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Sara Ugaz, Deputy City Attorney
City Hall East
200 N. Main Street, 8th Floor
Los Angeles, CA 90012
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VIA US Mail & E-Mail

Re: Stop LAPD Spying v. City of Los Angeles // CPRA, Case No. BS 172216

Dear Ms. Ugaz:

I represent the plaintiffs in the above-referenced case. I understand that, after the filing of the petition in this matter, the LAPD, on March 14, 2018, sent documents to my clients responsive to their May 10, 2017 CPRA request. This was the department's first substantive response to their request. Thank you for the documents and information provided. I am writing to hopefully resolve the remaining outstanding issues outlined below:

Request No. 1 – Grant Applications re LASER

1) Rev. Budget worksheet-submitted to BJA 05-03-14(003)

Although this document was listed as a document produced by the LAPD, the department failed to include it in its March 14, 2018 production.

2) Grant Adjustment Notice 12/31/13 to 6/30/14

The department failed to include this document in the production. The No-Cost Extension for Smart Policing (document “nocostextensionNov2013_1.docx”) confirms a Grant Adjustment was filed.

**3) Grant Adjustment Notices 10/01/2011 to 08/31/2012
No cost extension explanations 10/01/2011 to 08/31/2012
Grant Adjustment Notices 12/31/2015 to 03/31/2016
No cost extension explanations 12/31/2015 to 03/31/2016**

The department failed to include these documents in the production.

Request No. 2 – Documents & Charts re Evaluation, Analysis, & Implementation of LASER

The department failed to include the following documents in the production:

- Any and all 4 week reports
- Any and all Quarterly reports
- Any and all Semi-annual reports

Document “1 Timeline for Operation Laser.docx” notes that these documents were to be produced by the department and filed in the Grant Management System. See also documents “Attachment 2 Program Narrative.pdf” and “1 REV Timeline for Operation Laser.docx,” referencing the requirement that the department create these documents.

Request No. 3 – Reports & Charts Written by LAPD’s Smart Policing Initiative

The department failed to produce any documents in response to this request claiming LAPD “does not have a Smart Policing Initiative project/group” and therefore “cannot properly identify and locate the requested records.” (See “LAPD March 14, 2018 letter.”) The department, however, seems to have erred as document “Spotlight on Operation Laser.pdf” references a Los Angeles Smart Policing Initiative (SPI) Team 24 times. Document “LAPD 2020.pdf” describes the SMART Policing Initiative as a “group, project, and sources that were key to this initiative.” Furthermore, document “Attachment 2 Program Narrative.pdf” notes “Lt. Sean Malinowski, Ph.D. will be the Project Director and oversee the implementation of Smart Policing...” These citations should assist the department in identifying the requested records. *Cal. First Amend. Coalition v. Superior Court* (1998) 67 Cal.App.4th 159, 165-66 (“[A] requester, having no access to agency files, may be unable to precisely identify the documents sought. Thus, writings may be described by their content”).

Request No. 4 – List of All LAPD Divisions Currently Using the LASER Program

The department noted it does not keep a list of all LAPD divisions currently using the LASER program. The department nevertheless provided a list of 14 divisions currently using the program. Thank you for that information. Please confirm if the following 7 divisions are also using the LASER program:

- Van Nuys (See Justification for No-Cost extension Oct 2016.docx)
- North Hollywood (See Justification for No-Cost extension Oct 2016.docx)
- Topanga (See No-Cost extension December 2014.docx)
- Air Support (See No-Cost extension December 2014.docx)
- Metropolitan (See No-Cost extension til 03-31-17.docx)
- Mission (See 1 REV Timeline for Operation LASER.docx)
- Community Relationships (See 1 REV Timeline for Operation LASER.docx)

Request No. 5 – List of All “pre-determined criteria” the LAPD Uses to Select for Whom They Will Open a Chronic Offender Bulletin

The department’s response to Request No. 5 listed “gang membership, parole or probation status, prior arrest with a handgun, violent crimes on a rap sheet, and police contact involving a violent crime or a firearm in the last two years.”

Thank you for that information. Please confirm the following: 1) that there are no additional criteria used to select for whom a chronic offender bulletin is created, and 2) whether the “rank order” criteria (see “Spotlight on Operation LASER.pdf”) is the same as “pre-determined” criteria?

Request No. 6 – List of All Data Elements Such as Race, Age, Ethnicity, Gender, National Origin, Etc. Used in the Creation of a Chronic Offender Bulletin

This request has been satisfied.

Request No. 7 – List All of the Databases that the Palantir Platform Searches for the Creation of a Chronic Offender Bulletin

In response to Request No. 7 the department stated, “Palantir does not create the Chronic Offender Bulletins. Rather, as described in the document ‘Chronic Offender Purpose and Checklist,’ which is produced herewith, Department personnel access the databases on Palantir in making their determination as to whether an individual qualifies as a ‘Chronic Offender.’”

Thank you for that information. Please confirm whether the department is using Palantir as the primary source of information to identify and select individuals for placement on a Chronic Offender Bulletin.

We understand that you are not obligated to provide answers to the requests for confirmation regarding Requests 4, 5, and 7. However, clarity on these few issues will negate the need to file additional CPRA requests for documents that would shed light on these issues.

Request No. 8 – Any and All Programs, Such as Community Safety Partnership, Used in Connection with LAPD’s LASER Program

In response to Request No. 8 the department stated the request “... does not reasonably describe an identifiable public record. As worded, Request Number 8 does not provide the Department with enough information to properly identify and locate the requested records, or to determine whether any exemption to disclosure applies.”

To clarify, the request seeks documents regarding which teams, departments, divisions, projects, etc. of the LAPD, including Community Safety Partnership, collaborate with LASER and/or any hotspot policing practices. In lieu of documents, a list will suffice to satisfy this request.

Request No. 9 – Any and All Chronic Offender Bulletins Created by the LAPD from the Inception and to Date of the LASER Program

In response to Request No. 9, the department listed various exemptions as well as claimed the request is overly broad and burdensome, constituting “at least 800 documents spread through 14 Divisions.”

It is my understanding that the department has shared these documents both publically online and with Sarah Brayne, Associate Professor at the University of Texas at Austin for her article, Big Data Surveillance: The Case of Policing, American Sociological Review 2017, Vol. 82[5]. Regarding online public disclosures, *In Justice Today* referenced a Chronic Offender Bulletin “found online, completely unredacted, in a May 2013 LAPD presentation.¹ Government Code Section 6254.5 states that where an “agency discloses a public record that is otherwise exempt [] to a member of the public, this disclosure shall constitute a waiver.”

As to burdensomeness, all bulletins should be entered and updated in the Chronic Offender Database and so retrievable from a single location. See “FINAL Chronic Offender Purpose and Check List_100417 (003).”

If you have any questions, please do not hesitate to contact me. I look forward to hearing back from you.

Sincerely,

/s/ Colleen Flynn
Colleen Flynn

CF:ms

¹ <https://injusticetoday.com/the-lapd-has-a-new-surveillance-formula-powered-by-palantir-1e277a95762a> [as of May 14, 2018]