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JOURNALISM

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF LOS ANGELES

13 | LOS ANGELES CENTER FOR INVESTIGATIVE JOURNALISM

Petitioner,

Case No. 26STCP00390

**VERIFIED PETITION FOR
DECLARATORY RELIEF AND WRIT OF
MANDATE UNDER THE CALIFORNIA
PUBLIC RECORDS ACT**

[Gov't Code § 7923.000]

16 CITY OF EL MONTE,
17 Respondent

INTRODUCTION

1. This Verified Petition for Declaratory Relief and Writ of Mandate seeks to enforce the rights of the public and Petitioner Los Angeles Center for Investigative Journalism (“Petitioner” or “LACIJ”) to disclosure of secondary employment records of law enforcement officers employed by the City of El Monte (“Respondent” or “the City”). For no legally valid reason, the City of El Monte refused Petitioner’s requests for copies of these records, in which the public has a compelling interest in disclosure.

8 2. As the Legislature declared in adopting a landmark law on disclosure of police
9 records, “The public has a strong, compelling interest in law enforcement transparency because it
10 is essential to having a just and democratic society.” S.B. 1421, § 4, 2017–18 Reg. Sess. (Cal.
11 2018) (codified at Pen. Code, §§ 832.7–832.8).

12 3. Accordingly, the public has a right to know the identity and employment status of
13 law enforcement officers, as “[p]eace officers operate in the public realm on a daily basis.”
14 (*Commission on Peace Officer Standards & Training v. Superior Court* (2007) 42 Cal.4th 278,
15 301.) (*POST*). The public also has a right to know how much money police officers make, given
16 that “peace officers as a general category” do not “have a privacy interest in their identity
17 sufficient to render salary records confidential.” (*Int’l Fed’n of Pro. & Tech. Eng’rs, Local 21,*
18 *AFL-CIO v. Superior Ct.* (2007) 42 Cal.4th 319, 344.) As the California Supreme Court
19 confirmed, there is a “strong public interest in knowing how the government spends its money,”
20 and access to salary information of public employees is necessary “to expose corruption,
21 incompetence, inefficiency, prejudice, and favoritism,” if any. (*Id.* at p. 333.)

22 4. The same is true for secondary employment of police officers, which is subject to
23 strict limits by statute and policy. The public has a right to verify whether the El Monte Police
24 Department is complying with those restrictions. Concealing the basic facts of an officer's
25 secondary employment from the public is therefore legally unjustifiable, as law enforcement
26 officers do not possess a "recognized privacy interest in such innocuous information." (*POST*,
27 *supra*, 42 Cal.4th at 301.)

5. Consistent with these principles, Petitioner and the public are entitled to disclosure of the records at issue under the California Public Records Act (“Public Records Act”) (Gov. Code, § 7920.000 *et seq.*), and the California Constitution. (Cal. Const. art. I, § 3, subd. (b).)

6. Yet, despite Petitioner’s request, the City has withheld virtually all records relating to the secondary employment of its police officers based on the mistaken claim that such records contain “personal information akin to a home address” in which the public has no valid interest. The people have a compelling interest in confirming that outside employment of police officers does not present any conflict of interest or otherwise detract from the officers’ ability to serve and protect the public as they are sworn to do.

7. To bring the City into compliance with California law and vindicate LACIJ's and the public's right of access to records regarding the secondary employment of City-employed law enforcement officers, this Petition should be granted.

PARTIES

8. The Los Angeles Center for Investigative Journalism is a nonprofit journalistic organization based in the San Gabriel Valley that seeks to provide free, nonpartisan, and data-driven reporting to its 1.8 million residents. Its flagship publication, *Investigate LA*, has broken stories concerning political corruption and the relationship between municipal and federal authorities in cities across the San Gabriel Valley. Petitioner is a person within the meaning of Government Code section 7920.520 and a member of the public within the meaning of Government Code section 7920.515.

9. The City of El Monte is a local agency under Government Code section 7920.510 that is in possession of the records requested by LACIJ and located in Los Angeles County.

JURISDICTION AND VENUE

10. According to Government Code section 7923.000, “[a]ny person may institute a proceeding for injunctive or declarative relief, or for a writ of mandate ... to enforce that person’s right under” the Public Records Act “to inspect or to receive a copy of any public record or class of public records.”

1 11. According to Government Code section 7923.100, “[w]henever it is made to
2 appear, by verified petition to the superior court of the county where the records or some part
3 thereof are situated, that certain public records are being improperly withheld from a member of
4 the public, the court shall order the officer or other person charged with withholding the records to
5 disclose those records or show cause why that person should not do so.”

6 12. The relief sought by Petitioner is authorized under Government Code sections
7 7923.000 and 7923.100, Code of Civil Procedure sections 1060 and 1085, and Article 1, section
8 3(b) and Article VI, section 10 of the California Constitution.

