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19 SUPERIOR COURT OF THE STATE OF CALIFORNIA
20 FOR THE COUNTY OF LOS ANGELES

21 THE BRENNAN CENTER FOR JUSTICE AT
22 NEW YORK UNIVERSITY SCHOOL OF
23 LAW,

24 Plaintiff,

25 vs.

26 CITY OF LOS ANGELES, LOS ANGELES
27 POLICE DEPARTMENT,

28 Defendant.

Case No. 20STCP03820

**FIRST AMENDED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF AND VERIFIED PETITION
FOR WRIT OF MANDATE**

FILED
Superior Court of California
County of Los Angeles

12/08/2020

Sherri R. Carter, Executive Officer / Clerk of Court

By: J. Arceo Deputy

INTRODUCTION

1 This complaint asserts the right of Plaintiff, the Brennan Center for Justice at New
2 York University School of Law (the “Brennan Center”), and the public to access public records
3 relating to the Los Angeles Police Department’s (“LAPD”) use of social media to collect
4 information about individuals, groups, and activities. The monitoring of social media by law
5 enforcement implicates the civil rights of all Los Angeles residents and raises profound issues of
6 public policy. Yet, the public lacks information – from the LAPD itself – about what the
7 department is doing. The LAPD’s limited production in response to the Brennan Center’s public
8 records request was demonstrably deficient, omitting documents the Plaintiff has reason to believe
9 exist and revealing that the LAPD failed to conduct an adequate search for records as required
10 under the California Public Records Act (“CPRA”). This action seeks to compel the LAPD to
11 comply with its statutory obligations under the CPRA. The Brennan Center also requests an
12 award of attorney’s fees and costs for having to bring this action to ensure the public’s right to
13 learn this vital information.

JURISDICTION AND VENUE

15 2. This Court has jurisdiction under Cal. Gov’t Code § 6258 and Cal. Civ. Proc. Code
16 §§ 1060, 1085.

17 3. Venue is proper in this Court pursuant to Cal. Gov’t Code § 6259 and Cal. Civ.
18 Proc. Code §§ 393, 394(a).

PARTIES

20 4. Plaintiff Brennan Center for Justice is a non-profit, non-partisan public policy and
21 law institute that focuses on the fundamental issues of democracy and justice. The Brennan
22 Center’s work ranges from voting rights to campaign finance reform, from racial justice in
23 criminal law to Constitutional protections in the fight against terrorism. In particular, through its
24 Liberty and National Security Program, the Brennan Center seeks to ensure that law enforcement
25 agencies execute their responsibilities in compliance with constitutional and statutory limits. The
26 Brennan Center’s principal office is located in New York City.

27 5. Defendant, the LAPD, is a “local agency” subject to the California Public Records
28

Act. Cal. Gov't Code § 6252(a). The LAPD is the legal custodian of the records at issue. It maintains its primary place of business in Los Angeles County, is a legal resident of Los Angeles County, and is amenable to service of process in the County.

FACTUAL ALLEGATIONS

6. In general, “social media monitoring” is a term describing the use of social media platforms like Facebook, Twitter, Snapchat, and Instagram to gather information for purposes including, but not limited to, identifying potential threats, reviewing breaking news, collecting individuals’ information, conducting criminal investigations and intelligence, and gauging public sentiment.

7. Social media monitoring can be conducted through individual, direct use of social media platforms and their search functions (including via the use of a social media account, either public or undercover); by requesting access to the social media of an informant, cooperating witness, or other civilian; or through third-party monitoring tools that use keywords, geographic locations, and data mining to identify trends and networks of association, such as Geofeedia or Dataminr. It may also involve issuing a subpoena, warrant, or other form of legal process to a social media platform for data held by that platform.

8. The Los Angeles Police Department has engaged in social media monitoring since at least July 2009, when it was reported that officials used social media to monitor crowds during Michael Jackson’s funeral¹ and later to track flash mobs.² By December 2014, the LAPD employed “around 40 people to monitor social media manually.”³ This included “routinely crawl[ing] through social media” to monitor the profiles of persons of interest, including suspected gang members.⁴ During that period, LAPD officers also wrote a grant application for the software

¹ Richard Esposito, *750,000 Fans Expected for Michael Jackson Memorial Service*, ABC NEWS (July 1, 2009), <https://abcnews.go.com/Blotter/MichaelJackson/story?id=7990422&page=1>; Lon Cohen, *6 Ways Law Enforcement Uses Social Media to Fight Crime*, MASHABLE (March 17, 2010), <https://mashable.com/2010/03/17/law-enforcement-social-media/>.

