

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Mitchell Beckloff

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7 Attorneys for Petitioner¹
8 STOP LAPD SPYING COALITION

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

11 STOP LAPD SPYING COALITION,
12 Petitioner,

13 v.

14 CITY OF LOS ANGELES,
Respondent.

Case No. **23STCP00816**

**VERIFIED PETITION FOR WRIT OF
MANDATE; EXHIBIT A**

15 **INTRODUCTION**

16
17 1. How tall are you? According to the Los Angeles Police Department (LAPD), asking a police
18 officer that question is “an unwarranted invasion of privacy.”

19 2. Petitioner submitted a public records request to LAPD asking for a roster of LAPD personnel
20 listing names, ethnicity, gender, area, rank, year of hire, height, and weight. LAPD denied the request as
21 to heights and weights, telling Petitioner that making this information public “would constitute an
22 unwarranted invasion of personal privacy and/or would not serve the public interest.” Ex. A. at 3.

23 3. LAPD’s suppression of these records violates well-settled California law, which establishes that
24
25

26 ¹ Certified Law Students Tina Petrosian (Certification Number 838908) and Bryon Alvarez
27 (Certification Number 906373) contributed to researching and drafting this petition.

1 the public has a significant interest in understanding and overseeing government operations, including
2 public employment and especially law enforcement.

3 4. LAPD’s “personal privacy” objection defies law and logic. The information sought here – police
4 officers’ heights and weights – is necessarily public. California law requires every police officer to
5 display names or other identifiers to the public at all times. And members of the public can easily
6 measure the height of police officers standing in public or visually perceive their weight. A person’s
7 weight and height even appears on their state-issued identification.

8
9 5. This case is not the first time Petitioner has needed to seek judicial intervention for LAPD’s
10 frivolous violations of public records laws. Petitioner has sued LAPD several times over unlawfully
11 suppressed public records. Each time, LAPD disclosed the requested records after it was sued. All of
12 this is part of a sad pattern of LAPD leveraging its massive budget – which consumes around half of the
13 city’s yearly discretionary spending – to force community groups, activists, journalists, and researchers
14 to devote legal resources to enforcing basic government transparency laws while LAPD’s “public
15 relations” units spend millions of dollars promoting the agency’s one-sided narratives.

16 **PARTIES, JURISDICTION, AND VENUE**

17 6. Petitioner is a nonprofit community association based in Los Angeles. Petitioner files records
18 requests on behalf of its broad membership base of several hundred community members and regularly
19 publishes research based on public records. Petitioner will use the records at issue in this matter in its
20 research and community education work.

21 7. Respondent City of Los Angeles is a municipal corporation. LAPD is a department of the City
22 of Los Angeles. Both the City of Los Angeles and LAPD are local agencies within the scope of
23 Government Code section 7920.510.

24
25 8. This court has jurisdiction under Government Code sections 7923.000 through 7923.115, Code
26 of Civil Procedure section 1085, and Article VI of the California Constitution.

1 9. The records in question are situated in the County of Los Angeles, so suit may be brought here
2 under Government Code section 7923.100.

3 **FACTS**

4 10. Petitioner’s membership includes residents of Los Angeles who research and document police
5 activities across the city. Throughout that work, Petitioner’s members have observed LAPD officers
6 refusing to identify themselves or obscuring their name plates and badges. This violates Penal Code
7 section 830.10, which states that all uniformed police officers “shall wear a badge, nameplate, or other
8 device which bears clearly on its face the identification number or name of the officer.”
9

10 11. When police officers refuse to identify themselves, the public’s best way of identifying them is
11 through corroboration of other publicly discernable information such as an officer’s rank, assignment,
12 gender, ethnicity, height, and weight. Corroborating this information is often the public’s only way of
13 identifying an officer in order to document public misconduct or file an official complaint.

14 12. On December 15, 2022, Petitioner sent LAPD a public records request seeking “a current roster
15 of all LAPD officers reflecting the following information for of each officer: name, serial number,
16 ethnicity, gender, area, rank, year of hire, weight, and height.” Exhibit A is a copy of this request.

