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12 NATIONAL LAWYERS GUILD-LOS ANGELES

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 COUNTY OF LOS ANGELES

15 STOP LAPD SPYING COALITION and  
16 NATIONAL LAWYERS GUILD—LOS  
ANGELES CHAPTER,

17 Petitioners,

18 vs.

19 CITY OF LOS ANGELES,

20 Respondent.

) Case No.

**BS 159673**

) VERIFIED PETITION FOR WRIT OF  
) MANDATE DIRECTED TO THE LOS  
) ANGELES POLICE DEPARTMENT  
) ORDERING COMPLIANCE WITH  
) CALIFORNIA PUBLIC RECORDS ACT;  
) EXHIBITS A-J

) [Gov't Code § 6250 *et seq.*]

CONFORMED COPY  
OF ORIGINAL FILED  
Los Angeles Superior Court

DEC 22 2015

Sherri R. Carter, Executive Officer/Clerk  
By: Moses Soto, Deputy

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24 Under Code of Civil Procedure §§ 1085 *et seq.* and the California Public Records Act,  
25 Government Code §§ 6250 *et seq.*, petitioners Stop LAPD Spying Coalition (“Coalition”) and  
26 the National Lawyers Guild, Los Angeles Chapter (“NLG”) petition this Court for a writ of  
27 mandate directed to respondent City of Los Angeles (the “City” or “Respondent”), commanding  
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1 Respondent to comply with the California Public Records Act (“CPRA”). By this verified  
2 Petition, the Coalition and NLG allege:

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5 **SUMMARY OF ALLEGATIONS**

6 1. In Los Angeles, the Coalition has brought together various community groups and  
7 individuals with the goal of rescinding the Los Angeles Police Department’s (“LAPD”)   
8 Suspicious Activity Reporting (SAR) program which criminalizes every-day activities such as  
9 taking photos, using binoculars, or inquiring about hours of operations. The Guild is a member of  
10 the Coalition.  
11

12 2. The LAPD SAR program was initiated under LAPD Special Order (“SO”) 11,  
13 issued in March 2008. SO11 was revised and reissued as SO1 in January 2012 and was further  
14 revised as SO17 in August 2012. Additionally, in October 2009, the LAPD launched the  
15 iWATCH – See Something Say Something program (“iWATCH”) as part of its SAR initiative.  
16 The Coalition has requested public documents regarding the SAR program and the U.S. Senate  
17 Report on Fusion Centers. (Attached as **Exhibit A** is a true and correct copy of the October 3,  
18 2012, *Federal Support for and Involvement in State and Local Fusion Centers* Report) (the  
19 “Senate Report”). Notwithstanding the public’s strong interest in these issues, and despite the  
20 even greater need for openness in the wake of the Senate Report that confirms the Coalition and  
21 NLG’s concerns that intelligence reporting endangers civil liberties and Privacy Act protections,  
22 the City, through the responses of the LAPD, has disregarded its legal obligations and restricted  
23 public access to information.  
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1 THE PARTIES

2 3. Petitioner the Coalition, a nonprofit association based in Los Angeles, California,  
3 organizes and empowers its members to work collectively against police repression and to  
4 dismantle domestic spying activities. As part of its mission, the Coalition regularly disseminates  
5 information to its members and to the general public, including through its website  
6 <http://stoplapdspying.org/>. As such, the Coalition is within the class of persons beneficially  
7 interested in Respondent’s faithful performance of its legal duties under the CPRA.  
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9 4. Petitioner the NLG is a nonprofit legal association based in Los Angeles,  
10 California. The NLG’s work includes litigation to ensure police accountability and government  
11 transparency. The NLG is a member of the Coalition and also within the class of persons  
12 beneficially interested in Respondent’s faithful performance of its legal duties under the CPRA.  
13

14 5. Respondent City of Los Angeles is a municipal corporation duly organized under  
15 The laws of the State of California. The LAPD is a department of the City. Therefore,  
16 Respondent, including the LAPD, is a local agency within the scope of the CPRA. *See*  
17 Government Code § 6252(a).  
18