² *LAPD Monitors Social Media for Flash Mob Crime Sprees*, ABC7 (July 18, 2013), <https://abc7.com/archive/9177949/>.

³ Edwin Chan & Alex Dobuzinskis, *U.S. Police Struggle to Uncover Threats on Social Media*, REUTERS (Dec. 26, 2014), <https://www.reuters.com/article/us-usa-police-socialmedia/u-s-police-struggle-to-uncover-threats-on-social-media-idUSKBN0K40MD20141226>.

⁴ *Id.*

1 Geofeedia,⁵ a third-party social media monitoring platform that has been criticized for violating
 2 Facebook, Instagram, and Twitter's terms of service and facilitating the targeting of civil rights
 3 protestors and Muslims, and was ultimately banned from accessing data from the major
 4 platforms.⁶ Media reports indicate that the LAPD has utilized or contemplated utilizing at least
 5 three different social media monitoring vendors since 2014, including Geofeedia,⁷ Palantir,⁸ and
 6 Dataminr.⁹

7 9. Social media monitoring efforts are deeply susceptible to inherent bias and are
 8 often implemented in ways that have a disparate impact on marginalized communities and
 9 activists. For example, in 2016, Jasmyne Cannick—a well-known critic of the LAPD—
 10 discovered that officers had been monitoring her Twitter profile and the number of likes and
 11 retweets on one of her posts discussing a possible police involved shooting of a college student.¹⁰
 12 Such surveillance has a chilling effect on political speech, and potentially impinges upon First
 13 Amendment rights. In another example, LAPD officers have reported using social media to track

14 ⁵ Ally Marotti & Tribune News Services, *Twitter Cuts Off Chicago Startup Geofeedia After ACLU*
 15 *Reports Police Surveillance*, CHI. TRIBUNE (Oct. 11, 2016),
 16 <https://www.chicagotribune.com/business/blue-sky/ct-twitter-suspends-geofeedia-access-bis-20161011-story.html>.

17 ⁶ See, e.g., Alanna Durkin Richer, *Boston Police's Social Media Surveillance Unfairly Targeted*
 18 *Muslims, ACLU Says*, BOS. GLOBE (Feb. 7, 2018),
 19 <https://www.bostonglobe.com/metro/2018/02/07/boston-police-social-media-surveillance-unfairly-targeted-muslims-aclu-says/9JUpzPmy8Tsr5RLxvCm61M/story.html>; *Geofeedia Alerts*,
 20 PRIVACY SOS (Apr. 27, 2017), <http://privacysos.org/wp-content/uploads/2018/02/Geofeedia-Alerts.pdf>; Lora Kolodny, *Facebook, Twitter Cut Off Data Access for Geofeedia, a Social Media*
 21 *Surveillance Startup*, TECHCRUNCH (Oct. 11, 2016),
 22 <https://techcrunch.com/2016/10/11/facebook-twitter-cut-off-data-access-for-geofeedia-a-social-media-surveillance-startup/>.

23 ⁷ Memorandum from the Los Angeles Police Commission to the Los Angeles City Council (May
 24 19, 2015), http://clkrep.lacity.org/online/docs/2015/15-0218-S18_rpt_MAYOR_08-10-2015.pdf
 25 (discussing the donation of 80 Geofeedia licenses from the Los Angeles Police Foundation to be
 26 used throughout the Los Angeles Police Department).

27 ⁸ Maha Ahmed, *Aided by Palantir, the LAPD Uses Predictive Policing to Monitor Specific People*
 28 *and Neighborhoods*, THE INTERCEPT (May 11, 2018),
 29 <https://theintercept.com/2018/05/11/predictive-policing-surveillance-los-angeles/> (describing the
 30 LAPD's use of the data-mining firm Palantir, which pulls data on criminal history and affiliations,
 31 and from license plate readers and social media networks).

32 ⁹ *Twitter Cuts Off Fusion Spy Centers' Access to Social Media Surveillance Tool*, ACLU
 (December 15, 2016), <https://www.aclu.org/blog/privacy-technology/internet-privacy/twitter-cuts-fusion-spy-centers-access-social-media> (noting that, through a public records request, the ACLU
 of California obtained an email to the Los Angeles Police Department from the social media
 monitoring company Dataminr highlighting how its products could be customized to track
 protests).

