

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: James Chalfant

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7 Attorneys for Petitioners
STOP LAPD SPYING COALITION and
8 UCLA CARCERAL ECOLOGIES LAB

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

11 STOP LAPD SPYING COALITION and
12 UCLA CARCERAL ECOLOGIES LAB,

13 Petitioners,

14 v.

COUNTY OF LOS ANGELES,

15 Respondent.
16
17

Case No. 23STCP00259

**VERIFIED PETITION FOR WRIT OF
MANDATE**

[Exhibit A-C]

18 1. This lawsuit concerns the Los Angeles Sheriff Department (LASD) suppressing public access to
19 basic budget, personnel, and equipment records regarding its helicopter fleet.

20 2. Petitioners are a community organization and university research group who are examining the
21 public impact and costs of police helicopter use. In July 2022, Petitioners submitted a public records
22 request to LASD seeking four categories of records about LASD's helicopter fleet: (1) tail numbers, (2)
23 the number of maintenance staff assigned to the fleet in the last two years, (3) the number and titles of
24 current staff, and (4) budget documents pertaining to the operation and maintenance of the fleet. In the
25 more than six months since Petitioners filed this request, LASD has produced no responsive records.
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27

1 3. Petitioners requested these records after then-Sherriff Alex Villanueva stated at an April 20,
2 2022, press conference that LASD was bearing “large mandatory costs” including \$23 million for
3 “helicopter fleet maintenance.” Sheriff Villanueva previously used identical language and an identical
4 dollar figure at a May 2020 press conference, where he claimed that LASD was “underfunded by \$400
5 million.” Los Angeles Sheriff’s Department, “Sheriff Villanueva Announces LASD Budget
6 Underfunded by \$400 Million,” May 4, 2020, <https://lasd.org/lasd-budget-underfunded-by-400-million/>.

7
8 4. Petitioners have attempted to avoid litigation on this matter. On November 7, 2022, Petitioners
9 wrote to LASD, warning that the Department appeared to be violating California public records laws
10 and asking for the records at issue to be produced by the end of November. In the three months since
11 Petitioners sent that letter, LASD has provided no response or records of any kind.

12 5. LASD’s refusal to produce these requested records violates California Constitution and the
13 California Public Records Act (PRA).

14 **PARTIES**

15 6. Petitioner Stop LAPD Spying Coalition (“Coalition”) is a nonprofit community group based in
16 Los Angeles, California. The Coalition files records requests on behalf of its broad membership base of
17 several hundred community members and regularly shares research through print media, social media,
18 and online as well as in weekly teach-ins, community meetings, and legislative hearings.

19 7. Petitioner UCLA Carceral Ecologies Lab (“Lab”) is a multidisciplinary research group based in
20 the Division of Life Sciences at the University of California Los Angeles. The Lab’s work includes
21 using public records to research the environmental stakes of policing and prison. The Lab has been
22 researching the health impacts of police helicopter use in Los Angeles since 2020.

23
24 8. Petitioners collaborated on submitting the records request at issue in this case. Petitioners plan to
25 use the requested records to produce research that will advance public dialog and policymaking.

1 9. Respondent County of Los Angeles is a local public agency within the meaning of Government
2 Code section 6252, subsection (d). LASD is a department of Los Angeles County.

3 **JURISDICTION AND VENUE**

4 10. This Court has jurisdiction under Government Code sections 6258 and 6259; Code of Civil
5 Procedure section 1085; and Article VI, section 10 of the California Constitution.

6 11. The records in question are situated in the County of Los Angeles, which means suit may be
7 brought in this County. Cal. Gov't Code § 6259.

8 **PETITIONERS' PUBLIC RECORDS REQUESTS**

9
10 12. On July 27, 2022, Petitioners submitted a public records request to LASD seeking “any records
11 reflecting the following details about [LASD’s] helicopter fleet: (1) Tail numbers from 2011 to present,
12 (2) The numbers or rosters of maintenance staff who have worked on fleet from 2020 to present, (3) The
13 number or rosters of all current personnel within LASD’s Aero Bureau including the number of
14 individuals employed and a breakdown of the number of employees by position, (4) . . . [B]udget,
15 accounting, and financial documents pertaining to the operation and maintenance of this helicopter
16 fleet.” **Exhibit A** is a copy of Petitioners’ July 27 request.

17 13. On August 25, 2022, Petitioners received LASD’s first response to the request, sent on behalf of
18 Sheriff Alex Villanueva. The letter stated that LASD had already “identified responsive records” and
19 was “reviewing the documents to determine what exemptions, if any, are applicable.” The letter further
20 stated: “We anticipate completing review of the records within 60 days.” **Exhibit B** is a copy of
21 LASD’s August 25 letter, which was sent by email from DiscoveryUnitPRARRequests@lasd.org.

22 14. Over 60 days passed since August 25 with no further communication from LASD.

