City/County] entity to acquire, share or otherwise use surveillance technology or the information it provides.
- 2) A [City/County] entity must obtain [Council/Board] approval of a Surveillance Use Policy prior to engaging in any of the activities described in subsection (1)(b)-(d).

Section 3. Information Required

- 1) The [City/County] entity seeking approval under Section 2 shall submit to the [Council/Board] a Surveillance Impact Report and a proposed Surveillance Use Policy at least forty-five (45) days prior to the public hearing.
- 2) The [Council/Board] shall publicly release in print and online the Surveillance Impact Report and proposed Surveillance Use Policy at least thirty (30) days prior to the public hearing.

Section 4. Determination by [Council/Board] that Benefits Outweigh Costs and Concerns

The [Council/Board] shall only approve any action described in Section 2, subsection (1) of this ordinance after making a determination that the benefits to the community of the surveillance technology outweigh the costs and the proposal will safeguard civil liberties and civil rights.

Section 5. Compliance for Existing Surveillance Technology

Each [City/County] entity possessing or using surveillance technology prior to the effective date of this ordinance shall submit a proposed Surveillance Use Policy no later than ninety (90) days following the effective date of this ordinance for review and approval by [Council/Board]. If such review and approval has not occurred within sixty (60) days of the submission date, the [City/County] entity shall cease its use of the surveillance technology until such review and approval occurs.

Section 6. Oversight Following [Council/Board] Approval

- 1) A [City/County] entity which obtained approval for the use of surveillance technology must submit a Surveillance Report for each such surveillance technology to the [Council/Board] within twelve (12) months of [Council/Board] approval and annually thereafter on or before November 1.
- 2) Based upon information provided in the Surveillance Report, the [Council/Board] shall determine whether the benefits to the community of the surveillance technology outweigh the costs and civil liberties and civil rights are safeguarded. If the benefits do not outweigh the costs or civil rights and civil liberties are not safeguarded, the [Council/Board] shall direct that use of the surveillance technology cease and/or require modifications to the Surveillance Use Policy that will resolve the above concerns.
- 3) No later than January 15 of each year, the [Council/Board] shall hold a public meeting and publicly release in print and online a report that includes, for the prior year:
 - a. A summary of all requests for [Council/Board] approval pursuant to Section 2 or Section 5, including whether the [Council/Board] approved or rejected the proposal and/or required changes to a proposed Surveillance Use Policy before approval; and
 - b. All Surveillance Reports submitted.

Section 7. Definitions

The following definitions apply to this Ordinance:

- 1) "Surveillance Report" means a written report concerning a specific surveillance technology that includes all of the following:
 - a. A description of how the surveillance technology was used;
 - b. Whether and how often data acquired through the use of the surveillance technology was shared with outside entities, the name of any recipient entity, the type(s) of data disclosed, under what legal standard(s) the information was disclosed, and the justification for the disclosure(s);
 - c. A summary of community complaints or concerns about the surveillance technology;

- d. The results of any internal audits, any information about violations of the Surveillance Use Policy, and any actions taken in response;
 - e. Information, including crime statistics, that help the community assess whether the surveillance technology has been effective at achieving its identified purposes;
 - f. Statistics and information about public records act requests, including response rates; and
 - g. Total annual costs for the surveillance technology, including personnel and other ongoing costs, and what source of funding will fund the technology in the coming year.
- 2) “[City/County] entity” means any department, bureau, division, or unit of the [City/County].
 - 3) “Surveillance technology” means any electronic device, system utilizing an electronic device, or similar used, designed, or primarily intended to collect, retain, process, or share audio, electronic, visual, location, thermal, olfactory or similar information specifically associated with, or capable of being associated with, any individual or group.
 - 4) “Surveillance Impact Report” means a publicly-released written report including at a minimum the following: (a) Information describing the surveillance technology and how it works, including product descriptions from manufacturers; (b) information on the proposed purposes(s) for the surveillance technology; (c) the location(s) it may be deployed and crime statistics for any location(s); (d) an assessment identifying any potential impact on civil liberties and civil rights and discussing any plans to safeguard the rights of the public; and (e) the fiscal costs for the surveillance technology, including initial purchase, personnel and other ongoing costs, and any current or potential sources of funding.
 - 5) "Surveillance Use Policy" means a publicly-released and legally-enforceable policy for use of the surveillance technology that at a minimum specifies the following:
 - a. **Purpose:** The specific purpose(s) for the surveillance technology.
 - b. **Authorized Use:** The uses that are authorized, the rules and processes required prior to such use, and the uses that are prohibited.
 - c. **Data Collection:** The information that can be collected by the surveillance technology.
 - d. **Data Access:** The individuals who can access or use the collected information, and the rules and processes required prior to access or use of the information.
 - e. **Data Protection:** The safeguards that protect information from unauthorized access, including encryption and access control mechanisms.
 - f. **Data Retention:** The time period, if any, for which information collected by the surveillance technology will be routinely retained, the reason such retention period is appropriate to further the purpose(s), the process by which the information is regularly deleted after that period lapses, and the specific conditions that must be met to retain information beyond that period.
 - g. **Public Access:** How collected information can be accessed or used by members of the public, including criminal defendants.
 - h. **Third Party Data Sharing:** If and how other [City/County] or non-[City/County] entities can access or use the information, including any required justification or legal standard necessary to do so , and any obligations imposed on the recipient of the information.
 - i. **Training:** The training required for any individual authorized to use the surveillance technology or to access information collected by the surveillance technology, including any training materials.
 - j. **Auditing and Oversight:** The mechanisms to ensure that the Surveillance Use Policy is followed, including identifying personnel assigned to ensure compliance with the policy, internal recordkeeping of the use of the technology or access to information collected by the technology, technical measures to monitor for misuse, any independent person or entity with oversight authority, and the legally enforceable sanctions for violations of the policy

