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STOP LAPD SPYING COALITION
9

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF LOS ANGELES

12 STOP LAPD SPYING COALITION,)	Case No. 21STCP02090
13)	
14 Petitioner,)	VERIFIED PETITION FOR WRIT OF
15 vs.)	MANDATE DIRECTED TO THE LOS
16 CITY OF LOS ANGELES,)	ANGELES POLICE DEPARTMENT
17)	ORDERING COMPLIANCE WITH
Respondent.)	CALIFORNIA PUBLIC RECORDS ACT;
)	EXHIBITS A-C
)	[Gov't Code § 6250 <i>et seq.</i>]

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20 1. The City of Los Angeles has refused to provide public access to records of
21 communications between the Los Angeles Police Department (LAPD) and a local university
22 professor who has worked with LAPD to test and promote a discredited “predictive” policing
23 technology sold by a company he co-founded. The Stop LAPD Spying Coalition petitions this
24 Court under Code of Civil Procedure sections §§ 1085 *et seq.* for a writ of mandate commanding
25 the City of Los Angeles to provide public access to these records in order to comply with the
26 California Public Records Act (PRA) and the California Constitution.
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1 2. This petition is necessitated by the City’s refusal to comply with a public records request
2 that Petitioner submitted to LAPD nearly a year ago, in July 2020. Petitioner filed this request to
3 inform public understanding of academic complicity in policing, at a time of growing public
4 scrutiny of the ties between racist policing and public institutions such as universities.

5 3. Over the past several months, Petitioner has made repeated efforts to work with LAPD to
6 make this request manageable, to narrow the request’s scope, to propose a relaxed disclosure
7 timeline, and to seek updates on the status of the request. LAPD has rejected Petitioner’s
8 proposals.
9

10 4. The withheld records are LAPD’s communications with P. Jeffrey Brantingham, a
11 professor at the University of California Los Angeles (UCLA) who worked with LAPD to test
12 and promote technology that purports to “predict” future crimes. These records concern the role
13 of academic research in promoting harmful surveillance and data-mining technologies, including
14 work on behalf of for-profit companies that generate revenue from this research. In 2019, a
15 “group of 68 UCLA professors and graduate students”¹ sent a letter to LAPD condemning
16 Professor Brantingham’s efforts to promote technologies that he advertises as “predictive
17 policing” and sells through PredPol, a private business he co-founded. More recently, in June
18 2020, a group of over 1,400 academic mathematicians signed a letter criticizing Professor
19 Brantingham’s policing research and naming PredPol’s “racist consequences.”² Petitioner filed
20 the request at issue in this case the following month.
21

22 5. LAPD does not dispute that its communications with Professor Brantingham are public
23 records. Nor does LAPD claim these records are exempt from the PRA as a general matter.
24

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26 ¹ Mark Puente, [LAPD Moving Away Data-Driven Crime Programs Over Potential Racial Bias](https://www.latimes.com/local/lanow/la-me-lapd-data-policing-20190410-story.html),
27 L.A. Times (Apr. 10, 2019), [https://www.latimes.com/local/lanow/la-me-lapd-data-policing-](https://www.latimes.com/local/lanow/la-me-lapd-data-policing-20190410-story.html)
28 [20190410-story.html](https://www.latimes.com/local/lanow/la-me-lapd-data-policing-20190410-story.html).

² See Davide Castelvecchi, [Mathematicians Urge Colleagues to Boycott Police Work in Wake of Killings](https://www.nature.com/articles/d41586-020-01874-9), Nature (June 19, 2020), <https://www.nature.com/articles/d41586-020-01874-9>.

1 Instead, LAPD claims that reviewing its communications with Professor Brantingham would be
2 “unduly burdensome” and therefore the public cannot access these records. But according to
3 LAPD’s own estimates, reviewing the withheld records would take approximately 30 to 40
4 hours, and nearly a year has passed since Petitioner filed this records request. During that time,
5 LAPD rejected Petitioner’s proposals for delayed disclosure.
6

7 6. The California Constitution declares that the “the writings of public officials and agencies
8 shall be open to public scrutiny” because “[t]he people have the right of access to information
9 concerning the conduct of the people’s business.” Cal. Const., Art. I § 3(b)(1). LAPD is
10 violating this requirement by denying the public access to official communications with a
11 university professor who uses his research to sell harmful police technologies for profit.
12

13 7. This is not the first time LAPD has tried to illegally withhold public records related to its
14 “predictive” policing programs. In 2018, Petitioner filed a public records lawsuit challenging
15 LAPD’s denial of access to records generated by Operation LASER, another “predictive”
16 policing program that used data-mining to identify policing targets. After the lawsuit was filed,
17 LAPD ended Operation LASER and disclosed the withheld records.
18

19 8. Petitioner has been trying to avoid further litigation on this topic by making repeated
20 efforts to communicate with LAPD to make this request more manageable. Yet LAPD continues
21 to withhold the requested records. Judicial intervention is therefore necessary to ensure LAPD’s
22 compliance with the PRA for these records of significant public interest.
23

24 **PUBLIC INTEREST IN THE WITHHELD RECORDS**

25 9. Public interest in the records LAPD is withholding here is extremely significant. The
26 records are communications that LAPD exchanged with P. Jeffrey Brantingham, a UCLA
27 anthropology professor who worked with LAPD to build “predictive policing” technology sold
28

1 through PredPol, a business he co-founded. These records could shed light on concerns raised
2 by wide segments of the public, including communities that have been harmed by PredPol,
3 Professor Brantingham’s academic community, and city officials, along with shedding light on
4 LAPD’s response to those public concerns.

5
6 10. A wide array of community members as well as LAPD’s oversight body have for years
7 raised concerns about Professor Brantingham’s harmful work. In 2019, LAPD’s “civilian
8 oversight panel raised questions about whether [the PredPol] program, aimed at reducing
9 property crime, also disproportionately targets black and Latino communities.”³ One of
10 Professor Brantingham’s colleagues in the UCLA Department of Anthropology, Professor
11 Jemima Pierre, testified to this oversight panel that PredPol is “a predatory policing program that
12 should be dismissed and dismantled.”⁴ Professor Jessica Cattelino, also from the UCLA
13 Department of Anthropology, further testified that PredPol “shouldn’t be evaluated by the person
14 who created it,” referring to Professor Brantingham’s work to publish “evaluations” of LAPD’s
15 use of this technology.⁵ In June 2020, a month before Petitioner filed the PRA request here, over
16 1,400 academic mathematicians signed a public letter condemning mathematical research that
17 facilitates racist policing.⁶ The letter, which singled out Professor Brantingham’s work with
18 LAPD and named PredPol’s “racist consequences,” was later published in the Notices of the
19 American Mathematical Society along with a second letter acknowledging that a “Predictive
20 Policing workshop” organized by Professor Brantingham in 2016 “failed to transparently address
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22
23

24 ³ Mark Puente, LAPD Moving Away Data-Driven Crime Programs Over Potential Racial Bias,
25 L.A. Times (Apr. 10, 2019), <https://www.latimes.com/local/lanow/la-me-lapd-data-policing-20190410-story.html>.

26 ⁴ Id.

27 ⁵ Id.; see also Sophie Wang, Adit Dhanushkodi, and Leah Horgan, PredPol is LAPD’s Racist
28 Predictive Policing Program, Free Radicals (Oct. 11, 2019), <https://freerads.org/2019/10/11/a-guide-to-predpol-and-dismantling-it/>.

⁶ See Davide Castelvecchi, Mathematicians Urge Colleagues To Boycott Police Work in Wake
of Killings, Nature (June 19, 2020), <https://www.nature.com/articles/d41586-020-01874-9>.

1 the potential for data-driven techniques and algorithms to perpetuate bias and exacerbate
2 violence against Blacks and other minorities at the hands of police.”⁷

3 11. Professor Brantingham’s work with LAPD has included testing PredPol’s products on
4 community members in Los Angeles. In 2015, Professor Brantingham and a set of co-authors
5 published a statistical study regarding randomized control trials of PredPol’s use by LAPD.⁸
6 Their study purported to show that PredPol reduced crime, and PredPol has used this study to
7 advertise its products to police across the country. Unlike this study, an independent review later
8 conducted by LAPD’s Office of the Inspector General four years later concluded that it was
9 “difficult to draw conclusions about the effectiveness of [PredPol] in reducing vehicle or other
10 crime.”⁹ The records LAPD is withholding could inform the public about these and other
11 experiments Professor Brantingham has performed on the Los Angeles community.
12

13
14 12. During the time in which Petitioner’s public records request has been pending, PredPol
15 announced a rebrand. In March 2021, PredPol renamed itself Geolitica and changed its slogan
16 from “The Predictive Policing Company™”¹⁰ to “Data-Driven Community Policing.”¹¹ The
17 company now says the purpose of its software is for “public safety teams to be more transparent,
18 accountable, and effective.”¹² That rebranding – taking a technology that had been discredited as
19 racist and harmful and spinning it to the public as a tool for “community policing” and
20

21
22 ⁷ Letters to the Editor, 67 Notices Am. Mathematical Soc’y. 1293 (2020), available at
<https://www.ams.org/journals/notices/202009/rnoti-p1293.pdf>.