23 15. On November 7, 2022, Petitioners through their legal counsel informed LASD that the request
24 was months overdue. Petitioners’ counsel advised that Petitioners were “considering their legal options
25 with regards to this request, but they prefer to resolve this matter without litigation.” Petitioners’
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1 counsel asked LASD to “produce the requested records by November 28, 2022,” stating that this date
2 “will be over 90 days since your office stated it would need 60 days to complete review of the records,
3 and it will be over 120 days since my client filed this request.” **Exhibit C** is a copy of this letter, which
4 was sent by email to DiscoveryUnitPRARequests@lasd.org as well as to prarequests@lasd.org.

5 16. Over 60 days passed since November 28 with no further communication from LASD.

6 17. Notably, in July 2022, Petitioners sent the Los Angeles Police Department (LAPD) a nearly
7 identical public records request seeking the same four categories of records for LAPD’s helicopter fleet.
8 LAPD filled this request by producing the requested records in October 2022. Petitioners have been
9 using these records in their research and community education work.
10

11 **CAUSE OF ACTION**

12 **California Public Records Act (PRA); California Constitution, Article I, section 3**

13 18. Petitioners incorporate by reference all paragraphs above, as though set forth in full here.

14 19. The requested records are public records not exempted from disclosure.

15 20. Respondent’s failure to conduct an adequate search in response to Petitioners’ request violates
16 the PRA, which provides that, “[e]xcept with respect to public records exempt from disclosure by
17 express provisions of law, each state or local agency, upon a request for a copy of records that
18 reasonably describes an identifiable record or records, shall make the records promptly available to any
19 person.” Cal. Gov. Code §6253(b).

20 21. Respondents’ repeated failure to respond to Petitioners’ requests and follow-up communications
21 within two weeks additionally violates the PRA, which provides that “[e]ach agency, upon a request for
22 a copy of records, shall, within 10 days of receipt of the request, determine whether the request, in whole
23 or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly
24 notify the person making the request of the determination and reasons therefore. In unusual
25

1 circumstances, the time limit may be extended by written notice . . . [but n]o notice shall specify a date
2 that would result in an extension for more than 14 days.” Cal. Gov. Code § 6253(c).

3 22. Respondents’ failure to produce the requested records further violates the California
4 Constitution, which provides that the “people have the right of access to information concerning the
5 conduct of the people’s business, and therefore, the meetings of public bodies and the writings of public
6 officials and agencies shall be open to public scrutiny.” Cal. Const., Art. I § 3(b)(1). Because the
7 provisions of the California Constitution are mandatory and prohibitory, this right is self-executing. See
8 Cal. Const., Art. I § 26.
9

10 **REQUEST FOR RELIEF**

11 Petitioners respectfully request that:

- 12 1. This Court issue a writ of mandate directing the County of Los Angeles to provide
13 Petitioners with all requested records except those that may lawfully be withheld.
14 2. The Court enter an order declaring that the County of Los Angeles unlawfully failed to
15 release the public records sought by Petitioner’s requests;
16 3. The Court enter an order awarding Petitioners their attorneys’ fees and costs, as provided
17 in Government Code section 6258; and,
18 4. The Court award any further relief as is just and proper.
19

20 DATED: January 31, 2023

Respectfully Submitted,

21 LAW OFFICE OF SHAKEER RAHMAN

22 LAW OFFICE OF COLLEEN FLYNN

23
24 By: /s/ Shakeer Rahman
25 Shakeer Rahman
26 Attorney for Petitioners
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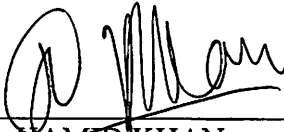
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VERIFICATION

I, HAMID KHAN, declare:

I am the lead coordinator of the Stop LAPD Spying Coalition. I am authorized to make this verification on the Stop LAPD Spying Coalition's behalf. I have read the foregoing Verified Petition and declare under penalty of perjury that I know its contents to be true.

This verification was executed on January 31, 2023, in Los Angeles, California. I declare under penalty of perjury that the foregoing is true and correct.



HAMID KHAN

1 **VERIFICATION**

2 I, NICHOLAS SHAPIRO, declare:

3 I am the director of the UCLA Carceral Ecologies Lab. I am authorized to make this verification
4 on the UCLA Carceral Ecologies Lab’s behalf. I have read the foregoing Verified Petition and declare
5 under penalty of perjury that I know its contents to be true.
6

7 This verification was executed on January 31, 2023, in Los Angeles, California. I declare under
8 penalty of perjury that the foregoing is true and correct.

