

LOS ANGELES POLICE DEPARTMENT



MICHEL R. MOORE
Chief of Police

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Reference Number: 14.4

ERIC GARCETTI
Mayor

August 6, 2018

Mr. Jeremy Borden
jsbfoia@gmail.com
Chicago, IL 60607

Dear Mr. Borden:

I have reviewed your request to the Los Angeles Police Department (the Department) for information and records/contracts regarding facial recognition technology from January 1, 2015, to July 31, 2018, and emails to/from LAPD and Facebook representatives from January 1, 2011, to July 31, 2018, made pursuant to the California Public Records Act (the Act).

The Los Angeles Police Department (the Department) is cognizant of its responsibilities under the Act. It recognizes the statutory scheme was enacted in order 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 Government Code Sections 6254(b); 6254(c); 6254(f); 6254(k); and 6255.

I am responding to your request as follows:

- 1. Open Records Logs” from January 1, 2015, to July 31, 2018, including contracts, information/copies of contracts related to programs funded by the Department of the Homeland Security (LAPD) that use facial recognition technology, including “Face-Int” or “FaceDetch”. Copies of contracts with vendors who use data derived from Facebook, including Verint, Terrogeance aka Hazard Threat Analysis.**

Staff from the Department's Application Development and Support Division conducted a search and has located a Professional Services Agreement between the City of Los Angeles and CelPlan Technologies, Inc., Contract No. C-120893, for wireless camera surveillance systems for the West Valley Community Police Station and the Topanga Community Police Station. Please see link at the Los Angeles City Clerk and click on “contract” to obtain copy: <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccon.viewrecord&contractnum=C-120893>

My staff conducted a search and has located the Los Angeles City Council file, Council File No. 10-0011-S11, concerning the camera surveillance systems and facial recognition technology. Please see link at:

<https://cityclerk.lacity.org/lacityclerkconnect/> in search box type "10-0011-S11" and then click on that number and then the various documents linked at that site.

Staff from the Department's West Valley Community Police Stations and the Topanga Community Police Stations has indicated that **the surveillance cameras do not utilize facial technology.**

Staff from the Department's Real-Time Analysis and Critical Response Division has indicated that they do not possess documents responsive to your request.

Staff from Risk Management and Legal Affairs Group (RMLAG) stated they had no contracts for facial recognition.

Staff from Policies and Procedures Division stated they had no policies or guidelines or grant applications on facial recognition.

Note: The Los Angeles Police Department is not the Department of Homeland Security.

- 2. Any communications between any representative of Facebook, including, but not limited to emails ending in @fb and any representative of the LAPD since January 1, 2011, to July 31, 2018. Any communications between any representative of the Internet Association, including, but not limited to Abigail Slater aka Gail Slater, Michael Beckerman, Gina Grandinetti Woodsworth, Tom Manatos, Ellen Schrantz, Michael Bloom, Melika Carroll and/or Ari Giovenco and any representative of the LAPD since January 1, 2011, to July 31, 201. The emails from representative of the Internet Association include, but are should not be limited to, emails ending in @internetassociation.com.**

Staff from the Department's Information Technology Division stated emails cannot be searched prior to March 2013, and any such request must be narrowed to a shorter period of time, identifying by name individuals within the Department, and providing a couple of search/key terms, and narrowing the time period of the request. A search of all records of communications and email correspondence would be unduly burdensome for the Department as interpreted in the "public interest" provision of Section 6255 of the Act, and would require a separate search of each individual email account of approximately 14, 400 Department email accounts. Also, the courts have interpreted this provision to include an exemption where production of the requested documentation would be unduly burdensome to the public agency involved. Therefore, your request is denied.

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3. **Any information that shows that the LAPD collection facial imagery or other biometric information of Facebook users from the Facebook platform. Any information that shows that the LAPD uses Artificial Intelligence (AI) based on information gleaned from Facebook users or the Facebook platform. Any information on contracts the LAPD holds or has held with Verint. All communications between employees of the NSA and those of Verint. Any information on contracts the LAPD holds or has held with Terrogence. All communications between employees of the NSA and those of Terrogence. Any information regarding data sharing agreements or policies between Facebook and the LAPD involving Facebook users' biometric data, including facial images, fingerprints or other identifiers. Any information on or copies of contracts related to pilot programs funded by the Department of Homeland Security with LAPD that seek to match images of suspects against faces in the crowd.**

Please see response for Item Nos. 1 and 2. Additionally, the Department can only provide records that belong to the Department. The Department is not the National Security Agency (NSA).

Any correspondence regarding this matter should include a copy of this letter and be directed to the Los Angeles Police Department - Discovery Section, P.O. Box 30158, Los Angeles, CA 90030, and refer to Case No. **18-1908**.

Respectfully,

MICHEL R. MOORE

Chief of Police



ALEX M. MEDEL, Lieutenant
Officer-in-Charge, Discovery Section
Legal Affairs Division