¹⁰ Aaron Miguel Cantú, *Thin Blue Spin: How U.S. Cops Have Raided Social Media*, 32 BAFFLER
 26, 34 (2016), <https://thebaffler.com/salvos/social-media-spin-cantu>.

teenagers' parties.¹¹ Given the troubling statistics on racial disparities in other police departments' surveillance of teenagers, particularly through the use of gang databases, the trend of using online platforms to track social gatherings merits further scrutiny.¹²

10. Despite widespread public interest in social media monitoring by law enforcement officers,¹³ the public lacks information about the capabilities and limitations of the LAPD's social media monitoring operations. For this reason, the Brennan Center seeks information about the Department's use of social media to collect information about individuals, groups, and activities.

11. The Brennan Center filed a records request on January 30, 2020, seeking 17 targeted categories of public records in the LAPD's possession, custody or control from January 1, 2011, through January 30, 2020, relating to the LAPD's use of social media to collect information about individuals, groups, and activities. *See* January 30, 2020 Request, attached as Exhibit A.

12. In particular, the Brennan Center's request sought the following records:

- a. **Policies Governing Use:** Any and all policies, procedures, regulations, protocols, manuals, or guidelines related to the use of social media monitoring by police department employees for purposes other than conducting a background check for police department employment, including but not limited

¹¹ George Joseph, *How Police Are Watching You on Social Media*, CITYLAB (Dec. 14, 2016), <https://www.citylab.com/equity/2016/12/how-police-are-watching-on-social-media/508991/>; *Surprise Guests at Teen Parties! Police Using New Tricks to Bust Teen Social Gatherings*, ABC NEWS (Jan. 11, 2014), <https://abcnews.go.com/WNT/video/surprise-guests-teen-parties-police-tricks-bust-teen-21495591> (describing an LAPD unit dedicated to monitoring social media to identify parties occurring within the city).

¹² Nicole Santa Cruz, Kate Mather, & Javier Pancar, *#100days100nights: Gang Threats Of Violence On Social Media Draw Fear*, LOS ANGELES TIMES (July 27, 2015), <https://www.latimes.com/local/lanow/la-me-ln-100days100nights-gang-threats-of-violence-on-social-media-draw-fear-20150727-story.html> (describing how the LAPD uses social media to monitor alleged gang activity); Emily Galvin-Almanza, *California Gang Laws are Normalized Racism*, APPEAL (Oct. 4, 2019), <https://theappeal.org/drakeo-california-gang-laws-racism/>; Becky Clarke, *Ban Police Gang Lists – They Are Racist and Unjust*, GUARDIAN (May 9, 2018), <https://www.theguardian.com/commentisfree/2018/may/09/police-gang-lists-racist-black-matrix>.

¹³ *See, e.g.,* Ali Winston, *Did the Police Spy on Black Lives Matter Protesters? The Answer May Soon Come Out*, N.Y. TIMES (Jan. 14, 2019), <https://www.nytimes.com/2019/01/14/nyregion/nypd-black-lives-matter-surveillance.html>; Meredith Broussard, *When Cops Check Facebook*, ATLANTIC (Apr. 19, 2015), <https://www.theatlantic.com/politics/archive/2015/04/when-cops-check-facebook/390882/>; *Police: Social Media Surveillance*, BRENNAN CTR. FOR JUSTICE, <https://www.brennancenter.org/issues/protect-liberty-security/social-media/police-social-media-surveillance> (last visited Oct. 29, 2019).

1 to conducting a criminal investigation, undertaking situational awareness
2 activities, monitoring current or anticipated gatherings, or otherwise viewing or
3 gathering information about individuals. This includes but is not limited to
4 policies, procedures, manuals, or guidelines regarding the authorization,
5 creation, use, and maintenance of fictitious or undercover online personas.

