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13 Attorneys for Petitioner
14 STOP LAPD SPYING COALITION

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 COUNTY OF LOS ANGELES

17 STOP LAPD SPYING COALITION,) Case No.
18)
19) Petitioner,)
20)
21) vs.) VERIFIED PETITION FOR WRIT OF
22)) MANDATE DIRECTED TO THE LOS
23)) ANGELES POLICE DEPARTMENT
24)) ORDERING COMPLIANCE WITH
25)) CALIFORNIA PUBLIC RECORDS ACT;
26)) EXHIBITS A-D
27) Respondent.) [Gov't Code § 6250 *et seq.*]

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30 Under Code of Civil Procedure §§ 1085 *et seq.* and the California Public Records Act,
31 Government Code §§ 6250 *et seq.*, petitioner Stop LAPD Spying Coalition (“Coalition”)
32 petitions this Court for a writ of mandate directed to respondent City of Los Angeles (the “City”
33 or “Respondent”), commanding Respondent to comply with the California Public Records Act
34 (“CPRA”). By this verified Petition, the Coalition alleges:
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1 **SUMMARY OF ALLEGATIONS**

2 1. In Los Angeles, the Coalition has brought together various community groups and
3 individuals with the goal of rescinding the Los Angeles Police Department’s (“LAPD”) Strategic
4 Extraction and Restoration Program (Operation LASER), a person- and place-based predictive
5 policing strategy developed by the LAPD. Operation LASER, which utilizes technology created
6 by the CIA, fuses data collection and street-level intelligence gathering with a hyper-fast
7 computer platform to determine where the LAPD believes crime is most likely going to occur
8 and who is going to commit it. The computer platform, called Palantir, is used by law
9 enforcement and intelligence agencies to compile and analyze massive and disparate data sets,
10 including information about those formerly incarcerated.

11 2. Individuals are identified as Operation LASER targets through secretive “pre-
12 determined” criteria. Individuals are not notified they have been targeted by Operation LASER
13 and there is no mechanism to request removal from the system.

14 3. The LAPD launched the program in the Newton Division area, a predominantly
15 people of color neighborhood. The Coalition seeks public records regarding Operation LASER
16 because they believe predictive policing legitimizes speculative policing that feeds into the larger
17 system of institutional racism and state violence.

18 4. Notwithstanding the public’s strong interest in these issues, and despite the
19 LAPD’s lack of transparency about Operation LASER, the City, through the responses of the
20 LAPD, has disregarded its legal obligations and restricted public access to information.

21 **THE PARTIES**

22 5. Petitioner the Coalition, a nonprofit association based in Los Angeles, California,
23 organizes and empowers its members to work collectively against police repression and to
24 dismantle domestic spying activities. As part of its mission, the Coalition regularly disseminates
25 information to its members and to the general public, including through its website
26 <http://stoplapdspying.org/>. As such, the Coalition is within the class of persons beneficially
27 interested in Respondent’s faithful performance of its legal duties under the CPRA.

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1 6. Respondent City of Los Angeles is a municipal corporation duly organized under
2 the laws of the State of California. The LAPD is a department of the City. Therefore,
3 Respondent, including the LAPD, is a local agency within the scope of the CPRA. *See*
4 Government Code § 6252(a).

5 **BACKGROUND OF CPRA REQUESTS**

6 7. On May 10, 2017 the Coalition sent a CPRA request to the LAPD. Attached as
7 **Exhibit A** is a true and correct copy of Petitioner’s 5/10/17 CPRA request.

8 8. The LAPD failed to respond within ten days as required by the CPRA, Section
9 6256. Almost one month later, on June 6, 2017, the LAPD responded, notifying Petitioner that
10 the LAPD would require a further fourteen day extension in which to respond. **Exhibit B** is a
11 true and correct copy of the LAPD’s 6/6/17 letter and the 6/6/17 email to which it was attached.

12 9. On July 17, 2017, the Coalition emailed the LAPD asking for the requested
13 records and noting that six weeks had passed since the LAPD’s last communication. **Exhibit C** is
14 a true and correct copy of the Coalition’s 7/17/17 email.

15 10. On July 21, 2017, the LAPD sent two emails to the Coalition. The first one, sent
16 at 1:38 p.m., stated the LAPD would check on the progress of the request. The second email, sent
17 at 1:57 p.m., requested another extension and promised a delivery date of July 29, 2017. **Exhibit**
18 **C-D** are true and correct copies of LAPD’s 7/29/17 emails.

19 11. To date, the LAPD has failed to supply the requested records or provide any
20 further updates regarding production.