9 13. Venue is proper under Code of Civil Procedure sections 394 and 395 and
10 Government Code section 7923.100. Petitioner is informed and believes that the records to which
11 it seeks access are in Los Angeles County and that the acts and events giving rise to the claim
12 occurred in Los Angeles County.

FACTUAL BACKGROUND

14 14. Through his reporting, LACIJ editor Albert Serna learned that an El Monte police
15 officer earned over \$400,000 in 2023, more than many city managers and police chiefs in the San
16 Gabriel Valley. Other officers earned over \$300,000. At a time when El Monte was experiencing
17 significant budgetary challenges, it spent more than \$17 million in overtime pay for police officers
18 over a five-year period. Some officers earn more than double their base pay in overtime.
19 According to LACIJ's flagship publication, *Investigate LA*, El Monte's overtime payouts were
20 unusually high compared to cities of similar size.

21 15. LACIJ seeks to report on outside or secondary employment of El Monte police
22 officers. Outside employment of public employees is subject to strict conflict of interest rules set
23 forth in Government Code section 1126, which, for example, prohibits employees from being paid
24 for any work that is subject to approval by another member of the government body which
25 employs them.

26 16. In addition, peace officers are subject to detailed conditions when employed "as a
27 private security guard or patrolman by a private employer while off duty from his or her principal

1 employment and outside his or her regular employment as a peace officer, and exercising the
2 powers of a peace officer concurrently with that employment.” (Pen. Code, § 70, subd. (d).)

3 17. The City has a detailed policy restricting outside employment of city employees.
4 Full-time city employees are required to fill out and submit a “Secondary Outside Employment
5 Form” and submit it to their Department Director before engaging in secondary employment.
6 Employees who are engaged in secondary employment and fail to notify the City beforehand are
7 subject to disciplinary action up to and including dismissal from employment with the City, and
8 City employees are not permitted to do additional work for the City as part of their secondary
9 employment or leverage their status as City employees for private gain as part of their secondary
10 employment. The City’s general policy on outside employment states, for example, “Any non-
11 sworn personnel in the Police Department shall only be required to adhere to this city-wide
12 administrative policy. All Police Department sworn personnel shall refer to the Police Department
13 *Outside Employment Policy and Procedure No. 1021.*” A true and correct copy of the City’s
14 general outside employment policy is attached hereto as **Exhibit A**.

15 18. The City has a detailed policy restricting outside employment of police officers in
16 particular. Employees of the El Monte Police Department (“EMPD”) are required to receive
17 written approval from the Chief of Police before receiving wages, compensation, or other
18 consideration of value from an employer not directly affiliated with the EMPD; this is done
19 through the submission of an “Outside Employment Application” which is submitted to the
20 employee’s direct supervisor and transmitted up the department’s chain of command. Failure to
21 receive written approval leaves employees subject to disciplinary action, and approval cannot be
22 granted for activities which seek to leverage the employee’s status as a peace officer or access to
23 EMPD equipment for private gain. The EMPD policy also states, for example, that “no member of
24 this department may engage in any outside or secondary employment as a private security guard,
25 private investigator or other similar private security position.” A true and correct copy of the
26 EMPD’s outside employment policy is attached hereto as **Exhibit B**.

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1 19. On February 28, 2025, Mr. Serna, on behalf of LACIJ, submitted a Public Records
2 Request, numbered 270 by the City and received by the City on March 3, 2025, seeking public
3 disclosure of records possessed by the City.

4 20. Request #270 sought copies of “all officer off-duty records from January 1, 2019 to
5 the date of receipt of this request,” including but not limited to copies of any permits that the
6 EMPD may have issued which would have authorized EMPD officers to seek and/or hold
7 secondary employment with private entities. Request #270 also sought copies of “[p]olicies related
8 to secondary employment of officers.” A true and correct copy of Request #270 is attached hereto
9 as **Exhibit C**.

10 21. In response to Request #270, the City sent a letter addressed to Mr. Serna on June
11 18, 2025. In the letter, the City stated that policies regarding secondary or outside employment of
12 police officers could be found on the City’s website. The City further stated that 14 EMPD
13 officers held an “authorized outside work permit.” However, the City refused to disclose copies of
14 actual permits for secondary employment by police officers, asserting that the such records qualify
15 as “peace officer ‘personnel records’” under Penal Code section 832.8. A true and correct copy of
16 the City’s June 18, 2025 letter is attached hereto as **Exhibit D**.

17 22. Counsel for LACIJ sent a letter to the City via electronic mail on September 3,
18 2025, seeking access to the secondary employment records covered by Request #270 that the City
19 refused to disclose, as well as certain other records. A true and correct copy of said letter is
20 attached as **Exhibit E**.

