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THOMAS R. BURKE (State Bar No. 141930)
thomasburke@dwt.com
DAVIS WRIGHT TREMAINE LLP
505 Montgomery Street, Suite 800
San Francisco, California 94111-6533
Telephone: (415) 276-6500
Facsimile: (415) 276-6599

KAREN A. HENRY (State Bar No. 229707)
karenhenry@dwt.com
BRENDAN N. CHARNEY (State Bar No. 293378)
brendancharney@dwt.com
DAVIS WRIGHT TREMAINE LLP
865 S. Figueroa Street, Suite 2400
Los Angeles, California 90017-2566
Telephone: (213) 633-6800
Facsimile: (213) 633-6899

Attorneys for Petitioner
MUSLIM ADVOCATES

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

MUSLIM ADVOCATES,

Petitioner,

v.

THE CITY OF LOS ANGELES; THE LOS ANGELES POLICE DEPARTMENT; DOES 1 THROUGH 10, INCLUSIVE,

Respondents.

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A6150 ORIGINAL

FILED
Superior Court of California
County of Los Angeles

JUL 25 2016

Sherri R. Carter, Executive Officer/Clerk
By M. Soto, Deputy
Moses Soto

D-85
CHALFANT

Case No. **BS 163755**

VERIFIED PETITION FOR WRIT OF MANDATE DIRECTED TO THE CITY OF LOS ANGELES AND THE LOS ANGELES POLICE DEPARTMENT ORDERING COMPLIANCE WITH THE CALIFORNIA PUBLIC RECORDS ACT; EXHIBITS A-Z.

[Gov't Code §§ 6250 et seq.]

CITY/CASE: BS163755
LEA/DEF#:
RECEIPT #: CCHS24880083
DATE PAID: 07/25/16 12:51 PM
PAYMENT: \$435.00 310
RECEIVED:
CHECK: \$435.00
CASH: \$0.00
CHANGE: \$0.00
CARD: \$0.00

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1 Under Code of Civil Procedure §§ 1085 *et seq.* and the California Public Records Act,
2 Gov't Code §§ 6250 *et seq.*, petitioner Muslim Advocates ("Petitioner" or "Muslim Advocates")
3 petitions this Court for a writ of mandate directed to Respondents the City of Los Angeles (the
4 "City") and the Los Angeles Police Department ("LAPD" or "Department"), to comply with the
5 California Public Records Act ("CPRA"). By this verified Petition, Muslim Advocates alleges:

6 **SUMMARY OF ALLEGATIONS**

7 1. This action seeks to bring to light public records regarding a "Community
8 Mapping" program announced by the LAPD to surveil Muslims in Los Angeles. The LAPD has
9 offered evolving justifications for its refusal to produce records concerning the program: at first,
10 the LAPD claimed no records existed; after Muslim Advocates challenged this position through
11 several months of correspondence, the LAPD produced only a handful of e-mails, without
12 attachments, from a time period well after the program's end. The LAPD continues to refuse to
13 disclose remaining records stored on e-mail archives (from the critical period during which the
14 program was conceived and organized), falling back on an argument that it would be too
15 burdensome to search for these records — even though the LAPD concedes that it has been able to
16 search these archives in the past for the LAPD's own purposes. As discussed below, the LAPD's
17 arguments are not credible; indeed, they are contradicted by documents and statements authored
18 by the LAPD itself, as well as by reliable press reports. The LAPD must search for and produce
19 responsive records, and must also assist a requestor like Muslim Advocates in overcoming any
20 practical barriers to obtaining the records. The LAPD has refused to do so. Muslim Advocates
21 has attempted to obtain the Department's cooperation through correspondence, but it has ceased
22 responding, rendering this action necessary.

23 **PARTIES**

24 2. Petitioner Muslim Advocates, a 501(c)(3) nonprofit corporation domiciled in the
25 District of Columbia and registered to do business in California, is a national legal advocacy and
26 educational organization that counters anti-Muslim bigotry, empowers Muslim communities
27 through charity and education, and fights discrimination through litigation and policy engagement.
28 As part of this advocacy, Muslim Advocates disseminates information to its members and to the

1 public about proposed government surveillance and profiling of Muslim communities. To do so,
2 Muslim Advocates depends on access to public records. As such, Muslim Advocates is within the
3 class of persons beneficially interested in Respondents' performance of its legal duties under the
4 CPRA.

5 3. Respondent City of Los Angeles is a government agency duly organized and
6 operating in Los Angeles County, California. Respondent LAPD is a department of the City.
7 Therefore, the City and the LAPD each are local agencies subject to the CPRA and may be
8 compelled to release improperly withheld public records. See Gov't Code §.6252(a).

