1 2	Shakeer Rahman (SBN 332888) Law Office of Shakeer Rahman 838 East 6th Street, Los Angeles, CA 90021 323-546-9236, shakeer@loosr.net	Electronically FILED by Superior Court of California, County of Los Angeles 11/07/2023 9:32 AM
3 4 5	Fahim Rahman (SBN 336963) Law Office of Fahim Rahman 21255 Burbank Blvd, Suite 120, Woodland Hills, CA 91367 323-305-9323, fahim@frahmanlaw.com	David W. Slayton, Executive Officer/Clerk of Court, By R. Perez, Deputy Clerk
6	Attorneys for Petitioner	
7 8	SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF LOS ANGELES	
9 10	STOP LAPD SPYING COALITION Petitioner	Case No. 238TCP04101
11	V.	VERIFIED PETITION FOR WRIT OF MANDATE;
12	THE CITY OF LOS ANGELES	EXHIBIT A.
13	Respondent	
14	INTRODUCTION	ı
15		
16	1. The Los Angeles Police Department (LAPD) appears to be generating intelligence files about	
17	activist groups at such a scale that it cannot even process these records for the purpose of complying	
18	with public records laws or, even if it can comply, only at a glacial pace that hinders political scrutiny of	
19	this surveillance.	
20	2. LAPD is asserting that it will take several years to comply with a request filed by Petitioner Stop	
21	LAPD Spying Coalition in August 2022 seeking "all LAPD emails from January 2020 to the date of	
22   23	production that contain the terms 'Stop LAPD Spying' or stoplandspying." LAPD initially denied	
24	Petitioner's request with the claim that its file of emails about Petitioner was too voluminous for its	
25	computer systems to process. After Petitioner challenged that claim, LAPD promised to produce the	
26	records by January 2023, then April, then July, and then September. Not only was each of those	
27	promises false, LAPD has repeatedly rejected Petitioner's requests for an estimate for when it will	
28		

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https://brennancenter.org/our-work/analysis-opinion/documents-show-lapd-monitoring-community-

<sup>(</sup>Gerald Chaleff, An Independent Examination of the Los Angeles Police Department 2020 Protest Response (March 10, 2021), available at https://clkrep.lacity.org/onlinedocs/2020/20-0729 rpt CLA 03-11-21.pdf.)

<sup>(</sup>Chief of Police, After-Action Report Implementation Plan, LAPD (Apr. 21, 2023), available at http://www.lapdpolicecom.lacity.org/042721/BPC 21-078x.pdf.)

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records by September 6, 2023 and on a rolling basis thereafter." (Exh. A at 7.) On July 18, 2023, Petitioner sent the following communication to LAPD: "We understand that you estimate beginning to provide responsive records in September, but Government Code § 7922.535 requires you to provide an estimate of when all the requested will be produced. Please provide an estimate for the final date by which records for ALL records across the full time range will be On July 21, 2023, LAPD responded: "At this time, the Department is unable to provide you with a date for ALL records to be completed. However, we estimate that the Department will begin rolling production of e-mail communications responsive to your request on September 6, 2023." (Exh. A at 6.) On September 6, 2023, LAPD informed Petitioner that the "[r]equested records are currently under further review" and "records responsive to your request will become available October 6, 2023." On October 5, 2023, over 13 months after Petitioner first filed this request, LAPD finally produced a set of responsive records. The records covered an approximately four-month period from On October 9, 2023, Petitioner asked LAPD: "Could you provide an estimate for when all records responsive to our request will be produced, not just the next batch?" (Exh. A at 2.) On October 20, 2023, LAPD sent the following response to Petitioner, not answering Petitioner's question: "The Department continues to make every effort to produce responsive records on a rolling basis and estimates the next release of records or an update on December 1, 2023." (Exh. A at 2.) At the pace LAPD has produced records so far – over 13 months to produce four months of emails – it would take approximately nine years for LAPD to produce emails covering the time between January 2020 and August 2022, the month Petitioner filed the request. Petitioner's request covers a longer time span than that, seeking "all LAPD emails from January 2020 to the date of production."

## **CAUSE OF ACTION**

- 25. Petitioners incorporate by reference all paragraphs above, as though set forth in full here.
- 26. Respondent's failure to produce all records responsive Petitioner's request violates the California Public Records Act along with the L.A. Administrative Code and the California Constitution, which provides that the "people have the right of access to information concerning the conduct of the people's business, and therefore, the . . . writings of public officials and agencies shall be open to public scrutiny." Const., Art. I § 3(b)(1).