21 23. The City responded by letter dated December 2, 2025, agreeing to disclose certain
22 other records sought by Petitioner but continuing to withhold records relating to secondary
23 employment. The City again contended that these documents are exempt from release under Penal
24 Code section 832.8, asserting that they contain “personal information akin to a home address.”
25 A true and correct copy of the City’s December 2, 2025 letter is attached hereto as **Exhibit F**.

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CAUSE OF ACTION

(Unlawful Refusal to Disclose Public Records)

3 24. Petitioner realleges and incorporates by this reference paragraphs 1 through 23
4 above as though fully set forth herein.

5 25. The Public Records Act provides that “access to information concerning the
6 conduct of the public’s business is a fundamental and necessary right of every person in this
7 state.” (Gov. Code, § 7921.000.)

8 26. The records sought in Request #270 and this Petition are public records as defined
9 in Government Code section 7920.530 because they concern the conduct of public business and
10 are necessary for LACIJ and the public to verify the City's compliance with statutes and policies
11 restricting outside employment of police officers that prevent such employment from creating
12 conflicts of interest or detracting from the ability of officers to fulfill their sworn duty to serve and
13 protect the public.

14 27. The records sought in Request #270 are subject to disclosure under the Public
15 Records Act and Article I, section 3(b) of the California Constitution.

16 28. The City's refusal to disclose all records sought in Request #270 violates the Public
17 Records Act and Article I, section 3(b) of the California Constitution.

18 29. The City cannot show that all records sought by Request #270 are exempt from
19 disclosure or that the City's delays in disclosure are justified.

20 35. LACIJ has no plain, speedy, and adequate remedy to obtain the public records the
21 City has refused to disclose, other than the declaratory and writ relief sought by this Petition.
22 LACIJ is entitled to institute proceedings for a writ of mandate and for declaratory and injunctive
23 relief to enforce the right to obtain all records responsive to Request #270. Further, the case should
24 proceed consistent with the requirement that Public Records Act cases be scheduled “with the
25 object of securing a decision as to the matters at issue at the earliest possible time.” (Gov. Code, §
26 7923.005.)

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays as follows:

1. That the Court grant the Petition for Writ of Mandate and order the City to disclose all of the records requested in Request #270;

2. That the Court grant declaratory relief finding and declaring that Article I, section 3(b) of the California Constitution and the Public Records Act mandate disclosure of the records sought in Request #270, and that the City's response and near-total denial of said Request violated the foregoing laws;

9 3. That the Court grant declaratory relief finding and declaring that the City's
10 response to and processing of Request #270 violated Government Code section 7922.530(a) and
11 Government Code section 7923.625(a).

12 4. Alternatively, if the Court does not immediately issue the declaratory relief set
13 forth above and order the City to produce the records sought by Request #270, that the Court order
14 the City to show cause why the records should not be released and the requested declaratory relief
15 should not be awarded and order the City to prepare a log of withheld records, and that it
16 thereafter grant the requested declaratory relief and order that the requested records be disclosed;

17 5. Alternatively, if the Court does not immediately issue the declaratory relief set
18 forth above and order disclosure of the records sought by Request #270, that the Court conduct an
19 in camera review, if it deems it necessary, of some or all of the records sought by Request #270
20 pursuant to Government Code section 7923.105(a) and that it thereafter grant the requested
21 declaratory relief and order that the requested records be disclosed;

22 6. That Petitioner be awarded attorney's fees and costs against the City and/or any
23 other individual or entity who may attempt to block disclosure of the records sought by Request
24 #270 pursuant to Government Code section 7923.115(a) and/or Code of Civil Procedure section
25 1021.5; and

26 7. For such other and further relief as the Court may deem just and proper.

1 Dated: January 27, 2026

2 FIRST AMENDMENT COALITION

3
4 By


5 DAVID LOY
6 AARON R. FIELD
7 JUNIPER W. LICINIO
8 Attorneys for Petitioner
9 LOS ANGELES CENTER FOR
10 INVESTIGATIVE JOURNALISM

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VERIFICATION

I, Albert Serna Jr, am the executive director of the Los Angeles Center for Investigative Journalism (“LACIJ”), the Petitioner in this action.

I have read the foregoing Verified Petition for Declaratory Relief and Writ of Mandate under the California Public Records Act. I am informed and believe the matters stated therein to be true, and on that ground I alleged that the matters stated therein are true. I have authority to make this verification on behalf of LACIJ.

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

10 Executed on January 27, 2026 in El Monte, California.

Albert Serna Jr.
Albert Serna Jr.

Exhibit A

Secondary and/or Outside Employment

Section 1.2

PURPOSE

To provide guidelines for full-time City employees engaging in employment with a second employer or engaging in self-employment.

POLICY

Each full-time employee of the City shall inform their Department Director or designee, the HR/RM Director, and the City Manager if they intend to engage in any employment, activity or enterprise for compensation (“secondary employment”) in addition to their regular employment with the City. An employee proposing to engage in any secondary employment shall inform their Department Director in writing prior to engaging in the secondary employment of the time to be spent on such activity and the nature of the activity.