23 ⁸ See G.O. Mohler, et al., Randomized Controlled Field Trials of Predictive Policing, 110 J. Am.
24 Stat. Assoc. 1399 (2015).

25 ⁹ Los Angeles Police Commission, Office of the Inspector General, Review of Selected Los
Angeles Police Department Data-Driven Policing Strategies (Mar. 2019), available at
26 [https://a27e0481-a3d0-44b8-8142-](https://a27e0481-a3d0-44b8-8142-1376cfbb6e32.filesusr.com/ugd/b2dd23_21f6fe20f1b84c179abf440d4c049219.pdf)

27 [1376cfbb6e32.filesusr.com/ugd/b2dd23_21f6fe20f1b84c179abf440d4c049219.pdf](https://www.predpol.com).

28 ¹⁰ PredPol, <https://www.predpol.com> (last visited June 29, 2021).

¹¹ Geolitica, <https://geolitica.com> (last visited June 29, 2021).
¹² Id.; see also Geolitica, Geolitica: A New Name, A New Focus (Mar. 2, 2021),
<https://geolitica.com/blog/geolitica-a-new-name-a-new-focus/>.

1 “accountability” – mirrored a similar move by LAPD in April 2020, when LAPD announced it
2 would no longer use PredPol. Later that same month, LAPD announced a new data-driven
3 policing framework titled Data-Informed Community-Focused Policing. Much like with
4 PredPol’s 2021 rebrand, LAPD claimed that this new initiative would use data to “measure
5 results, improve efficiency, and provide overall accountability.”¹³ The records LAPD is
6 withholding could be related to these twin rebrandings.
7

8 **THE PARTIES**

9 13. Petitioner Stop LAPD Spying Coalition is a nonprofit grassroots association based in Los
10 Angeles, California. The Coalition organizes and empowers its membership to work collectively
11 against police repression, violence, and surveillance. The Coalition files records requests on
12 behalf of its broad membership base, which consists of several hundred community members.
13

14 14. As part of its mission, the Stop LAPD Spying Coalition regularly shares research with its
15 members and the general public, including through print media, social media, and online. The
16 Coalition also hosts weekly webinars, teach-ins, and community meetings to share records and
17 research, and Coalition members routinely use public records to comment at legislative and
18 administrative hearings, as well as to inform journalists who report on LAPD practices.
19

20 15. The Coalition has successfully used PRA requests to force public reckoning for harmful
21 LAPD practices. For example, in March 2013, the Coalition used records accessed through the
22 PRA to publish a community audit on LAPD Special Order 1, sparking a public conversation
23 about a discriminatory and otherwise obscure LAPD surveillance program.¹⁴ And in May 2018,
24

25 ¹³ Los Angeles Police Department, Data-Informed Community-Focused Policing (Apr. 2020),
26 available at <http://lapd-assets.lapdonline.org/assets/pdf/Data-Informed-Policing.pdf>.

27 ¹⁴ See Stop LAPD Spying Coalition, To Observe and Suspect: A People’s Audit of the Los
28 Angeles Police Department’s Special Order 1 (Apr. 2, 2013), available at
<https://stoplapdspying.org/wp-content/uploads/2013/04/PEOPLES-AUDIT-UPDATED-APRIL-2-2013-A.pdf>.

1 the Coalition used records accessed through PRA requests to publish a report¹⁵ that put pressure
2 on LAPD to end its controversial “predictive” policing programs.¹⁶

3 16. Respondent City of Los Angeles is a municipal corporation organized under the laws of
4 the State of California. LAPD is a department of the City. Respondent and LAPD are therefore
5 a local agency within the scope of the PRA. See Government Code § 6252(a).

6
7 **PETITIONER’S EFFORTS TO REQUEST THE WITHHELD RECORDS**

8 17. On July 28, 2020, Petitioner submitted a public records request to LAPD seeking records
9 on LAPD’s collaboration with academic researchers regarding the development, evolution, and
10 promotion of LAPD’s “data-driven” policing programs. The initial request sought the following
11 records:

- 12
- 13 1. All communications and other records exchanged between LAPD employees
14 and Sarah Brayne, Andrew Ferguson, Jeff Brantingham, George Tita, and
15 Craig Uchida.
 - 16 2. All communications and other records related to agreements, contracts, or
17 partnerships between academic or privately contracted persons – including but
18 not limited to Sarah Brayne, Andrew Ferguson, Jeff Brantingham, George
19 Tita, and Craig Uchida – who partner, assist, are embedded with, or are
20 contracted to engage in any research, program development, strategic
21 programmatic development, or planning with LAPD.
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25 ¹⁵ See Stop LAPD Spying Coalition, [Before the Bullet Hits the Body: Dismantling Predictive Policing in Los Angeles](https://stoplapdspying.org/wp-content/uploads/2018/05/Before-the-Bullet-Hits-the-Body-May-8-2018.pdf) (May 8, 2018), available at <https://stoplapdspying.org/wp-content/uploads/2018/05/Before-the-Bullet-Hits-the-Body-May-8-2018.pdf>.

26 ¹⁶ See Mark Puente, [LAPD Ends Another Data-Driven Crime Program Touted to Target Violent Offenders](https://www.latimes.com/local/lanow/la-me-laser-lapd-crime-data-program-20190412-story.htm), L.A. Times (Apr. 12, 2019), <https://www.latimes.com/local/lanow/la-me-laser-lapd-crime-data-program-20190412-story.htm>; Leila Miller, [LAPD Will End Controversial Program that Aimed to Predict Where Crimes Would Occur](https://www.latimes.com/california/story/2020-04-21/lapd-ends-predictive-policing-program), L.A. Times (Apr. 21, 2020), <https://www.latimes.com/california/story/2020-04-21/lapd-ends-predictive-policing-program>.

1 3. All communications and other records written or co-authored by Sarah
2 Brayne, Andrew Ferguson, Jeff Brantingham, George Tita, and Craig Uchida
3 that discusses any predictive policing programs, data driven, strategic
4 programmatic development, and/or algorithmically based policing programs,
5 including but not limited to Operation LASER (Los Angeles Strategic
6 Extraction and Restoration), PredPol, and the Data Informed Community
7 Focused Policing Program.
8

9 Attached as **Exhibit A** is a copy of Petitioner's July 28 records request, which was marked # 20-
10 5033 in the City's online NextRequest system. All communications between Petitioner and
11 LAPD that were made within NextRequest can also be found within Exhibit A.
12

13 18. Over the past several months, Petitioner has worked with LAPD to significantly narrow
14 the scope and complexity of the request. In particular, Petitioner eliminated the second and third
15 items of the request, seeking only the records encompassed by the first item, which refers solely
16 to communications and records exchanged with five named individuals: **Sarah Brayne, Andrew**
17 **Ferguson, Jeff Brantingham, George Tita, and Craig Uchida.** Petitioner later provided LAPD
18 with email addresses for those five named individuals to assist in the search.
19

20 19. On February 3, LAPD provided records of communications with **Sarah Brayne,**
21 **Andrew Ferguson,** and **George Tita** but with several pages almost fully redacted. On March 7,
22 Petitioner sent LAPD a message requesting an explanation of the redactions. LAPD initially did
23 not respond to that request, which Petitioner reiterated on March 31 and May 17. LAPD
24 eventually responded by providing the redacted pages in unredacted form on June 18, 2021.
25

26 20. LAPD has refused to disclose any records regarding its communications with **Craig**
27 **Uchida** and **Jeffrey Brantingham.** In an effort to narrow its request, Petitioner withdrew its
28

1 request for records related to **Craig Uchida** in March 2021. Petitioner thereby narrowed its
2 outstanding request to only cover records of communications with **Jeffrey Brantingham**.

3 21. Around five months ago, on February 3, 2021, LAPD informed Petitioner that it had
4 identified “approximately 1690” records of communications with Professor Brantingham that
5 could be responsive to Petitioner’s request. Since that time, Petitioner has made repeated efforts
6 to work with LAPD to make production of these records manageable, including by proposing
7 relaxed timeframes for disclosure. LAPD ignored those proposals and failed to provide any of
8 these records, while at the same time repeatedly threatening to close the request.
9

10 22. On February 15, 2021, Petitioner sent a message in NextRequest stating that Petitioner
11 was “happy to work with you to make the request more manageable.” Petitioner’s message
12 proposed that LAPD “provide access to the potentially responsive records by March 28, which
13 would be eight months from the date of the request.” Petitioner’s message further observed that
14 communications with Professor Brantingham, a “single, specific outside public figure” should
15 “not be prohibitively burdensome to disclose,” and nor should they have taken over “6 months to
16 disclose.” The message asked LAPD to respond within two weeks if that March 28 timeline
17 would not be feasible: “If you will not be able to meet that March 28 deadline, we ask that you
18 notify us of that a month in advance, by February 28, so that we can consider our legal options.”
19

20 23. LAPD did not respond to Petitioner’s February 15 proposal and follow-up
21 communications. Instead, on February 17 and then again on March 5, LAPD sent the following
22 message in NextRequest: “Please be advised that the Department continues to search for,
23 identify, and/or review responsive records and will respond as soon as practicable. Thank you
24 for your continued patience.” LAPD had sent an identical message six times previously, on
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1 January 6, 2021, December 10, 2020, November 6, 2020, October 15, 2020, September 16, 2020,
2 and August 19, 2020.