## **REQUEST FOR RELIEF**

Petitioner respectfully requests that:

- 1. This Court issue a writ of mandate directing the City of Los Angeles to promptly make all responsive records available to the public.
- 2. This Court issue a writ of mandate directing the City of Los Angeles to state the estimated date and time when the responsive records will be made available to the public.
- 3. This Court issue a writ of mandate directing the City of Los Angeles to state its basis for refusing to produce any responsive records;
- 4. The Court enter an order declaring that the City of Los Angeles failed to adequately comply with Petitioner's public records request;
- 5. The Court enter an order awarding Petitioner its attorneys' fees and costs; and,
- 6. The Court award any further relief as is just and proper.

DATED: November 6, 2023 Respectfully submitted,

LAW OFFICE OF SHAKEER RAHMAN LAW OFFICE OF FAHIM RAHMAN

By: <u>/s/ Shakeer Rahman</u>

Shakeer Rahman Attorney for Petitioners

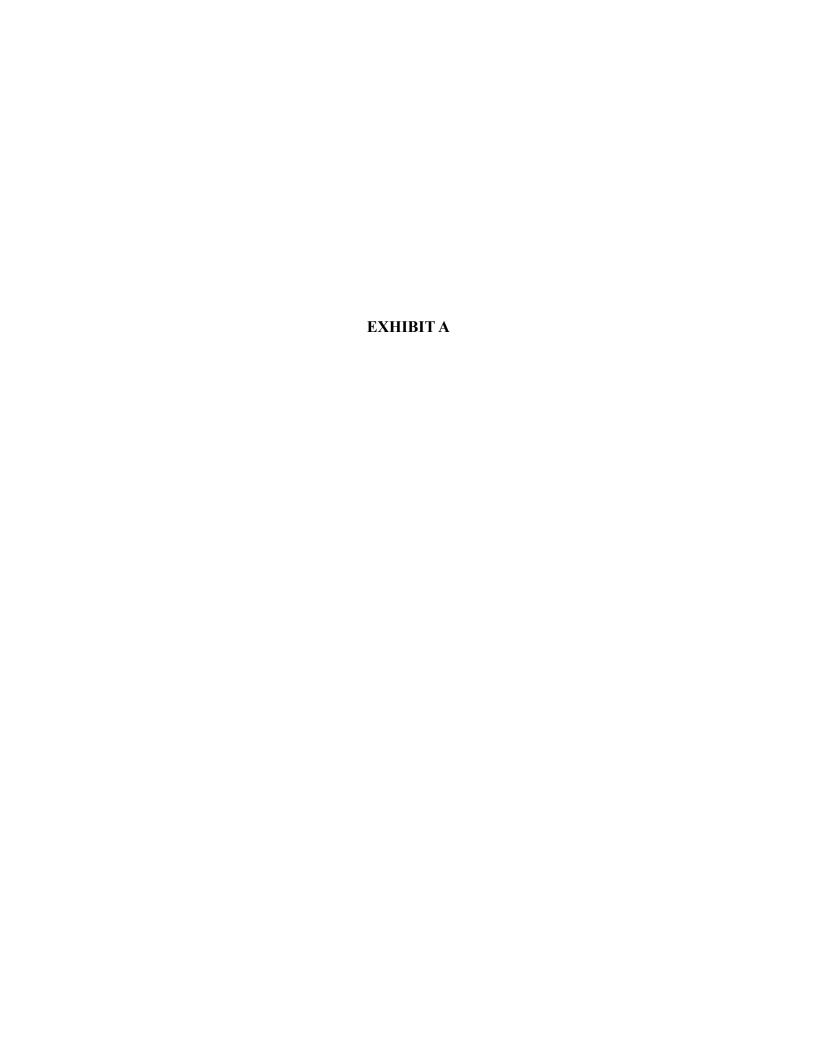
### **VERIFICATION**

## 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 November 6, 2023, in Los Angeles, California. I declare under penalty of perjury that the foregoing is true and correct.