9 4. Muslim Advocates alleges on information and belief that the fictitiously named
10 Respondents sued herein as Does 1 through 10, and each of them, are responsible or legally liable
11 for the actions, events and circumstances alleged in this Petition. The true names and capacities of
12 such fictitiously-named Respondents are presently unknown to Muslim Advocates, and Muslim
13 Advocates will seek leave of Court to amend this Petition to assert the true names and capacities
14 of such fictitiously named Respondents when they have been ascertained. All Respondents,
15 including both the named Respondents and those referred to as Does 1 through 10, are referred to
16 collectively as "Respondents."

17 5. Muslim Advocates alleges on information and belief that Respondents, and each of
18 them, were at all relevant times the agents, employees, partners, joint-venturers, co-conspirators,
19 owners, principals, and/or employers of the remaining Respondents, and each of them are, or at all
20 times herein mentioned were, acting within the course and scope of that agency, partnership, joint
21 venture, conspiracy, ownership, or employment. Muslim Advocates further alleges on
22 information and belief that the acts and conduct herein alleged of each such Respondent were
23 known to, authorized by and/or ratified by the other Respondents, and each of them.

24 6. Muslim Advocates alleges on information and belief that the information it seeks
25 from Respondents is maintained under the custody of Respondents in Los Angeles County.

26 **BACKGROUND OF "COMMUNITY MAPPING" PROGRAM**

27 7. On October 30, 2007, Deputy Chief Michael P. Downing, then serving as the
28 Commanding Officer of the LAPD's Counter-Terrorism/Criminal Intelligence Bureau, appeared

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1 before the U.S. Senate Committee on Homeland Security and Governmental Affairs, where he
2 presented a statement ("Senate Statement") that discussed the LAPD's "Community Mapping"
3 program. Deputy Chief Downing told the U.S. Senate that:

4 In order to give our officers increased awareness of our local Muslim communities,
5 *the LAPD recently launched an initiative with an academic institution to conduct*
6 *an extensive 'community mapping' project.* We are also soliciting input of local
7 Muslim groups, so the process can be transparent and inclusive. While this project
8 will lay out the geographic locations of the many different Muslim population
9 groups around Los Angeles, we also intend to take a deeper look at their history,
10 demographics, language, culture, ethnic breakdown, socio-economic status, and
11 social interactions. It is our hope to identify communities, within the larger Muslim
12 community, which may be susceptible to violent ideologically-based extremism
13 and then use a full-spectrum approach guided by an intelligence-led strategy ...
14 *For the past 18 months,* the LAPD's outreach and grassroots dialogue with
15 Muslim communities has helped the entire command staff to observe, learn, engage
16 and, most importantly, listen. (Emphasis added.)

17 A true and correct copy of the Senate Statement, as it appeared as of January 4, 2016, on the
18 official website of the LAPD at <<http://www.lapdonline.org/assets/pdf/Michael%20Downing>
19 [TestimonyfortheU.S.Senate-Final.PDF](http://www.lapdonline.org/assets/pdf/Michael%20Downing)>, is attached as **Exhibit A**.

20 8. On November 8, 2007, shortly after the Senate Statement, Muslim Advocates
21 joined the ACLU of Southern California, the Islamic Shura Council, and the Council on American
22 Islamic Relations to send the LAPD an open letter expressing concern that "[s]ingling out
23 individuals for investigation, surveillance, and data-gathering based on their religion constitutes
24 religious profiling that is just as unlawful, ill-advised, and deeply offensive as racial profiling..."

25 A true and correct copy of this November 8, 2007 letter is attached as **Exhibit B**.

26 9. On November 14, 2007, following protests by Muslim groups and civil libertarians,
27 the LAPD announced it would drop the "Community Mapping" Program. This decision was
28 reported by several news outlets, including in an article by Richard Winton and Teresa Watanabe
titled "LAPD's Muslim Mapping Plan Killed," which was published in the Los Angeles Times on
November 15, 2007, and is available at <[http://articles.latimes.com/print/2007/nov/15/local/me-](http://articles.latimes.com/print/2007/nov/15/local/me-muslim15)
Attached as **Exhibit C** is a true and correct copy of the article as it appeared on the
above URL on January 4, 2016. Tellingly, the article referred to Departmental documents
regarding the "Community Mapping" Program that still have not been produced by the LAPD in
response to Muslim Advocates' CPRA Request.