3 24. A few hours after sending that message, LAPD sent another message responding to the
4 keywords Petitioner had offered on February 15 as an attempt to narrow the scope of the request
5 for Craig Uchida's communications. That message said nothing about Professor Brantingham's
6 communications or the timeline Petitioner had proposed for disclosure of those records. Instead,
7 the message threatened to close the request unless Petitioner made an "attempt to further narrow
8 the scope of the search" for Mr. Uchida's communications.
9

10 25. Petitioner responded to that March 5 message on March 7, asking: "To be clear, these
11 keyword hits are only for communications with Craig Uchida, correct?" Petitioner's message
12 repeated the timeline for gradual disclosure by March 28 that Petitioner had previously proposed
13 and stated: "Your message now says nothing about Jeffrey Brantingham's communications.
14 Could you confirm the status of those records?"
15

16 26. Petitioner received no response to that March 7 message, and March 28 passed.

17 27. On March 31, 2021, petitioner sent an additional follow-up message in NextRequest.
18 Petitioner's message summarized the prior correspondence and asked: "Could you confirm
19 whether LAPD plans to disclose these records?"
20

21 28. The next day, on April 1, LAPD again sent the exact same message it sent on March 5,
22 2021, February 17, 2021, January 6, 2021, December 10, 2020, November 6, 2020, October 15,
23 2020, September 16, 2020, and August 6, 2020.
24

25 29. A week later, on April 8, 2021, LAPD again sent a response in NextRequest regarding
26 the keywords Petitioner offered on February 15 as an effort to narrow the request for Craig
27 Uchida's communications. Oddly, this message was identical to the message LAPD had sent on
28

1 March 5 and which Petitioner had already responded to on March 7 and March 31, asking about
2 the communications with Professor Brantingham. Despite those responses from Petitioner,
3 LAPD again threatened to close the request unless Petitioner made an “attempt to further narrow
4 the scope of the search” as to Craig Uchida’s communications. As with the identical March 5
5 message, LAPD’s April 8 message said nothing about Petitioner’s repeated requests for an
6 update about the records related to Professor Brantingham.
7

8 30. Petitioner responded to the April 8 message the same day. Petitioner wrote: “The
9 message you just sent today is a word for word copy of what you already wrote here on March
10 5. We responded to that message on March 7 and again March 31. You have not responded to
11 those messages.” Petitioner reiterated the request for an update about Professor Brantingham’s
12 communications: “On February 15, we requested access to those records by March 28. We then
13 followed up twice asking for an update on those emails. Both this message and your other
14 updates since then have ignored that aspect of [our] request and our follow-up messages, and you
15 are now threatening to close the request.” Petitioner’s message further noted that “LAPD has
16 now violated several deadlines for this request, which we filed over eight months ago.”
17
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19 31. LAPD sent no response to Petitioner’s April 8 message.

20 32. On May 17, 2021, Petitioner sent a letter about the outstanding aspects of the request to
21 LAPD Chief Michel Moore along with Lizabeth Rhodes, LAPD’s Director of Constitutional
22 Policing and Policy, and Richard Tefank, the Los Angeles Police Commission’s Executive
23 Director. The letter summarized the correspondence between Petitioner and LAPD regarding the
24 request, including Petitioner's February 2021 proposal for gradual disclosure. The letter asked
25 LAPD to provide access to the records of communications with Professor Brantingham by June
26 14, 2021, which would have been over ten months after the initial records request was filed and
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1 over four months after LAPD identified “approximated 1690” potential responsive records.

2 Attached as **Exhibit B** is a copy of Petitioner’s May 17 letter.

3 33. Petitioner’s May 17 letter stated that Petitioner would “strongly prefer to avoid further
4 PRA litigation” and was “hopeful this request can be resolved without court intervention.” The
5 letter explained: “[W]e have made every effort to work with LAPD to make this request
6 manageable and seek updates about its status. LAPD has ignored those communications while at
7 the same time twice threatening to close the request.” Petitioner stated that if they did not
8 receive a response by June 14, 2021, then they would understand “LAPD to be violating the
9 PRA” and intended to “pursue legal remedies for those violations.”
10

11 34. June 14, 2021, passed without a response from LAPD about Petitioner’s proposal.
12

13 35. On June 18, 2021, LAPD sent Petitioner a letter within the NextRequest system. The
14 letter continued to ignore Petitioner’s prior proposal for delayed disclosure, instead stating that
15 compliance would be “unduly burdensome.” The letter did not cite any statutory provision or
16 other authority justifying this determination. Instead, LAPD stated that a “short assessment” of
17 ten of the withheld emails showed that the ten emails covered 32 pages. Based on that
18 assessment, LAPD concluded: “If the number of pages averages this number throughout, the
19 1,690 responsive records could result in at least 5,400 pages to be reviewed. This remains
20 unduly burdensome and we respectfully request that you contact the assigned analyst to further
21 narrow the scope of the request.” Attached as **Exhibit C** is a copy of LAPD’s June 18 letter.
22

23 36. LAPD’s assessment of ten emails is too small a sample size for a meaningful estimate.
24 But even if this estimate of 5,400 potential pages could be treated as reliable, the Director of
25 LAPD’s Office of Constitutional Policing and Policy stated in November 2020 that LAPD public
26 records analysts “can review approximately 1500 pages of documents in a 10-hour work
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1 shift.”¹⁷ That rate of approximately 150 pages per hour is likely an underestimate of the time
2 needed to review the records at issue here, since emails can be as short as a sentence and email
3 printouts can be repetitive for nested threads containing past replies. Regardless, if both of
4 LAPD’s estimates here are treated as accurate for the sake of argument, then together they
5 suggest that LAPD could complete its analysis of the withheld documents within just 30 to 40
6 hours of review. The request underlying this lawsuit has now been pending for over a year, and
7 during that time LAPD has ignored Petitioner’s repeated requests for gradual disclosure of the
8 withheld records. LAPD’s claim that this request is unduly burdensome essentially amounts to a
9 refusal to devote a cumulative 30 to 40 hours to this request over the span of several months.
10

11 37. To the extent budget limitations are why LAPD is treating this request for public records
12 as too burdensome, LAPD’s budget this past year was over \$3.15 billion.¹⁸ This is vastly larger
13 than any other city agency. In fact, LAPD’s operating budget consumes over half of the city’s
14 unrestricted funds. In February 2021, Petitioner filed a public records lawsuit to challenge
15 LAPD withholding records that reflect an accounting of LAPD’s full yearly budgets. Those
16 records could show what portion of LAPD’s vast resources the Department chooses to spend on
17 complying with its PRA obligations compared to other more harmful or wasteful costs.¹⁹
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21 ¹⁷ Memorandum from Lizabeth Rhodes to Executive Director, Board of Police Commissioners
22 (Nov. 6, 2020) at 4, available at https://ia801405.us.archive.org/26/items/2020-11-05-badge-note-from-lizbeth-rhodes-on-hamid-khan-cpras/2020_11_05_badge_note_from_lizbeth_rhodes_on_hamid_khan_cpras.pdf.

23 ¹⁸ City of Los Angeles, Budget, Fiscal Year 2020-2021 (June 2, 2020) at 152, available at
24 <https://lacontroller.org/wp-content/uploads/2020/09/Budget-2020-21-Electronic.pdf>.

25 ¹⁹ Petitioner’s pleadings in that case articulated the financial connection between the budget
26 records LAPD was withholding and the Department’s systemic failures with PRA compliance:

27 Without access to records accounting for LAPD’s base budget, the public also has
28 no way to know how much is spent yearly by specific LAPD units, divisions, and
programs. For example, the public has no way to know how much the City is
proposing to spend on its Air Support Division (reportedly the largest, most
expensive municipal air force in the country) in a year or what the total costs of a

1 38. LAPD has a long history of violating the PRA in response to Petitioner’s requests,
2 leaving Petitioner no choice but to seek judicial relief. This is the fourth time Petitioner has had
3 to sue the City to remedy the LAPD’s PRA violations. In 2015 the LAPD failed to adequately
4 respond to two requests from Petitioner and the National Lawyers Guild’s Los Angeles chapter
5 regarding the Suspicious Activity Reporting behavioral surveillance program. After Petitioner
6 sought a writ of mandate from this Court, LAPD produced the withheld records. See Stop LAPD
7 Spying Coalition v. City of Los Angeles, Case No. BS-159673. In 2018, LAPD failed to
8 adequately respond to Petitioner’s PRA requests regarding the Operation LASER “predictive”
9 policing program. And once again, only after Petitioner filed a writ petition did LAPD produce
10 the withheld records. See Stop LAPD Spying Coalition v. City of Los Angeles, Case No. BS-
11 172216. Petitioner later used records disclosed through those lawsuits to force public reckoning
12 of harmful LAPD programs, for example successfully calling for LAPD to restrict and end its
13 controversial behavioral surveillance and “predictive” policing programs.