17 13. On January 10, 2023, LAPD responded to Petitioner’s request, refusing to disclose the weight
18 and height of any officers. LAPD asserted that this information was exempt from the California public
19 records laws that normally require disclosure of information about government employees:

20 Government Code Sections 7927.700 and 7922.000 exempt records the disclosure of
21 which would constitute an unwarranted invasion of personal privacy and/or would not
22 serve the public interest. Therefore, your request for data related to the weight, and
height of the LAPD officers is denied.

23 Exhibit A at 3. LAPD then closed Petitioner’s request. See Exhibit A at 2.

24 14. A police officer’s height is publicly available whenever the officer appears in public. For
25 example, members of the public can easily measure the height of an officer by using the “Measure”
26 application available on every iPhone “to instantly measure a person’s height from the floor to the top of
27

1 their head, hair, or hat.”² Moreover, police often stand near height scales at the entrances of liquor
2 stores and other businesses. Police officers also stand near objects such as vehicles, bushes, and street
3 signs, which can be measured in order to determine the officers’ height. It’s hard to think of information
4 that is more “public” than the height of a police officer who is standing in front of you in public.

5 15. Likewise, an LAPD officer’s weight is often apparent based on visual perception or based on the
6 officer sitting or standing on a known object. Many people are skilled at approximating a person’s
7 weight based on perceiving them.
8

9 16. The state’s official record of a person’s height and weight is also routinely made public. Every
10 identification card issued by the State of California lists height and weight, which means this
11 information is disclosed every time a police officer (or anyone) asks to see a person’s identification.

12 17. Knowing a police officer’s height or weight raises no risk of danger. Police are already required
13 to identify themselves in public. And Respondent has already made accessible to the public (as
14 California public records laws require) photographs of nearly all sworn LAPD personnel along with
15 rosters listing every officer’s name, rank, assignment, gender, ethnicity, year of hire, salary, overtime
16 pay, cost of health benefits, and cost of retirement benefits. Knowing an officer’s height or weight
17 raises no risk of danger when their photographs and other identifying information are already public.

18 CAUSE OF ACTION

19 **California Public Records Act (PRA); California Constitution**

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

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

22 20. Respondent’s failure to provide the requested records violates the PRA, which provides that,
23 “[e]xcept with respect to public records exempt from disclosure by express provisions of law, each state
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25
26 ² Apple, “Measure a person’s height with iPhone,” <https://support.apple.com/guide/iphone/measure-a-persons-height-iph341d4a993/ios> (last visited March 14, 2023).
27

1 or local agency, upon a request for a copy of records that reasonably describes an identifiable record or
2 records, shall make the records promptly available to any person.” Cal. Gov. Code 7922.530(a).

3 21. 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 . . . writings of public officials and agencies shall be
6 open to public scrutiny.” Cal. Const., Art. I § 3(b)(1). Because the provisions of the California
7 Constitution are mandatory and prohibitory, this right is self-executing. See Cal. Const., Art. I § 26.
8

9 **REQUEST FOR RELIEF**

10 Petitioner respectfully requests that:

- 11 1. This Court issue a writ of mandate directing the City of Los Angeles to provide Petitioner
12 with all requested records except those that may lawfully be withheld;
- 13 2. The Court enter an order declaring that the City of Los Angeles unlawfully failed to release
14 the public records sought by Petitioner’s request;
- 15 3. The Court enter an order awarding Petitioner its attorneys’ fees and costs, as provided in
16 Government Code section 7923.115; and,
- 17 4. The Court award any further relief as is just and proper.

18 DATED: March 14, 2023

Respectfully Submitted,

19 LAW OFFICE OF SHAKEER RAHMAN

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21 By: /s/ Shakeer Rahman
22 Shakeer Rahman
23 Attorney for Petitioners
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VERIFICATION

I, Hamid Khan, declare:

1. I am the lead coordinator of 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. 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 March 14, 2023, in Los Angeles, California. I declare under penalty of perjury that the foregoing is true and correct.