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1 **MUSLIM ADVOCATES' CPRA REQUEST AND SUPPLEMENTAL REQUESTS**

2 10. On December 12, 2013, Muslim Advocates' then-Legal Director Glenn Katon sent
3 a Public Records Act request (the "Request") to the LAPD's Discovery Section, directed to its
4 custodian of records. A true and correct copy of Muslim Advocates' December 12, 2013 Public
5 Records Act Request is attached as **Exhibit D**. Item No. 2 in the Request sought "[a]ll records
6 reflecting or relating to the 'community mapping' program, as described in the Senate Statement"
7 of Deputy Chief Downing. The Request made clear that it sought "records ... for the period
8 September 11, 2001, through the present [December 12, 2013]." (Exh. D at p. 1.)

9 11. In response, the LAPD asserted a 14-day extension to respond to Muslim
10 Advocates' Request. A true and correct copy of the LAPD's December 19, 2013 letter is attached
11 as **Exhibit E**.

12 12. On January 17, 2014, more than a month after receiving it, the LAPD responded to
13 Muslim Advocates' Request. In response to Item No. 2, referring to the "Community Mapping"
14 Program, the LAPD stated that "[t]here are no documents responsive to your request." A true and
15 correct copy of the LAPD's January 17, 2014 letter responding to Muslim Advocates' request is
16 attached as **Exhibit F**.

17 13. The LAPD's response to a separate but related CPRA request illustrates that
18 records ordinarily would exist regarding a Departmental program such as the "Community
19 Mapping" program. For example, in response to another item in the Request seeking records
20 about the "LAPD's outreach and grassroots dialogue with Muslim Communities" (Item No. 1), the
21 LAPD produced a November 2007 LAPD white paper titled "Muslim Community Engagement
22 Initiative" that identifies goals, phases of implementation, and even an institutional partner for the
23 "Engagement Initiative." A true and correct copy of the November 2007 LAPD white paper titled
24 "Muslim Community Engagement Initiative" is attached as **Exhibit G**.

25 14. On March 27, 2014, Muslim Advocates' counsel, Christopher Craig, wrote to the
26 LAPD to request "the basis for, or a correction of, the Department's ... response to Item No. 2 of
27 the Request... that '[t]here are no documents responsive to your request.'" A true and correct copy
28 of Mr. Craig's March 27, 2014 letter is attached as **Exhibit H**. (See p. 2, Item No. 4.)

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15. In light of Deputy Chief Downing's statement to the United States Senate, it is simply implausible that no documents exist. (See Exhibit H, p. 2, Item No. 4.) To make that point clear, Muslim Advocates' March 27 letter reminded the LAPD that:

- a. The Senate Statement stated that the program had already been "recently launched," and was part of a "grassroots dialogue with Muslim communities" that had been in progress "for the past 18 months," meaning that there must be some documentation reflecting the program's preparation, goals, or progress, such as reports, proposals, meeting agendas, meeting minutes, or similar records. (Exh. H at p. 2 (emphasis added).)
- b. Just as "the November 2007 'Muslim Community Engagement Initiative' White Paper produced by the Department ... identifies goals, phases of implementation, and even an institutional partner ... there may be documents outlining the development, objectives, and progress of the potentially separate initiative that was already underway at the time of Deputy Chief Downing's Senate testimony. It may even describe the partnership with the unnamed academic institution mentioned in his Senate Statement." (Id. at pp. 2-3)

16. Muslim Advocates' March 27 letter also sought to understand whether the LAPD expended reasonable good-faith efforts in its search. Specifically, the letter made a supplemental request for records concerning the LAPD's "effort to comply with the Request, including...[identification of] key custodians...that would be likely to maintain responsive files; Department communications regarding this request; any summaries prepared of the Request; and the name and title of the person in charge of responding to the Request" ("Supplemental Request"). (See Exh. H at p. 1, Item No. 1; p. 3, item no. 4.b.) The Supplemental Request also sought "all records reflecting how [records relating to the "Community Mapping" Program] were destroyed or are no longer within the Department's possession custody or control." (See Exh. H at p. 2, Item No. 4.)

1 17. After a delay of three months, the LAPD replied to Muslim Advocates on July 2,
 2 2014. A true and correct copy of the July 2, 2014 letter, along with records produced by the
 3 LAPD in connection with the July 2, 2014 letter, is attached hereto as **Exhibit I**. The LAPD’s
 4 reply did not explain or correct the LAPD’s claim that no records exist relating to the “Community
 5 Mapping” Program, nor did it provide records helpful in understanding the Department’s search,
 6 as sought by Muslim Advocates’ Supplemental Request.¹ (Exh. I at p. 3.) Instead, the LAPD
 7 merely repeated that “no responsive records were found.” (Id.)