14 39. LAPD’s history of violating the PRA when responding to Petitioner’s requests appears to
15 be part of a deliberate strategy to block or delay responses to records requests from Petitioner. A
16 memorandum dated November 6, 2020, from Lizabeth Rhodes, Director of LAPD’s Office of
17 Constitutional Policing and Policy suggests that LAPD has singled out requests filed by the Stop
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22 particular surveillance program will be. And **the public has no way to know**
23 **how much LAPD proposes to spend on its Public Relations Unit (which**
24 **communicates with media and publishes reports to “protect the image of**
25 **officers and taint people targeted by police”) versus its Discovery Unit (which**
26 **responds to CPRA requests and has repeatedly violated CPRA for**
27 **Petitioner’s requests).**

28 Stop LAPD Spying Coalition v. City of Los Angeles, Verified Petition at ¶ 4(e) (Case No. 21STCP00504, Feb. 15, 2021) (quoting Maya Lau, Police PR Machine Under Scrutiny for Inaccurate Reporting, Alleged Pro-Cop Bias, L.A. Times (Aug. 30, 2020), <https://www.latimes.com/california/story/2020-08-30/police-public-relations>) (emphasis added).

1 LAPD Spying Coalition’s lead coordinator Hamid Khan for adverse treatment.²⁰ The
2 memorandum indicated that “a current evaluation is being conducted on the potential necessity
3 of placing Mr. Khan’s requests in a work management plan.”²¹ Given LAPD’s history of
4 extreme delays and PRA violations for Petitioner’s requests, the threat of even worse PRA
5 compliance singling out a community group that works to inform the public about harmful
6 LAPD practices is extremely alarming.
7

8 **FIRST CAUSE OF ACTION**

9 **Public Records Act, Government Code § 6250 et seq.**

10 40. Petitioner alleges on information and belief that the City will continue to deny Petitioner
11 and other members of the public the ability to inspect or obtain copies of the requested public
12 records in violation of the PRA.
13

14 41. Petitioner alleges on information and belief that the records they seek are maintained in
15 Los Angeles County. The requested records are public records not exempted from disclosure.
16

17 42. Petitioner believes and alleges based on the information set forth in this Petition that
18 LAPD’s failure to locate records responsive to Petitioner’s request resulted from a search that
19 violated Government Code section 6253.1 by failing to use good-faith “reasonable effort.”

20 43. Respondent’s failure to conduct an adequate search in response to Petitioner’s request
21 violates, among other provisions of the PRA, Government Code section 6253(b), which provides
22 that, “[e]xcept with respect to public records exempt from disclosure by express provisions of
23 law, each state or local agency, upon a request for a copy of records that reasonably describes an
24 identifiable record or records, shall make the records promptly available to any person.”
25

26 ²⁰ Memorandum from Lizabeth Rhodes to Executive Director, Board of Police Commissioners
27 (Nov. 6, 2020), available at [https://ia801405.us.archive.org/26/items/2020-11-05-badge-note-](https://ia801405.us.archive.org/26/items/2020-11-05-badge-note-from-lizbeth-rhodes-on-hamid-khan-cpr/2020_11_05_badge_note_from_lizbeth_rhodes_on_hamid_khan_cpr.pdf)
28 [from-lizbeth-rhodes-on-hamid-khan-](https://ia801405.us.archive.org/26/items/2020-11-05-badge-note-from-lizbeth-rhodes-on-hamid-khan-cpr/2020_11_05_badge_note_from_lizbeth_rhodes_on_hamid_khan_cpr.pdf)

[cpr/2020_11_05_badge_note_from_lizbeth_rhodes_on_hamid_khan_cpr.pdf](https://ia801405.us.archive.org/26/items/2020-11-05-badge-note-from-lizbeth-rhodes-on-hamid-khan-cpr/2020_11_05_badge_note_from_lizbeth_rhodes_on_hamid_khan_cpr.pdf).

²¹ Id. at 4.

1 44. By failing to respond to Petitioner’s requests and follow-up communications within two
2 weeks, Respondent has also violated Government Code section 6253(c), which provides in
3 pertinent part that “[e]ach agency, upon a request for a copy of records, shall, within 10 days of
4 receipt of the request, determine whether the request, in whole or in part, seeks copies of
5 disclosable public records in the possession of the agency and shall promptly notify the person
6 making the request of the determination and reasons therefore. In unusual circumstances, the
7 time limit may be extended by written notice . . . [but n]o notice shall specify a date that would
8 result in an extension for more than 14 days.”
9

10 **SECOND CAUSE OF ACTION**

11 **California Constitution, Art. I § 3 subd. (b)(2)**

12 45. The California Constitution recognizes that the “people have the right of access to
13 information concerning the conduct of the people’s business, and therefore, the meetings of
14 public bodies and the writings of public officials and agencies shall be open to public scrutiny.”
15 Cal. Const., Art. I § 3(b)(1). Because the provisions of the California Constitution are mandatory
16 and prohibitory, this right is self-executing. See Cal. Const., Art. I § 26.
17

18 46. A clear controversy exists between the parties regarding Petitioner’s right of access to
19 Respondent’s public records, which encompass “information concerning the conduct of the
20 people’s business.” Petitioner has sought and will continue to seek public records from
21 Respondent as is their right under the PRA and the California Constitution. Respondent has
22 engaged in a pattern and practice of frustrating Petitioner’s right of access to public records.
23

24 47. Without action by this Court, Respondents will continue to violate Petitioner’s statutory
25 and constitutional rights, and they will suffer irreparable injury. Petitioner seeks injunctive and
26 declaratory relief to protect the future exercise of their right of access to public records.
27
28

REQUEST FOR RELIEF

48. Government Code sections 6259(a) and 6259(b) authorize the Court to compel Respondent to release the requested documents. Petitioner therefore respectfully requests that:

1. This Court issue a peremptory writ of mandate immediately directing the City to conduct a prompt, diligent, and comprehensive search for the requested records, and to thereafter provide Petitioner the requested records or, in the alternative, an order to show cause why these public records should not be ordered disclosed;
2. The Court set “times for responsive pleadings and for hearings in these proceedings . . . with the object of securing a decision as to these matters at the earliest possible time” as provided in Government Code section 6258;
3. The Court enter an order declaring that the City has violated the PRA by its refusal to release the public records sought by Petitioner’s requests and by its failure to properly respond to and assist with Petitioner’s requests;
4. The Court enter an order awarding Petitioner their reasonable attorneys’ fees and costs incurred in bringing this action, as provided in Government Code section 6258; and,
5. The Court award any further relief as is just and proper.

DATED: June 29, 2021

Respectfully Submitted,

LAW OFFICE OF SHAKEER RAHMAN
LAW OFFICE OF COLLEEN FLYNN

Attorneys for Petitioner

/s/ Shakeer Rahman

SHAKEER RAHMAN

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VERIFICATION

I, Hamid Khan, declare:

1. I am the lead coordinator with the Stop LAPD Spying Coalition and I am authorized to make this verification on Petitioner's behalf.

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

This verification was executed on June 29, 2021, in Los Angeles, California. I declare under penalty of perjury that the foregoing is true and correct.



HAMID KHAN

Request #20-5033

 **OPEN**

As of June 28, 2021, 5:29pm

Request Visibility: Unpublished

Details

July 28, 2020

Via email: <https://recordsrequest.lacity.org/>

Los Angeles Police Department
Public Records Request

Re: Academic Collaboration with LAPD

I am requesting records pursuant to the California Public Records Act (California Government Code § 6250 et seq.). Because this request is on a matter of public concern, I request a fee waiver. See North Cty. Parents Ass'n v. Dep't of Ed., 23 Cal. App. 4th 144 (1994). Please furnish all applicable records electronically to Stop LAPD Spying Coalition at hamidk@cangress.org.

The term "records" in this request encompasses but is not limited to any paper or electronic information, documents, communications, manuals, bulletins, guidelines, guidance, protocols, instructions, reports, evaluations, memoranda, agreements, correspondence, letters, e-mails, text messages, phone call records, charts, graphs, flyers, meeting agendas, meeting minutes, training materials, diagrams, forms, notes, digital records, or other similar materials.

