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FIRST AMENDMENT COALITION
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SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

FIRST AMENDMENT COALITION and
KNOCK LA,

Petitioners,

v.

CITY OF LOS ANGELES,

Respondent.

Case No.: **22STCP02519**

**VERIFIED PETITION FOR WRIT OF
MANDATE AND DECLARATORY
RELIEF FOR VIOLATIONS OF THE
CALIFORNIA PUBLIC RECORDS
ACT; EXHIBITS A-E**

[Gov't Code §§ 6250 et seq.]

1 Pursuant to California Code of Civil Procedure §§ 1085 and 1060 and Government Code
2 §§ 6258 and 6259, Petitioners First Amendment Coalition (“FAC”) and *Knock LA* petition this
3 Court for a writ of mandate and declaratory relief directed to Respondent City of Los Angeles,
4 ordering the City to provide public records that it has unlawfully withheld from Petitioners in
5 violation of the California Public Records Act (“CPRA”).
6

7 In this Verified Petition, Petitioners allege as follows:

8 INTRODUCTION

9 1. Over the past several years, the Legislature has begun to pierce the statutory
10 secrecy that shields police from public scrutiny by enacting new anti-secrecy laws. One of those
11 new laws, Government Code § 6254(f)(4), requires police departments to disclose all police
12 body camera footage and other recordings relating to “critical incidents” – when police use of
13 force causes “great bodily injury” – unless “the agency demonstrates by clear and convincing
14 evidence that disclosure would substantially interfere with” a “criminal or administrative
15 investigation” and the investigation is still “*active*.”
16
17

18 2. On the morning of December 6, 2020, the Los Angeles Police Department
19 initiated a critical incident by suddenly and violently attacking protesters who had gathered for
20 daily protests outside of Mayor Eric Garcetti’s official residence. The protesters were urging
21 President Biden not to nominate Garcetti to a cabinet post, citing the mayor’s failure to reform
22 the LAPD, among other reasons. The daily protests were a political embarrassment to Garcetti.
23

24 3. Police caused great bodily injury to two protesters by striking one protester in the
25 back of the head, knocking her unconscious, and striking another protester in the face, loosening
26 several of her teeth. Both injured protesters went to the hospital. Police also caused great bodily
27 injury to an elderly man by pushing him from behind, forcing him to fall on and injure his hand.
28

1 4. One person was arrested, but prosecutors declined to file charges.

2 5. Over the past 18 months, Petitioners *Knock LA* and FAC have submitted separate
3 requests to the LAPD seeking copies of all audio and video recordings of that December 6, 2020
4 critical incident pursuant to § 6254(f)(4).
5

6 6. But the LAPD violated the CPRA by denying all of Petitioners’ requests. The
7 LAPD suspiciously changed its story when citing its reasons. At first, the LAPD said it could not
8 locate any records of a critical incident on December 6, 2020. Later, the LAPD changed its tune,
9 no longer denying it had responsive records, but saying it would keep the records secret under
10 § 6254(f), which allows police agencies to block disclosure of criminal investigation records.
11

12 7. But as the LAPD is well aware, § 6254(f) has been superseded in part by
13 6254(f)(4), which took effect in 2019, more than two years ago. Section 6254(f)(4) provides that
14 where, as here, there is a critical incident, the police agency must disclose all audio and video
15 recordings one year after the incident unless “the agency demonstrates by clear and convincing
16 evidence that disclosure would substantially interfere with” a “criminal or administrative
17 investigation” and that investigation is still “*active*.” Gov’t Code § 6254(f)(4)(A)(i)-(ii)
18 (emphasis added).
19

20 8. The LAPD, however, failed to cite any “active” investigation to justify
21 withholding the records. Because the critical incident took place more than a year ago and there
22 is no active investigation, the LAPD must turn over the recordings immediately.
23

24 9. By hiding these tapes, the LAPD – which is run by Chief Michele Moore, who
25 was hired by Garcetti – is preventing the public from seeing how police officers deliberately
26 harmed protesters to stop the protests and protect Garcetti’s political career.
27
28

10. The Court should therefore order the City to disclose all records requested by Petitioners immediately. The City's withholding of the records is a violation of Government Code § 6253(a).

THE PARTIES

11. Petitioner FIRST AMENDMENT COALITION (“FAC”) is a California-based, nonprofit public interest organization committed to protecting freedom of speech and government transparency. As such, FAC is within the class of persons beneficially interested in the City of Los Angeles’s performance of its legal duties under the CPRA.

12. Petitioner KNOCK LA is a non-profit news website based in Los Angeles. At all times relevant to the Petition, *Knock LA* has been engaged in the business of gathering and disseminating information to the public, including information on Los Angeles law enforcement misconduct, through publication of www.knock-la.com. As such, *Knock LA* is within the class of persons beneficially interested in Respondent City of Los Angeles's performance of its legal duties. Cerise Castle is a reporter for *Knock LA* who submitted the requests for records at issue in this Petition on behalf of Petitioner *Knock LA*.

13. Respondent CITY OF LOS ANGELES is a local public agency, as defined by Government Code § 6252(d), and is, therefore, subject to the CPRA. The Los Angeles Police Department is also a department of the City. The address for the City is Los Angeles City Hall at 200 North Main Street, 19th floor, Los Angeles, California 90012.

FACTS SUPPORTING THIS ACTION

LAPD Attacks Protesters Outside Mayor's Official Residence

14. The following paragraphs 14-23 are stated on information and belief and based on a lawsuit filed in U.S. District Court: Early on the morning of December 6, 2020, a group of

1 LAPD officers lined up outside Mayor Garcetti's official residence at 605 South Irving
2 Boulevard in Los Angeles and waited for protesters to arrive and begin their daily protest to try
3 to block the mayor's appointment to the Biden cabinet. At about 9:15 a.m., dozens of protesters
4 gathered at the sidewalk and grass parkway outside of the mayor's residence.
5

6 15. Some 30 minutes later, another group of LAPD officers in riot gear joined the
7 other officers, and all the officers marched toward the protesters and began hitting them with
8 batons and shoving them to the ground.

9 16. LAPD Officer Brittany Primo used her baton to strike protester Emily Allers as
10 Allers attempted to stand up after being pushed to the ground, hitting Allers on the back of her
11 head near her ear, knocking her unconscious.
12

13 17. LAPD Officer Daniel Orlick used his baton to strike protester Shannon Thomas in
14 the face as Thomas tried to help another protester who had been knocked to the ground, swinging
15 the baton with such force that it loosened several of Thomas's teeth. Officer Orlick also used his
16 baton to strike Thomas on the knee and leg, causing painful bruising.
17

18 18. One or more officers shoved 72-year-old protester Greg Akili from behind,
19 causing him to fall and injure his hand, an injury that took several months to heal.

20 19. One or more hours after being hit in the head with baton strikes from the LAPD
21 officers, Allers and Thomas went to Cedars-Sinai Medical Center in Los Angeles for treatment
22 for their head injuries inflicted by LAPD officers striking them in the head with batons.
23

24 20. On or about December 6, 2020, pursuant to California Penal Code § 11160(a)(2),
25 Cedars-Sinai Medical Center personnel reported to the LAPD that patients Allers and Thomas
26 were treated for head injuries and the patients said their injuries came from being hit in the head
27 by LAPD officers swinging their batons.
28

1 21. On or about December 10, 2020, officers from the LAPD’s Internal Affairs
2 Division, which investigates possible misconduct by LAPD officers, came to Thomas’s house
3 and her mother’s house to ask questions about her injuries from the use of force by LAPD
4 officers on December 6, 2020.

5
6 22. LAPD prepared, owns, uses, or retains one or more video or audio recordings
7 depicting the December 6, 2020 incident or incidents described above.

8 23. Allers, Thomas, and Akili filed a civil rights lawsuit against the City of Los
9 Angeles arising from the incidents described above and described their injuries in that lawsuit
10 and their treatment at Cedars-Sinai Medical Center. A true and correct copy of their complaint,
11 *Akili v. City of Los Angeles*, Case No. 22ST-CV-00934, is attached hereto as **Exhibit A**.

12
13 ***Knock LA’s First Request for LAPD Recordings (#22-474)***

14 24. On January 14, 2021, more than a month after the December 6, 2020 critical
15 incident, 2022, *Knock LA* reporter Castle submitted a written CPRA request to the LAPD seeking
16 copies of “all video and/or audio recordings for the critical incident on December 6, 2020 outside
17 of 605 S Irvine Blvd between 09:00 and 10:00.” Castle said she was seeking the records under
18 Government Code § 6254(f)(4)(C)(ii) requiring release of recordings of a “critical incident,”
19 where a peace officer used force that “resulted in ... great bodily injury.” The LAPD later
20 labeled this request #22-474.

21
22 25. A true and correct copy of *Knock LA’s* first request is attached hereto as **Exhibit**
23 **B**.

24
25 **The LAPD Denies *Knock LA’s* First Request**

26 26. On February 16, 2021, the LAPD denied *Knock LA’s* first request, stating that it
27 “has conducted a search for records ... and did not locate any records of a type that are
28

1 disclosable under Penal Code § 832.7(b)(1),” citing the wrong statute. The LAPD also cited
2 Government Code § 6254(c), (k), and (f) and Penal Code § 832.7(a) as additional reasons for its
3 denial. The LAPD was completely silent on § 6254(f)(4), failing to cite a “specific basis” for
4 withholding the records and failing to cite an active investigation of a critical incident, as
5 required by § 6254(f)(4)(A)(ii).
6

7 27. A true and correct copy of the LAPD’s denial is attached hereto as **Exhibit B**.

