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16 Attorneys for Petitioner  
17 STOP LAPD SPYING COALITION

18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
19 **COUNTY OF LOS ANGELES**

20 STOP LAPD SPYING COALITION,  
21 Petitioner,

22 v.

23 CITY OF LOS ANGELES,  
24 Respondent.

Case No.

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

25 **INTRODUCTION**

26 1. The Los Angeles Police Department (LAPD) is claiming that records that were available for the  
27 public to download from its public records website for years are suddenly not public records anymore.

28 2. For years LAPD has published personnel rosters listing the names of officers on the city's public  
records portal. Sometime in April 2023, LAPD began deleting those rosters off the portal. And now  
LAPD has denied a request for those previously published rosters.

3. Suddenly treating previously published public records as not public records violates the Public  
Records Act (PRA), which provides that an agency's disclosure of records to the public waives any

1 exemptions the agency could otherwise invoke for those records. See Gov. Code § 7921.505. Even if  
2 there was no waiver at issue here, police agencies must make public “lists of names of [police] officers,  
3 identified in conjunction with their employing departments and dates of employment.” (Commission on  
4 Peace Officer Standards & Training v. Superior Court, 42 Cal.4th 278, 298 (2007).)

5 4. This case is the eighth time that Petitioner has been forced to take the City of Los Angeles to  
6 court for violations of public records laws. In each resolved case, the city produced the withheld records  
7 upon being sued. Before filing this case, Petitioner wrote to LAPD explaining the legal violation and  
8 warning: “If we are forced to litigate this issue, we will seek all available legal fees and costs. We are  
9 providing you this opportunity to avoid wasting legal and judicial resources.” Exhibit A at 3.

11 **PARTIES, JURISDICTION, AND VENUE**

12 5. Petitioner Stop LAPD Spying is a nonprofit community group. Petitioner files records requests  
13 on behalf of its broad membership base of hundreds of community members and regularly shares  
14 research based on public records in print media, online, and at community meetings.

15 6. Respondent City of Los Angeles is a municipal corporation. LAPD is a department of the City  
16 of Los Angeles. Both are local agencies within the scope of Government Code section 7920.510.

17 7. This court has jurisdiction under Government Code sections 7923.000 through 7923.005 and  
18 7923.100 through 7923.115 and Code of Civil Procedure section 1085.

19 8. This court is a proper venue for this action under Government Code section 7923.100 because  
20 the records in question are situated in Los Angeles County.

21 **FACTS**

22 9. For years, LAPD has made rosters listing its personnel available to the public in response to  
23 public records requests. Dating back to at least January 2019, LAPD published these rosters on its  
24 public records request portal, NextRequest. Those rosters remained available to the public for years,  
25 until LAPD began deleting them from NextRequest sometime in April 2023.  
26  
27  
28

1 10. LAPD published a personnel roster at <https://lacity.nextrequest.com/requests/19-398> in January  
2 2019. That roster listed the identities of 10,033 sworn LAPD personnel and remained available for the  
3 public to search and download for over four years.

4 11. LAPD published a personnel roster at <https://lacity.nextrequest.com/requests/20-3362> in July  
5 2020. That roster listed the identities of 9,952 sworn LAPD personnel and remained available for the  
6 public to search and download for over two years.

7 12. LAPD published a personnel roster at <https://lacity.nextrequest.com/requests/21-42> in January  
8 2021. That roster listed the identities of 13,378 sworn and civilian LAPD personnel and remained  
9 available for the public to search and download for over two years.

10 13. LAPD published a personnel roster at <https://lacity.nextrequest.com/requests/21-8914> in January  
11 2022. That roster listed the identities of 9,494 sworn LAPD personnel and remained available for the  
12 public to search and download for over a year.

13 14. LAPD published a personnel roster at <https://lacity.nextrequest.com/requests/22-1883> in April  
14 2022. That roster listed the identities of 9,496 sworn LAPD personnel and remained available for the  
15 public to search and download for approximately a year.

16 15. LAPD published a personnel roster at <https://lacity.nextrequest.com/requests/22-2886> in April  
17 2022. That roster listed the identities of 9,303 sworn LAPD personnel and remained available for the  
18 public to search and download for approximately a year.

19 20 16. LAPD published a personnel roster at <https://lacity.nextrequest.com/requests/22-3797> in May  
21 2022. That roster listed the identities of 9,317 sworn LAPD personnel and remained available for the  
22 public to search and download for almost a year.

23 24 17. LAPD published a personnel roster at <https://lacity.nextrequest.com/requests/22-8154> in August  
25 2022. That roster listed the identities of 9,262 sworn LAPD personnel and remained available for the  
26 public to search and download for approximately eight months.

1 18. LAPD published a personnel roster at <https://lacity.nextrequest.com/requests/22-12564> in  
2 January 2023. That roster listed the identities of 9,165 sworn LAPD personnel and remained available  
3 for the public to search and download for approximately three months.