21 12. This is not the first time the LAPD has failed to comply with its statutory duties in
22 responding to CPRA requests from the Coalition. In 2015 the LAPD failed to adequately respond
23 to two requests from the Coalition and the National Lawyers Guild – Los Angeles Chapter. Only
24 after the filing of a petition did the LAPD produce the requested documents. *Stop LAPD Spying*
25 *Coalition v. City of Los Angeles*, Case No. BS 159673.

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1 **CAUSE OF ACTION**

2 13. The Petitioner alleges on information and belief that the LAPD will continue to
3 refuse to permit members of the public, including the Coalition, to inspect or obtain copies of the
4 requested public records in violation of the CPRA.

5 14. The Petitioner alleges on information and belief that the information they seek
6 from the LAPD is maintained in Los Angeles County. The requested records are public records
7 not exempted from disclosure.

8 15. Based on information set forth in this Petition, the Coalition believes, and
9 therefore alleges, that the LAPD's failure to locate records responsive to Petitioner's request
10 resulted from a search that failed to expend good-faith "reasonable effort," in violation of
11 Government Code Section 6253.1.

12 16. LAPD's failure to conduct an adequate search in response to Petitioner's
13 request violates, among other provisions, of the CPRA, Government Code Section 6254(b),
14 which provides in pertinent part that, "[e]xcept with respect to public records exempt from
15 disclosure by express provisions of law, each state or local agency, upon a request for a copy of
16 records that reasonably describes an identifiable record or records, shall make the records
17 promptly available to any person[.]"

18 17. By failing to respond to Petitioner's requests and follow-up letters within two
19 weeks, the LAPD has also violated Government Code Section 6254(c) which provides in
20 pertinent part that "[e]ach agency, upon a request for a copy of records, shall, within 10 days
21 from receipt of the request, determine whether the request, in whole or in part, seeks copies of
22 disclosable public records in the possession of the agency and shall promptly notify the person
23 making the request of the determination and reasons therefore. In unusual circumstances, the
24 time limit may be extended by written notice... [but n]o notice shall specify a date that would
25 result in an extension for more than 14 days."

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1 **REQUEST FOR RELIEF**

2 18. Government Code §§ 6259(a) and 6259(b) authorize the Court to compel
3 Respondent to release the requested documents.

4 THEREFORE, Petitioner respectfully requests that:

- 5 1. This Court issue a peremptory writ of mandate, without a hearing or further
6 notice, immediately directing the LAPD to immediately conduct a diligent and
7 comprehensive search for the requested records, and to thereafter promptly
8 provide the Coalition the requested records or, in the alternative, an order to show
9 cause why these public records should not be ordered disclosed;
- 10 2. The Court set “times for responsive pleadings and for hearings in these
11 proceedings... with the object of securing a decision as to these matters at the
12 earliest possible time,” as provided in Government Code § 6258;
- 13 3. The Court enter an order declaring that LAPD has violated the CPRA by its
14 refusal to release the public records sought by Petitioner’s request, and by its
15 failure to properly respond to, and assist with, Petitioner’s request;
- 16 4. The Court enter an order awarding the Coalition their reasonable attorneys’ fees
17 and costs incurred in bringing this action, as provided in Government Code §
18 6258; and,
- 19 5. The Court award such further relief as is just and proper.

20 DATED: February 13, 2018

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22 Respectfully Submitted,

23 LAW OFFICE OF COLLEEN FLYNN
24 LAW OFFICE OF MATTHEW STRUGAR
25 Attorneys for Petitioners

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28 COLLEEN FLYNN

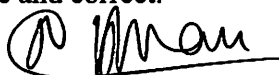
VERIFICATION

I, Hamid Khan, declare:

1. I am a member and organizer 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-D. The facts stated in the Petition are either true and correct of my own personal knowledge, or I am informed and believe that such facts are true and correct, and on that basis I allege them to be true and correct.

This verification was executed on February 12, 2018, in Los Angeles, California. I declare under penalty of perjury that the foregoing is true and correct.



HAMID KHAN



Stop LAPD Spying Coalition

May 10, 2017

Via Email: discovery@lapd.lacity.org & Hand Delivery

Los Angeles Police Department
Legal Affairs Division
Discovery Section

Re: LASER

To Whom It May Concern:

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

- Any and all “grant applications” in their entirety filed for in regards to implementation of the Los Angeles Strategic Extraction & Restoration (hereinafter “LASER”) program;
- Any and all documents and charts related to the evaluation, analysis, and implementation of the LASER program;
- Any and all reports and charts written by the Los Angeles Police Department’s (hereinafter “LAPD”) Smart Policing Initiative project/group in regards to the implementation of the LASER program;
- List of all LAPD divisions currently using the LASER program;
- List of all “pre-determined criteria” used to select who a chronic offender bulletin will be opened on;
- List of all data elements such as race, age, ethnicity, gender, national origin etc.. used in the creation of a “Chronic Offender Bulletin;”
- List of all databases that the Palantir platform searches through for the creation of a Chronic Offender Bulletin
- Any and all programs such as Community Safety Partnership used in conjunction with LAPD’s LASER program;
- Any and all Chronic Offender Bulletins created by the Los Angeles Police Department from the inception and to date of the LASER program;

Under the California Public Records Act § 6250 et seq. the government is allowed to charge only the cost of copying materials. I am requesting that you waive all applicable fees associated with this request as 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.