- 6 b. **Policies Governing Location Data Collection:** Any and all records, policies,
7 procedures, regulations, protocols, manuals, or guidelines governing the
8 collection and maintenance of location data from social media platforms and/or
9 applications.
- 10 c. **Policies Governing Data Retention, Analysis, and Sharing:** Any and all
11 records, policies, procedures, regulations, protocols, manuals, or guidelines
12 relating to the retention, analysis, or sharing of data collected via social media.
- 13 d. **Recordkeeping:** Any and all recordkeeping, logs, or digests reflecting the use
14 of social media monitoring or searches of social media for purposes including
15 criminal investigations, situational awareness, event planning, or public safety.
- 16 e. **Third-Party Applications:** Any and all records reflecting a contract or
17 agreement to purchase, acquire, use, test, license, or evaluate any product or
18 service developed by any company providing third-party social media
19 monitoring or analysis services, including but not limited to Geofeedia,
20 Snaptrends, Firestorm, Media Sonar, Social Sentinel, or Dunami.
- 21 f. **Collection of Social Media Account Information:** Any and all records
22 reflecting interactions with civilians in which police department employees
23 requested information about the civilian's social media account information,
24 including but not limited to a username, identifier, handle, linked email, or
25 password.
- 26 g. **Civilian Communications:** Any and all records reflecting any communications
27 conducted on social media platforms between uniformed or undercover police
28 department employees and civilians, including but not limited to direct

1 messages, group messages, chat histories, comments, or “likes,” but excluding
2 communications conducted as part of ongoing investigations and
3 communications appearing on a page or account operated by the BPD and
4 bearing the BPD’s name, insignia, or other indicia of ownership or control.

- 5 h. **Use for Criminal Investigations:** Any and all records reflecting the number of
6 criminal investigations in which social media research has been used, the
7 number of criminal investigations in which fictitious/undercover online
8 personas have been used, the nature of the offense(s) charged in each
9 investigation, and the number of those investigations that resulted in arrests
10 and/or prosecutions.
- 11 i. **Use for Purposes Other Than Criminal Investigations:** Any and all records
12 reflecting the number of matters in which social media was used to collect
13 information about individuals for purposes other than criminal investigations or
14 background checks for police department employment, the nature of each such
15 matter, the number of such matters in which an individual or group was charged
16 with a crime, and the nature of each such matter.
- 17 j. **Audits:** Any and all records of, or communications regarding, audits or internal
18 reviews of the Department’s use of social media monitoring for the purpose of
19 investigations, situational awareness, event planning, intelligence, or public
20 safety, including but not limited to records reflecting any disciplinary actions,
21 warnings, or proceedings in response to an employee’s use of social media.
- 22 k. **Training Materials:** Any and all training documents (including draft
23 documents) discussing social media monitoring, including but not limited to
24 PowerPoint presentations, handouts, manuals, or lectures.
- 25 l. **Legal Justifications:** Any and all records reflecting the legal justification(s) for
26 social media monitoring, including but not limited to memos, emails, and
27 policies and procedures.
- 28 m. **Formal Complaints, Freedom of Information Requests, and Legal**

Challenges: Any and all records reflecting formal complaints, Public Record requests, or legal challenges regarding the Department's use of social media monitoring, including, but not limited to, those complaints or legal challenges made by civilians, non-profit groups, companies, or the Community Ombudsman Oversight Panel.

- n. **Federal Communications:** Any and all records reflecting any communications, contracts, licenses, waivers, grants, or agreements with any federal agency concerning the use, testing, information sharing, or evaluation of social media monitoring products or services.
- o. **Nondisclosure Agreements:** Any and all records regarding the BPD's nondisclosure or confidentiality obligations in relation to contracts with third-party vendors of social media monitoring products or services.
- p. **Vendor Communication:** Any and all records reflecting interactions with any third-party vendors concerning social media monitoring products or services, including, but not limited to, sales materials, communications, memorandums, and emails relating to those products.
- q. **Metrics Measuring Effectiveness of Program:** Any and all reports, communications, metrics, or graphics representing the effectiveness of the Department's social media monitoring program, including but not limited to the degree to which use of social media monitoring led to the discovery of threats to public safety.

13. In its January 30, 2020 CPRA request, the Brennan Center requested a fee waiver and expedited processing. *Id.* at 6.

14. On February 6, 2020, the LAPD acknowledged receipt of the Brennan Center's request, numbered the request as number 20-719, and asserted 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." Accordingly, the LAPD asserted that it needed the "statutory fourteen days extension of time in which to respond." See February 6, 2020 email response,

1 attached as Exhibit B.

2 15. On February 24, 2020, the LAPD produced two documents relating to its policies
3 on the use of social media accounts by officers for personal and for official use. The documents
4 released were accompanied by the notice: A “partial response is being made available to you in
5 attachments. Additional records will be provided to you at a latter [sic] time.” *See* February 24,
6 2020 email response and attachments, attached as Exhibit C.