We request the following records:

1. All communications and other records exchanged between LAPD employees and Sarah Brayne, Andrew Ferguson, Jeff Brantingham, George Tita, or Craig Uchida.
2. All communications and other records related to agreements, contracts, or partnerships between academic or privately contracted persons – including but not limited to Sarah Brayne, Andrew Ferguson, Jeff Brantingham, George Tita, and Craig

Uchida – who partner, assist, are embedded with, or are contracted to engage in any research, program development, strategic programmatic development, or planning with LAPD.

3. All communications and other records written or co-authored by Sarah Brayne, Andrew Ferguson, Jeff Brantingham, George Tita, and Craig Uchida that discusses any predictive policing programs, data driven, strategic programmatic development, and/or algorithmically based policing programs, including but not limited to Operation LASER (Los Angeles Strategic Extraction and Restoration), PredPol, and the Data Informed Community Focused Policing Program.

I am requesting that you waive all applicable fees associated with this request because I believe this request is in the public interest and not for commercial use. Release of this information is in the public interest because it will contribute significantly to public understanding of government operations and activities. If you deny this request for a fee waiver, please advise me in advance of the estimated charges associated with fulfilling this request. Please send me a detailed and itemized explanation of those charges. Please send records electronically if possible. If this is not possible, please notify me before sending to: Stop LAPD Spying Coalition 838 E. 6th Street Los Angeles, CA 90021 Please contact me if you have any questions about my request. I look forward to receiving your response within 10 calendar days, as required by the statute.

Very truly yours,

Hamid Khan

Stop LAPD Spying Coalition

— [Read less](#)

Received

July 28, 2020 via web

Departments

Police Department (LAPD)

Requester

Hamid Khan

✉ stoplapdspying@gmail.com

📍 838 E. 6th St., Los Angeles, CA 90802

📞 562 230 4578

Documents

EXHIBIT A

Requester

6-18-21 response letter to NR 20-5033.pdf

Staff

Point of Contact

LAPD Analyst Farah N5890

Timeline

Timeline

External Message

Requester + Staff

Dear Requester,

We have received your response in which you have refused to narrow the scope of your search per our good faith request. We will take your objections under consideration and review.

LAPD Discovery CPRA Unit

June 25, 2021, 3:44pm by Marla Ciuffetelli 34964 LAD , Lieutenant II (Staff)

External Message

Requester + Staff

Thank you for this letter. We disagree with your assessment about the burden of disclosing these records, and we have made repeated efforts to work with you to make this request narrower and more manageable by eliminating numerous portions of the request and proposing relaxed timelines.

As we wrote in our letter on May 17, we proposed on February 15 that LAPD either provide the withheld records by March 28 (which would have been 8 months from the filing of the request) or notify us by February 28 if that timeline would not be feasible.

LAPD never responded to that proposal, even after we sent requests for updates on March 7, March 31, and April 8. We then escalated the request to Chief Moore on May 17, asking LAPD to disclose records by June 14. On June 18, you wrote back indicating that you will not be disclosing the records we are seeking unless the request is narrowed even further.

Your June 18 letter estimates based on reviewing 10 emails that the withheld records span 5400 pages. LAPD leadership has previously said that PRA analysts can review 150 pages of documents per hour. We believe 10 emails is too small a sample size to extrapolate from here, and we also believe the records here could be reviewed quicker than 150 pages/hour, since email messages can sometimes be short as one sentence and are often highly repetitive with nested replies. But even if we were to accept both those estimates, together they mean LAPD would need at most 30 to 40 hours to review the withheld records here. We disagree with your assessment that this would be unduly burdensome, especially given that this request has now been pending for nearly a year.

At this point, given our repeated efforts over the past several months to make this request narrower and more manageable, we have no choice but to conclude that LAPD is using dilatory tactics to withhold these records in violation of the PRA. We therefore plan to pursue litigation on this request.

June 25, 2021, 10:03am by the requester

Document(s) Released

Public

205033_pgs 84-87_unredacted.pdf

June 18, 2021, 3:39pm

Document(s) Released to Requester

Public

6-18-21 response letter to NR 20-5033.pdf

June 18, 2021, 3:35pm

Document(s) Released to Requester

Public

6-18-21 response letter to NR 20-5033.pdf

June 18, 2021, 3:33pm

Due Date Changed

Public

07/05/2021 (was 06/04/2021).

June 3, 2021, 11:49am

External Message

Requester + Staff

Dr. Mr. Khan,

This is to acknowledge receipt of correspondence sent to Chief Michel Moore on 5/17/21. We have received notice of your concerns and a response will be forthcoming.

Respectfully,

Lt. Marla Ciuffetelli

May 25, 2021, 8:34am by Marla Ciuffetelli 34964 LAD , Lieutenant II (Staff)

Due Date Changed

Public

06/04/2021 (was 05/05/2021). Pending review of request.

May 19, 2021, 1:33pm

External Message

Requester + Staff

The message you just sen todayis a word for word copy of what you already wrote here on March 5. We responded to that message on March 7 and again March 31. You have not responded to those messages.

LAPD has now violated several deadlines for this request, which we filed over eight months ago. You also communicated over 90 days ago that you had identified 1690 emails exchanged by Jeffrey Branthingham that were responsive to this request. On February 15, we requested access to those records by March 28. We then followed up twice asking for an update on those emails. Both this message and your other updates since then have ignored that aspect of request and our follow-up messages, and you are now threatening to close the request.

We repeat the questions that we asked you on March 7, when you sent this same message:

To be clear, these keyword hits are only for communications with Craig Uchida, correct? In our February 15 message, we offered these keywords for Uchida's communications. We also indicated that we are seeking all of Jeffrey Branthingham's communications, and we proposed an extended deadline of March 28, which would be eight months from the initial date of the request. We also asked for you to respond by February 28 if you will not be able to meet that March 28 deadline. Your message now says nothing about Jeffrey Branthingham's communications. Could you confirm the status of those records?

April 8, 2021, 4:27pm by the requester

External Message

Requester + Staff

Dear Hamid Khan:

The Department has received your message regarding the Department's response to your request. Our office has evaluated your concerns and would like to share with you

EXHIBIT A

our latest finding.

We requested Information Technology Bureau (ITB) to make another query of the Department's Outlook system for potentially responsive records. In this instance, we asked ITB to incorporate the keywords provided to the query and provide us with a number of emails that contain one or more keywords. The result of its query is shown below.

LASER = 19,535

PredPol = 3,011

predictive = 1,825

gang = 10,247

risk assessment = 305

collective efficacy = 689

social cohesion = 236

Youth Policy Institute or YPI = 0

SARA = 1,349

The search result does indicate that the amount of emails is less than the 52,000+ emails from the previous query. Nevertheless, our office, after due consideration, has determined that the updated request, which has returned 37,197 responsive records, remains unduly burdensome as interpreted in the "public interest" provision of Government Code Section 6255 of the California Public Records Act. If you want the Department to continue working on this request, please contact us no later than **April 23, 2021** to attempt to significantly narrow the scope of the search. If you do not respond by **April 23, 2021**, your request, as it pertains to this specific email request, will be closed. The request, however, can be re-opened if you decide to work with the analyst to narrow the scope of the search.

Additionally, we have received your objection to certain redactions that were made on a previously provided record. Your objection is being taken into consideration.

Respectfully,

LAPD Discovery Section, CPRA Unit

April 8, 2021, 1:38pm by Marla Ciuffetelli 34964 LAD , Lieutenant II (Staff)

External Message

Requester + Staff

Dear Mr. Hamid Khan:

Please be advised that the Department continues to search for, identify, and/or review responsive records and will respond as soon as practicable. Thank you for your continued patience.

Respectfully,

LAD Discovery, CPRA Unit

April 1, 2021, 10:03am by Edgar Aparicio, LAD 34838, Detective II (Staff)

Due Date Changed

Public

05/05/2021 (was 04/05/2021).

April 1, 2021, 10:03am

External Message

Requester + Staff

Could you please provide an update on this request? On February 15, we asked you to share the records concerning Jeffrey Branthingham by March 28, which was eight months from the date of our request. We asked for you to notify us by February 28 if you would not be able to meet this date. You never responded to that message. We followed up on March 7 asking for an update on the status of those records. You never responded to that message earlier. March 30 has now passed, and we are still awaiting the records. Could you confirm whether LAPD plans to disclose these records? Our March 7 email also asked why pages 84 to 87 of the pdf you previously shared was redacted. We believe this redaction violates the PRA.

March 31, 2021, 5:20pm by the requester

External Message

Requester + Staff

Thank you for your message. To be clear, these keyword hits are only for communications with Craig Uchida, correct? In our February 15 message, we offered these keywords for Uchida's communications. We also indicated that we are seeking all of Jeffrey Branthingham's communications, and we proposed an extended deadline of March 28, which would be eight months from the initial date of the request. We also asked for you to respond by February 28 if you will not be able to meet that March 28 deadline. Your message now says nothing about Jeffrey Branthingham's communications. Could you confirm the status of those records? In addition, can you provide an explanation for why pages 84 to 87 of the pdf you previously shared are redacted? We believe this redaction violates CPRA.