8 ***Knock LA’s Second Request (#22-4583)***

9 28. On May 5, 2022, more than a year after the December 6, 2020 critical incident,
10 *Knock LA* reporter Castle renewed her request for copies of “all video and/or audio recordings
11 for the critical incident on December 6, 2020 outside of 605 S. Irving Street,” citing
12 § 6254(f)(4)(C)(ii). The LAPD later labeled this request #22-4583 – a new request.
13

14 29. A true and correct copy of *Knock LA*’s second request is attached hereto as
15 **Exhibit C**.

16 **The LAPD Denies *Knock LA*’s Second Request**

17
18 30. On June 15, 2022, the LAPD denied *Knock LA*’s second request, stating again that
19 it “has conducted a search and did not locate any records relating to a use of force incident with
20 great bodily injury or death, pursuant to Penal Code § 832.7(b)(1),” once again citing the wrong
21 statute. The LAPD was completely silent on § 6254(f)(4), failing to cite a “specific basis” for
22 withholding the records after one year and failing to cite an active investigation of a critical
23 incident, as required by § 6254(f)(4)(A)(ii).
24

25 31. A true and correct copy of the LAPD’s denial is attached hereto as **Exhibit C**.

26 ///

27 ///

1 **FAC’s Request for LAPD Recordings (#22-5229)**

2 32. On May 24, 2022, FAC submitted a written CPRA request to the LAPD seeking
3 “all Los Angeles Police Department audio and video recordings of LAPD’s use of force in a
4 ‘critical incident’ on the morning of December 6, 2020, at 605 South Irving Street, Los Angeles
5 pursuant to Government Code § 6254(f)(4) and (f)(4)(ii), including but not limited to LAPD
6 body cam footage, LAPD dash cam footage, 911 calls, and any video tapes in the possession of
7 the LAPD taken by non-LAPD personnel.” The LAPD later labeled this request #22-5229.
8

9 33. A true and correct copy of FAC’s request is attached hereto as **Exhibit D**.

10 **The LAPD Denies FAC’s Request**

11 34. On May 25, 2022, the LAPD denied FAC’s request, stating that the requested
12 records “are investigative records or properly part of an investigatory file” and therefore “exempt
13 from disclosure.” The LAPD cited § 6254(f), saying it permits secrecy for “records of
14 investigations conducted by, or investigatory files compiled by any local police agencies for law
15 enforcement purposes.” The LAPD did not tell FAC that it could not locate responsive records of
16 a critical incident, as it told *Knock LA*. The LAPD was completely silent on § 6254(f)(4), failing
17 to cite a “specific basis” for withholding the records after one year and failing to cite an active
18 investigation of a critical incident, as required by § 6254(f)(4)(A)(ii).
19

20 35. A true and correct copy of the LAPD’s denial is attached hereto as **Exhibit D**.

21 **FAC’s Objection to LAPD’s Denial**

22 36. On May 26, 2022, FAC sent an objection to the LAPD’s denial, stating that the
23 LAPD had ignored FAC’s request for “LAPD body cam footage and LAPD dash cam footage”
24 of a “critical incident” on December 6, 2020, pursuant to Government Code § 6254(f)(4). FAC
25 also stated that § 62654(f)—the investigatory exemption cited by the LAPD in its May 25, 2022,
26
27
28

1 denial—did not apply to any portion of FAC’s request because the request was made pursuant to
2 section 6254(f)(4).

3 37. A true and correct copy of FAC’s objection is attached hereto as **Exhibit E**.

4 **The LAPD Rejects FAC’s Objection and Reaffirms Its Denial**

5
6 38. On May 27, 2022, the LAPD rejected FAC’s objection and reaffirmed its denial
7 of FAC’s request for audio and video recordings of a “critical incident” on December 6, 2020
8 under § 6254(f)(4). Reversing course yet again, the LAPD now stated that it “has conducted a
9 search and did not locate any records of an incident during the requested time frame at the
10 requested location that would be considered a ‘critical incident’ as that term is defined in
11 subdivision (f)(4)(C)” and stated that the requested records “remain exempt [from public
12 disclosure] pursuant to Government Section 6254(f).”

13
14 39. The LAPD did not deny that it has LAPD body camera and audio camera footage
15 from the December 6, 2020 police action outside the mayor’s official residence. The LAPD did
16 not state that it is conducting an active criminal or administrative investigation of the December
17 6, 2020, incident, nor did the LAPD provide a “specific basis” for withholding the recordings, as
18 required by Government Code § 6254(f)(4)(A)(ii).

19
20 40. A true and correct copy of the LAPD’s reaffirmation of its denial is attached
21 hereto as **Exhibit E**.

22 **JURISDICTION AND VENUE**

23
24 41. This Court has jurisdiction over this matter pursuant to the Code of Civil
25 Procedure §§ 1085 and 1060 and Government Code §§ 6258 and 6259.

1 42. Venue is proper in this Court, as the City of Los Angeles is within the County of
2 Los Angeles, and the records, acts, and events giving rise to the claims occurred in the County of
3 Los Angeles.

4
5 **THE CALIFORNIA PUBLIC RECORDS ACT**

6 43. Government Code § 6252(a) defines cities and counties as “local agencies.”

7 44. Government Code § 6253(a) provides that public records are open to inspection
8 and that every person has a right to inspect any public record.

9 45. Government Code § 6252(e) defines “public records” subject to public disclosure
10 to include “any writing containing information relating to the conduct of the public’s business
11 prepared, owned, used, or retained by any state or local City regardless of physical form or
12 characteristics.”

13
14 46. Government Code § 6253(b) orders state and local agencies to provide a copy of
15 reasonably requested records.

16
17 47. Government Code § 6253(d) prohibits the obstruction of access to public records.

18 48. Government Code § 6254(f) states that the following are exempt from disclosure:

19 Records of complaints to, or investigations conducted by, or
20 records of intelligence information or security procedures of, the
21 office of the Attorney General and the Department of Justice, the
22 Office of Emergency Services and any state or local police agency,
23 or any investigatory or security files compiled by any other state or
24 local police agency, or any investigatory or security files compiled
25 by any other state or local agency for correctional, law
26 enforcement, or licensing purposes.

27 49. But Government Code § 6254(f)(4) carves out an exception to § 6254(f)’s secrecy
28 provision and requires disclosure of tape recordings of police officers engaging in a “critical
incident.”

1 50. Government Code § 6252(f)(4)(C)(ii) provides that “a video or audio recording
2 relates to a critical incident if it depicts,” in relevant part, an incident “in which the use of force
3 by a peace officer or custodial officer against a person resulted in death or in great bodily
4 injury.”

5
6 51. “Great bodily injury” is defined in California law as “a significant or substantial
7 physical injury.” *See, e.g.*, Penal Code § 12022.7(f). The term “great bodily injury” has been
8 broadly interpreted by the courts. *See People v. Washington*, 210 Cal. App. 4th 1042-48 (2012)
9 (defining “great bodily injury” as including “some physical pain or damage, such as lacerations,
10 bruises, or abrasions”); *People v. Jung*, 71 Cal. App. 4th 1036, 1042 (same); *People v. Bustos*, 23
11 Cal. App. 4th 1747, 1755 (1994) (same for multiple abrasions, lacerations, and contusions);
12 *People v. Corona*, 213 Cal. App. 4th 589 (1989) (same for swollen jaw, bruises to head, and sore
13 ribs); *People v. Jaramillo*, 98 Cal. App. 3d 830, 836-37 (1979) (same for multiple contusions,
14 swelling and discoloration of the body, and extensive bruises).

15
16 52. Government Code § 6254(f)(4)(A) mandates that an agency must release “a video
17 or audio recording that relates to a critical incident” if one year has passed since the incident
18 unless the agency “demonstrates by clear and convincing evidence that disclosure would
19 substantially interfere” with an “active criminal or administrative investigation.” Gov’t Code §
20 6254(f)(4)(A)(i)-(ii).

21
22 53. “If an agency delays disclosure” on the ground that disclosure would substantially
23 interfere with an active investigation more than one year after the incident, “the agency shall
24 promptly provide in writing to the requester the specific basis for the agency’s determination that
25 the interest in preventing interference with an active investigation outweighs the public interest
26 in disclosure and provide the estimated date for the disclosure.” Gov’t Code § 6254(f)(4)(A)(ii).

1 54. Section 6254(f)(4) also requires the agency to send monthly reports to the
2 requester justifying why secrecy is still needed. “The agency shall reassess withholding and
3 notify the requester every 30 days.” Gov’t Code § 6254(f)(4)(A)(ii).

4
5 55. Government Code § 6254(f)(4)(A)(ii) does not permit permanent secrecy for
6 critical incident records related to a criminal investigation,, as 6254(f) does. Instead, the law
7 requires that any recording of a “critical incident” withheld by the agency shall be disclosed
8 promptly when the specific basis for withholding is resolved.” Gov’t Code § 6254(f)(4)(A)(ii)
9 (emphasis added). In other words, disclosure is required at the latest when the investigation is no
10 longer active.

12 **ARTICLE I, SECTION 3(b) OF THE CALIFORNIA CONSTITUTION**

13 56. In 2004, 83 percent of California voters passed Proposition 59 to amend the
14 California Constitution to elevate the public’s right of access to state and local government
15 records to a constitutional right.

16
17 57. This new constitutional right, Article I, section 3(b)(1) of the Constitution,
18 provides that, “[t]he people have the right of access to information concerning the conduct of the
19 people’s business, and, therefore . . . the writings of public officials and agencies shall be open to
20 public scrutiny.” Cal. Const., art. I, § 3(b)(1).

21 58. Article I, section 3(b)(2) instructs courts to “broadly construe[]” any “statute . . . if
22 it furthers the people’s right of access” and to “narrowly construe[]” any statute “if it limits the
23 right of access.” Cal. Const., art. I, § 3(b)(2).