7 16. Although the LAPD claimed to have provided documents that were responsive to
8 the Brennan Center’s CPRA request, they provided little information about LAPD’s use of social
9 media to gather information for investigations, situational awareness, and other purposes. The
10 documents primarily reflected the LAPD’s policies regarding the official use of social media by
11 the Department, or by individual officers in a personal capacity, and the standards by which LAPD
12 officers are expected to abide online.

13 17. On March 12, 2020, the LAPD produced one additional document: a 2015 policy
14 on the use of social media for situational awareness, investigations, and community
15 relations/engagement, attached as Exhibit D.

16 18. The LAPD then closed the Brennan Center’s request without producing any further
17 records. *See* March 12, 2020 email response, attached as Exhibit E. In its closing letter, the
18 LAPD claimed to have found no records responsive to at least ten of the Brennan Center’s
19 seventeen enumerated requests – including those related generally to the LAPD’s logs of social
20 media monitoring, interactions with third-party applications like Geofeedia or Dataminr, and its
21 use of social media for purposes other than criminal investigations.

22 19. It is clear the LAPD failed to adequately or completely respond to the Brennan
23 Center’s request as required by the CPRA. Based on media reports and other public records
24 requests, as well as on the three records the Department did produce, the Brennan Center believes
25 there are additional documents responsive to its request that the LAPD failed to disclose.

26 20. For example, the LAPD produced no records in response to the Brennan Center’s
27 request for recordkeeping, logs, or digests reflecting the LAPD’s use of social media monitoring,
28 claiming that “[t]he Department’s Communications Division’s Department Operations Center

(DOC) records which employee is tasked with monitoring social media on their watch commander logs on a daily basis; however, DOC does not maintain any social media record keeping logs.” Yet the LAPD’s own 2015 policy, attached as Exhibit D, lays out several recordkeeping requirements for social media monitoring in various contexts. These requirements include preserving social media evidence in a digital format and filling out one of two forms when using a fictitious online persona for social media monitoring.

21. The Brennan Center also believes the LAPD failed to fulfill its CPRA obligations in responding to the Center’s request for policies governing the use of social media monitoring. The 2015 policy disclosed by the LAPD references other “social media related policies,” including parts of department manuals and operations orders and a use of force directive. Many of these policies were not produced, most notably the sections of the department manual relating to conduct of an undercover officer and a use of force tactics directive. The document also provided that specialized units like the Anti-Terrorism Intelligence Section and Internet Crimes Against Children Unit have their own policies. These policies were similarly not disclosed. Moreover, records released in response to other CPRA requests suggest there may be additional policies or updates to the 2015 policy that the LAPD failed to produce. For example, the LAPD did not disclose a 2018 Chief of Detectives Notice regarding preservation of social media accounts for investigative purposes; while this document is publicly available as the result of another CPRA request, its omission suggests that the LAPD was not scrupulous in searching for, and producing, all relevant documents in response to the Brennan Center’s request.¹⁴

22. In another example, the LAPD claimed in their response that they had no records responsive to the Brennan Center’s requests for information on its use of or communications with third party monitoring applications. However, media reports demonstrate the LAPD has utilized or communicated with at least three social media monitoring vendors, including Geofeedia,¹⁵

¹⁴ Notice from Chief of Detectives to All Concerned Personnel, Procedures for the Preservation of Social Media Accounts for Investigative Purposes (April 27, 2018), *available at* https://ia801000.us.archive.org/15/items/LosAngelesPoliceDepartmentSocialMediaPolicies/2018_04_27_chief_of_detectives_notice_on_preservation_of_social_media_accounts_for_investigative_purposes.pdf.

¹⁵ Memorandum from the Los Angeles Police Commission to the Los Angeles City Council (May 19, 2015), http://clkrep.lacity.org/onlinedocs/2015/15-0218-S18_rpt_MAYOR_08-10-2015.pdf (discussing the donation of 80 Geofeedia licenses from the Los Angeles Police Foundation to be

Palantir,¹⁶ and Dataminr.¹⁷

23. Similarly, the LAPD maintained no records were found regarding the Brennan Center's request for information on its use of social media monitoring for purposes other than criminal investigations. However, the LAPD disclosed in response to a 2019 records request that its Labor Relations Unit uses social media to monitor labor events, such as pickets and job actions.¹⁸ This indicates there are additional uses for social media monitoring, beyond criminal investigations, that the LAPD did not disclose.