4 19. On April 27, 2023, Petitioner submitted a public records request to LAPD stating in full:

5 Please share the personnel rosters that you published in response to these past  
6 records requests (they appear to have to been removed from NextRequest):

7 <https://lacity.nextrequest.com/requests/19-398>  
8 <https://lacity.nextrequest.com/requests/20-3362>  
9 <https://lacity.nextrequest.com/requests/21-42>  
10 <https://lacity.nextrequest.com/requests/21-8914>  
11 <https://lacity.nextrequest.com/requests/22-1883>  
12 <https://lacity.nextrequest.com/requests/22-2886>  
13 <https://lacity.nextrequest.com/requests/22-3797>  
14 <https://lacity.nextrequest.com/requests/22-8154>  
15 <https://lacity.nextrequest.com/requests/22-12564>

16 **Exhibit A** is a copy of this request along with all further correspondence between Petitioner and  
17 LAPD.

18 20. On May 22, 2023, LAPD denied Petitioner's request. LAPD stated:

19 The Department's records that you are seeking have been previously provided to  
20 the respective requesters and published on the Nextrequest portal for those who  
21 may wish to inspect these records. Please note that the Department is not required  
22 to maintain records, which were provided and published on a public portal,  
23 indefinitely. Furthermore, at this time, the Department has not made a  
24 determination regarding the release of personnel rosters. Therefore, your request  
25 is denied.

26 Exhibit A at 3.

27 21. On May 24, 2023, Petitioner explained to LAPD why its denial violated the PRA:

28 Thank you for this message. Our request is not asking anyone "to maintain  
records, which were provided and published on a public portal, indefinitely."  
Instead, we are asking you to provide these records now.

You state that the records we requested were "previously provided to the  
respective requesters and published on the Nextrequest portal for those who may  
wish to inspect these records." That is true, and it means you must grant our  
request for them now. See Gov. Code 6254.5 ["whenever a state or local agency  
discloses a public record which is otherwise exempt from this chapter, to any

1 member of the public, this disclosure shall constitute a waiver of the exemptions  
2 specified in Sections 6254, 6254.7, or other similar provisions of law”].

3 You are further required to publish these records on NextRequest based on the  
4 terms of this 2019 settlement  
5 agreement: [https://www.aclusocal.org/sites/default/files/aclu\\_social\\_winston\\_2019\\_0926\\_settlement.pdf](https://www.aclusocal.org/sites/default/files/aclu_social_winston_2019_0926_settlement.pdf). That agreement requires LAPD to “maintain an online  
6 public records portal that enables members of the public to” view “information  
7 about all public records requests submitted to LAPD,” including “Documents  
8 produced in response to the request.” All nine of the rosters we are seeking were  
9 produced in response to PRA requests, one as recently as four months ago.

10 If you are nonetheless attempting to deny this request, Government Code  
11 7922.35(a) requires a more thorough explanation of the basis for that denial than  
12 “the Department has not made a determination regarding the release of personnel  
13 rosters.” That section also requires a determination within 10 days of a request  
14 being filed. We filed this request on April 27, 2023, well over 10 days ago.

15 Please respond by May 31, 2023, with either the records we are requesting or a  
16 valid explanation for the denial. If we are forced to litigate this issue, we will  
17 seek all available legal fees and costs. We are providing you this opportunity to  
18 avoid wasting legal and judicial resources.

19 Exhibit A at 2.

20 22. On May 26, 2023, Petitioner asked LAPD to ensure that the requested records and any  
21 communications about them were not destroyed or deleted:

22 Because we are considering potential legal action regarding your denial of this  
23 request, please ensure that you do not destroy or delete any of the records we are  
24 seeking, in particular the nine previously published personnel rosters along with  
25 any communications or other documents related to those rosters. The City of Los  
26 Angeles may incur liabilities if these records, communications, and documents are  
27 destroyed or deleted.

28 Exhibit A at 1.

29 23. LAPD never responded to Petitioner’s May 24 and May 26 messages.

### 30 **CAUSE OF ACTION**

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

32 25. The requested records are public records not exempted from disclosure under the PRA.

1 26. Respondent’s denial of Petitioner’s request and failure to explain the basis for the denial violates  
2 both the PRA and the California Constitution, which provides that the “people have the right of access to  
3 information concerning the conduct of the people’s business, and therefore, the . . . writings of public  
4 officials and agencies shall be open to public scrutiny.” Const., Art. I § 3(b)(1).

5 **REQUEST FOR RELIEF**

6 Petitioner respectfully requests that:

- 7 1. This Court issue a writ of mandate directing the City of Los Angeles to provide Petitioner  
8 with all requested records;
- 9 2. The Court enter an order declaring that the City of Los Angeles unlawfully refused to  
10 either provide the public records requested by Petitioner or explain the basis for that denial;
- 11 3. The Court enter an order awarding Petitioner its attorneys’ fees and costs; and,
- 12 4. The Court award any further relief as is just and proper.