24
25 59. Article 1, Section 3(b)(2) of the California Constitution requires the City—and
26 this Court—to “construe” Government Code § 6254(f)(4)(A)(ii)’s open access to recordings of
27 police infliction of “great bodily injury” “broadly” and to construe section 6254(f) “narrowly.”
28

CAUSE OF ACTION
FOR VIOLATIONS OF THE CALIFORNIA PUBLIC RECORDS ACT
AND ARTICLE I, SECTION 3(b) OF THE CALIFORNIA CONSTITUTION
(GOV. CODE §§ 6258, 6259; CODE CIV. PROC. §§ 1060, 1085)

60. Petitioners hereby reallege and incorporate herein by this reference Paragraphs 1 through 59 of this Petition as though set forth herein in full.

61. The City has not disclosed the records requested by Petitioners.

62. The records requested by Petitioners relate to the conduct of the public's business and were prepared, owned, used, or retained by the City. Therefore, the records are public records.

63. The records requested by Petitioners are subject to disclosure under the CPRA as video or audio recordings that relate to one or more critical incidents, because they depict one or more incidents in which the use of force by one or more LAPD police officers resulted in great bodily injury.

64. The City was made aware that LAPD officers hit at least two protesters in the head with batons because Cedars-Sinai Medical Center made a report to the LAPD that two women patients complained that they had been hit on the head with batons by LAPD officers outside the mayor's residence on the morning of December 6, 2020, and because the LAPD attempted to interview one of the women about the LAPD police actions and her injuries.

65. The City has not demonstrated by clear and convincing evidence that disclosure of the records requested by Petitioners would substantially interfere with an active criminal investigation more than one year after the critical incident.

66. The City has not provided Petitioners with any written basis for any determination that the interest in preventing substantial interference with an active criminal investigation outweighs the public interest in disclosure of the records requested by Petitioners.

1 67. The City has not provided reports to Petitioners every 30 days to justify continued
2 secrecy for the records requested by Petitioners. The City has not provided Petitioners with an
3 estimated date for disclosure of the records requested by Petitioners.
4

5 68. The City's ongoing refusal to provide the records requested by Petitioners,
6 recordings nearly 18 months after the critical incident, violates the CPRA and Article 1, Section
7 3(b) of the California Constitution, and stifles Petitioners' ability to uncover the truth and inform
8 the public about police use of force on protesters outside the mayor's residence.
9

10 69. Government Code § 6258 provides: "Any person may institute proceedings for
11 injunctive or declarative relief or writ of mandate in any court of competent jurisdiction to
12 enforce his or her right to inspect or to receive a copy of any public record or class of public
13 records under this chapter."
14

15 70. Code of Civil Procedure § 1060 provides: "Any person interested ... may, in
16 cases of actual controversy relating to the legal rights and duties of the respective parties, bring
17 an original action ... in the superior court for a declaration of his or her rights and duties in the
18 premises ... either alone or with other relief[.]"
19

20 71. Petitioners have exhausted any available administrative remedies. In three
21 separate CPRA requests, Petitioners have requested copies of LAPD audio and video recordings
22 of the December 6, 2020 critical incident from the City, and the City has refused to provide
23 access to those records. The only plain, speedy, and adequate remedy left is the relief provided
24 by Government Code § 6258 and Cal. Civ. Code § 56.10.
25

26 72. An actual controversy exists between the parties regarding the legal requirement
27 for the City to disclose the records requested by Petitioners under the CPRA.
28

1 73. The City has a ministerial duty to perform according to the laws of the State of
2 California, including the CPRA.

3 74. The City has a present legal duty and ability to perform its ministerial duties, as
4 required by the CPRA.
5

6 75. Petitioners have an interest in having the laws executed and public duties enforced
7 and, therefore, has a beneficial interest in the outcome of the proceedings.

8 76. Petitioners have a clear, present, and legal right to the City's performance of its
9 ministerial duties, as required by the CPRA.
10

11 77. Through this action, Petitioners seek no greater relief than would be afforded to
12 any other member of the public.

13 78. Therefore, this Court should order the disclosure of the records requested by
14 Petitioners.
15

16 **WHEREFORE, PETITIONERS PRAY AS FOLLOWS:**

17 1. This Court issue a preemptory writ of mandate, without a hearing or further
18 notice, immediately directing the City to disclose the records requested by FAC and *Knock LA*
19 or, in the alternative, an order to show cause why these public records should not be disclosed.

20 2. This Court issue a declaratory judgment that the records requested by FAC and
21 *Knock LA* are disclosable public records under the California Public Records Act and Article I,
22 Section 3(b) of the California Constitution.
23

24 3. *This Court set this case for trial within the next 90 days* based on the CPRA's
25 requirement that "the judge of the court *shall* ... set ... [t]he times for responsive pleadings and
26 for hearings in these proceedings ... with the object of securing a decision as to these matters *at*
27 *the earliest possible time.*" Gov't Code § 6258 (emphasis added).
28

1 4. This Court enter an order allowing FAC and *Knock LA* to recover their attorney's
2 fees and costs incurred in this action pursuant to Government Code § 6259 and/or Code of Civil
3 Procedure § 1021.5; and,
4

5 5. This Court award such further relief as is just and proper.

6 DATED: June 29, 2022

UC IRVINE SCHOOL OF LAW
PRESS FREEDOM PROJECT

7
8
9 By: _____



Susan E. Seager
Attorney for Petitioners
FIRST AMENDMENT COALITION and
KNOCK LA

VERIFICATION
(C.C.P. §§ 446 and 2015.5)

I, David Loy, declare as follows:

1. I am legal director for Petitioner First Amendment Coalition in the above-named action.

2. I have read the foregoing **VERIFIED PETITION FOR WRIT OF MANDATE AND DECLARATORY RELIEF FOR VIOLATIONS OF THE CALIFORNIA PUBLIC RECORDS ACT WITH EXHIBITS A-E** and know the contents of paragraphs 32-40 and Exhibits D-E and certify that the same are true of my own knowledge, except as to the matters which are stated on information and belief, and as to those matters, I believe them to be true.

This Verification was executed on June 29, 2022 at San Diego, California.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct.



David Loy

VERIFICATION
(C.C.P. §§ 446 and 2015.5)

I, Cerise Castle, declare as follows:

1. I am a reporter for Petitioner *Knock LA* in the above-named action.
2. I have read the foregoing **VERIFIED PETITION FOR WRIT OF MANDATE**

AND DECLARATORY RELIEF FOR VIOLATIONS OF THE CALIFORNIA PUBLIC RECORDS ACT WITH EXHIBITS A-E and know the contents of paragraphs 24-31 and Exhibits B-C and certify that the same are true of my own knowledge, except as to the matters which are stated on information and belief, and as to those matters, I believe them to be true.

This Verification was executed on July __, 2022 at Los Angeles, California.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct.



Cerise Castle

EXHIBIT INDEX

Exhibit	Description	Date	Page Number
A	<i>Akili v. City of Los Angeles</i> Complaint	Filed on 9/9/2021	20
B	Knock LA's First CPRA Request to LAPD and LAPD's Denial	Sent on 1/14/2021 and 2/16/2021	37
C	Knock LA's Second CPRA Request to LAPD and LAPD's Denial	Sent on 5/5/2022 and 6/15/2022	45
D	FAC's CPRA Request to LAPD and LAPD's Denial	Sent on 5/24/2022 and 5/25/2022	57
E	FAC's Objection to LAPD's Denial and LAPD's Rejection	Sent on 5/26/2022 and 5/27/2022	64

EXHIBIT A

Assigned for all purposes to: Spring Street Courthouse, Judicial Officer: Daniel Buckley

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Attorneys for Plaintiffs

LOS ANGELES COUNTY SUPERIOR COURT

GREG AKILI, BLACK LIVES
MATTER LOS ANGELES,
SHANNON THOMAS, and EMILY
ALLERS, individually, and as
taxpayers, on behalf of a class of
similarly situated persons,

PLAINTIFFS,

v.

CITY OF LOS ANGELES, a
municipal entity, LIUETENANT
CARLOS FIGUEROA (No. 35260),
CAPTAIN WARNER CASTILLO
(No. 31715), OFFICER DANIEL
ORLIK (No. 43917), OFFICER
BRITTANY PRIMÓ (No. 40695), and
DOES 1-10,

DEFENDANTS.

Case No.: 22STCV00934

CIVIL RIGHTS COMPLAINT

CLASS ACTION

DEMAND FOR JURY TRIAL

1 1. On December 6, 2020, six minutes before declaring an unlawful
2 assembly, riot-clad Los Angeles Police Department (“LAPD”) officers attacked a
3 crowd of peaceful protesters assembled on a Sunday morning near Los Angeles
4 Mayor Eric Garcetti’s mansion. For several weeks, Black Lives Matter Los Angeles
5 had been holding a daily peaceful morning protest in front of the Mayor’s mansion.
6 Its members and supporters were calling on then president-elect Joe Biden not to
7 appoint Mayor Garcetti to his cabinet, in light of the Mayor’s policies on
8 homelessness and transportation, as well as his support of the LAPD’s
9 discriminatory policing practices against communities of color and those protesting
10 the LAPD’s tactics. LAPD personnel were present at all the daily protests but took
11 no action against any protester until December 6th.
12

13 2. December 6th’s demonstration started at about 9:15 a.m. as a peaceful
14 morning protest, like the daily protests before it, and was attended by many of the
15 same individuals who had protested over the course of many days at the same
16 location. But then, at about 9:43 a.m., the LAPD, premised on an alleged violation
17 of a municipal noise ordinance, deployed lines of riot officers against the protesters.
18 Shoving and swinging batons, LAPD officers rushed at and knocked down peaceful
19 protesters assembled in front of the Mayor’s mansion and then brutally beat them
20 with batons, including head strikes, causing serious injuries. LAPD only arrested
21 one protester – not the person who allegedly violated the noise ordinance – and the
22 City Attorney’s office declined to file charges.
23

24 3. The peaceful protesters posed no threat to the officers that could
25 possibly have justified the use of force. Plaintiffs seek monetary damages on behalf
26 of themselves and a proposed class to redress violations of their rights, and
27 declaratory and injunctive relief to protect the public from Defendants’ unlawful
28 policies and practices.