9 

10 _____
11 NICHOLAS SHAPIRO

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EXHIBIT A

Stop LAPD Spying Coalition



July 27, 2022

Via Email: prarequests@lasd.org; DiscoveryUnitPRARequests@lasd.org

Re: LASD Aero Bureau Records Requests

To Whom It May Concern:

Pursuant to the California Public Records Act (California Government Code § 6250 et seq.), I hereby request the following records:

During Sheriff Villanueva's April 20th, 2022 press conference on the proposed 2022-23 Los Angeles County budget, LASD lists "large mandatory costs" as a reason for fiscal deficits. One of the large mandatory costs listed includes \$23M for "helicopter fleet maintenance". We are seeking any records reflecting the following details about this helicopter fleet:

1. Tail numbers from 2011 to present.
2. The number or rosters of maintenance staff who have worked on fleet from 2020 to present
3. The number or rosters of all current personnel within LASD's Aero Bureau including the number of individuals employed and a breakdown of the number of employees by position
4. We are seeking any and all budget, accounting, and financial documents pertaining to the operation and maintenance of this helicopter fleet.

Please provide all records electronically in original format to Stop LAPD Spying Coalition at stoplapdspying@gmail.com. If this is not possible, please notify me prior to mailing the records to this address: Stop LAPD Spying Coalition 838 E 6th St, 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,

A handwritten signature in black ink, appearing to read "Hamid Khan". The signature is written in a cursive style with a large initial "H" and a long, sweeping underline.

Hamid Khan
Stop LAPD Spying Coalition
stoplapdspying@gmail.com

EXHIBIT B



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



August 25, 2022

Stop LAPD Spying Coalition
C/O Hamid Khan
stoplapdspying@gmail.com

Dear Mr. Khan:

PUBLIC RECORDS ACT REQUEST – 22-1134MI

This letter is in response to your request for records under the California Public Records Act dated and received by the Los Angeles County Sheriff's Department (LASD), Discovery Unit on July 27, 2022.

In your request you are seeking the following:

During Sheriff Villanueva's April 20th, 2022 press conference on the proposed 2022-23 Los Angeles County budget, LASD list "large mandatory cost" as a reason for fiscal deficits. One of the large mandatory costs listed includes \$23M for "helicopter fleet maintenance." We are seeking any records reflecting the following details about this helicopter fleet:

1. Tail numbers from 2011 to present
2. The number or rosters of maintenance staff who have worked on fleet from 2020 to present
3. The number or rosters of all current personnel within LASD's Aero Bureau including the number of individuals employed and a breakdown of the number of employees by position
4. We are seeking any and all budget, accounting, and financial documents pertaining to the operation and maintenance of this helicopter fleet.

We have identified responsive records and we are in the process of reviewing the documents to determine what exemptions, if any, are applicable. Not

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

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having reviewed all of the records, we cannot specify all the applicable authorities upon which records would be withheld or if redactions would be required. The authorities may include, but are not limited to, the following: California Constitution, article I, section 1; matters protected by the attorney-client, official information, and deliberative process privileges; matters relating to pending litigation, personnel matters, investigations, or where the particular facts and circumstances warrant nondisclosure of the information (Government Code §§ 6254 (a), (b), (c), (f), (k), and 6255(a)).

We anticipate completing the review within **60 days**. When it is completed, we will advise you as to the availability of the non-exempt records.

If you have any questions, please contact the Public Records Act section of the Discovery Unit via email at DiscoveryUnitPRArequests@lasd.org or phone at (323) 890-5050.

Sincerely,

ALEX VILLANUEVA, SHERIFF

A handwritten signature in black ink, appearing to read "Shawnee N. Hinchman", followed by a blue ink mark that looks like the number "20".

Shawnee N. Hinchman, Captain
Risk Management Bureau

EXHIBIT C

LAW OFFICE OF
**SHAKEER
RAHMAN**



November 7, 2022

Shawnee N. Hinchman
Risk Management Bureau
Los Angeles County Office of the Sheriff
211 West Temple Street
Los Angeles, California 90012

SENT BY EMAIL

RE: Public Records Act Request 22-1134MI

Dear Captain Hinchman,

I represent the Stop LAPD Spying Coalition. This past July, my client submitted a request for records concerning the helicopter fleet of the Los Angeles County Sheriff's Department. The request covers four items related to this fleet: tail numbers from 2011 to present; the number or rosters of maintenance staff from 2020 to present; the number or rosters of current staff in the Aero Bureau; and budget documents.

Your office stated in an August 25, 2022, letter to my client that you received my client's request on July 27. The same letter stated that review of the requested records would be completed "within 60 days."

My client is considering their legal options with regards to this request, but they prefer to resolve the matter without litigation if possible. **We therefore ask that you produce the requested records by November 28, 2022, three weeks from today.** That date will be over 90 days since your office stated it would need 60 days to complete review of the records, and it will be over 120 days since my client filed this request.

If my client is required to bring suit to obtain these records, then they will be entitled to attorneys' fees under Government Code section 6259.

Sincerely,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Shakeer Rahman