8 18. By its own admission, the LAPD’s process for identifying responsive records was
 9 flawed. (See Exh. I at p. 2.) In response to Muslim Advocates’ separate request for records
 10 relating to the LAPD’s “outreach and grassroots dialogue with Muslim Communities,” the LAPD
 11 produced a document it identified as a 2007 article, but the document itself refers to events in
 12 2010, meaning it is impossible that the document was created in 2007. Muslim Advocates pointed
 13 this out in its March 27, 2014 letter (see Exh. H. at p. 1), forcing the LAPD to concede its error
 14 (see Exh. I at p. 2).

15 19. The LAPD’s July 2 reply also claimed that Deputy Chief’s Downing’s
 16 representations to the U.S. Senate regarding the “Community Mapping” program were “derived
 17 from non-Department related news articles,” (Exh. I, p. 3) even though Muslim Advocates’ prior
 18 letter attached the Senate Statement– which remains available on the LAPD’s official website.

19 **MUSLIM ADVOCATES SEEKS ASSISTANCE TO OVERCOME PRACTICAL**
 20 **BARRIERS AND TO CORRECT THE LAPD’S INACCURATE REPRESENTATIONS**

21 20. Given the implausibility of the LAPD’s position that no documents exist regarding
 22 the “Community Mapping” Program, and the apparent inaccuracy of several of the LAPD’s prior
 23 representations, Muslim Advocates sent another letter on August 1, 2014, seeking an explanation
 24 or correction of the LAPD’s position. A true and correct copy of the August 1, 2014 letter is
 25 attached hereto as **Exhibit J**.

26 _____
 27 ¹ In connection with its belated reply to Muslim Advocates’ follow-up letter (see Exh. I),
 28 the LAPD produced approximately 40 pages of documents regarding its purported “search” for
 records, consisting mainly of e-mails forwarding the Request among Department personnel. None
 of the documents detail the particular efforts made to search for the records, such as the use of
 term-based computer searches or review of particular hard-copy repositories. (See Exh. I.)

1 21. The letter also asked the LAPD to assist Muslim Advocates in identifying
2 responsive records. In the letter, Muslim Advocates made a Second Supplemental Request,
3 making clear that Muslim Advocates sought records of the search terms used, electronic databases
4 that were searched (as well as available databases that were not searched), and the paper files that
5 were searched by the LAPD in response to the initial Request. (Exh. J at p. 1.) The letter also
6 asked the LAPD to “search [its] email system and other electronic databases for the term
7 ‘Community Mapping’ and provide screen shots of the use of the term and databases searched.”
8 (Id. at p. 2). Muslim Advocates offered to “speak by phone with personnel in [the LAPD’s]
9 Information Technology Department to discuss the technical details of these searches and the
10 Department’s electronic storage systems for e-mails and records.” (Id.)

11 22. The August 1, 2014 letter also responded to the LAPD’s characterization of the
12 Statement as a “non-Department related news article[]” by pointing out that “[t]he Senate
13 Statement of a Department Commanding Officer is a direct source, not a news article.” (Exh. J at
14 p. 2.)

15 23. In light of the LAPD’s inaccurate representations and implausible position, Muslim
16 Advocates explained that it must see actual records of the LAPD’s search efforts to verify the
17 Department’s representations, and to overcome the practical barriers to production claimed by the
18 Department. (Exh. J at pp. 1-2.)

19 24. The LAPD replied more than two weeks later on August 19, 2014, but did not
20 provide a substantive response. Instead, it again invoked the “statutory fourteen days extension of
21 time in which to respond,” and promised a substantive response “as soon as possible.” A true and
22 correct copy of the LAPD’s August 19, 2014 letter is attached as **Exhibit K**.

23 25. On March 16, 2015, Muslim Advocates’ undersigned counsel followed up with the
24 LAPD to request a response to Muslim Advocates’ letter. A true and correct copy of the March
25 16, 2015 letter (omitting Exhibit A containing correspondence otherwise attached to this Petition)
26 is attached hereto as **Exhibit L**.

27 26. On March 26, 2015, the City Attorney’s Office contacted Muslim Advocates’
28 counsel and stated that it was assisting the Department in identifying responsive, non-exempt

1 records. A true and correct copy of the March 26, 2015 e-mail from Deputy City Attorney Julie
2 Raffish to counsel for Muslim Advocates is attached hereto as **Exhibit M**.

3 27. On April 1, 2015, counsel for Muslim Advocates spoke with the City Attorney's
4 Office via telephone; during the call, Deputy City Attorney Julie Raffish agreed to work with the
5 LAPD to fulfill Muslim Advocates' Request. On April 6, 2015, Ms. Raffish sent an e-mail
6 promising that the Department would "conduct a further search for responsive records, [and]
7 confirm the capabilities of any necessary systems utilized to identify and/or extract responsive
8 records." A true and correct copy of the March 26, 2015 e-mail exchange between Deputy City
9 Attorney Julie Raffish and counsel for Muslim Advocates is attached hereto as **Exhibit N**.