The employee shall obtain a *Secondary Outside Employment Form* from the HR/RM Department and submit the completed form to their Department Director or designee for evaluation. Forms must be submitted at least two (2) weeks before starting such secondary employment or self-employment.

The *Secondary Outside Employment Form* does not need to be completed on an annual basis – only when/if the secondary employment changes.

In evaluating a secondary employment, the City retains the right to consider whether such secondary employment may impact the organization as follows:

- Impairment of Efficiency and Physical Well-Being - The secondary employment must not involve such time demands or performance of such arduous tasks as to interfere with the employee's effectiveness or leave the employee tired or subject to injury in their City position.
- Workers' Compensation - The secondary employment must not leave the City liable for any injury or illness incurred in such secondary employment.
- Conflict of Interest and Public Relations - The secondary employment must not, or must not have the potential to, adversely affect or reflect upon the employee, the employee's position with the City, or the City.

Secondary employment without notification can result in disciplinary action up to and including dismissal if any of the above three (3) factors negatively impact an employee and/or the City. Notification for secondary employment is evidenced only by a copy of the *Outside Secondary Employment Form* with all required signatures.

City employees are prohibited from contracting or engaging in business activity with the City as a source of secondary employment, including the performance of services outside the scope of their normal employment duties and responsibilities.

City employees are prohibited from pursuing a business license or secondary employment within the boundaries of the City if said activity is for providing services on behalf of an approved City vendor or

contractor doing business with the City, if said services is similar or equivalent to their duties as a City employee. For example, a maintenance worker who opens a business activity to conduct maintenance work for a City assigned contractor or vendor.

As an adjunct to the above, the employee shall not use City time, facilities, equipment, or supplies for private gain on more than a *de minimis* basis unless prior approval has been secured from the employee's Department Director or designee, the HR/RM Director, and the City Manager.

Likewise, the employee shall not use the badge, uniform, prestige, or influence of the City for the employee's private gain or advantage, unless prior approval has been secured from the employee's Department Director or designee, the HR/RM Director, and the City Manager.

This policy does not apply to sworn personnel assigned to security or safety duties pursuant to and consistent with the City's film permit requirements.

Police Department Policy: Any non-sworn personnel in the Police Department shall only be required to adhere to this city-wide administrative policy. All Police Department sworn personnel shall refer to the Police Department *Outside Employment Policy and Procedure No. 1021*.

OPERATIONAL PROCEDURE

Employee	Notifies immediate supervisor that secondary employment is being considered.
	Obtains an <i>Outside / Secondary Employment Form</i> from the HR / RM Department.
	Completes and signs form and submits to immediate supervisor for processing.
Sworn Police Department Employee	Follows policy and procedures provided in the Police Department <i>Outside Employment Policy and Procedure No. 1021</i> .
Department Head	Evaluates request and considers impact on department and organization. Either approves, approves with modifications, or disapproves.
	If disapproves, notifies employee with reason for disapproval.
	If approves, or approves with modifications, transmits to HR/RM Director for further processing.
HR / RM Director	Reviews and recommends to the City Manager approval with modification, or disapproval of the request.
City Manager	Reviews submitted request.
	Approves or approves with modifications and transmits to the HR /

RM Department.

Disapproves request and transmits with reason(s) to the Department.

HR / RM Department

Receives form and places in employee's official personnel folder. Notifies employee and Department Director, via email, of City Manager's decision.

ATTACHMENT – SECONDARY EMPLOYMENT FORM



City of El Monte

Application for Outside Work Permit

Refer to City's Secondary and/or Outside Employment Policy

EMPLOYEE INSTRUCTIONS: Complete Section 1. Sign and route to supervisor.

SUPERVISOR INSTRUCTIONS: Route approved form to Human Resources. Provide a copy to employee. Retain a copy in the Department Personnel File.

SECTION 1 – EMPLOYEE		
Last Name, First Name, Middle Initial	Employee ID Number	Date
Classification Title and Number	Department	
I hereby request approval to perform outside work in accordance with City Policy. Details of the outside work are described below.		
Name of Employer	Number of work hours Weekly	Duration of employment From _____ to _____
Employer's complete mailing address		Telephone
Description of outside work		
I understand and agree that, if my application is approved, the Appointing Authority may end or modify my outside work activities at his/her discretion:		
Signature		Date
SECTION 2 – SUPERVISOR DEPARTMENT DIRECTOR	SECTION 3 - HUMAN RESOURCES RISK MANAGEMENT	SECTION 4 – CITY MANAGER
Approval for employee named above to perform outside work is: <input type="checkbox"/> Approved <input type="checkbox"/> Not Approved	 <input type="checkbox"/> Approved <input type="checkbox"/> Not Approved	Approval for the employee to perform outside work is: <input type="checkbox"/> Approved <input type="checkbox"/> Not Approved
Supervisor Name	Human Resources/Risk Management	City Manager
Signature _____ Date _____	Signature _____ Date _____	Signature _____ Date _____
Department Head		
Signature _____ Date _____		

