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Sara Ugaz, Deputy City Attorney  
City Hall East  
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Los Angeles, CA 90012  
*Sara.Ugaz@lacity.org*

**VIA US Mail & E-Mail**

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

Dear Ms. Ugaz:

Thank you for your correspondence of June 14 (re: Requests 1-8) and July 2, 2018 (re: Request 9) and the documents you provided on June 14<sup>th</sup>.

Requests Numbers 3-8 have been satisfied. I'm writing regarding the three outstanding requests, Numbers 1, 2, and 9.

***Request No. 1 – Grant Applications re LASER***

Thank you for the documents you provided in response to Request No. 1. However, **Grant Adjustment Notices 12/31/2015 to 3/31/2016** and **No cost extension explanations 12/31/15 to 3/31/2016** are still missing. It is highly unlikely that they “do not exist” as your June 14, 2018 letter stated; the Department had a contractual obligation to report in writing to the Bureau of Justice Associates (“BJA”). According to a September 4, 2009 letter from the DOJ, Office of Justice Programs (“OJP”), to the Chief of Police, the Department must adhere to the OJP financial guidelines. The guidelines state, the Department “must be in compliance with all reporting requirements. All grantees are required to submit Financial Status Reports (SF-269A) for each grant on a quarterly basis for the life of the grant. Progress Reports are also required for discretionary grants, on a semi-annual basis.”<sup>1</sup> See **Hamid Khan C17-050027** at pg. 5.

Furthermore, the Department was developing many LASER-related projects and technology between 12/31/15 and 3/31/16, making it likely the requested communications between the Department and BJA do exist.

For example, during this time the Department opened a Community Safety Operations Center (CSOC) for 77th Street, Southwest, and Newton Divisions overseen by Deputy Chief Kato because of a “rapid uptick in violent crime from November 2015 to February 2016” and “the Community Safety Operations Center (CSOC) was established to facilitate, coordinate, monitor, and directly assist Captains with reducing homicides and shootings and to implement LASER.” See **00126095.pdf** at pg. 295 (produced on June 14, 2018).

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<sup>1</sup> OJP financial guidelines are available at [https://ojp.gov/archives/financial\\_guides/financialguide09/part2/part2chap2.htm](https://ojp.gov/archives/financial_guides/financialguide09/part2/part2chap2.htm) [as of 7/25/18]

Furthermore, when the Department applied in July 2014 for a grant to expand the program, the program narrative explains that from 10/1/2014 to 12/31/2015 the Department would implement “push mobile” technology. Document “Program narrative.pdf.” The missing 12/31/15 to 3/31/16 documents should explain to BJA the Department’s use of this technology as well as the CSOC.

Even if there was nothing to report we would expect the Department would have communicated that to the BJA.

Petitioner requests that you have your clients search again for these documents. If it is correct that these documents do not exist, but because the communication between the Department and BJA took place in another manner, please let us know.

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

Thank you for the documents you provided in response to Request No. 2. However, we are still missing all of the 4-week reports, many of the quarterly reports, and many of the semi-annual reports.

The Department’s very first LASER grant application in 2009 states that the Department must report to BJA quarterly, promising that deliverables will include quarterly and annual reports. *See Hamid Khan C17-050027* at pg. 2.

#### ***4-week Reports***

As explained in my April 26, 2018 letter, 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: “All LASER Bureaus, Divisions, CIDs, and the LAPD Research Partner (Justice & Security Strategies/JSS) will engage in the following activities: *Provide 4-week reports to Deputy Chiefs, Commanders, and Captains.*” (emphasis added). 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.

#### ***Quarterly Reports***

Thank you for the 6 quarterly reports you produced on June 14, 2018, dated between 7/1/2016 and 12/31/2017. However, quarterly reports are missing from 10/1/2009 to 7/1/2016. Document “Attachment 2 Program Narrative,” pg. 6, states that the Department’s obligation to create quarterly reports was “ongoing through the 2-year grant period” for the initial \$500,000 grant for the LASER program. Document “Attachment 4 to Timeline and Resume.pdf” also states the requirement for quarterly reporting.

#### ***Semi-Annual Reports***

Thank you for the 3 semi-annual reports you produced on June 14, 2018, dated between 7/2016 and 12/2017. However, as with the quarterly reports, we are missing semi-annual reports from 10/1/2009 to 7/2016. The BJA Semi-Annual Progress Report for Reporting Period 7/1/2016 to 12/31/2016 states that it is Report #15 and the Semi-Annual Progress Report for 1/1/2017 to 6/30/2017 states it is Report #16.

Please provide all 4-week reports and the missing quarterly and semi-annual reports.

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

***Waiver***

Thank you for Dashawn Sutton’s Chronic Offender Bulletin you produced on July 2, 2018. As to the remaining bulletins, your exemptions are not well taken. As your July 2, 2018 letter confirmed, the Department has shared such bulletins with the “outside community” at minimum during a conference at Arizona State University and with Professor 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]. There appears to have been no attempt by the Department to take down the Chronic Offender Bulletin “found online, completely unredacted, in a May 2013 LAPD presentation.<sup>2</sup> Cal. Gov’t Code Section 6254.5 explicitly 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 of the exemptions specified in Section 6254 or 6254.7, or other similar provisions of law.”

***Burden***

As to burden, it appears that it should not be burdensome to locate and produce the remaining bulletins. According to document, “Operation LASER: Reducing Gun-Related Crime in Los Angeles Preliminary Results of the Smart Policing Initiative,” “Chronic Offender Bulletins are disseminated to the officers and detectives via an internal computer drive (M-Drive) that is utilized by sworn personnel only. The information is readily available to the officers in the field via their computer system (LAN). Each Chronic Offender Bulletin is then placed into an online folder based on the location of where the individual was stopped... the bulletins are updated every two months.” **Hamid Khan C17-050027**; *see also* “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 discussing these matters before the continued trial setting hearing tomorrow as we confirmed on the phone today.

Sincerely,

/s/ Colleen Flynn  
Colleen Flynn

CF:ms

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<sup>2</sup> <https://injusticetoday.com/the-lapd-has-a-new-surveillance-formula-powered-by-palantir-1e277a95762a> [as of May 14, 2018]