10 28. On April 20, 2015, the LAPD finally provided a response to Muslim Advocates'
11 August 1, 2014 letter. A true and correct copy of the LAPD's April 20, 2015 letter is attached as
12 **Exhibit O**. Despite the passage of more than eight months, the Department did not produce
13 records on April 20, and offered only minimal cooperation with Muslim Advocates' Request. The
14 Department agreed only to "conduct a 'search term' query of the email accounts for ... seven
15 former/current Department employees ... using the following search terms: 'Muslim Mapping,'
16 'Community Mapping,' and 'Mapping Program'" — but only for e-mail created after 2013. (Exh.
17 O at p. 3.)

18 29. In other words, the LAPD refused to search for the bulk of e-mail records within
19 the time period of the Request: "September 11, 2001, through the present [December 12, 2013]."
20 (Exh. D at p. 1.)

21 30. In its April 20, 2015 letter, the LAPD continued to claim that there were no more
22 responsive records, and made several representations; of particular relevance here, it argued that,
23 the "Community Mapping" Program was "never implemented" — even though it was described in
24 2007 to the Senate as "recently launched." (Exh. O at p. 2; Exh. A at p. 7.) The Department also
25 claimed that "[d]iscussions concerning said proposed program had been conceptual up to [the
26 point of the Senate Statement], and involved verbal dialogue with other possible non-
27 governmental participants or program partners." (Exh. O at p. 2.)
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1 31. Perhaps anticipating that Muslim Advocates would successfully challenge this
2 claim (as discussed below), the LAPD added several purported justifications for refusing to search
3 for e-mail related to the "Community Mapping" Program; most pertinently, the Department
4 claimed that searching for e-mail prior to 2013 would be an "undue burden" because these e-mails
5 were stored on backup tapes. As part of this argument, the LAPD claimed, among other things,
6 that "the Department does not possess the machines necessary to perform back-up retrieval for
7 email older than [2010] and would therefore deny a request for such e-mail." (Exh. O at p. 3.)

8 32. The LAPD's April 20, 2015 letter also misstated Muslim Advocates' Request,
9 claiming that "none of the correspondence generated by Muslim Advocates or its legal
10 representative ever provided a time period within which it sought production of responsive
11 emails." Exh. O at p. 2. In fact, Muslim Advocates' initial Request clearly and explicitly
12 requested "records ... for the period September 11, 2001, through the present [December 12,
13 2013]." (Exh. D at p. 1.)

14 33. On May 27, 2015, Muslim Advocates followed up to better understand the basis of
15 the Department's refusal to search pre-2013 e-mail, with the goal of obtaining assistance from the
16 Department in overcoming the practical barriers to disclosure that the Department had asserted by
17 claiming an "undue burden." A true and correct copy of the May 27, 2015 letter (omitting Exhibit
18 A containing correspondence otherwise attached to this Petition) is attached hereto as **Exhibit P**.
19 In particular, Muslim Advocates posed several questions to the Department regarding:

- 20 a. the method and software used to create e-mail backups;
- 21 b. the hardware, software, and personnel action that would be required to
22 restore the backup tapes; and, if the Department no longer had such
23 equipment, how it lost possession of it;
- 24 c. whether the Department had previously accessed pre-2010 email from
25 backup files; and, if so, how so and for what purpose; and
- 26 d. the factual basis for the Department's position that "[d]iscussions
27 concerning [the Community Mapping] program had been conceptual ... and
28 involved verbal dialogue" — a position that the Department could not

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possibly verify unless it searched its e-mail system to confirm the absence of written dialogue, which it refused to do.

(Exh. P at pp. 1-3.)

34. On June 4, 2015, the LAPD replied, but again failed to provide a substantive response. Instead, the Department stated that “[y]our correspondence has been forwarded to the Department’s Information Technology Bureau for review. A response will be provided as soon as it is available.” A true and correct copy of the LAPD’s June 4, 2015 letter is attached as Exhibit

Q.

35. After waiting more than six weeks for a substantive response, Muslim Advocates’ counsel sent another letter on July 27, 2015 to remind the LAPD of its obligations under the CPRA and to insist on a substantive response. A true and correct copy of the July 27, 2015 letter (omitting Exhibit A containing correspondence otherwise attached to this Petition) is attached hereto as Exhibit R.