JURISDICTION AND VENUE

4. This Court has jurisdiction over the Plaintiffs' claims pursuant to Code of Civil Procedure sections 187, 526(a), 1060, and 1085.

5. Venue is proper in this Court because the causes of action arose in the County and the City of Los Angeles is located in the County.

PARTIES

A. Plaintiffs

6. Organizational Plaintiff **BLACK LIVES MATTER LOS ANGELES ("BLMLA")** is part of a nationwide organization with chapters in many major cities, including Los Angeles. The organization originated in Los Angeles with demonstrations on July 13, 2013, the date George Zimmerman was acquitted of killing teenager Trayvon Martin in Florida. **BLMLA** is one of the largest and most active chapters of the organization, with nearly 500 active members and organized ally groups, including White People for Black Lives. On average, **BLMLA** sponsors four actions a week.

7. During the course of the December 6, 2020, protest and others over the preceding months, while **BLMLA** and its members were engaged in lawful, protected expressive activity, the LAPD used unjustified and excessive force to terminate the protests, including the indiscriminate use of so-called "less lethal" weapons that caused injury to its members and instilled fear in them that, if they chose to assemble in public spaces to express their opinions, they would be the subject of such violence and arrest.

8. Defendants' actions interfered with **BLMLA's** right to assembly and speech. **BLMLA** plans to assist, plan, participate in, hold similar events in the future, on its own or in conjunction with others, and is fearful that the same unlawful police actions in response to this and similar protests will be repeated due to

1 LAPD's continuation of the practices, policies, and customs that caused the City's
2 unlawful action in response to this protest.

3 9. Plaintiff **GREG AKILI**, a seventy-two-year-old individual, is and was
4 at all times relevant hereto, a resident of the County of Los Angeles, City of Los
5 Angeles. He is an organizer with **BLMLA**. **AKILI** was subjected to unlawful force,
6 as described below, with such intensity that he was knocked out of his shoes as he
7 fell to the ground.

8 10. Plaintiff **SHANNON THOMAS**, an individual, is and was at all times
9 relevant hereto, a resident of the County of Los Angeles, City of Los Angeles.
10 **THOMAS** was subjected to unlawful force, as described below, with such intensity
11 that her teeth were loosened when she was struck in the face with the full force of a
12 baton strike. Subsequently, and only months after **THOMAS** filed a supplemental
13 government claim in this matter, naming the individual defendant who struck her in
14 the face with a baton, did the officer seek to have **THOMAS** criminally prosecuted,
15 subjecting Plaintiff **THOMAS** to a City Attorney hearing on the false allegations
16 that she engaged in criminal conduct.
17

18 11. Plaintiff **EMILY ALLERS**, an individual, is and was at all times
19 relevant hereto, a resident of the County of Los Angeles, City of Los Angeles.

20 12. All Plaintiffs pay taxes to the City and County of Los Angeles.

21 **B. Defendants**

22 13. Defendant **CITY OF LOS ANGELES** is a municipal corporation
23 duly organized and existing under the Constitution and laws of the State of
24 California. The Los Angeles Police Department ("LAPD") is a local government
25 entity and an agency of Defendant City of Los Angeles, and all actions of the LAPD
26 are the legal responsibility of the City of Los Angeles. The City of Los Angeles
27 employs the individually named defendants and is liable for their tortious and
28 unconstitutional conduct under the doctrine of respondeat superior.

1 14. Defendant **LIEUTENANT CARLOS FIGUEROA** is employed by
2 the LAPD.

3 15. Defendant **LIEUTENANT WARNER CASTILLO** is employed by
4 the LAPD.

5 16. Defendant **OFFICER BRITTANY PRIMO** is employed by the
6 LAPD.

7 17. Defendant **OFFICER DANIEL ORLICK** is employed by the LAPD.

8 18. Plaintiffs are informed, believe, and thereupon allege that Does 1
9 through 10 were the agents, servants, and employees of Defendants City of Los
10 Angeles and/or the LAPD. Plaintiffs are ignorant of the true names and capacities
11 of Defendants sued herein as Does 1 through 10, inclusive, and therefore sue these
12 Defendant by such fictitious names. Plaintiffs will amend this Complaint to allege
13 their true names and capacities when ascertained. The individual Doe Defendants
14 are sued in both their individual and official capacities.

15 19. Plaintiffs are informed, believe, and thereupon allege that at all times
16 relevant hereto Does 1 through 10, in addition to the named Defendants, are
17 responsible in some manner for the damages and injuries alleged herein.

18 20. Plaintiffs are informed, believe, and thereupon allege that at all times
19 relevant hereto Defendants, and each of them, were the agents, servants and
20 employees of the other Defendants and were acting at all times within the scope of
21 their agency and employment and with the knowledge and consent of their principal
22 and employer. At all times Defendants were acting under color of state law.

23 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

24 21. Plaintiffs exhausted their administrative remedies by timely filing a
25 governmental tort claim with the City pursuant to California Government Code
26 section 910 *et seq.* and a supplemental claim, identifying the officer who engaged
27
28

1 in excessive force against Plaintiff **THOMAS**. This action was timely filed after
2 the City rejected Plaintiffs' tort claims.

3 **FACTS COMMON TO ALL CLAIMS**

4 22. **BLMLA** members and supporters, as well as observers, arrived at the
5 Mayor's mansion at about 9:15 a.m. on Sunday, December 6, 2020, for a Sunday
6 "brunch" protest. Families with children were in attendance. When they arrived, a
7 line of LAPD officers was already on the sidewalk in front of the Mayor's mansion,
8 on the West side of Irving Boulevard, near 6th Street.

9 23. The protesters gathered peacefully on the sidewalk and grass parkway
10 across from the Mayor's mansion on the East side of Irving, just South of 6th Street.
11 A few minutes after the protesters arrived, Defendant **FIGUEROA**, who was
12 present almost daily since the protests began, came forward with a bullhorn and
13 warned those assembled to stay out of the street. The announcement was largely
14 inaudible. Defendant **FIGUEROA** provided no additional announcements or
15 directives to those assembled. On information and belief, December 6, 2020, was
16 the first day on which Defendant **FIGUEROA** was in charge of the police response.
17

18 24. At about 9:22 a.m., an additional line of LAPD arrived, wearing riot
19 gear. The officers lined up near the northeast corner of Irving and 6th, facing South
20 towards the protesters gathered on the other side of 6th Street. Defendant
21 **FIGUEROA** was observed giving orders to these officers.

22 25. At about 9:41 a.m., the officers blocked off 6th Street and advanced
23 towards the protesters, forming a line from the Southwest to the Southeast corner
24 of Irving and 6th Streets.

25 26. At about 9:43 a.m., Defendant **FIGUEROA** directed the officers in
26 front of the Mayor's mansion to get into a 6x2 formation, with riot helmets and
27 batons drawn. Defendants **FIGUEROA** and **CASTILLO** were in front talking to
28 the officers. They were then observed loudly directing the officers to get the

1 protester wearing blue for his use of a bullhorn, thereby directing the assault. The
2 officers crossed the street to the East side of Irving where the protesters were
3 assembled, including the protester in blue. No LAPD officer had provided any
4 warning about the use of bullhorns. The protester identified by Defendant
5 **FIGUEROA** had a bullhorn in his hand but was not using it.

6 27. Defendant **FIGUEROA** called for the entire line of officers, about
7 fourteen in total, to attack the peaceful protesters. In clear violation of constitutional
8 and statutory law, no declaration of an unlawful assembly and order to disperse was
9 issued prior to the police assault. The violent attack by the officers caused the
10 protesters to fall down and topple over each other. Seventy-two-year-old Plaintiff
11 **AKILI** was one of the first people shoved to the ground by the officers. He was
12 pushed from behind, landing on his hands, causing an injury to his right hand which
13 took months to completely heal.

14 28. After charging at and pushing protesters, officers began wildly and
15 forcefully swinging their batons at protesters, some of whom had fallen to the
16 ground.

17 29. Defendant **PRIMO**, was swinging her baton wildly, lunging at people.
18 As Plaintiff **ALLERS** attempted to get up after being pushed to the ground,
19 Defendant **PRIMO** struck **ALLERS** in the back of her head near her ear with a
20 baton, knocking her unconscious. Defendant **PRIMO** also struck Diana Barbadillo
21 several times, including across her buttocks.

22 30. Defendant **ORLICK** struck Plaintiff **THOMAS** in the head with his
23 baton as she tried to help another protester that had been knocked to the ground.
24 The baton strikes by Defendant **ORLICK** were made with such force to
25 **THOMAS'** face that several of her teeth were loosened by the impact. He also
26 grabbed her arm while he struck her several more times on her back and left knee.
27 Besides knocking her teeth loose, the blows left painful bruising on **THOMAS'** left
28

1 hip and left leg. **THOMAS** and **ALLERS** were both treated at Cedar Sinai Medical
2 Center a few hours later and **ALLERS** is still receiving ongoing medical treatment
3 for her injuries.