HAMID KHAN



## City of Los Angeles

Request Visibility: W Unpublished

# Request 22-8912 Popen





## **Dates**

#### Received

August 30, 2022 via web

# Requester

A Hamid Khan

stoplapdspying@gmail.com

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

**5** 562 230 4578

# **Staff Assigned**

Departments

Police Department (LAPD)

Point of contact

LAPD Analyst N1789

# Request

Please provide all LAPD emails from January 2020 to the date of production that contain the terms "Stop LAPD Spying" or "stoplapdspying" (which should include any URL, email address, or account handle containing the term "stoplapdspying"). You can exempt all public comment emails with policecommission@lapd.online in the to: field.

**Timeline** 

**Documents** 

Thank you for your message dated October 9, 2023. The Department continues to review responsive records, please be advised that the Department will provide you with copies of nonexempt records responsive to your request pursuant to the California Government Code Sections that fall under the California Public Records Act. The Department continues to make every effort to produce responsive records on a rolling basis and estimates the next release of records or an update on December 1, 2023. Thank you again for your continued patience and understanding.

Respectfully,

LAPD Public Records & Subpoena Response Section, CPRA Unit

October 20, 2023, 10:49am by LAPD Analyst N1789 (Staff)



Requester + Staff

We received the records you published October 5. They cover only the four month period of June 20, 2022, to October 22, 2022. Our request sought all records mentioning our group from June 2020 to the present.

Could you provide an estimate for when all records responsive to our request will be produced, not just the next batch? Thank you.

October 9, 2023, 10:32am by the requester





Requester + Staff

Dear Requester,

We received your request:

"Please provide all LAPD emails from January 2020 to the date of production that contain the terms "Stop LAPD Spying" or "stoplapdspying" (which should include any URL, email address, or account handle containing the term "stoplapdspying"). You can exempt all public comment emails with policecommission@lapd.online in the to: field."

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 7927.200; 7927.700; 7923.600-7923.625; 7927.705; and 7922.000.

Please refer to NR22-10039 for the first batch of responsive documents. A link has been provided for your convenience. The Department estimates the next release will be provided on December 1,

2023.

Request 22-10039 - NextRequest -Modern FOIA & Public Records Request Software

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

Respectfully,

LAPD Public Records & Subpoena Response Section, CPRA Unit

October 5, 2023, 5:24pm by LAPD Analyst N1789 (Staff)





Requester + Staff

Dear Requester,

Requested records are currently under further review. All records are reviewed by supervisor (s) prior to their release, as part of the Department's standard multilayered review process. We estimate that additional non-exempt records responsive to your request will become available October 6, 2023, and on a rolling basis thereafter.

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

Respectfully,

LAPD Public Records & Subpoena Response Section, CPRA Unit

September 6, 2023, 4:50pm by LAPD Analyst N1789 (Staff)



We estimate that the Department will begin to produce responsive records on September 6, 2023, and on a rolling basis thereafter. Again, thank you for your continued patience and understanding.

Respectfully,

LAPD Public Records and Subpoena Response Section, CPRA Unit

July 28, 2023, 12:45pm by Detective III (Staff)



Requester + Staff

It's now been almost one year since we filed this request. All we are asking for is emails mentioning our group. Are we understanding your position correctly that you cannot tell us when the records we requested will all be produced?

July 24, 2023, 10:34am by the requester



We received your message. At this time, the Department is unable to provide you with a date for ALL records to be completed. However, we estimate that the Department will begin rolling production of e-mail communications responsive to your request on September 6, 2023. We will notify you should anything change. Thank you for your continued patience and understanding.

Respectfully,

LAPD Public Records & Subpoena Response Section, CPRA Unit

July 21, 2023, 6:33pm by LAPD Analyst N1789 (Staff)



# **☑** External Message ^



Requester + Staff

We filed this request almost a month ago on August 30, 2022, and you have produced zero records in response so far. We understand that you estimate beginning to provide responsive records in September, but Government Code § 7922.535 requries you to provide an estimate of when all the requested will be produced. Please provide an estimate for the final date by which records for ALL records across the full time range will be completed.

July 18, 2023, 3:01pm by the requester



The Department requires additional time for supervisor review. Please note that all records are reviewed by supervisor(s) prior to their release, as part of the Department's standard multi-layered review process. The Department estimates that it will be able to begin providing you with copies of responsive, non-exempt records by September 6, 2023 and on a rolling basis thereafter. We will notify you should anything change.

Thank you for your continued patience and understanding.