36. On July 30, 2015, the LAPD responded to Muslim Advocates’ May 27 letter. A true and correct copy of the LAPD’s July 30, 2015 letter is attached as Exhibit S. The LAPD’s responses to Muslim Advocates’ requests for assistance contradicted its earlier representations and seriously undermined the Department’s justification for refusing to produce records. In particular, the Department admitted that:

- a. it “has recently become aware that it possesses some of th[e] equipment” needed to restore pre-2010 backups (Exh. S at p. 4, item (l)) (despite claiming earlier that the LAPD “does not possess the machines necessary to perform back-up retrieval for email older than [2010]” (see Exh. O at p. 3)); and
- b. “pre-2010 tapes have been accessed by Information Technology Division personnel for investigations and requests” — even though the Department continues to deny Muslim Advocates’ Request for e-mail from this period (Exh. S at p. 4, item (m)).

1 37. The LAPD also retreated from its previous representation that discussions
2 regarding the "Community Mapping" Program involved only "verbal dialogue." (See Exh. O at p.
3 2.) In response to Muslim Advocates' questions, the Department conceded that there might be
4 pre-2010 e-mail discussion regarding the "Community Mapping" Program and downplayed its
5 representation regarding "verbal dialogue," claiming this was somehow "intended to provide
6 background and context—not as an express statement that [verbal dialogue] constituted the
7 exclusive method of all such communications." (Exh. S at p. 5, item (p).)

8 38. The LAPD's July 30, 2015 response also made clear that the email backup data was
9 accessible to the Department, admitting that:

- 10 a. the Department has the backup data for 2001-2013 e-mail in its possession
- 11 saved on disk or tape storage media (see Exh. S at items (c) and (j)); and
- 12 b. these back-ups are "full" backups (see Exh. S at items (a) and (h)) (meaning
- 13 that only one set of backup tapes or discs would be required to restore e-
- 14 mail from the backed-up time period).

15 39. On September 21, 2015, Muslim Advocates followed up with the Department and
16 reiterated its request for e-mail records from 2001-2013. A true and correct copy of the Sept. 21,
17 2015 letter (omitting Exhibit A containing correspondence otherwise attached to this Petition) is
18 attached hereto as **Exhibit T**. In its letter, Muslim Advocates pointed out that the Department's
19 July 30, 2015 response established that the Department "has the equipment and personnel to
20 search for and retrieve e-mail records from back-up data, with respect to e-mail from 2010-2013;
21 and with respect to e-mail from before 2010," and that "the Department can conduct the search
22 through ordinary information technology processes, and has done so in the past for other
23 purposes." (Exh. T at p. 1-2.)

24 40. Since the LAPD represented that it cannot perform a "global" search across
25 individual accounts but is able to search within a particular user's e-mail account, Muslim
26 Advocates provided the names of seven specific individuals likely to have information regarding
27 the Community Mapping program (such as Deputy Chief Downing), and asked the LAPD to
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1 search backup data within those seven accounts. (Exh. T at p. 2.) As required by the CPRA,
2 Muslim Advocates requested a response within 10 days, i.e., by October 1, 2015.

3 41. On October 7, 2015, the Department replied. A true and correct copy of the
4 LAPD's Oct. 7, 2015 letter is attached as **Exhibit U**. In its October 7, 2015 letter, the Department
5 agreed to produce records in response to only a subset of the Request: e-mail records created after
6 2010. The Department continues to flatly deny the portion of the Request seeking e-mail records
7 from 2001-2010 — the period most germane to a request about a program launched in 2007. The
8 Department also rejected Muslim Advocates' attempt to cooperate with the Department by
9 identifying seven custodians, stating that the Department "disagrees" that Muslim Advocates'
10 "identification of seven past or present Department employees, in any way 'focuses the search'"
11 so as to "allay" the Department's concerns. (Exh. U at p. 2.)

12 42. In its October 7 letter, the Department stated it had identified 4,500 pages of e-mail
13 from after 2010 which "may or may not be responsive" to Muslim Advocates' Request. The
14 Department stated it would review the documents to determine the Department's position as to
15 whether each document was disclosable, i.e., whether each document was responsive to the
16 Request or exempt from disclosure under the CPRA. The Department estimated that it would take
17 six weeks to determine its position as to whether the 4,500 records were disclosable. (Exh. U at p.
18 1.)