Email: stoplapdspying@gmail.com

www.stoplapdspying.org

Ph: (424) 209-7450

EXHIBIT A

In the interest of expediency, and to minimize the research and/or duplication burden on your staff, please send records electronically if possible. If this is not possible, please notify me before sending to the address listed below:

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

LOS ANGELES POLICE DEPARTMENT

CHARLIE BECK
Chief of Police



ERIC GARCETTI
Mayor

P. O. Box 30158
Los Angeles, California 90030
Telephone: (213) 978-2100
TDD: (877) 275-5273
Reference Number: 14.4

June 6, 2017

Mr. Hamid Khan
stoplapdspying@gmail.com

Dear Mr. Khan:

I have reviewed your California Public Records Act Request for the following:

- Any and all “grant applications” in their entirety filed for in regards to implementation of the Los Angeles Strategic Extraction & Restoration (herein after “LASER” program;
- Any and all reports and charts written by the Los Angeles Police Department’s Smart Police Initiative project/group in regards to the implementation of LASER program;
- List all LAPD divisions currently using the LASER program;
- List all pre-determined criteria used to select who a chronic offender bulletin will be opened on;
- List all data elements such as race, age, ethnicity, gender, national origin etc., used in the creation of a “Chronic Offender Bulletin”;
- List all databases that the Palantir platform searches through for the creation of a Chronic Offender Bulletin;
- Any and all Chronic Offender Bulletins created by the Los Angeles Police Department from the inception and to date of LASER program;

Please be advised that, pursuant to California Government Code Section 6253(c), I 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, my 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.

AN EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER
www.LAPDOnline.org
www.joinLAPD.com

EXHIBIT B

Mr. Hamid Khan

Page 2

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If you have any questions regarding this correspondence, please contact Management Analyst LeRoy Beavers of the Discovery Section at (213) 978-2156.

Very truly yours,

CHARLIE BECK

Chief of Police

A handwritten signature in cursive script that reads "LeRoy Beavers for". The signature is written in black ink and is positioned above the typed name of the signatory.

MARTIN BLAND, Senior Management Analyst
Officer-in-Charge, Discovery Section
Legal Affairs Division

From: **Leroy Beavers** <n5470@lapd.online>
Date: Fri, Jul 21, 2017 at 1:38 PM
Subject: RE: Hamid Khan C17-0500027 Extension
To: StopLAPD Spying-Coalition <stoplapdspying@gmail.com>

We have not received a response to our request yet. Will check on the progress of request.

From: StopLAPD Spying-Coalition [mailto:stoplapdspying@gmail.com]
Sent: Monday, July 17, 2017 5:32 PM
To: Leroy Beavers <n5470@lapd.online>
Subject: Re: Hamid Khan C17-0500027 Extension

Hello Mr Beaver, We are writing in reference to the Stop LAPD Spying Coalition's CPRA request dated May 10, 2017 - attachment 1. We received your response on June 6, 2017 asking for 14 days statutory extension - attachment 2. It has been six weeks since the last communication. We would appreciate it if our request for public records can be resolved with immediate effect. Thank you. Hamid Khan

From: **Leroy Beavers** <n5470@lapd.online>
Date: Fri, Jul 21, 2017 at 1:57 PM
Subject: RE: Hamid Khan C17-0500027 Extension
To: StopLAPD Spying-Coalition <stoplapdspying@gmail.com>

The department which handles the research has requested an extension. The delivery date is July 29, 2017. If you have any questions please contact me. Thank you.

LeRoy Beavers
Legal Affairs Division/Discovery
LAPD
[213-978-2156](tel:213-978-2156)

From: StopLAPD Spying-Coalition [mailto:stoplapdspying@gmail.com]
Sent: Monday, July 17, 2017 5:32 PM
To: Leroy Beavers <n5470@lapd.online>
Subject: Re: Hamid Khan C17-0500027 Extension

Hello Mr Beaver, We are writing in reference to the Stop LAPD Spying Coalition's CPRA request dated May 10, 2017 - attachment 1. We received your response on June 6, 2017 asking for 14 days statutory extension - attachment 2. It has been six weeks since the last communication. We would appreciate it if our request for public records can be resolved with immediate effect. Thank you. Hamid Khan

Thank you,

Stop LAPD Spying Coalition
www.stoplapdspying.org
[\(424\) 209-7450](tel:424-209-7450)