4 31. When Defendants **FIGUEROA** and **CASTILLO** observed LAPD
5 officers' unlawful and potentially lethal use of batons to strike peaceful protesters
6 in the head, they failed to intervene. At about 9:49 a.m., only after brutally attacking
7 the peaceful crowd, Defendant **CASTILLO** for the first time declared an unlawful
8 assembly and issued a dispersal order. The officers still had their riot gear on and
9 their batons out. All remaining protesters left. California Penal Code § 409, which
10 defines an unlawful assembly, has repeatedly been construed to require a showing
11 of imminent violence that so permeates a lawful expressive activity that law
12 enforcement may curtail the rights of all demonstrators. Facts justifying the
13 declaration of an unlawful assembly did not exist here. Chief of Police Michael
14 Moore and other LAPD Command Staff were involved with the ongoing protest
15 that led up to this event.
16

17 **CLASS ACTION ALLEGATIONS**

18 32. The claims set forth in this action are brought by the class
19 representatives on their own behalf and on behalf of all of those similarly situated
20 pursuant to Code of Civil Procedure § 382 for declaratory and injunctive relief and
21 damages. All class members were struck with batons and/or knocked down by the
22 actions of LAPD officers.

23 33. The class consists of about 50 individuals who were present on
24 December 6, 2020, near the Mayor's mansion on Irving Street near 6th Street, who
25 were participating in or observing a public **BLM-LA** organized demonstration and
26 who were struck by batons or knocked down by LAPD officers, and who were
27 neither violently resisting nor posing an immediate threat of violence or physical
28 harm.

1 34. Class members who were struck with batons and/or knocked down
2 were injured in a manner that evinced that Defendants applied force unlawfully.
3 Class members were struck in the face, head, shoulder, buttocks, and breast areas.
4 LAPD personnel struck them with batons to injure and punish them on site.

5 35. Defendants used unreasonable and excessive force indiscriminately,
6 engaging in baton strikes and knocking down protesters, not based on an
7 individualized assessment of conduct justifying such force – more specifically
8 where the person attacked by police was not violently resisting arrest and did not
9 present an immediate threat of violence or physical harm – in violation of the Fourth
10 Amendment and its state law analogues. Further, this conduct was deliberately
11 indifferent to the damages class members rights, shocks the conscience, and violates
12 the decencies of civilized conduct, under the Fourteenth Amendment and its state
13 law analogues.

14 36. As a result of Defendants' wrongful conduct, the damages class
15 members suffered damages as alleged above.

16 37. **Numerosity:** The putative class consists of approximately 50
17 individuals. The members of the class are so numerous that it is impracticable to
18 bring them all before this Court.

19 38. **Ascertainability:** The class is defined in terms of the objective
20 characteristics of a date, time, and location, which makes the ultimate identification
21 of members possible when that identification becomes necessary.

22 39. **Community of Interest in the Questions of Law or Fact:** Questions
23 of law or fact common to putative class members predominate over any questions
24 affecting only individual members. The violations of class members' rights arise
25 from a common set of facts, to wit: Defendants, acting in accordance with orders
26 given by supervisors from the highest command positions hit class members with
27 baton and/or knocked them down during the protest without cause or justification.

28 40. Common questions of law and fact include but are not limited to:

- 1 a. Did Defendants break up the protest through the use of force
2 although the individuals against whom such force was used were
3 not engaged in conduct justifying such force?
4 b. Did Defendants have a lawful basis to declare an unlawful
5 assembly?
6 c. Was any protest participant or observer engaged in conduct
7 justifying arrest?
8 d. Did Defendants evaluate the feasibility of isolating and arresting
9 anyone responsible for any unlawful conduct, and, if feasible, take
10 action only against the individual/s?
11 e. Was any protest participant or observer engaged in conduct
12 justifying the use of force?
13 f. Whether Defendants breaking up the protest through the use of
14 force when those present were not engaging in conduct justifying
15 such force violates their constitutional rights?
16 g. Must Defendants, when declaring unlawful assemblies, provide
17 adequate sound amplification and provide both directions, means,
18 and opportunity to disperse before taking aggressive and injurious
19 – and potentially deadly – police action?
20 h. Must Defendants evaluate the feasibility of isolating and arresting
21 anyone responsible for any unlawful conduct, and if feasible, take
22 action only against those individuals?
23 i. Did any of the conduct alleged herein violate Cal. Civil Code § 52.1
24 (the Bane Act)?
25 j. Are general class-wide damages available?
26 k. Are statutory damages under § 52.1 available to the damages class?
27
28

1 1. Did any of the conduct alleged herein violate Cal. Civil Code § 51.7
2 (the Ralph Act)?

3 41. The questions of law and fact common to the classes, as outlined
4 above, predominate over any questions affecting only individual members.

5 **FIRST CAUSE OF ACTION**

6 Violation of the Bane Act (Cal. Civil Code § 52.1);
7 Cal. Constitution, Article 1, §§ 2 (Freedom of Speech), 3 (Right of Petition and
8 Assembly), 7 (Due Process), 13 (Search and Seizure),
9 19 Cruel and Unusual Punishment)
10 (All Plaintiffs Against All Defendants)

11 42. Plaintiffs re-allege and incorporate by reference the preceding and
12 subsequent paragraphs as though fully set forth herein.

13 43. The federal and state constitutions guarantee the right to assembly and
14 to petition the government for a redress of grievances, the right to be free from
15 unnecessary and excessive force by law enforcement officers, as well as the rights
16 to due process and to be free from cruel and unusual punishment. Defendants, by
17 engaging in the wrongful acts and failures to act alleged above, denied these rights
18 to Plaintiffs by threats, intimidation, or coercion, to deter, prevent and in retaliation
19 for the exercise of Plaintiffs' constitutional rights, in violation of Cal. Civ. Code §
20 52.1.

21 44. The use of unreasonable force by Defendants was a substantial factor
22 in causing the violation of rights and attendant harm by Plaintiffs.

23 45. Defendant **CITY** of Los Angeles is liable for the wrongful conduct of
24 its employees through the doctrine of respondeat superior.

25 46. Defendants' actions as set out above and further on in this complaint
26 constituted interference by threat, intimidation, or coercion, with the exercise or
27 enjoyment by any individual or individuals of rights secured by the Constitution or
28 laws of the United States, or of the rights secured by the Constitution or laws of

1 California in violation of Cal. Civil Code §52.1. The violation of § 52.1 includes
2 violations of the rights of class members as outlined throughout this Complaint.

3 47. As a direct and proximate result of the aforementioned acts or
4 omissions of Defendants, Plaintiffs sustained damages, including but not limited to
5 general damages, statutory damages and treble statutory damages under Cal. Civ.
6 Code § 52, but no less than \$4,000 for each incident, and pain and suffering.

7 **SECOND CAUSE OF ACTION**

8 Assault

9 California Civil Code § 43

10 (By Plaintiffs Akili, Allers, and Thomas Against All Defendants)

11 48. Plaintiffs re-allege and incorporate by reference the preceding and
12 subsequent paragraphs as though fully set forth herein.

13 49. Defendants approached Plaintiffs **AKILI, ALLERS, and THOMAS**
14 dressed in riot gear and wielding batons. Aforementioned Plaintiffs, all peaceful
15 protesters, reasonably believed the officers would use such force against them.

16 50. As a direct and proximate result of the aforementioned acts or
17 omissions, Plaintiffs **AKILI, ALLERS, and THOMAS** sustained and incurred
18 damages including pain, suffering, and emotional injury.

19 51. The **CITY** is liable through respondeat superior.

20 **THIRD CAUSE OF ACTION**

21 Battery by a Police Officer

22 (By Plaintiffs Akili, Allers, and Thomas Against All Defendants)

23 52. Plaintiffs re-allege and incorporate by reference the preceding and
24 subsequent paragraphs as though fully set forth herein.

25 53. Defendants, by the actions of the officers of the Los Angeles Police
26 Department, intentionally touched Plaintiffs **AKILI, ALLERS, and THOMAS**
27
28

1 without their consent and without lawful justification by shoving them and beating
2 them with batons, resulting in bodily injury to their person.

3 54. As a direct and proximate result of the aforementioned acts or
4 omissions, Plaintiffs **AKILI, ALLERS, and THOMAS** sustained and incurred
5 damages including physical injuries and pain and suffering.

6 55. The use of unreasonable force by the LAPD officers was a substantial
7 factor in causing harm to Plaintiffs.

8 56. The **CITY** is liable through respondeat superior.

9 **FOURTH CAUSE OF ACTION**

10 Taxpayer Suit; Declaratory and Injunctive Relief
11 (Code of Civil Procedure § 526a)
12 (All Plaintiffs against All Defendants)

13 57. Plaintiffs re-allege and incorporate by reference the preceding and
14 subsequent paragraphs as though fully set forth herein.

15 58. The City of Los Angeles assesses a sales tax that is added to the basic
16 state sales tax, in addition to other taxes. Plaintiffs have been assessed and are liable
17 to pay taxes in and to the City of Los Angeles. Plaintiffs have suffered, and unless
18 the Court restrains Defendants, will continue to suffer irreparable harm.

19 59. Plaintiffs are informed and believe, and on that basis allege, that the
20 conduct of Defendants, their employees, agents, and contractors, has been and,
21 unless restrained, will continue to be deleterious to the constitutional and statutory
22 rights of Plaintiffs and the general public. Plaintiffs thereby seek to enforce
23 important rights affecting the public interest within the meaning of California Code
24 of Civil Procedure § 1021.5.

25 60. Plaintiffs have no adequate remedy at law.
26
27
28

61. Defendants have expended public monies and threaten and will continue to spend such monies to implement and engage in the illegal conduct described herein.

62. Pursuant to California Code of Civil Procedure §§ 526 and 526a, and the constitutional and statutory provisions set forth above, the Plaintiffs, as taxpayers and as injured parties entitled to relief, seek declaratory and injunctive relief and an accounting to prevent continued harm and to protect themselves and the public from the Defendants' unlawful policies and practices.