19 43. On November 2, 2015, Muslim Advocates followed up with the Department. A
20 true and correct copy of the November 2, 2015 letter (omitting Exhibit A containing
21 correspondence otherwise attached to this Petition) is attached hereto as **Exhibit V**. Muslim
22 Advocates was gratified that months of correspondence had caused the Department to finally
23 agree to cooperate, at least in part, by producing a portion of the records. But Muslim Advocates
24 was again forced to remind the Department of its obligations under the CPRA, pointing out that,
25 under Cal. Gov't Code § 6253(c), a public agency has up to 10 days to determine whether
26 requested records are disclosable under the CPRA — a deadline that can be extended in "unusual
27 circumstances" only for an additional 14 days. In other words, the Department continued to
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1 violate the CPRA by invoking another six-week-plus delay to determine whether the records were
2 disclosable. (Exh. V at p. 1.)

3 44. In its November 2, 2015 letter, Muslim Advocates also pointed out that even
4 though the Department now conceded that e-mail records might exist regarding the "Community
5 Mapping" Program, the Department was still wrongfully withholding any e-mail records created
6 between 2001-2010, which the Department now sought to justify by claiming that searching
7 records contained in its e-mail backup system would constitute an "undue burden." Muslim
8 Advocates reminded the Department that the CPRA imposes a heavy burden on an agency to
9 justify such a refusal to produce records in the agency's control. Muslim Advocates cited caselaw,
10 the Department's own representations, and documentation from the LAPD's own backup software
11 to persuade it to search for and disclose the "Community Mapping" records. (Exh. V at 2-3.)

12 45. Since the Department's "undue burden" claim represented a purported "practical
13 barrier" to production, Muslim Advocates also requested assistance from the Department in
14 overcoming this barrier. In particular, Muslim Advocates asked the Department to identify the
15 specific number of personnel hours involved, the effect on the Department's functioning, and how
16 it had been able to access pre-2010 e-mail in the past despite the Department's claim that such
17 access constituted an "undue burden." (Exh. V at p. 3-4.)

18 46. The LAPD replied on November 12, 2015. A true and correct copy of the LAPD's
19 Nov. 12, 2015 letter is attached as **Exhibit W**. In response to Muslim Advocates' request for
20 assistance, the Department listed factors that it claimed would delay a search of pre-2010 e-mail
21 backups, including, among other things, that the personnel available to undertake a search also
22 have other responsibilities, and one IT employee was out of the office. (Exh. W at p. 3-4.) The
23 Department contends that fulfilling the Request would take "a minimum of 960 hours" and that
24 the Department could "set aside approximately 8 hours per week" only for this project — meaning
25 the Department claims to need more than two years (plus the time that has already passed) to
26 search the e-mail records of seven departmental personnel for records related to a single program
27 announced in 2007. Although the Department composed a detailed calculation of the personnel
28 time it claimed would be required to fulfill the Request, it did not reply at all to Muslim

1 Advocates' questions regarding how the Department was able to overcome the claimed burden to
2 access pre-2010 e-mail backups in the past. (See Exh. V at p. 4.) Instead of engaging
3 constructively to identify methods for efficiently searching for the records, the Department
4 doubled down on its resistance to disclosure, claiming that it is "difficult to understand" the public
5 interest in records relating to a program that was proposed but (according to the Department) not
6 implemented. (See Exh. W at p. 3.)

7 47. On November 18, 2015, the Department provided correspondence forwarding the
8 results of the Department's search for e-mail records from 2010-2013. A true and correct copy of
9 the LAPD's Nov. 18, 2015 letter, along with the records produced in connection with the letter, is
10 attached as **Exhibit X**. Although the Department had previously identified approximately 4,500
11 pages of post-2010 e-mail as potentially responsive to the Request, it produced only five pages. It
12 did not specify whether the remaining 4,495 records were withheld subject to an exemption to the
13 CPRA or because the Department contends these thousands of documents are nonresponsive.
14 Although at least 10 attachments are referenced in the e-mails, no attachments were produced.

15 48. On February 18, 2016, Muslim Advocates sent another letter to the LAPD. A true
16 and correct copy of the February 18 letter (omitting exhibits containing documents otherwise
17 attached to this Petition) is attached hereto as **Exhibit Y**. Muslim Advocates' letter cited
18 additional facts and authority showing that the Department's undue burden claim does not justify
19 withholding the records.

20 49. Muslim Advocates also responded to the Department's incredible claim that the
21 public interest does not favor disclosure of the requested records. (Exh. Y at pp. 4-5.) Records
22 regarding the proposed "Community Mapping" Program addressed a matter of public interest at
23 the time the Request was made in 2013, given that Department officials were reaching out to
24 Muslim communities during that time. To demonstrate the fact of public concern regarding this
25 outreach, attached as **Exhibit Z** is a true and correct copy of a CBS News article dated Sept. 19,
26 2013, and titled "LAPD Chief Beck to Host Muslim Community Forum," as it appeared on
27 January 6, 2016 at <[http://losangeles.cbslocal.com/2013/09/19/lapd-chief-beck-to-host-muslim-
28 community-forum/](http://losangeles.cbslocal.com/2013/09/19/lapd-chief-beck-to-host-muslim-community-forum/)> through printfriendly.com (which omits advertisements and comments).