Respectfully,

LAPD Public Records & Subpoena Response Section, CPRA Unit

July 7, 2023, 5:58pm by LAPD Analyst N1789 (Staff)



Thank you for your continued patience. Please consider this an update to our message on March 7, 2023. We are still in the process of reviewing the emails collected between the dates 6/1/2022 to 10/24/2022 for one of the six requests identical to this request. We anticipate providing you with the responsive records, upon completion of the review, by July 10, 2023.

Records are being reviewed for confidential portions that are exempt from disclosure under either express provisions of the California Public Records Act or pursuant to applicable federal or state law, per California Government Code Sections 7927.500, 7927.700 and 7923.600-7923.625. Should any additional redactions be applied, we will notify you in our closing response along with the provided documents. Again, thank you for your patience and understanding in the meantime.

Respectfully,

LAPD Public Records & Subpoena Response Section, CPRA Unit

April 10, 2023, 4:55pm by LAPD Analyst N1789 (Staff)



Thank you for your patience. Please consider this an update to our message on December 21, 2022. We are in the process of reviewing the emails collected between the dates 6/1/2022 to 10/24/2022 for one of the six requests identical to this request. We anticipate providing you with the responsive records, upon completion of the review, by April 10, 2023.

Records are being reviewed for confidential portions that are exempt from disclosure under either express provisions of the California Public Records Act or pursuant to applicable federal or state law, per California Government Code Sections 7927.500, 7927.700 and 7923.600-7923.625. Should any additional redactions be applied, we will notify you in our closing response along with the provided documents. Again, thank you for your patience and understanding in the meantime.

Respectfully,

LAPD Public Records & Subpoena Response Section, CPRA Unit

March 7, 2023, 4:10pm by LAPD Analyst N1789 (Staff)



The Department continues to search for, identify, and review responsive records. Records are being reviewed for confidential portions that are exempt from disclosure under either express provisions of the California Public Records Act or pursuant to applicable federal or state law, per California Government Code Sections 6254(a), 6254(c) and 6254(f). Should any additional redactions be applied, we will notify you in our closing response along with the provided documents.

The Department estimates that it will be able to begin providing you with copies of responsive, non-exempt records by January 30, 2023, and on a rolling basis thereafter. Thank you for your patience and understanding in the meantime.

Respectfully,

LAPD Public Records & Subpoena Response Section, CPRA Unit

December 21, 2022, 11:57am by LAPD Analyst N1789 (Staff)



This is a follow-up to our message on October 24, 2022.

This is to inform you that the Department received six requests identical to your request except each was broken down into a smaller date range within the date range you provided. As a result, the Department's Information Technology Bureau was able to upload the records on its first attempt. We are currently in the process of sorting and identifying responsive records for the first of the six requests. Please let us know if you agree to production of responsive records on a rolling basis so that we may refer you to the other requests as they are completed. Thank you for your continued patience.

If you have any questions regarding this correspondence, simply respond to this email.

Respectfully,

LAPD Public Records & Subpoena Response Section, CPRA Unit

November 17, 2022, 6:08pm by LAPD Analyst N1789 (Staff)



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Requester + Staff

Dear Requester,

Thank you for your continued patience. In regard to the additional information needed to narrow down the search for responsive emails to your request:

# The Department's Response to Item No. 1:

The Department conducted a search for "yearly breakdowns of how many of these emails were sent in 2020, 2021, and 2022". Please note that "items" refers to emails, not number of pages:

#### 2020:

There were 8,103 items found for "Stop LAPD Spying". This includes "duplicates" where the same email was sent to several email addresses.

There were 2,043 items found for "stoplapdspying". This includes "duplicates" where the same email was sent to several email addresses.

### 2021:

There were 4,482 items found for "Stop LAPD Spying". This includes "duplicates" where the same email was sent to several email addresses.

There were 3,257 items found for "stopspyinglapd". This includes "duplicates" where the same email was sent to several email addresses.

#### 2022:

There were 4,797 items found for "Stop LAPD Spying". This includes "duplicates" where the same email was sent to several email addresses.

There were 1,438 items found for "stopspyinglapd". This includes "duplicates" where the same email was sent to several email addresses.

# The Department's response to Item No. 2

The Department does not have the capability to query outside email domains at this time.

# The Department's response to Item No. 3

The Department conducted a search for the top 10 **recipients** of email with the search words "Stop LAPD Spying" and "stoplapdspying" for the years 2020, 2021 and 2022.