19 BACKGROUND OF CPRA REQUESTS

20 6. The National Suspicious Activity Reporting (“SAR”) Initiative was launched in  
21 March 2008 by the LAPD with the issuance of Special Order (“SO”) 11. SO11  
22 was revised in January of 2012, operating as SO1. An additional revision in August 2012  
23 changed the name to SO17. In October 2009, the LAPD launched iWATCH as part of the SAR  
24 initiative. The SAR program, currently instituted through SO17, as well as iWATCH, criminalize  
25 ordinary behaviors as “suspicious” and authorize LAPD to write up secret files on individuals  
26 based on speculation and hunches. The LAPD SAR program defines suspicious activity as  
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1 “observed behavior reasonably indicative of pre-operational planning related to terrorism or  
2 other criminal activity.” (Attached as **Exhibit B** is a true and correct copy of SO17). These files  
3 once gathered are stored and shared with thousands of law enforcement and public agencies, and  
4 access to private contractors through Fusion Centers. Suspicious activities listed in SARs include  
5 using cameras in public, shooting video, using binoculars, drawing diagrams, taking notes, and  
6 inquiring about hours of operation. The SAR program is not an evidence-based practice. It  
7 criminalizes innocent behavior, creates a culture of fear, promotes racial profiling, invades  
8 privacy, and wastes limited resources.

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10  
11 7. A recent LAPD Inspector General Audit of the SAR program released in January  
12 2015 revealed overwhelming racial profiling of Black communities in Los Angeles: over 30% of  
13 SARs that went to Fusion Centers were written on Black residents of Los Angeles even though  
14 the Black population of Los Angeles is less than 10%. In the gender count, 50% of SARs that  
15 went to Fusion Centers were written on Black women (Attached as **Exhibit C** is a true and  
16 correct copy of the January 2015 LAPD Inspector General Audit). Previously, a March 2013 LA  
17 Office of Inspector General audit of LAPD Suspicious Activity Reporting program revealed that,  
18 out of a four month sample of race/descent data, over 82% of SARs were filed on individuals  
19 belonging to racial groups identified as non-white. The largest number of SARs were filed on  
20 African Americans. (Attached as **Exhibit D** is a true and correct copy of the March 2013 LAPD  
21 Inspector General Audit).

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24 8. The Senate Report looked at the Federal support for Fusion Centers and how  
25 Fusion Centers are functioning. It found that intelligence gathering at Fusion Centers was  
26 useless, irrelevant, outdated and duplicative, created potential violations of Privacy Act  
27 protections and was a waste of resources. As of March 2013, even though tens of thousands of  
28

1 SARs have been uploaded to government databases, a U.S. Government Accountability Office  
2 investigation found that the SAR program had failed to lead to any arrests, convictions, or  
3 thwarted threats. (<http://www.gao.gov/products/GAO-13-233>).

4  
5 The Los Angeles Fusion Center is also called the Los Angeles Joint Regional Intelligence  
6 Center (“JRIC”). SARs released from JRIC through litigation in *Gill et al. v. DOJ et al*, Case No.  
7 3:14-cv-03120 (filed July 2014) ([https://www.aclunc.org/our-work/legal-docket/gill-v-doj-](https://www.aclunc.org/our-work/legal-docket/gill-v-doj-challenge-government-s-suspicious-activity-reporting-program)  
8 [challenge-government-s-suspicious-activity-reporting-program](https://www.aclunc.org/our-work/legal-docket/gill-v-doj-challenge-government-s-suspicious-activity-reporting-program)) highlight how someone engaged  
9 in non-criminal behavior, such as taking photographs, can end up in a Joint Terrorism task force  
10 database. For example, four female art students were detained on June 2, 2009 and became the  
11 subject of a SAR for taking photos in the City of Carson. (Attached as **Exhibit E** is a true and  
12 correct copy of the June 2, 2009 SAR).

13  
14 9. In light of the myriad problems raised by the SAR program, information  
15 Concerning the LAPD’s collection of information and its transmission to JRIC through the  
16 program is a matter of great public interest.

17  
18 10. On May 29, 2015 a representative of the Coalition hand-delivered two CPRA  
19 requests to the LAPD. Attached as **Exhibit F** is Petitioners’ CPRA request seeking documents  
20 related to the LAPD’s SAR and iWATCH programs and attached as **Exhibit G** is Petitioners’  
21 CPRA request seeking SARs and documents related to the Senate Report.

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23 11. The LAPD failed to respond within ten days as required by the CPRA, Section  
24 6256. After waiting for over two months for a response Petitioners, on August 12, 2015, sent a  
25 letter to the LAPD requesting responsive documents. Attached as **Exhibit H** is a true and correct  
26 copy of Petitioners’ August 12, 2015 letter to the LAPD.

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28 12. On August 27, 2015 the LAPD finally responded, providing only a copy of SO17.