March 7, 2021, 9:29pm by the requester

External Message

Requester + Staff

Dear Hamid Khan:

The Department has received your message regarding the Department's response to your request. Our office has evaluated your concerns and would like to share with you our latest finding.

We requested Information Technology Bureau (ITB) to make another query of the Department's Outlook system for potentially responsive records. In this instance, we asked ITB to incorporate the keywords provided to the query and provide us with a number of emails that contain one or more keywords. The result of its query is shown below.

- LASER = 19,535
- PredPol = 3,011
- predictive = 1,825
- gang = 10,247
- risk assessment = 305
- collective efficacy = 689
- social cohesion = 236
- Youth Policy Institute or YPI = 0
- SARA = 1,349

The search result does indicate that the amount of emails is less than the 52,000+ emails from the previous query. Nevertheless, our office, after due consideration, has determined that the request remains unduly burdensome as interpreted in the "public interest" provision of Government Code Section 6255 of the California Public Records Act. If you want the Department to continue working on this request, please contact us no later than **March 19, 2021** to attempt to further narrow the scope of the search. If you do not respond by **March 19, 2021**, your request will be closed; however, the request can be re-opened if you decide to work with the analyst to narrow the scope of the search.

Respectfully,
LAPD Discovery Section, CPRA Unit

March 5, 2021, 4:05pm by LAPD Analyst Thanh N6233 (Staff)

External Message

Requester + Staff

Dear Requester:

Please be advised that the Department continues to search for, identify, and/or review responsive records and will respond as soon as practicable. Thank you for your continued patience.

Respectfully,

LAD Discovery, CPRA Unit

March 5, 2021, 9:01am by Edgar Aparicio, LAD 34838, Detective II (Staff)

Due Date Changed

Public

04/05/2021 (was 03/05/2021).

March 5, 2021, 9:01am

External Message

Requester + Staff

Dear Requester:

Please be advised that the Department continues to search for, identify, and/or review responsive records and will respond as soon as practicable. Thank you for your continued patience.

Respectfully,

LAD Discovery, CPRA Unit

February 17, 2021, 10:53am by Edgar Aparicio, LAD 34838, Detective II (Staff)

Due Date Changed

Public

03/05/2021 (was 02/05/2021).

February 17, 2021, 10:53am

External Message

Requester + Staff

Thank you for this message. We are happy to work with you to make the request more manageable. We also note that we are significantly narrowing this request already by restricting it to specific individuals and email addresses, whereas the original request encompassed all "communications and other records related to agreements, contracts, or partnerships between academic or privately contracted persons," not just the 5 individuals named in your last message.

First, for communications with Jeffrey Branthingam, these are records exchanged between LAPD officials and a single UCLA professor and commercial vendor of surveillance products (<https://www.predpol.com/about/company/>) regarding the development of LAPD surveillance programs, including LASER. Records of communications between LAPD and a single, specific outside public figure should not be prohibitively burdensome to disclose. Nor should they have taken over 6 months to disclose. We already had to sue the City once over the LAPD Discovery Unit's CPRA violations for records related to LASER, unnecessarily costing the city thousands of dollars due in legal fees to your refusal to turn over important records. We believe there is significant public interest in these records. We have already identified specific email addresses to narrow your search.

We request you provide access to the potentially responsive records by March 28, which would be eight months from the date of the request. This is far beyond the 10 day response period required by CPRA. **If you will not be able to meet that March 28 deadline, we ask that you notify us of that a month in advance, by February 28, so that we can consider our legal options.** We also request that you provide not only the text of emails but any attachments too. CPRA in no way distinguishes between email bodies and attachments.

Second, for the communications with Craig Uchida, recognizing the large number of responsive records you have identified, we are offering 9 keywords to narrow the request. This will ensure that the request only covers specific LAPD surveillance programs, tactics, and methodologies (and we recognize that some of the records covered by these keywords will be repetitive, in which case we do not need the repetitive records, only a single copy):

- LASER
- PredPol
- predictive
- gang
- risk assessment
- collective efficacy
- social cohesion
- Youth Policy Institute or YPI
- SARA

February 15, 2021, 9:36am by the requester

Document(s) Released to Requester

Public

EXHIBIT A

February 3, 2021, 2:06pm

External Message

Requester + Staff

Dear Requester:

We reviewed your request dated July 28, 2020 for "all communications and other records exchanged between LAPD employees and Sarah Brayne, Andrew Ferguson, Jeff Brantingham, George Tita, or Craig Uchida...".

Your request was made under the California Public Records Act (the Act). The Department is cognizant of its responsibilities under the Act. It recognizes the statutory scheme was enacted to maximize citizen access to the workings of government. The Act does not mandate disclosure of all documents within the government's possession. Rather, by specific exemption and reference to other statutes, the Act recognizes that there are boundaries where the public's right to access must be balanced against such weighty considerations as the right of privacy, a right of constitutional dimension under California Constitution, Article 1, Section 1. The law also exempts from disclosure records that are privileged or confidential or otherwise exempt under either express provisions of the Act or pursuant to applicable federal or state law, per California Government Code Sections 6254(b); 6254(c); 6254(f); 6254(k); and 6255.

The responsive documents have been provided to you in response to your request for communications and records exchanged between LAPD employees and Andrew Ferguson, Sarah Brayne and George Tita. Redactions have been made based on 6254(c) in so far as the privacy interest of the involved individuals outweighs the public interest in disclosure. Redactions were also made based on 6255 for content involving deliberative process.

With regard to communication records between the Department and Jeff Brantingham or Craig Uchida, a search of Department email records for these items resulted in approximately **1690** and **52,025** respectively potentially responsive records in the Outlook system. Due to the amount of time it would take to review these emails and redact exempt information, the Department has determined that the request is unduly burdensome as interpreted in the "public interest" provision of Government Code Section 6255 of the California Public Records Act. The courts have interpreted this provision to include an exemption where production of the requested documentation would be unduly burdensome to the public agency involved. If you want the Department to continue working on this request, please contact the analyst assigned to your case no later than **February 17, 2021** to attempt to narrow the scope of the

search. If you do not respond by **February 17, 2021**, these items will be closed; however, the request can be re-opened if you decide to work with the analyst to narrow the scope of the search.

If you have any questions, please respond to this email.

Respectfully,

Lieutenant Marla Ciuffetelli
LAPD Discovery Section, CPRA Unit

February 3, 2021, 2:05pm by LAPD Analyst Thanh N6233 (Staff)

External Message

Requester + Staff

Dear Requester:

Please be advised that the Department continues to search for, identify, and/or review responsive records and will respond as soon as practicable. Thank you for your continued patience.

Respectfully,

LAD Discovery, CPRA Unit

January 6, 2021, 7:50am by Edgar Aparicio, LAD 34838, Detective II (Staff)

Due Date Changed

Public

02/05/2021 (was 01/08/2021).

January 6, 2021, 7:50am

External Message

Requester + Staff

Dear Requester,

Thank you for your message dated December 20, 2020 and thank you for your continued patience. The Department has been working on a large number of CPRA requests, works each one diligently and attempts to produce responsive documents in as timely a manner as possible. Please be advised that our office has identified responsive records to your request. We have begun the review process of the documents, and will produce them on a rolling basis when review has been completed. I estimate, in good faith, that you will receive at least some responsive documents by January 31, 2021.

EXHIBIT A

Thank you again for your continued patience. Additional updates and correspondence will be forthcoming. Please feel free to contact me at anytime with any questions.

Respectfully,

Lt. Marla Ciuffetelli

LAD Discovery, CPRA Unit

December 29, 2020, 1:24pm by Marla Ciuffetelli 34964 LAD , Lieutenant II (Staff)

External Message

Requester + Staff

Thank you for your message. This request was filed on July 28, 2020, nearly five months ago, and LAPD has yet to provide any documents in response. The requests includes all LAPD communications with five named persons, all of whom are independent academics and researchers, not City personnel. I also provided email addresses for these five individuals on September 14, over three months ago. At a minimum, these records should be fairly straightforward to identify and disclose. Can the Department provide any expiation of the reason for this ongoing delay?

December 20, 2020, 11:48am by the requester

External Message

Requester + Staff

Dear Requester:

Please be advised that the Department continues to search for, identify, and/or review responsive records and will respond as soon as practicable. Thank you for your continued patience.

Respectfully,

LAD Discovery, CPRA Unit

December 10, 2020, 1:42pm by Edgar Aparicio, LAD 34838, Detective II (Staff)

Due Date Changed

Public

01/08/2021 (was 12/11/2020).

December 10, 2020, 1:41pm

External Message

Requester + Staff

Dear Requester:

Please be advised that the Department continues to search for, identify, and/or review responsive records and will respond as soon as practicable. Thank you for your continued patience.

EXHIBIT A

Respectfully,

LAD Discovery, CPRA Unit

November 6, 2020, 8:26am by LAPD Sr Analyst Dan V9584 LAD, LAPD LAD Discovery - Sr Analyst (Staff)

Due Date Changed

Public

12/11/2020 (was 11/13/2020).