HAMID KHAN

EXHIBIT A

Skip to main content

Public Record Requests

City of Los Angeles



Request 22-12564 Closed



1 of 13 with filters active

Dates

Received

December 15, 2022 via web

Staff Assigned

Departments

Police Department (LAPD)

Point of contact

LAPD Analyst Farah N5890

Request

Please provide a current roster of all LAPD officers reflecting the following information for of each officer: name, serial number, ethnicity, gender, area, rank, year of hire, weight, and height.





If some of those pieces of information are more readily available than others, please provide those first, with the other information supplemented later.

Please provide this data in a sortable format, either a csv or xls file.

Thank you.

Timeline

Documents

-  **Request Published** Public
January 13, 2023, 1:10pm by LAPD Analyst Farah N5890
-  **Document(s) Released** Public
DEPARTMENT SWORN ROSTER_R.xlsx
January 13, 2023, 1:08pm by LAPD Analyst Farah N5890
-  **Request Closed**  Public

Dear Requester,

This is a follow-up to the Department's correspondence dated January 10, 2023. We have completed the review of your request to the Los Angeles Police Department ("LAPD" or "Department") under the California Public Records Act (Cal. Govt. Code section 7920.000, et seq., hereinafter the "CPRA" or "Act") seeking the following:

"...a current roster of all LAPD officers reflecting the following information for of each officer: name, serial

number, ethnicity, gender, area, rank, year of hire, weight, and height..."

The Department conducted a search and is providing you with a current roster of the Los Angeles Police Department's sworn personnel, which includes the following data fields:

- Name
- Serial Number
- Ethnicity
- Gender
- Area
- Rank
- Year Of Hire

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

Respectfully,

LAPD Public Records and Subpoena Response Section,
CPRA Unit

January 13, 2023, 1:08pm by LAPD Analyst Farah N5890



External Message



Public

Dear Requester,

We have reviewed your request to the Los Angeles Police Department ("LAPD" or "Department") under the California Public Records Act (Cal. Govt. Code section 7920.000, et seq., hereinafter the "CPRA" or "Act") seeking the following:

"...a current roster of all LAPD officers reflecting the following information for of each officer: name, serial number, ethnicity, gender, area, rank, year of hire, weight, and height..."

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 7927.200; 7927.700; 7923.600; 7927.705; and 7922.000.

Please note that the Department has previously released similar data under the following requests:

NR 22-8154

<https://lacity.nextrequest.com/requests/22-8154>

NR 22-1883

<https://lacity.nextrequest.com/requests/22-1883>

In regard to the weight, and height of the LAPD officers, Government Code Sections 7927.700 and 7922.000 exempt records the disclosure of which would constitute an unwarranted invasion of personal privacy and/or would not serve the public interest. Therefore, your request for data related to the weight, and height of the LAPD officers is denied.

We have submitted your request, for a list that includes year of hire, to the Los Angeles Police Department's Information Technology Group for review. We will provide you with a determination by February 7, 2023.

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

Respectfully,

LAPD Public Records and Subpoena Response Section,
CPRA Unit

January 10, 2023, 4:58pm by LAPD Analyst Farah N5890 (Staff)



External Message



Public

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 regarding this correspondence, simply respond to this email.

Respectfully,

LAPD Public Records & Subpoena Response Section,
CPRA Unit

December 27, 2022, 8:41am by LAPD Analyst Farah N5890 (Staff)

 **External Message** 

Public

Dear Requester,

Your California Public Records Act (CPRA) request was received and will be assigned to a CPRA Analyst.

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

Respectfully,

LAPD Public Records & Subpoena Response Section,
CPRA Unit

December 15, 2022, 1:37pm by LAPD Michelle N6335, Senior Administrative Clerk (Staff)

 **Department Assignment**

Public

Police Department (LAPD)

December 15, 2022, 11:47am (auto-assigned)

 **Request Opened**

Public

Request received via web

December 15, 2022, 11:47am by Hamid Khan

[FAQS](#) [HELP](#) [PRIVACY](#) [TERMS](#) [CITY WEBPAGE](#)