Exhibit B

Outside Employment

1021.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1021.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1021.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

1021.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

El Monte Police Department

POLICIES

POLICIES

Outside Employment

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

1021.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked
- (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

1021.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- (a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department
- (c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department
- (d) Involves time demands that would render performance of the employee's duties for this department less efficient

El Monte Police Department

POLICIES

POLICIES

Outside Employment

1021.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:
 - 1. The officer(s) shall wear the departmental uniform/identification.
 - 2. The officer(s) shall be subject to the rules and regulations of this department.
 - 3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
 - 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
 - 5. Outside security services shall not be subject to the collective bargaining process.
 - 6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1021.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1021.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

El Monte Police Department

POLICIES

POLICIES

Outside Employment

1021.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

1021.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

Employees shall promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1021.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the El Monte Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

Exhibit C

PRR # 270



**Los Angeles Center for
Investigative Journalism**

Feb. 28, 2025

El Monte City Clerk
Griselda Contreras
City Hall East
11333 Valley Blvd
El Monte, CA 91731

RECEIVED
CITY CLERK'S OFFICE
2025 MAR - 3 A 9:23

Dear Ms. Griselda Contreras,

Pursuant to the state open records law Cal. Gov't Code Secs. 6250 through 6276.48, I write to request access to and a copy of El Monte Police Department records related to all officer's off-duty records from January 1, 2019 to the date of receipt of this request. This includes but is not limited to:

- Copies of the department's PERMIT FOR SECONDARY EMPLOYMENT.
- Policies related to secondary employment of officers

I request that you release records for this request on a rolling basis as they become available and in electronic form. The requested documents will be made available to the general public, and this request is not being made for commercial purposes. If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address.

I agree to pay any reasonable copying and postage fees of not more than \$20. If the cost would be greater than this amount, please notify me. Please provide a receipt indicating the charges for each document.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material. If you require further clarification please respond via email and I will be happy to offer clarification.

Thank you for your assistance.

Sincerely,

Albert Serna Jr.
P.O. BOX 4821
El Monte, CA 91734
626.999.1615

Exhibit D



CITY OF EL MONTE

CITY CLERK'S OFFICE

Gabriel Ramirez
City Clerk

Griselda Contreras,
Chief Deputy City Clerk /
Records Manager

June 18, 2025

SENT VIA ELECTRONIC MAIL

Mr. Albert Serna Jr.
editor@investigatela.org

Re: Response to Your Public Records Request Received by the City of El Monte on March 3, 2025

Dear Mr. Albert Serna:

This letter responds to your request for records (the "Request") made pursuant to the California Public Records Act (the "Act"), which was received by the City of El Monte (the "City") on March 3, 2025.

In accordance with the Act, the City has completed its search for responsive documents. With certain exceptions under the California Penal Code, peace officer personnel records are both confidential and privileged (Govt. Code Section 7927.705). Your request seeks the following:

- Policies related to secondary employment of officers; and
- Copies of the [El Monte Police] Department's permits for secondary employment.

With respect to the first bullet point, policies regarding secondary (or outside) employment can be found under Section 1021 of Chapter 10 of the El Monte Police Department Manual which can be found at the following link: <https://www.ci.el-monte.ca.us/DocumentCenter/View/3728/El-Monte-Police-Policy-Manual-01-22-20>.

With respect to the second bullet point, please be advised that such records qualify as peace officer "personnel records" which includes personal data, medical history, and any other information the disclosure of which would constitute an unwarranted invasion of privacy (Penal Code Section 832.8). Accordingly, the copies of police officer permits would constitute an undue invasion of officer privacy. Nevertheless, the City can confirm that there are currently fourteen (14) members of the El Monte Police Department with an authorized outside work permit.

This completes the City's response to your Request.

Respectfully,

A blue ink signature of the name Karina Casas.

Karina Casas

Exhibit E



Juniper Licinio
Legal Fellow
jwlicinio@firstamendmentcoalition.org
(510) 214-6053

September 3, 2025

VIA ELECTRONIC MAIL

Karina Casas
Deputy City Clerk
City of El Monte
11333 Valley Boulevard
El Monte, CA 91731
Email: cityclerk@elmonteca.gov

Re: 2025 Public Records Request Nos. 270, 274, 455 - Albert Serna Jr.