### 2020:

N6220@lapd.online

N6154@lapd.online

N3025@lapd.online

N3853@lapd.online

N5449@lapd.online

V8751@lapd.online

23506@lapd.online

32466@lapd.online

N6480@lapd.online

#### 2021:

N3853@lapd.online

N3145@lapd.online

N3025@lapd.online

32466@lapd.online

34964@lapd.online

N5890@lapd.online

N6220@lapd.online

N4677@lapd.online

34895@lapd.online

### 2022:

36601@lapd.online

39350@lapd.online

N5890@lapd.online

34895@lapd.online

N6480@lapd.online

N3025@lapd.online

N6613@lapd.online

34598@lapd.online

N5483@lapd.online

N6816@lapd.online

# The Department's response to Item No. 4

The Department conducted a query to determine "whether any of the emails are repetitive, for example because you are counting a single email sent to 1,000 different LAPD addresses as 1,000 different emails":

#### 2020:

The total before deduplication is 8,374 items.

The total after deduplication is 4,244 items.

### 2021:

The total before deduplication is 6,878 items.

The total after deduplication is 1,833 items.

#### 2022:

The total before deduplication is 5,897 items.

The total after deduplication is 816 items.

If you have any questions regarding this correspondence, simply respond to this email.

Respectfully,

LAPD Public Records & Subpoena Response Section, CPRA Unit

October 24, 2022, 4:25pm by LAPD Analyst N1789 (Staff)



We received your message and understand your concern.

The Department will contact our Information Technology Bureau and forward your questions to them. We will respond back as soon as we get an answer. Thank you for your continued patience.

If you have any questions regarding this message, simply respond to this email.

Respectfully,

LAPD Public Records & Subpoena Response Section, CPRA Unit

September 23, 2022, 5:10pm by LAPD Analyst N1789 (Staff)



Thank you for this message. Just so we understand, are you saying LAPD possesses over a gigabyte of internal emails that contain the terms "Stop LAPD Spying" or "stoplapdspying" since 2020, so much so that you are technically unable to even look at whether you comply with California public records laws for these records? If that's true, we believe that establishes potential statutory and constitutional problems with your recordkeeping systems.

In order to avoid litigation for the time being and to determine a basis for working with you to narrow the scope, we request the following information about the records at issue: (1) yearly breakdowns of how many of these emails were sent in 2020, 2021, and 2022, (2) the top 10 senders of the emails, (3) the top 10 recipients of the emails, and (4) whether any of the emails are repetitive, for example because you are counting a single email sent to 1,000 different LAPD addresses as 1,000 different emails.

Thank you.

September 23, 2022, 11:49am by the requester



The Los Angeles Police Department's Information Technology Bureau conducted an email query for your request. The query resulted in a file(s) that exceeds the maximum gigabyte that our system would allow to export; therefore, we are unable to search for and identify emails responsive to your request. If you wish to proceed with your request, we ask that you narrow the scope of your request by revising the date range, keywords, and/or the number of individuals requested.

We appreciate your response by September 29, 2022.

Respectfully,

LAPD Public Records & Subpoena Response Section, CPRA Unit

September 22, 2022, 5:38pm by LAPD Analyst N1789 (Staff)



We have reviewed your California Public Records Act request.

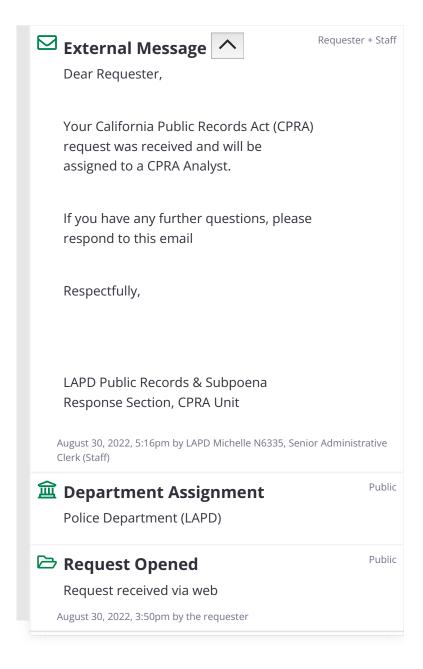
Please be advised that, pursuant to California Government Code Section 6253(c), we have found that "unusual circumstances" exist with respect to the request due to the need to search for, collect, and review the requested records from other Department entities which are separate from the office processing 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

September 9, 2022, 3:58pm by LAPD Analyst N1789 (Staff)



FAQS HELP PRIVACY TERMS CITY WEBPAGE