24. Given the foregoing, the Brennan Center has reason to believe the LAPD failed to satisfy its obligations under the CPRA and possesses additional public records responsive to their request that were not disclosed. Such records would not fall under any exemption of the CPRA and should be produced.

LEGAL BACKGROUND

25. The California Constitution, Art. I, § 3(b)(1), declares that "[t]he people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny." The CPRA, Cal. Gov't Code § 6250, declares that "access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state."

26. The CPRA provides that "[p]ublic records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public

used throughout the Los Angeles Police Department).

¹⁶ Maha Ahmed, *Aided by Palantir, the LAPD Uses Predictive Policing to Monitor Specific People and Neighborhoods*, THE INTERCEPT (May 11, 2018), <https://theintercept.com/2018/05/11/predictive-policing-surveillance-los-angeles/> (describing the LAPD's use of the data-mining firm Palantir, which pulls data on criminal history and affiliations, and from license plate readers and social media networks).

¹⁷ *Twitter Cuts Off Fusion Spy Centers' Access to Social Media Surveillance Tool*, ACLU (December 15, 2016), <https://www.aclu.org/blog/privacy-technology/internet-privacy/twitter-cuts-fusion-spy-centers-access-social-media> (noting that, through a public records request, the ACLU of California obtained an email to the Los Angeles Police Department from the social media monitoring company Dataminr highlighting how its products could be customized to track protests).

¹⁸ See CPRA Request #19-456 available at <https://lacity.nextrequest.com/requests/19-456>.

record, except as hereafter provided.” Cal. Gov’t Code § 6253(a). Unless records are subject to an express statutory exemption, “each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available.” *Id.* § 6253(b).

27. The CPRA further provides that each agency must respond “within 10 days from receipt of the request.” *Id.* § 6253(c). “In unusual circumstances,” the CPRA permits an agency to make an extension, but only by written notice to the person making the request, “setting forth the reasons for the extension and the date on which a determination is expected to be dispatched.” *Id.* The CPRA also limits extensions: “[n]o notice shall specify a date that would result in an extension for more than 14 days.” *Id.*

28. Where a party alleges that a public agency is unlawfully withholding public records, “the court shall order the officer or person charged with withholding the records to disclose the public record or show cause why he or she should not do so.” Cal. Gov’t Code § 6259(a). “If the court finds that the public official’s decision to refuse disclosure is not justified under section 6254 or 6255, [the court] shall order the public official to make the record public.” *Id.* § 6259(b).

29. In a CPRA case, “[t]he court shall award court costs and reasonable attorney fees to the requestor should the requestor prevail in litigation.” *Id.* § 6259(d).

CLAIM FOR RELIEF

Violation of the California Constitution and the California Public Records Act

30. The Brennan Center repeats and re-alleges each and every allegation contained in the preceding paragraphs as if fully set forth herein.

31. The LAPD’s refusal to provide records and its inadequate search violated the California Constitution, Art. I, § 3, and the California Public Records Act, Cal. Gov’t Code § 6250 et seq., and thereby caused the Brennan Center to retain legal counsel to obtain relief.

PRAYER FOR RELIEF

WHEREFORE, the Brennan Center respectfully prays that this Court:

1. Issue a writ of mandate directing the LAPD to comply fully and without further

1 delay with the California Public Records Act, to furnish the Brennan Center with all public
2 documents responsive to its request that are not subject to any exemption, and to specifically
3 identify and describe any documents allegedly exempt from disclosure;

4 2. Declare that the LAPD has violated the Brennan Center's rights under the
5 California Constitution, Art. I, § 3, and under Cal. Gov't Code § 6250 et seq., by failing to
6 produce the requested documents;

7 3. Enter an injunction directing that, because the LAPD's failure to comply with its
8 obligations under the CPRA was without substantial justification, the LAPD must waive all fees
9 associated with the Brennan Center's requests;

10 4. Enter judgment in the Brennan Center's favor;

11 5. Award the Brennan Center's reasonable attorneys' fees and costs as authorized by
12 Cal. Gov't Code § 6259; and

13 6. Grant the Brennan Center such additional relief as the Court may deem just and
14 proper.

15 DATED: November 25, 2020

DAVIS WRIGHT TREMAINE LLP
THOMAS R. BURKE

17
18 By: /s/ Thomas R. Burke

Thomas R. Burke

19 Attorneys for Plaintiff
20 BRENNAN CENTER FOR JUSTICE
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