63. Unless the Defendants are enjoined from continuing their unlawful course of conduct, Plaintiffs will suffer ongoing and irreparable injury to their rights. Plaintiffs seek injunctive relief pursuant to California Code of Civil Procedure § 526a and the substantive standards reflected in the claims stated above, for which injunctive and declaratory relief are appropriate remedies.

64. It is necessary and appropriate for the Court to render a declaratory judgment that sets forth the parties' legal rights and obligations with respect to constitutionally protected assemblies and demonstrations.

REQUEST FOR RELIEF

Wherefore, Plaintiffs seek judgment as follows:

1. An order certifying the class as defined herein pursuant to Code of Civil Procedure § 382;

2. An order enjoining and restraining Defendants from unlawfully and unconstitutionally policing protected expressive activity, assemblies and demonstrations;

3. A declaratory judgment that Defendants' conduct detailed herein violated Plaintiffs' rights under the state Constitution and laws;

1 4. General and compensatory damages for Plaintiffs and the class they
2 represent for the violations of their constitutional and statutory rights, pain and
3 suffering, all to be determined according to proof;

4 5. An award of attorneys' fees pursuant to Cal. Civil Code §§ 52(b) &
5 52.1(h) and Cal. Code of Civ. Proc. § 1021.5;

6 6. Costs of suit;

7 7. Pre- and post-judgment interest as permitted by law;

8 8. Such other and further relief as the Court may deem just and proper.

9
10 Dated: January 6, 2022

Respectfully submitted,

11 LAW OFFICE OF CAROL A. SOBEL
12 SCHONBRUN, SEPLOW, HARRIS, HOFFMAN
13 & ZELDES, LLP

14 LAW OFFICE OF COLLEEN FLYNN
15 LAW OFFICE OF CHRISTOPHER MARTIN
16 LAW OFFICE OF SHAKEER RAHMAN
17 A. DAMI ANIMASHAUN, ESQ.

18 /s/ Colleen Flynn
19 By: COLLEEN FLYNN
20 Attorneys for Plaintiffs

21 **REQUEST FOR JURY DEMAND**

22 Plaintiffs hereby request a jury trial in this action.

23
24 Dated: January 6, 2022

Respectfully submitted,

25 LAW OFFICE OF CAROL A. SOBEL
26 SCHONBRUN, SEPLOW, HARRIS, HOFFMAN
27 & ZELDES, LLP

28 LAW OFFICE OF COLLEEN FLYNN
 LAW OFFICE OF CHRISTOPHER MARTIN
 LAW OFFICE OF SHAKEER RAHMAN

1 A. DAMI ANIMASHAUN, ESQ.

2 /s/ Colleen Flynn

3 By: COLLEEN FLYNN

4 Attorneys for Plaintiffs

EXHIBIT B

[Skip to main content](#)

[Public Record Requests](#)

City of Los Angeles

Request 22-474



Closed



Dates

Received

January 14, 2022 via web

Staff Assigned

Departments

Police Department (LAPD)

LAPD 1421

Point of contact

LAPD Analyst Jackie N3375

Request

I am requesting access to records in possession or control of the Los Angeles Police Department for the purposes of inspection and copying pursuant to the California Public Records Act, California Government Code § 6250 et seq. ("CPRA"), and Article I, § 3(b) of the California Constitution. The specific records I seek to inspect and copy are listed below. As used herein, "Record" includes "Public Records" and "Writings" as those terms are defined at Government Code § 6252(e) & (g). I request access to inspect/copies of all video and/or audio recordings for the critical incident on December 6, 2020 outside of 605 S Irving Blvd between 09:00 and 10:00.

If you contend that any portion of the records requested is exempt from disclosure by express provisions of law, Government Code § 6253(a) requires segregation and redaction of that material in order that the remainder of the records may be released. If you contend that any express provision of law exists to exempt from disclosure all or a portion of the records I have requested, Government Code § 6253(c) requires that you notify me of the reasons for the determination not later than 10 days from your receipt of this request. Government

Code §§ 6253(d) & 6255(b) require that any response to this request that includes a determination that the request is denied, in whole or in part, must be in writing and include the name and title of the person(s) responsible for the City's response.

Government Code § 6253(d) prohibits the use of the 10-day period, or any provisions of the CPRA or any other law, "to delay access for purposes of inspecting public records."

The LAPD is required to release all video and audio recordings of this incident under Government Code section 6254(f)(4)(C)(ii). That section requires release of all police video or audio footage of a "critical incident," which is defined as "a video or audio recording ... [that] depicts ... [a]n incident in which the use of force by a peace officer or custodial officer against a person resulted in ... great bodily injury." Gov't Code sect. 6254(f)(C)(ii).

The incident outside the mayor's office qualifies as a "critical incident" because the LAPD's use of force on that date inflicted great bodily injury on several protesters, as alleged in a lawsuit filed in federal court (attach lawsuit if you can, or at least cite the lawsuit name and case number). The footage therefore must be released.

In responding to this request, please keep in mind that Article 1, § 3(b)(2) of the California Constitution expressly requires you to broadly construe all provisions that further the public's right of access, and to apply any

limitations on access as narrowly as possible.

If I can provide any clarification that will help expedite your attention to my request, please contact me at cerisecastle@gmail.com, pursuant to Government Code § 6253.1. I ask that you notify me of any duplication costs exceeding \$100 before you duplicate the records so that I may decide which records I want copied.

Thank you for your timely attention to this matter.

Sincerely,

Cerise Castle

Show less

Timeline

Documents



Request Closed



Public

This request is now closed.

February 16, 2022, 1:55pm by LAPD Analyst Jackie N3375



External Message



Public

Dear Requester:

This is a follow-up to our email dated February 28, 2022. We previously informed you that there were no responsive records related to use of

force with great bodily injury or death, pursuant to SB1421. Regarding your request for records for an incident on December 6, 2020, the Department has conducted a search for records responsive to your request and did not locate any records of a type that are disclosable under Penal Code § 832.7(b)(1). Rather, records responsive to your request remain privileged, confidential, and exempt from disclosure under Government Code Sections 6254(c) and (k), and Penal Code Section 832.7(a). Section 6254(c) exempts from disclosure “personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.” Section 6254(k) exempts records which are exempt from disclosure under federal or state law, including, but not limited to provisions of the Penal Code. Penal Code Section 832.7(a) states that peace officer personnel records and information contained within them are privileged and confidential and cannot be disclosed except through discovery pursuant to Sections 1043 and 1045 of the Evidence Code. California case law holds that Evidence Code Section 1043 *et seq.* is the exclusive means to obtain peace officer personnel records, and as such, they are exempt from the disclosure provisions of the Act. [See *City of Hemet v. Superior Court* (1995) 37 Cal. App. 4th 1411].

Furthermore, in accordance with Section 6254(f) of the California Government Code, records of investigations conducted by, or investigatory files compiled by, any local police agency for law enforcement purposes, are exempt from disclosure. To the extent that records were located, they are either investigatory records themselves or properly part of an investigative file. The records you seek, including video evidence, are investigative records or properly part of an investigatory file, therefore, I am denying your request for records for an incident related to, Greg Akili, on December 6, 2021. Should any records be located, they may be available in response to a subpoena or court order.

Please reply to this email if you have any questions.

Respectfully,

LAPD Risk Management and Legal
Affairs Division, CPRA Unit

February 16, 2022, 1:54pm by LAPD Analyst Jackie N3375
(Staff)



Due Date Changed

Staff Only

02/15/2022 (was 02/07/2022).

February 10, 2022, 4:44pm by LAPD Analyst Jackie N3375



Request Reopened

Public

February 10, 2022, 4:43pm by LAPD Analyst Jackie N3375



External Message



Public

February 10, 2022, 4:43pm by LAPD Analyst Jackie N3375 (Staff)



External Message



Public

February 9, 2022, 2:42pm by the requester via email



External Message



Public

February 9, 2022, 2:41pm by the requester



External Message



Public

February 9, 2022, 2:41pm by the requester



Request Closed



Public

This request is now closed.

February 8, 2022, 5:01pm by LAPD Analyst Jackie N3375



External Message



Public

February 8, 2022, 5:01pm by LAPD Analyst Jackie N3375 (Staff)



External Message



Public

February 8, 2022, 3:52pm by LAPD Analyst Jackie N3375 (Staff)



Request Published

Public

January 26, 2022, 4:48pm by LAPD Analyst Jackie N3375



Due Date Changed

Staff Only

02/07/2022 (was 01/24/2022).

January 20, 2022, 10:05am by LAPD Analyst Jackie N3375



Department Assignment

Public

Police Department (LAPD)

January 14, 2022, 5:58pm (auto-assigned)



Request Opened

Public

Request received via web

January 14, 2022, 5:58pm by Cerise N Castle

[FAQS](#) [HELP](#) [PRIVACY](#) [TERMS](#) [CITY WEBPAGE](#)

EXHIBIT C

[Skip to main content](#)

Public Record Requests

City of Los Angeles

Request 22-4583



Closed



Dates

Received

May 5, 2022 via web

Staff Assigned

Departments

Police Department (LAPD)

LAPD 1421

Point of contact

LAPD Analyst Jackie N3375

Request

Re #22-474

We represent Knock LA, a Los Angeles news website. We are writing in response to your office's denial of Knock LA reporter Cerise Castle's January 14, 2022 Public Records Act request for "all video and/or audio recordings for the critical incident on December 6, 2020 outside of 605 S. Irving Street," which is the official mayor's residence, the Getty House.

You have improperly marked the request as "closed" based on your mischaracterization of Ms. Castle's request, the law, and the facts. We request that you re-open the PRA matter #22-474 or open a new request and provide these records within 10 days.