November 6, 2020, 8:26am

External Message

Requester + Staff

Dear Requester:

Please be advised that the Department continues to search for, identify, and/or review responsive records and will respond as soon as practicable. Thank you for your continued patience.

Respectfully,

LAD Discovery, CPRA Unit

October 15, 2020, 9:25am by LAPD Sr Analyst Dan V9584 LAD, LAPD LAD Discovery - Sr Analyst (Staff)

Due Date Changed

Public

11/13/2020 (was 10/16/2020).

October 15, 2020, 9:25am

External Message

Requester + Staff

Hello thank you for your communications. It has been two weeks since any communication has occurred. Can you please update when these documents will be released. Thank you.

October 4, 2020, 5:16pm by the requester

External Message

Requester + Staff

Dear Requester:

Please be advised that the Department continues to search for, identify, and/or review responsive records and will respond as soon as practicable. Thank you for your continued patience.

Respectfully,

LAD Discovery, CPRA Unit

September 16, 2020, 8:28am by LAPD Sr Analyst Dan V9584 LAD, LAPD LAD Discovery - Sr Analyst (Staff)

Due Date Changed

Public

10/16/2020 (was 09/18/2020).

September 16, 2020, 8:27am

External Message

Requester + Staff

Thank you for your message. Our request was for “all communications and other records exchanged between LAPD employees” and five named individuals, with “records” expressly defined. This request goes beyond email records, and it may include messages with any email addresses used to communicate with the named individuals. Although we are not waiving our right to all records covered by our request, please begin searching at a minimum for communications with these addresses:

branting@ucla.edu

pjb@anthro.ucla.edu

branting@g.ucla.edu

sbrayne@princeton.edu

sbrayne@utexas.edu

sarahbrayne@gmail.com

aferguson@udc.edu

CDUchida@jssinc.org

gtita@uci.edu

EXHIBIT A

September 14, 2020, 9:12pm by the requester

External Message

Requester + Staff

Dear Requester:

The Los Angeles Police Department is in receipt of your request dated July 28, 2020 for "[A]ll communications and other records exchanged between LAPD employees and Sarah Brayne, Andrew Ferguson, Jeff Brantingham, George Tita, or Craig Uchida". In order to ensure an accurate and timely response to your request, please respond to our request seeking additional information by or before September 18, 2020.

The Department may be unable to respond to your request until your information is received.

In order to retrieving all communications from the individuals listed on your request, we require to have their email account(s) to conduct a proper search.

Respectfully,

LAD Discovery, CPRA Unit

September 4, 2020, 9:56am by LAPD Analyst Thanh N6233 (Staff)

External Message

Requester + Staff

Dear Requester:

Please be advised that the Department continues to search for, identify, and/or review responsive records and will respond as soon as practicable. Thank you for your continued patience.

Respectfully,

LAD Discovery, CPRA Unit

August 19, 2020, 11:13am by LAPD Sr Analyst Dan V9584 LAD, LAPD LAD Discovery - Sr Analyst (Staff)

Due Date Changed

Public

09/18/2020 (was 08/21/2020).

August 19, 2020, 11:13am

External Message

Requester + Staff

1. All communications and other records exchanged between LAPD employees and Sarah Brayne, Andrew Ferguson, Jeff Brantingham, George Tita, or Craig Uchida.

-We continue to ask for all communications

2. All communications and other records related to agreements, contracts, or partnerships between academic or privately contracted persons – including but not limited to Sarah Brayne, Andrew Ferguson, Jeff Brantingham, George Tita, and Craig Uchida – who partner, assist, are embedded with, or are contracted to engage in any research, program development, strategic programmatic development, or planning with LAPD.

-We are willing to limit our search to 2009 to present.

3. All communications and other records written or co-authored by Sarah Brayne, Andrew Ferguson, Jeff Brantingham, George Tita, and Craig Uchida that discusses any predictive policing programs, data driven, strategic programmatic development, and/or algorithmically based policing programs, including but not limited to Operation LASER (Los Angeles Strategic Extraction and Restoration), PredPol, and the Data Informed Community Focused Policing Program.

-We are willing to limit our search to 2009 to present.

August 10, 2020, 8:34pm by the requester

Due Date Changed

Public

08/21/2020 (was 08/07/2020).

August 6, 2020, 8:05am

External Message

Requester + Staff

Dear Requester:

We have reviewed your California Public Records Act request.

Please be advised that, pursuant to California Government Code Section 6253(c), we have found that “unusual circumstances” exist with respect to the request due to the need to search for, collect, and review the requested records from other Department entities which are separate from the office processing the request. Therefore, our staff will require the statutory fourteen days extension of time in which to respond. A determination concerning your request will be made as soon as possible.

If you have any questions, please respond to this email.

Respectfully,

LAPD Discovery Section CPRA Unit

EXHIBIT A

External Message

Requester + Staff

Dear Requester,

The Los Angeles Police Department is in receipt of your request dated July 28, 2020.

In order to ensure an accurate and timely response to your request, please respond to the following questions seeking clarification by **August 13, 2020**. The Department may be unable to respond to your request until your response is received.

- Please specify a date range for Items 1, 2, and 3.

Respectfully,

LAPD Discovery Section, CPRA Unit

July 30, 2020, 3:27pm by LAPD Analyst Thanh N6233 (Staff)

External Message

Requester + Staff

Dear Requester:

The Department continues to process CPRA requests as they come in during the COVID-19 public health crisis, and will endeavor to do so in a timely manner. While the Department will be making every effort to comply with its statutory obligations, due to the COVID-19 crisis and the City and Department's efforts to tackle its effects, the actual production of records responsive to your request (if any) may be delayed if Department resources are needed to perform critical functions or are constrained due to the pandemic. The Department greatly appreciates your patience during this difficult time, as the entire community and nation deals with this unusual and serious situation. During this crisis, the Department would also ask that requesters consider postponing the submission of any requests that can wait until after the immediate crisis has abated.

If you have any questions, please respond to this e-mail.

Respectfully,

LAPD Discovery Section, CPRA Unit

July 28, 2020, 8:51am by LAPD Michelle N6335, Senior Administrative Clerk (Staff)

Department Assignment

Public

Police Department (LAPD)

July 28, 2020, 1:00am

Request Opened

Public

Request received via web

July 28, 2020, 1:00am



Stop LAPD Spying Coalition

May 17, 2021

Michel Moore
Chief of Police, Los Angeles Police Department
23506@lapd.online, ocop-scheduling@lapd.online

BY EMAIL

Chief Moore:

This letter is on behalf of the Stop LAPD Spying Coalition, a grassroots group that leads community-based research on LAPD surveillance programs. Over the years, our group has been examining LAPD's data-driven policing programs, including the Operation LASER and PredPol "predictive" policing programs that were ended due to community pressure. We are writing about outstanding records in a California Public Records Act (CPRA) request we filed on July 28, 2020, regarding the development and evolution of those programs.

Our request was marked #20-5033 in the NextRequest system and sought the following records:

1. All communications and other records exchanged between LAPD employees and Sarah Brayne, Andrew Ferguson, Jeff Brantingham, George Tita, and Craig Uchida.
2. All communications and other records related to agreements, contracts, or partnerships between academic or privately contracted persons – including but not limited to Sarah Brayne, Andrew Ferguson, Jeff Brantingham, George Tita, and Craig Uchida – who partner, assist, are embedded with, or are contracted to engage in any research, program development, strategic programmatic development, or planning with LAPD.
3. All communications and other records written or co-authored by Sarah Brayne, Andrew Ferguson, Jeff Brantingham, George Tita, and Craig Uchida that discusses any predictive policing programs, data driven, strategic programmatic development, and/or algorithmically based policing programs, including but not limited to Operation LASER, PredPol, and the Data Informed Community Focused Policing Program.

Over the past several months, we have worked with LAPD to drastically narrow the scope and complexity of the request. In particular, we eliminated the second and third items of the request, so that we are only seeking communications covered by the first item of the request. That item refers solely to communications and records exchanged with five named individuals. In

EXHIBIT B

September 2020, LAPD asked us to provide specific email addresses for those individuals, and we provided these email addresses immediately.

Despite the significantly narrowed scope of this request, LAPD continues to deny access to a significant share of the records we are requesting. The outstanding records that we are continuing to seek are LAPD communications with Jeffrey Brantingham and Andrew Ferguson. (LAPD has provided records regarding Sarah Brayne and George Tita, and it has indicated that sharing records for Craig Uchida will be unduly burdensome. We are not at this time pressing for the records concerning Craig Uchida.)

Records concerning Jeffrey Brantingham

LAPD has failed to disclose records of its communications with Jeffrey Brantingham, a UCLA professor whose collaboration with LAPD to develop and test “predictive” policing technology for the for-profit PredPol company has long been scrutinized by the public, including when a “group of 68 UCLA professors and graduate students signed a letter to [the Police Commission] raising concerns” about his work.¹ There is significant public interest in these records.