Dear Ms. Casas:

The First Amendment Coalition (“FAC”) is a nonprofit public interest organization dedicated to advancing free speech, open and accountable government, and public participation in civic affairs. I am writing on behalf of Albert Serna Jr., executive editor at the Los Angeles Center for Investigative Journalism, to address the City’s response to multiple California Public Records Act (“CPRA”) requests that he submitted. For the reasons explained below, the City is exposed to litigation under the CPRA if it does not disclose the records he requested.

1. CPRA Requests and Responses

On February 28, 2025, Mr. Serna submitted two Public Records Requests (“PRRs”) numbered 270 and 274 to the City. PRR #270 requested copies of the El Monte Police Department’s (“EMPD”) records “related to all officer’s off-duty records from January 1, 2019, to the date of receipt of this request,” including copies of any permits that the EMPD may have issued for secondary employment of its officers and any policies relating to the secondary employment of EMPD officers. PRR #274 requested copies of the EMPD’s officer timesheets from January 1, 2025, through February 28, 2025.

Mr. Serna further specified that the response should include “any and all publicly available information, including but not limited to name, rank, and titles; dates and times; and overtime, secondary employment, and patrol logs. Mr. Serna additionally requested in both PRRs that the City provide a written explanation for denying the requests should they be denied, including specific references to any statutory exemptions that the city may rely on, and copies of segregable portions of otherwise exempt materials. Both of these requests were received by the City on March 3.

The City responded to both requests on March 17 with a determination that certain of the records Mr. Serna requested were exempt from disclosure under Government Code sections 7927.700, 7927.705, Evidence Code section 1060, and Article I of the California Constitution.¹

¹ The March 17 letter omits the section of Article I to which it refers. I assume the City intended to assert the right to privacy under Article I, section 1 of the California Constitution. In addition, the reference to Evidence Code section 1060, which concerns trade secrets, may be a typographical error. It is difficult to see what trade secrets are implicated by Mr. Serna’s requests. To the extent a public agency may assert

The City informed Mr. Serna that all of the information which it deemed subject to disclosure would be available to him on March 31, 2025. The City did in fact release some documents to Mr. Serna on that date, but these documents were deficient and not fully responsive to his PRRs.

For example, the records released pursuant to PRR #270 did not include any permits issued by the City relating to secondary employment and, to the extent that records relating to secondary employment were released, the City redacted the specifics of the officers' secondary employment such that only the hours and amounts earned by each officer during the course of said employment were made available, without listing the full names and ranks of the officers involved nor any description of the type(s) of secondary employment any officer was engaged in. Similarly, the documents disclosed by the City subject to PRR #274 did not include the full names of any EMPD officers, nor did they include the dates and times of their service or any records related to overtime, secondary employment, or patrol logs.

After inquiring about the deficient and incomplete nature of the records released to him, Mr. Serna received a response from the City on April 3, 2025, relating to PRR #274 which specified that "the City is unable to provide the requested 'officer timesheets from January 1, 2025 to February 28, 2025,' as the responsive documents are exempt from disclosure due to privacy reasons. (See Govt. Code Section 7927.700)." In an email exchange with Mr. Serna dated May 6, 2025, the City further clarified its position by asserting that it was legally barred from releasing the requested records:

With certain exceptions under California Penal Code section 832.7, peace officer personnel records are both confidential and privileged. As further defined in Section 832.8, "personnel records" means any file maintained under that individual's name by his or her employing agency containing records relating to any of the following: personal data, medical history, election of employee benefits, employee advancement/appraisal/discipline, complaints or investigations of complaints, and any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

In a letter sent by the City to Mr. Serna on June 18, 2025, the City further asserted that the secondary employment records requested in PRR #270 were also "confidential and privileged," citing the same alleged privacy exemption outlined in the May 6 email. In that letter, the City revealed that 14 police officers currently held an "authorized outside work permit"; however, the names and ranks of these officers remain unknown. Mr. Serna has not received any further responses from the City relating to these public records requests.

In addition, by letter dated April 8, 2025, and emailed April 9, 2025, Mr. Serna sent PRR #455 seeking "access to and a copy of El Monte Police Department officer timesheets from January

the trade secret privilege as an exemption from disclosure under the CPRA, the privilege typically applies to records of a private entity shared with the agency. See *Amgen Inc. v. California Correctional Health Care Services*, 47 Cal. App. 5th 716, 733–34 (2020). In addition, as you may know, Government Code section 7927.705 does not by itself create any exemptions from disclosure. Instead, it merely incorporates exemptions contained in laws outside the CPRA, which are discussed below.

1, 2023 to December 31, 2024.” This request contained similar language to Request #274 and was apparently received by the City on April 9, 2025. The City emailed Mr. Serna with a response on June 16, 2025, but as Mr. Serna replied by email on June 17, 2025, the records disclosed by the City “do not appear to be time sheets.”