13  
14 DATED: June 1, 2023

Respectfully Submitted,

15 LAW OFFICE OF SHAKEER RAHMAN  
16 LAW OFFICE OF COLLEEN FLYNN  
LAW OFFICE OF MATTHEW STRUGAR

17 By: /s/ Shakeer Rahman

18 Shakeer Rahman  
19 Attorney for Petitioners

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



HAMID KHAN

# EXHIBIT A



Request Visibility:  Unpublished

# Request 23-4231 Closed



## Dates


### Received

April 27, 2023 via web

## Requester

 Hamid Khan

 stoplapdspying@gmail.com

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

 562 230 4578

## Staff Assigned

### Departments

Police Department (LAPD)

### Point of contact

LAPD Analyst N5890

## Request

Please share the personnel rosters that you published in response to these past records requests (they appear to have to been removed from NextRequest):

<https://lacity.nextrequest.com/requests/19-398>

<https://lacity.nextrequest.com/requests/20-3362>

<https://lacity.nextrequest.com/requests/21-42>

<https://lacity.nextrequest.com/requests/21-8914>

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

<https://lacity.nextrequest.com/requests/22-2886>

<https://lacity.nextrequest.com/requests/22-3797>

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

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

Show more

## Timeline

## Documents

### External Message

Requester + Staff

Because we are considering potential legal action regarding your denial of this request, please ensure that you do not destroy or delete any of the records we are seeking, in particular the nine previously published personnel rosters along with any communications or other documents related to those rosters. The City of Los Angeles may incur liabilities if these records, communications, and documents are destroyed or deleted.

May 26, 2023, 3:52pm by the requester

 **External Message** 

Requester + Staff

Thank you for this message. Our request is not asking anyone "to maintain records, which were provided and published on a public portal, indefinitely." Instead, we are asking you to provide these records now.

You state that the records we requested were "previously provided to the respective requesters and published on the Nextrequest portal for those who may wish to inspect these records." That is true, and it means you must grant our request for them now. See Gov. Code 6254.5 ["whenever a state or local agency discloses a public record which is otherwise exempt from this chapter, to any member of the public, this disclosure shall constitute a waiver of the exemptions specified in Sections 6254, 6254.7, or other similar provisions of law"].

You are further required to publish these records on NextRequest based on the terms of this 2019 settlement agreement: [https://www.aclusocal.org/sites/default/files/aclu\\_socal\\_winston\\_20190926\\_settlement.pdf](https://www.aclusocal.org/sites/default/files/aclu_socal_winston_20190926_settlement.pdf). That agreement requires LAPD to "maintain an online public records portal that enables members of the public to" view "information about all public records requests submitted to LAPD," including "Documents produced in response to the request." All nine of the rosters we are seeking were produced in response to PRA requests, one as recently as four months ago.

If you are nonetheless attempting to deny this request, Government Code 7922.35(a) requires a more thorough explanation of the basis for that denial than "the Department has not made a determination regarding the release of personnel rosters." That section also requires a determination within 10 days of a request being filed. We filed this request on April 27, 2023, well over 10 days ago.

Please respond by May 31, 2023, with either the records we are requesting or a valid explanation for the denial. If we are forced to litigate this issue, we will seek all available legal fees and costs. We are providing you this opportunity to avoid wasting legal and judicial resources.

May 24, 2023, 7:47pm by the requester

 **Request Closed** 

Public

Dear Requester,

The Department has completed its 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:

"Please share the personnel rosters that you published in response to these past records requests (they appear to have to been removed from NextRequest):

<https://lacity.nextrequest.com/requests/19-398>

<https://lacity.nextrequest.com/requests/20-3362>

<https://lacity.nextrequest.com/requests/21-42>

<https://lacity.nextrequest.com/requests/21-8914>

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

<https://lacity.nextrequest.com/requests/22-2886>

<https://lacity.nextrequest.com/requests/22-3797>

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

<https://lacity.nextrequest.com/requests/22-12564>

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; 7923.600–7923.625; 7927.705; and 7922.000.

The Department's records that you are seeking have been previously provided to the respective requesters and published on the Nextrequest portal for those who may wish to inspect these records. Please note that the Department is not required to maintain records, which were provided and published on a public portal, indefinitely. Furthermore, at this time, the Department has not made a determination regarding the release of personnel rosters. Therefore, your request is denied.

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

Respectfully,

LAPD Public Records & Subpoena Response Section, CPRA Unit



### External Message

Requester + Staff

Thank you for your message. How could it possibly be true that you need "to search for, collect, and review the requested records from other Department entities" before disclosing anything? The CPRA Unit uploaded all of these records to NextRequest, some as recently as a few months ago.

May 9, 2023, 1:30pm by the requester

 **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 7922.535, 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

May 8, 2023, 3:07pm by LAPD Analyst N5890 (Staff)

 **External Message** 

Requester + Staff

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

April 27, 2023, 5:23pm by Aminah RMLAD Sr MA N6816 (Staff)

 **Department Assignment**

Public

Police Department (LAPD)

 **Request Opened**

Public

Request received via web

April 27, 2023, 2:31pm by the requester