Section 8. Enforcement

- 1) Any violation of this Ordinance constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce this Ordinance.
- 2) A court shall award costs and reasonable attorneys' fees to the plaintiff who is the prevailing party in an action brought to enforce this Ordinance.
- 3) In addition, for a willful, intentional, or reckless violation of this Ordinance, an individual shall be deemed guilty of a misdemeanor and may be punished by a fine not exceeding \$1,000 per violation, imprisonment in the county jail for not more than six months, or both such a fine and imprisonment.

Section 9. Severability

The provisions in this Ordinance are severable. If any part of provision of this Ordinance, or the application of this Ordinance to any person or circumstance, is held invalid, the remainder of this Ordinance, including the application of such part or provisions to other persons or circumstances, shall not be affected by such holding and shall continue to have force and effect.

Section 10. Effective Date

This Ordinance shall take effect on [DATE].

MICHAEL DOWNING - ACLU surveillance report out today

From: Peter Bibring <PBibring@ACLUSOCAL.ORG>
To: "Michael Downing (michael.downing@lapd.lacity.org)" <michael.downing@lap...>
Date: 11/12/2014 1:30 PM
Subject: ACLU surveillance report out today

Chief Downing,

We released the surveillance report today. It's available for download here:
<https://www.aclusocal.org/smartaboutsurveillance/>

If you have a minute, I'd love to touch base with you about it and any thoughts you have.

Thanks,

Peter Bibring
Director of Police Practices & Senior Staff Attorney
ACLU of Southern California
1313 W. 8th Street | Los Angeles, CA 90017
(t) 213.977.9500 x.295 | (f) 213.977.5297
pbibring@aclusocal.org

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MICHAEL DOWNING - surveillance ordinance

From: Peter Bibring <PBibring@ACLUSOCAL.ORG>
To: 'MICHAEL DOWNING' <michael.downing@lapd.lacity.org>
Date: 11/16/2014 9:49 PM
Subject: surveillance ordinance

Chief Downing,

Sorry we didn't connect Friday. If you're around tomorrow, I'd love to touch base. I'm pretty flexible after 11 -- let me know there's a good time to talk, or if there's a better day later in the week.

Thanks,
-Peter

MICHAEL DOWNING - Re: surveillance ordinance

From: Peter Bibring <PBibring@ACLUSOCAL.ORG>
To: MICHAEL DOWNING <michael.downing@lapd.lacity.org>
Date: 11/17/2014 5:26 AM
Subject: Re: surveillance ordinance
CC: Peter Bibring <PBibring@ACLUSOCAL.ORG>

Great. I will plan to call your cell at 1. Let me know if your schedule changes.

Typed with thumbs and edited by robot.

On Nov 16, 2014, at 10:12 PM, MICHAEL DOWNING <michael.downing@lapd.lacity.org> wrote:

Peter definite want to talk. I head for DC tomorrow and could talk anytime after 1:00 PSTF.
Mike

Sent from my iPhone

On Nov 16, 2014, at 9:49 PM, Peter Bibring <PBibring@ACLUSOCAL.ORG> wrote:

Chief Downing,

Sorry we didn't connect Friday. If you're around tomorrow, I'd love to touch base. I'm pretty flexible after 11 -- let me know there's a good time to talk, or if there's a better day later in the week.

Thanks,

-Peter