Government Code § 6254(f)(4) Requires Release of Video and Audio Tapes

Your department mischaracterizes Ms. Castle's request for records under SB 1421 and Penal Code § 832.7(b)(1). Ms. Castle never cited that statute nor requested records under that statute.

Ms. Castle requested the following records: "all video and/or audio recordings for the critical incident on December 6, 2020 outside of 605 S. Irving Street between 9:00 a.m. and 10:00 a.m." These recordings must be released pursuant to AB 748, codified as Government Code § 6254(f)(4) and (f)(4)(ii).

Government Code § 6254(f)(4) and (f)(4)(ii) require the release of LAPD's "audio" and "video records related to a critical incident," which includes "[a]n incident in which the use of force by a peace officer ... against a person resulted ... in great bodily injury." Gov't Code § 6254(f)(4), (f)(4)(ii).

"Great bodily injury" is defined in California law as "a significant or substantial physical injury." *See, e.g.,* Penal Code § 12022.7(f). The term "great bodily injury" has been broadly interpreted by the courts. *See People v. Washington*, 210 Cal. App. 4th 1042-48 (2012) (defining "great bodily injury" as including "some physical pain or damage, such as lacerations, bruises, or abrasions"); *People v. Jung*, 71 Cal. App. 4th 1036, 1042 (same); *People v. Bustos*, 23 Cal. App. 4th 1747, 1755 (1994) (same for multiple abrasions, lacerations, and contusions); *People v. Corona*, 213 Cal. App. 4th 589 (1989) (same for swollen jaw, bruises to head, and sore ribs); *People v. Jaramillo*, 98 Cal. App. 3d 830, 836-37 (1979) (same for multiple contusions, swelling and discoloration of the body, and extensive bruises).

In this case, news accounts, publicly posted videos, and allegations in a lawsuit filed by injured protestors all clearly establish that the LAPD's use of force inflicted great bodily injury on the protestors, and therefore requires disclosure of video and audio recordings.

For example, a *Los Angeles Times*' article on this incident contains a video of police officers swinging their batons at protestors and striking them. Los Angeles Police Converge on Peaceful Black Lives Matter Protest at Mayor's House. *Newsweek* posted an article on this incident containing videos showing police officers beating and shoving peaceful protestors with their batons. LAPD Strike Lockdown Protestors with Batons Outside Mayor Garcetti's House in Viral Video.

According to a civil rights lawsuit, *Akili v. City of Los Angeles*, Case No. 22ST-CV-00934, filed in U.S. District Court against the City on January 6, 2022 by some protestors, "LAPD officers rushed at and knocked down peaceful protestors...and then brutally beat them with batons, including head strikes, causing serious injuries." One plaintiff in the lawsuit was struck by an officer "in the back of her head near her ear with a baton, knocking her unconscious." Another plaintiff was struck by an officer "with such force... that several of her teeth were loosened by the impact." She was also left with painful bruising on her left hip and left leg. A hospital later treated both plaintiffs, and one plaintiff is still receiving ongoing treatment for her injuries. In light of these injuries' severity, the injuries sustained by protestors clearly amount to "great bodily injury." Ms. Castle previously provided you with a copy of this

lawsuit. Please let us know if you would like us to send you another copy.

We feel confident that a court reviewing the police tapes of this incident in camera and reviewing the *Akili* lawsuit would order the immediate release of the tapes.

The portion of section 6254(f)(4) allowing police agencies to delay disclosure due to an ongoing criminal investigation does not apply here because prosecutors declined to file charges against the one protester who was arrested, so there is no pending criminal investigation. Nor is there any basis to withhold or redact the tapes to protect the privacy of the protesters because protesters voluntarily took part in a public demonstration and some filed a public lawsuit. The officers have been permitted to review the tapes, so disclosing them to the public would not interfere with any internal affairs investigation.

Police Video and Audio Tapes Are Not Personnel Records

Your February 16, 2022 denial email cites a number of boilerplate exemptions to disclosure that have no application to the requested tapes after the passage of AB 748 and addition of Government Code § 6254(f)(4) and (f)(4)(ii) to the Public Records Act. This amendment to the statute expressly places these tapes outside of the exemptions for police personnel records, private records, and police investigative records. You cannot ignore recent changes in California law and court decisions making clear that police body cam tapes must be disclosed.

You cite Government Code § 6254(c), which exempts from disclosure “personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of privacy.” But that provision hardly applies here because there is nothing private about police audio and video footage of police swinging batons at members of the public in a public place during a public demonstration and the tapes are hardly medical records.

Nor are the police body cam and audio tapes “police personnel” records exempt from disclosure under Government Code § 6254(k) and Penal Code § 832.7(a), as you erroneously assert. To the contrary, police audio and video tapes do not fall into the narrow category of police personnel records that are exempt from disclosure, as is made clear by the language of Government Code § 6254(f)(4) and (f)(4)(ii).

Even if it weren’t clearly stated in the statute, the California Supreme Court made clear in *In Long Beach Police Officers Ass’n*, 59 Cal. 4th 59 (2014) that “records routinely maintained by law enforcement agencies,” such as “information contained in the initial incident reports of an on-duty shooting... are not personnel records” exempt from disclosure. *Id.* at 71 (internal quotation marks omitted). The court held that only those “records generated in connection with ... appraisal or discipline would come within the statutory definition of personnel records,” under Penal Code § 832.8. *Id.* at 71. Only records that reflect “advancement, appraisal, or discipline” fall within the scope of the Penal Code § 832.8(d). *Id.* at 78 (internal quotation marks omitted).

These officers' video and audio tapes were routine records created to record what happened during the officers' use of force, much like a taped version of a written incident report. These tapes of officers carrying out their duties in public are not police personnel records generated in connection with appraisal or discipline. Nor do they invade the officers' privacy because they were performing their official duties in public.

You also cite Government Code § 6254(f), which exempts some police criminal investigative records from disclosure. But the very language and purpose of Government Code § 6254(f)(4) and (f)(4)(ii) provides that the exemption from disclosure of police investigative records provided in section 6254(f) does not apply to police audio and video tapes where there is a use of force resulting in great bodily injury, as here.

The LAPD Is Required to Produce These Records Immediately

As you know, Ms. Castle made the request on January 14, 2022. More than four months have passed since she made her request, and you still have not provided the records. Your department is required to make these records available "promptly." Gov't Code § 6252(b). You have not done so.

Please produce the requested records within the next 10 days. No redactions are necessary because the use of force took place during a public protest in a public place.

We request that these records be produced in electronic form pursuant to Government Code § 6253.9(a)(2). If not available in this

format, or if the volume of records would make it impossible to share electronically, please provide the records on a flash drive or CD-ROM.

We request that the LAPD waive any copying fees. The LAPD may reduce or waive fees under the discretionary authority granted to agencies under the Public Records Act to adopt requirements that provide greater access to records than the minimum standards set forth in the Public Records Act. See Gov't Code § 6253(e); *see also North County Parents Org. v Dep't of Ed.*, 23 Cal. App. 4th 144 (1994) (holding that the agency had discretionary authority under the act to reduce or waive fees for duplicating public records).

If you decline to waive fees, please inform us if the cost of copying will exceed \$100.

If you deny any or all of this request, please cite the basis for such a denial (Gov't Code § 6255(a)), provide the name of the person or persons responsible for the denial (Gov't Code §§ 6253(d), 6255(b)), and provide suggestions for overcoming any practical basis for denying access to the requested records.

Please do not hesitate to contact me if you would like to discuss this.

Sincerely,

Susan E. Seager

Attorney for Knock LA

Show less

Timeline

Documents



Request Published

Public

June 15, 2022, 5:23pm by LAPD Analyst Jackie N3375



Request Closed



Public

This request is now closed.

June 15, 2022, 5:19pm by LAPD Analyst Jackie N3375



External Message



Public

Dear Requester:

We have reviewed your request to the Los Angeles Police Department ("Department") under the California Public Records Act (Cal. Govt. Code section 6250, *et seq.*, hereinafter the "Act") seeking records for "all video and/or audio recordings for the critical incident on December 6, 2020 outside of 605 S. Irving Street," pursuant to Penal Code Section 832.7 (as amended by SB1421 effective January 1, 2019).

The Department is cognizant of its responsibilities under the Act. It recognizes the statutory scheme was enacted 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 allows for nondisclosure of records that are otherwise exempt under either express provisions of the Act or pursuant to applicable federal or state law, per California Government Code Sections 6254(a); 6254(b); 6254(c); 6254(f); 6254(k); and 6255.

The Department also recognizes that Penal Code Section 832.7 – which generally makes all peace officer personnel records confidential and undisclosable – was amended on January 1, 2019, by Senate Bill 1421 to create an exception from that general confidentiality requirement for the following four categories of officer personnel and investigatory records: records relating to the report, investigation, or findings of (i) an incident regarding an officer-involved shooting; (ii) an incident involving the use of force by an officer resulting in death or great bodily injury; (iii) an incident involving a sustained finding of sexual assault by an officer involving a member of the public; and (iv) an incident involving a sustained finding of dishonesty by an officer directly related to the reporting, investigation, or prosecution of a crime or of the

investigation of misconduct by another officer. Pen. Code § 832.7(b)(1)(A)-(C).

The Department has conducted a search for records responsive to your request and did not locate any records relating to a use of force incident with great bodily injury or death, pursuant to Penal Code Section 832.7(b)(1) for a location, 605 S. Irving Street, on December 6, 2020. As a result, we are closing your request.

We invite you to visit our SB1421 web page where you will find similar requested records related to officer involved shootings, uses of force with great bodily injury, sustained complaints of sexual assault, and sustained complaints of dishonesty published on our web page. The Department uploads documents on a weekly basis when documents become available. Please see link below:

<http://www.lapdonline.org/lapdsb1421>

If you have any questions or concerns, please responds to this email.