Over three months ago, on February 3, 2021, LAPD informed us that it had identified **“approximately 1690”** emails exchanged by LAPD officials and Mr. Brantingham that would be responsive to our request. Shortly after that, on February 15, we proposed that LAPD **“provide access to the potentially responsive records by March 28, which would be eight months from the date of the request.”** We also noted that this March 28 timeline would extend **“far beyond the 10 day response period required by CPRA.”** And we requested LAPD respond within two weeks if that March 28 timeline would not be feasible: **“If you will not be able to meet that March 28 deadline, we ask that you notify us of that a month in advance, by February 28, so that we can consider our legal options.”**

LAPD never responded to that proposal. Instead, after we made the proposal, LAPD has ignored all our communications regarding these records:

- On February 17, 2021, LAPD wrote: **“Please be advised that the Department continues to search for, identify, and/or review responsive records and will respond as soon as practicable. Thank you for your continued patience.”**
- On March 5, LAPD sent a message responding to keywords we had offered as an attempt to narrow the search for Mr. Uchida’s communications. That message said nothing about Mr. Brantingham’s communications. Instead, the message threatened to close the request unless we made an **“attempt to further narrow the scope of the search”** for Mr. Uchida’s communications.
- We responded to the March 5 message immediately, asking on March 7: **“To be clear, these keyword hits are only for communications with Craig Uchida, correct?”** Our message repeated the March 28 timeline we had proposed for Mr. Brantingham’s communications and

¹ Mark Puente, “LAPD moving away data-driven crime programs over potential racial bias,” L.A. Times (Apr. 10, 2019).

stated: **“Your message now says nothing about Jeffrey Brantingham’s communications. Could you confirm the status of those records?”**

- We received no response to that message, and March 28 passed. We then sent a follow-up message on March 31. That message summarized our prior communications and asked: **“Could you confirm whether LAPD plans to disclose these records?”**
- On April 1, LAPD sent an exact copy of the message it had sent on February 17, with no update on our request for Mr. Brantingham’s communications.
- On April 8, LAPD again sent a response regarding the keywords we offered as an attempt to narrow the request for Mr. Uchida’s communications. Oddly, this message was identical to the message LAPD had written on March 5 and which we had already responded to on March 7 and March 31. Despite those responses, LAPD again threatened to close the request unless we made an **“attempt to further narrow the scope of the search”** as to Mr. Uchida’s communications. As with the identical March 5 message, this April 8 message said nothing about our repeated requests for an update about the records related to Mr. Brantingham.
- We responded to that April 8 message the same day. We wrote: **“The message you just sent today is a word for word copy of what you already wrote here on March 5. We responded to that message on March 7 and again March 31. You have not responded to those messages.”** We further reiterated our request for an update about Mr. Brantingham’s communications, which LAPD’s last several messages had continued to ignore: **“On February 15, we requested access to those records by March 28. We then followed up twice asking for an update on those emails. Both this message and your other updates since then have ignored that aspect of request and our follow-up messages, and you are now threatening to close the request.”** We noted that **“LAPD has now violated several deadlines for this request, which we filed over eight months ago.”**
- LAPD has sent no response to that April 8 message or any of our requests for an update on the status of the records of LAPD communications with Mr. Brantingham.

We request that LAPD provide these records by June 14, 2021. This will be over ten months after we filed this request and over four months after LAPD identified “approximately 1690” potentially responsive records. During that time, we have made every effort to work with LAPD to make this request manageable and seek updates about its status. LAPD has ignored those communications while at the same time twice threatening to close the request.

Records concerning Andrew Ferguson

On February 3, 2021, LAPD produced records of communications between LAPD officials and law professor Andrew Ferguson. That request redacted four pages of emails that were exchanged between Ferguson and Jeremy Heffner, a product manager for the predictive policing company HunchLab. Ferguson forwarded those emails to Deputy Chief Sean Malinowski with the message: “Here is what I sent Jeremy... just fyi. I think it is completely possible to do in

Baltimore or where ever.” Ferguson sent that email shortly after Malinowski announced he was leaving LAPD “to work part time at the University of Chicago and run his own company, which won a \$635,000 contract in March with the Baltimore Police Department.”²

On March 7, we asked LAPD to “provide an explanation for why” these pages were redacted. After receiving no response, we reiterated this request on March 31. On April 8, LAPD wrote: “[W]e have received your objection to certain redactions that were made on a previously provided record. Your objection is being taken into consideration.”

We request that LAPD either provide an explanation of this redaction by June 14, 2021, or provide the records unredacted.

* * *

This request is not the first time LAPD has failed to abide by the PRA for records related to its “predictive” policing programs. In 2018, we filed a PRA lawsuit challenging LAPD’s denial of access to records generated by Operation LASER. That lawsuit forced LAPD’s disclosure of records it had unlawfully withheld.

We strongly prefer to avoid further PRA litigation with the city, and we are hopeful this request can be resolved without court intervention. To that end, we have made repeated efforts to communicate with LAPD to narrow our request, to propose relaxed timelines, and to seek updates on the status of the request. If we do not receive the records and explanation that we are seeking by June 14, then we understand LAPD to be violating the CPRA, and we intend to pursue legal remedies for those violations.

Sincerely,



Hamid Khan

Cc:

Lizabeth Rhodes
Director of Office of Constitutional Policing and Policy
Los Angeles Police Department

Richard Tefank
Executive Director
Los Angeles Police Commission

² Mark Puente, “LAPD official behind controversial data programs to retire after winning lucrative contract,” L.A. Times (May 8, 2019).

LOS ANGELES POLICE DEPARTMENT



MICHEL R. MOORE
Chief of Police

ERIC GARCETTI
Mayor

P. O. Box 30158
Los Angeles, CA 90030
Telephone: (213) 978-4640
TDD: (877) 275-5273
Ref #: 14.4

June 18, 2021

Mr. Hamid Khan
Stop LAPD Spying Coalition
stoplapdspying@gmail.com

Dear Mr. Khan,

This letter is in response to your May 17, 2021 correspondence to Chief Michel Moore regarding a California Public Records Act (CPRA) request referenced as NR 20-5033 and also addresses messages that you submitted via NextRequest on April 8, 2021 and March 31, 2021.

In addition to the concerns raised in the above referenced correspondence, you have frequently voiced frustrations with LAPD Discovery Section's CPRA Unit in public comment at the Board of Police Commissioners meetings. In response to your concerns, the CPRA Unit conducted a review of all your CPRA requests to ensure that they are being consistently and properly processed. LAPD has received twenty-six (26) requests from you since 2018. Many of these requests are quite detailed and complex and have necessitated that our most skilled and proficient analysts be assigned to them. Since 2018, we have provided you with approximately 647 responsive records totaling approximately 5,978 pages of documents in response to your requests. We are continuing to work on fourteen (14) open requests and will provide responsive records to you with all reasonable promptness in light of the circumstances.

Regarding your specific concerns about request number 20-5033, we evaluated the work progress for that request, as well as your follow up questions and stated objections, and respond as follows:

LAPD's search in response to your most updated request for all emails and communications to/from Jeff Brantingham resulted in 1,690 potentially responsive records. A short assessment was conducted on just ten of those emails, which totaled 32 pages. If the number of pages averages this number throughout, the 1,690 responsive records could result in at least 5,400 pages to be reviewed. This remains unduly burdensome and we respectfully request that you contact the assigned analyst to further narrow the scope of this request. The analyst can assist you in reframing your request to make it less burdensome. Despite your concerns that "LAPD has ignored your communications while... threatening to close the request" the CPRA Unit has been, and will continue to be, committed to providing you with as many responsive, nonexempt records as possible. This of course must be balanced with the Department's need to maintain unit operations and to provide equal service to other community members who submit over 3,000 CPRA requests annually. Therefore, if you need assistance in narrowing the scope of this request, please contact your assigned analyst or any CPRA supervisor.

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www.LAPDOnline.org

www.joinLAPD.com

EXHIBIT C

Similarly, LAPD's search for records responsive to your most updated request for emails and communications to/from Craig Uchida resulted in 37,197 potentially responsive records, which we have determined remains an unduly burdensome component of your request and will not be processed by the CPRA Unit as it is currently framed. We understand that you may be aware of the burdensome nature of this request, given that you stated in your correspondence to Chief Moore that "we are not at this time pressing for the records concerning Craig Uchida."

You also inquired into the redactions applied to pages 84 through 87 of a 420-page PDF file that the Department released to you on February 3, 2021. We had applied redactions to this section of communications pursuant to the deliberative process exemption of Government Code Section 6255. After further review and consideration, we will release these previously-redacted portions to you in unredacted form.

If you have further questions please contact the Los Angeles Police Department, Risk Management, Legal Affairs Division, Discovery Section at (213) 847-3615.

Respectfully,

MICHEL R. MOORE
Chief of Police

Lt. Mada [Signature] for

BRYAN D. LIUM, Captain
Commanding Officer
Risk Management & Legal Affairs Division