2. The Disclosure of the Requested Records Would Not Jeopardize Officers’ Privacy Rights.

As detailed above, the City alleges that it is exempt from disclosing the requested timesheet and secondary employment records to Mr. Serna on the grounds that “peace officer personnel records” as defined in Penal Code section 832.8(a) are exempt from disclosure under the CPRA pursuant to Penal Code section 832.7.

This assertion does not hold water under California law. The plain text of the relevant statutes, as well as numerous state court precedents, establish that the records requested by Mr. Serna do not fall under the exemptions established in Penal Code sections 823.7 and 832.8. The Supreme Court of California has ruled that section 832.7 does not create the sort of “blanket exception” the City asserts:

[W]e conclude that the Court of Appeal's construction of section 832.8, although consistent with the statute's language, is unreasonable because it would lead to arbitrary and anomalous results. Under the Court of Appeal's interpretation, the circumstance that a document was placed into a file that also contained the type of personal or private information listed in the statute would render the document confidential, regardless of whether the document at issue was of a personal or private nature, and regardless of whether it was related to personnel matters. For example, as counsel for the Commission conceded at oral argument, a newspaper article praising or criticizing the particular act of an officer could be deemed confidential if placed into such a file.

Commission on Peace Officer Standards and Training v. Superior Court, 42 Cal. 4th 278, 290 (2007) (“POST”) (holding that Penal Code section 832.7 does not create a blanket exception for any and all information stored in personnel files).

In the same case, the California Supreme Court explicitly ruled that Penal Code sections 832.7 and 832.8 do not protect the disclosure of an officer’s name, employing department, or dates of employment from public disclosure under the CPRA and that peace officers do not have a recognized privacy interest in this “innocuous information.”² See *POST, supra*, at 301, see also

² The Court’s finding that peace officers lack a recognized privacy interest in “innocuous information” relating to current employment necessarily defeats any claims based on Government Code section 7927.700, as that statute only protects records from disclosure if the act of disclosing them would constitute “an unwarranted invasion of privacy.” The same is true for any assertion of a right to privacy under Article I, section of the California Constitution. See *Marken v. Santa Monica-Malibu Unified Sch. Dist.*, 202 Cal. App. 4th 1250, 1271 (2012). The result is also the same to any extent the City intended to assert the CPRA’s catchall exemption, Gov. Code § 7922.000, or the official information privilege, Evid. Code § 1040, since those exemptions parallel each other and the personnel records exemption in section

id. at 295 (“We find no indication that the Legislature, in adopting sections 832.7 and 832.8, was concerned with making confidential the identities of peace officers or the basic fact of their employment.”).

Additionally, California courts have consistently ruled that the salaries of peace officers and other public employees are subject to disclosure under the CPRA notwithstanding Penal Code sections 832.7 and 832.8(a) or Government Code section 7927.700. *Int'l Fed'n of Pro. & Tech. Eng'rs, Local 21, AFL-CIO v. Superior Ct.*, 42 Cal. 4th 319, 331–34, 340–46 (2007) (“Local 21”). As the California Supreme Court said, “peace officers as a general category” do not “have a privacy interest in their identity sufficient to render salary records confidential.” *Id.* at 344. Timesheet information is regularly used as a basis for calculating how much a police officer should be paid for their service via, e.g., recording how many hours of overtime (if any) a particular officer has worked in a given month; therefore, timesheet data is integral for understanding precisely how an officer’s salary is determined.

Ultimately, California courts have held that Penal Code section 832.7 protects only specific types of personal records which are explicitly outlined in section 832.8(a) from public disclosure, including officers’ marital status, home address, educational and employment history, medical history, election of employee benefits, and internal employee performance reviews. The records sought by Mr. Serna do not fall within sections 832.7 and 832.8(a) because they do not contain “the type of personal information that is commonly provided by an employee to his or her employer during the application process or upon employment,” but rather they contain information “specific to the [officer’s] current job” collected over the course of their employment that is subject to disclosure. *Ibarra v. Superior Court*, 217 Cal. App. 4th 695, 704 (2013) (holding service photographs were not protected as personnel records of peace officers). Therefore, the City must release the relevant EMPD officers’ full names and titles, salary and timesheet information, and any secondary employment permits requested by said officers under the CPRA, as all of these records were generated in the course of and are specific to the officer’s current employment with the EMPD.

The records requested by Mr. Serna in PRRs #270, #274, and #455 (and which the City has declined to furnish him with) do not fall under any of the narrow exemptions to the CPRA present in Penal Code sections 832.7 or 832.8(a), as Mr. Serna has not requested and he is not interested in receiving any protected personal information related to any specific officer’s medical records, employee benefits, marital history, or any other type of protected personal information. However, the full names and ranks of police officers who were on duty during the specified dates and times, their timesheet information, and any secondary employment permits they may have received are well within the realm of public disclosure notwithstanding any provision of the Penal Code because they are specific to the current job held by the officers in question and do not inherently expose any personally identifying information of the type forbidden under section 832.8(a).³

³ 7927.700. See *CBS, Inc. v. Block*, 42 Cal. 3d 646, 656 (1986); *Braun v. City of Taft*, 154 Cal. App. 3d 332, 345 (1984).