Respectfully,

LAPD Risk Management and Legal
Affairs Division, CPRA Unit

June 15, 2022, 5:19pm by LAPD Analyst Jackie N3375
(Staff)



Due Date Changed

Staff Only

05/30/2022 (was 05/16/2022).

May 16, 2022, 8:39am by LAPD Analyst Jackie N3375



External Message



Public

May 16, 2022, 8:39am by LAPD Analyst Jackie N3375
(Staff)



External Message



Public

May 5, 2022, 7:29pm by the requester via email



Department Assignment

Public

Police Department (LAPD)

May 5, 2022, 6:53pm (auto-assigned)



Request Opened

Public

Request received via web

May 5, 2022, 6:53pm by Susan E. Seager

EXHIBIT D

[Skip to main content](#)

[Public Record Requests](#)

[City of Los Angeles](#)

Request 22-5229



Closed



Dates

Received

May 24, 2022 via web

Staff Assigned

Departments

Police Department (LAPD)

Point of contact

LAPD Analyst - N6613

Request

This is a CPRA request on behalf of the First Amendment Coalition for all Los Angeles Police Department audio and video recordings of LAPD's use of force in a "critical incident" on the morning of December 6, 2020 at 605 South Irving Street, Los Angeles pursuant to Government Code section 6254(f)(4) and (f)(4)(ii), including but not limited to LAPD body cam footage, LAPD dash cam footage, 911 calls, and any video tapes in the possession of the LAPD taken by non-LAPD personnel.

This is NOT a request for police personnel records or records under SB 1421.

Please produce the records within 10 days.

Thank you.

Timeline

Documents



External Message



Public

May 27, 2022, 2:32pm by Kris Tu 34895 LAPD CPRA 1421 - Detective III (Staff)



External Message



May 26, 2022, 5:40pm by LAPD Analyst - N6613,
Management Assistant (Staff)



Request Published

Public

May 25, 2022, 11:43am by LAPD Analyst - N6613



Request Closed



Public

Dear Requester:

We reviewed your request for body cam footage, dash cam footage, 9-1-1 calls, and any video tapes in the possession of the LAPD taken by non-LAPD personnel regarding an incident that occurred on December 6, 2020.

Your request was made under the California Public Records Act (the Act). The Department is cognizant of its responsibilities under the Act. It recognizes the statutory scheme was enacted 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 California Government Code Sections 6254(b); 6254(c); 6254(f); 6254(k); and 6255.

With regards to your request for body cam footage, dash cam footage, and any video tapes taken by non-LAPD personnel regarding an incident that occurred on December 6, 2020, in accordance with Section 6254(f) of the California Government Code, records of investigations conducted by, or investigatory files compiled by, any local police agency for law enforcement purposes, are exempt from disclosure. The records you seek, including video evidence, are investigative records or properly part of an investigatory file; therefore, we are denying this portion of your request. Should any records be located, they may be available in response to a subpoena or court order.

You may personally serve your subpoena to the Custodian of Records at the following location during normal business hours, which are Monday-Friday (excluding City holidays), 8:00 a.m. to 4:00 p.m.:

Los Angeles Police Department

Risk Management and Legal Affairs
Division

Public Records & Subpoena
Response Section, SDT Unit

200 N. Spring St., Ste. 1900

Los Angeles, CA 90012

Main Line: (213) 847-3615

With regards to your request for any 9-1-1 calls regarding an incident that occurred on December 6, 2020, in accordance with Section 6254(f) of the California Government Code, records of investigations conducted by, or investigatory files compiled by, any local police agency for law enforcement purposes, are exempt from disclosure. Should any records be located, 9-1-1 telephone calls, recordings, transcripts, witness statements and logs are either investigatory records themselves or properly part of an investigative file and therefore exempt from disclosure. The records may be produced in response to a subpoena or court order.

Should any records be located, to the extent the information is recorded, a summary including the time, date, and location of occurrence, the time and date of the call, the name and age of the victim, and a brief statement of the circumstances can

be made available to you upon request.

If the call was referred to paramedics, the Los Angeles Fire Department may have records responsive to your request.

Los Angeles Fire Department

Attn: EMS Records Custodian

200 North Main Street, Suite 1620

Los Angeles, CA 90012

LAFD.EMSRecords@lacity.org

<https://www.lafd.org/safety/ems-billing/ems-billing-medical-records-overview>

If you have any questions, please respond to this email.

Respectfully,

LAPD Public Records & Subpoena
Response Section, CPRA Unit

May 25, 2022, 11:43am by LAPD Analyst - N6613



External Message



Public

May 24, 2022, 11:10am by LAPD Michelle N6335, Senior
Administrative Clerk (Staff)



Department Assignment

Police Department (LAPD)

May 24, 2022, 10:34am (auto-assigned)



Request Opened

Public

Request received via web

May 24, 2022, 10:34am by Susan E. Seager

[FAQS](#) [HELP](#) [PRIVACY](#) [TERMS](#) [CITY WEBPAGE](#)

EXHIBIT E

Re: Your City of Los Angeles public records request #22-5229 has been closed.

Susan Seager (clinic) <sseager1.clinic@law.uci.edu>

Thu 5/26/2022 10:59 AM

To: lacity_22-5229-requester-notes@inbound.nextrequest.com <lacity_22-5229-requester-notes@inbound.nextrequest.com>

Dear City of LA/LAPD,

You made an error in responding to our request. You must reopen our request and provide the requested records.

You failed to respond to **the first part** of our request.

Please provide the documents that were listed in **the first part** of our request (highlighted below):

"...audio and video recordings of LAPD's use of force in a 'critical incident' on the morning of December 6, 2020 at 605 South Irving Street, Los Angeles pursuant to Government Code section 6254(f)(4) and (f)(4)(ii), **including but not limited to LAPD body cam footage, LAPD dash cam footage...**"

In your response, you erroneously responded to only the second part of our request for audio and video recordings by non-LAPD personnel. You said, "In response to your request for body cam footage, dash cam footage, and any video tapes **taken by non-LAPD personnel** regarding an incident that occurred on December 6, 2020, in accordance with Section 6254(f) of the California Government Code, records of investigations conducted by, or investigatory files compiled by, any local police agency for law enforcement purposes, are exempt from disclosure."

Please correct your error and respond to the first part of our request for body cam and dash cam footage and all other audio and video recordings **taken by LAPD personnel**.

These audio and video recordings taken by LAPD personnel are disclosable under Government Code section 6254(f)(4).

Government Code section 6254(f)(4) *cancels out the permanent exemption for investigative records contained in Government Code section 6254(f) for these audio and video recordings of a "critical incident."*

You cannot cite Government Code section 6254(f) to deny our request. Government Code section 6254(f)(4) has been the law since 2019 and you cannot ignore it.

We should note that the tapes taken by non-LAPD personnel are not covered by Government Code section 6254(f) because (f)(4) cancels out the permanent exemption for investigative records contained in Government Code section 6254(f). These tapes by non-LAPD personnel must also be disclosed.

More than one year has passed since this incident and there are no *active* criminal or administrative investigations that would permit withholding of these records, nor any privacy interests that would justify complete withholding under Government Code section 6254(f)(4).

We urge you to read all of Government Code section 6254(f)(4) to see that all of the requested LAPD body camera footage, LAPD dash camera footage, and all video and audio recordings taken by the LAPD personnel must be disclosed. The same is true for non-LAPD video and audio recordings.

Thank you,
Susan E. Seager

[Susan E. Seager](#)

Adjunct Clinical Professor of Law (she/her)
UC Irvine School of Law
Intellectual Property, Arts, and Technology Clinic
Press Freedom and Transparency Practice
P.O. Box 5479, Irvine, CA 92616-5479
Tel: (949) 824-5447 / Fax: (949) 824-2747

[Susan E. Seager](#)

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sseager1.clinic@law.uci.edu

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From: publicrecords@lacity.org <support@nextrequest.com>

Sent: Wednesday, May 25, 2022 11:43 AM

To: Susan Seager (clinic) <sseager1.clinic@law.uci.edu>

Subject: Your City of Los Angeles public records request #22-5229 has been closed.

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

[External Message Added] City of Los Angeles public records request #22-5229

publicrecords@lacity.org <support@nextrequest.com>

Fri 5/27/2022 2:32 PM

To: Susan Seager (clinic) <sseager1.clinic@law.uci.edu>

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

City of Los Angeles Public Records

A message was sent to you regarding record request #22-5229:

Dear Requester,

The Department has considered your objections. However, after due consideration, the Department's position remains the same.

Please be advised that we have reviewed your request for:

"all Los Angeles Police Department audio and video recordings of LAPD's use of force in a "critical incident" on the morning of December 6, 2020 at 605 South Irving Street, Los Angeles pursuant to Government Code section 6254(f)(4) and (f)(4)(ii), including but not limited to LAPD body cam footage, LAPD dash cam footage, 911 calls, and any video tapes in the possession of the LAPD taken by non-LAPD personnel."

The Department has conducted a search and did not locate any records of an incident during the requested time frame at the requested location which would be considered a "critical incident," as that term is defined in subdivision (f)(4)(C).

Therefore, the records of "...LAPD body cam footage, LAPD dash cam footage, 911 calls, and any video tapes in the possession of the LAPD..." taken by LAPD and non-LAPD personnel remain exempt pursuant to Government Code Section 6254(f).

If you have any questions, please respond to this email.

Respectfully,

LAPD Public Records & Subpoena Response Section, CPRA
Unit

[View Request 22-5229](#)

<https://lacity.nextrequest.com/requests/22-5229>



The All in One Records Requests Platform

Questions about your request? Reply to this email or sign in to contact staff at City of Los Angeles.

Technical support: See our [help page](#)

Too many emails? [Change your email settings here](#)