1 The accompanying letter stated “The Department is reviewing the remainder of the requests to  
2 identify additional records responsive to the requests.” Attached as **Exhibit I** is a true and correct  
3 copy of the LAPD’s August 27, 2015 letter to the Petitioners.  
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5 13. Over three weeks later, on September 18, 2015, Petitioners sent another letter to  
6 the LAPD informing the Department that over four months had passed since they submitted their  
7 CPRA requests, that the Department’s response was inadequate, and that if the requested  
8 documents were not produced Petitioners would bring a petition to enforce compliance. Attached  
9 as **Exhibit J** is a true and correct copy of Petitioners’ September 18, 2015 letter to the LAPD.  
10

11 14. To date, the LAPD has not replied at all to Petitioners’ September 18, 2015  
12 letter.

### 13 CAUSE OF ACTION

14 15. The Petitioners allege on information and belief that the LAPD will continue to  
15 refuse to permit members of the public, including the Coalition and NLG, to inspect or obtain  
16 copies of the requested public records in violation of the CPRA.  
17

18 16. The Petitioners allege on information and belief that the information they seek  
19 from the LAPD is maintained in Los Angeles County. The requested records are public records  
20 not exempted from disclosure.  
21

22 17. Based on information set forth in this Petition, the Coalition and NLG believe,  
23 And therefore alleges, that the LAPD’s failure to locate records responsive to Petitioners’  
24 requests resulted from a search that failed to expend good-faith “reasonable effort,” in violation  
25 of the CPRA § 6253.1.  
26

27 18. LAPD’s failure to conduct an adequate search in response to Petitioners’  
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1 requests violates, among other provisions, of the CPRA, Government Code Section 6254(b),  
2 which provides in pertinent part that, [e]xcept with respect to public records exempt from  
3 disclosure by express provisions of law, each state or local agency, upon a request for a copy of  
4 records that reasonably describes an identifiable record or records, shall make the records  
5 promptly available to any person[.]”

7 19. By failing to respond to Petitioners’ requests and follow-up letters within two  
8 weeks, the LAPD has also violated Government Code Section 6254(c) which provides in  
9 pertinent part that “[e]ach agency, upon a request for a copy of records, shall, within 10 days  
10 from receipt of the request, determine whether the request, in whole or in part, seeks copies of  
11 disclosable public records in the possession of the agency and shall promptly notify the person  
12 making the request of the determination and reasons therefore. In unusual circumstances, the  
13 time limit may be extended by written notice...[but n]o notice shall specify a date that would  
14 result in an extension for more than 14 days.”

17 **REQUEST FOR RELIEF**

18 20. Government Code Sections 6259(a) and 6259(b) authorize the Court to compel  
19 Respondent to release the requested documents.

21 THEREFORE, Petitioners respectfully request that:

- 22 1. This Court issue a peremptory writ of mandate, without a hearing or further  
23 notice, immediately directing the LAPD to immediately conduct a diligent and  
24 comprehensive search for the requested records, and to thereafter promptly  
25 provide the Coalition and NLG the requested records or, in the alternative, an  
26 order to show cause why these public records should not be ordered disclosed;  
27





1 VERIFICATION

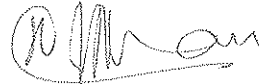
2 I, Hamid Khan, declare:

3 1. I am a member and organizer with the Stop LAPD Spying Coalition and I am  
4 authorized to make this verification on Petitioner’s behalf.  
5

6 2. I have read the VERIFIED PETITION FOR WRIT OF MANDATE DIRECTED TO  
7 THE LOS ANGELES POLICE DEPARTMENT ORDERING COMPLIANCE WITH  
8 CALIFORNIA PUBLIC RECORDS ACT; EXHIBITS A-J. The facts stated in the Petition are  
9 either true and correct of my own personal knowledge, or I am informed and believe that such  
10 facts are true and correct, and on that basis I allege them to be true and correct.  
11

12 3. In particular, I verify that I hand-delivered to the Los Angeles Police Department the  
13 Public Records Act requests described in the petition.

14 This verification was executed on December 22, 2015, in Los Angeles, California. I  
15 declare under penalty of perjury that the foregoing is true and correct.  
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18 \_\_\_\_\_  
19 HAMID KHAN

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**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 3435 Wilshire Blvd., Suite 2910, Los Angeles, CA 90010.

On the date set out below, I served the foregoing document described as Verified Petition for Writ of Mandate Directed to the Los Angeles Police Department Ordering Compliance with California Public Records Act; Exhibits A-J on the following interested parties via US Mail:

Michael N. Feuer, City Attorney  
200 North Main Street, City Hall East, Room 800  
Los Angeles, CA 90012

Executed on December \_\_\_\_, 2015 at Los Angeles, California.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the above is true and correct.

\_\_\_\_\_  
Colleen Flynn