³ The City has made no claim or offered any evidence that disclosure of a particular officer’s timesheets or secondary employment records would threaten the officer’s safety.

As the California Supreme Court has confirmed, there is a “strong public interest in knowing how the government spends its money,” and it noted that access to name and salary information of public employees is necessary “to expose corruption, incompetence, inefficiency, prejudice, and favoritism,” if any. *Local 21*, 42 Cal. 4th at 333; *cf. Maranatha Corr., LLC v. Dep’t of Corr. & Rehab.*, 158 Cal. App. 4th 1075, 1086 (2008) (“The Legislature has made clear that the government’s business is the people’s business and that California’s citizens have a right to full disclosure of all information which affects the public fisc.”). Even as to routine operations, the government is not entitled to “exercise absolute discretion, shielded from public accountability,” and “the public interest demands the ability to verify” the proper performance of official duties. *Connell v. Superior Court*, 56 Cal. App. 4th 601, 617 (1997).

If the public has a right to know an officer’s name and salary, it has a right to disclosure of records documenting whether the officer has properly earned that salary. The public also has a right to know whether secondary employment approved by EMPD presents any potential for conflict of interest or corruption. It may well be that disclosure would reveal no such concerns, but the public has a right to verify whether EMPD has properly made that determination.

The City should therefore make immediate and full disclosure of the records requested by Mr. Serna. (Note that, even if the requested records do in fact contain some personally identifying information protected from disclosure under Penal Code section 832.7, the City is nevertheless required to furnish Mr. Serna with a sanitized version of the requested records which redacts said personal information but nevertheless retains all information which is legally subject to disclosure under the CPRA.)

If the records requested by Mr. Serna are not furnished in a prompt and transparent manner, the above-outlined violations of the CPRA would expose the City to litigation that would likely result in an order compelling disclosure under the CPRA and an award of substantial attorneys’ fees and expenses. See Gov. Code § 7923.115. I hope this matter may be resolved without litigation if possible. Please let me know if the City agrees to promptly disclose the records Mr. Serna requested and make it unnecessary for him to pursue legal action.

Sincerely,

FIRST AMENDMENT COALITION

s/Juniper Licinio

Juniper Licinio
Legal Fellow

Exhibit F



CITY OF EL MONTE

CITY CLERK'S OFFICE

Gabriel Ramirez
City Clerk

Griselda Contreras,
Chief Deputy City Clerk /
Records Manager

December 2, 2025

SENT VIA ELECTRONIC MAIL

Ms. Juniper Licinio
jwlicinio@firstamendmentcoalition.org

Re: City of El Monte's Response to First Amendment Coalition's Electronic Mail Dated September 3, 2025, Regarding Albert Serna Jr.'s California Public Records Requests

Dear Ms. Juniper Licinio:

This letter responds to your electronic mail regarding Albert Serna Jr.'s requests for records (the "Requests") made pursuant to the California Public Records Act (the "Act"), numbered #270 and #274.

The City with the assistance of the City Attorney's Office has undertaken a secondary review of the Requests and will be amending our response to include responsive timesheets, with all leave time data redacted. While a public employee salary is undoubtedly a public record subject to disclosure, records encompassing something more than just salary, such as "selection of benefits, insurance plans, and investments ... reveal information related to the individual's personal financial decisions but little, if anything, about the operations of the employing entity." The disclosure of such information would constitute an unwarranted invasion of personal privacy. (*Int'l Fed'n of Pro. & Tech. Eng'r's, Loc. 21, AFL-CIO v. Superior Ct.* (2007) 42 Cal. 4th 319, 345.) In addition, the officers' timesheets include information on when the employee elected to use her employee benefits, including holiday, sick, and vacation leave. This information shall be redacted as privileged under Penal Code Section 832.8(a)(3).

The City will continue to withhold all additional responsive documents with regard to the officer's secondary work permit. Such documents include the name of the business where the employee wishes to work, the business address and phone number, the total weekly hours the employee expects to work at the outside employment, and the hourly wages the employee expects to receive at the outside employment. The permit also includes the Chief's signature signifying the application was approved and an indemnity agreement. Such information contained in this permit is privileged under Penal Code Section 832.8, which protects "[p]ersonal data, including marital status, family members, educational and employment history, home addresses, or similar information." Data regarding where an officer chooses to work outside of their employment with the City is personal information akin to a home address, which is protected under Penal Code Section 832.8. It has very little to do with the officer's public employment, it is not generally known, and it should be kept private for the officer's safety.

This concludes the City's response.

Respectfully,

A handwritten signature in blue ink, appearing to read "Karina Casas".

Karina Casas
Deputy City Clerk