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1 50. Muslim Advocates also pointed out that records regarding the proposed
2 “Community Mapping” Program are just as much in the public interest now, as public-safety
3 controversies continue to affect Muslim communities. To demonstrate the fact of public concern
4 regarding these safety controversies, attached as **Exhibit Z** is a true and correct copy of a
5 KUNC/NPR article by Martin Kast, dated Dec. 22, 2015, and titled “Counterterrorism Cops Try to
6 Build Bridges With Muslim Communities,” as it appeared on December 30, 2015, at
7 <[http://www.kunc.org/post/counterterrorism-cops-try-build-bridges-muslim-](http://www.kunc.org/post/counterterrorism-cops-try-build-bridges-muslim-communities#stream/0)
8 [communities#stream/0](http://www.kunc.org/post/counterterrorism-cops-try-build-bridges-muslim-communities#stream/0)>. Also attached as **Exhibit Z** is a true and correct copy of a New York
9 Times article by Ian Lovett dated Dec. 2, 2015, and titled “Los Angeles Police Dept. Seeks to
10 Reassure Local Muslims” as it appeared on December 30, 2015, at
11 <<http://www.nytimes.com/live/san-bernardino-shooting/lapd-seeks-to-reassure/>> through
12 printfriendly.com. Also attached as **Exhibit Z** is a true and correct copy of a New York Times
13 article by Samuel Freedman dated Mar. 6, 2015, and titled “Los Angeles Police Leader Makes
14 Outreach to Muslims His Mission” as it appeared on December 30, 2015, at
15 <<http://www.nytimes.com/2015/03/07/us/lapd-deputy-chief-muslims.html>>.

16 51. In its letter, Muslim Advocates reminded the LAPD that it was still refusing to
17 assist Muslim Advocates to overcome practical barriers to obtaining the records, given that the
18 LAPD completely ignored Muslim Advocates’ request to explain how the Department was able to
19 avoid an “undue burden” when the Department accessed pre-2010 e-mail on past occasions. (Exh.
20 V at p. 3-4.) Muslim Advocates’ letter restated and amplified Muslim Advocates’ previous
21 request for assistance, asking the LAPD to: (1) identify search requests that the LAPD previously
22 performed on pre-2010 e-mail backups within the last three years and explain how search terms,
23 custodian limitations, or other search restrictions made the search possible; and (2) “[i]dentify and
24 propose search terms or methodologies that would reduce the burden the Department claims
25 would be required to review pre-2010 e-mail,” such as limiting the search to certain custodians or
26 working with third-party vendors to reduce the burden on Departmental personnel. (Exh. Y at p.
27 7.)
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52. Muslim Advocates also asked the Department to explain why approximately 4,495 records were withheld in response to the portion of Muslim Advocates' Request seeking post-2010 e-mail and, if any records were withheld subject to a claim of CPRA exemption; to identify the claimed exemption(s). Muslim Advocates also requested that the Department promptly produce the attachments referenced in the documents produced on November 18, 2015. (Id.)

53. Finally, Muslim Advocates reiterated its request that the Department provide the records sought by the August 1, 2014 Second Supplemental Request regarding the adequacy of the Department's search, including "all records of search terms used, and the databases those terms were run against; screen shots of the use of the term and databases searched; as well as the names and any summaries of paper files that were checked, and the names of available electronic databases and paper files that were not searched pursuant to the Requests." (Id.)

54. Respondents failed to respond to Muslim Advocates' February 18, 2016 letter.

RESPONDENTS' VIOLATIONS OF THEIR DUTIES UNDER THE CPRA

55. Respondents have violated the CPRA because the LAPD still refuses to search for the requested records from the relevant time period of 2001-2010, claiming it would be unduly burdensome to even attempt to find out which records exist. (See Exh. W at p. 3.) Respondents also have failed to fulfill their duty to assist Muslim Advocates in overcoming practical barriers to disclosing the records, in part by refusing to provide Muslim Advocates with indicia of the searches the LAPD has conducted in its email backups as to other time periods and subject matters. Based on the information set forth in this Petition, Muslim Advocates believes and therefore alleges that Respondents' failure to locate records responsive to the Request — including pre-2010 e-mail and other records — resulted from a search that failed to expend good-faith "reasonable effort," in violation of the CPRA. Respondents' serial delays in responding to Muslim Advocates' requests for records and follow-up correspondence also independently violate the CPRA, along with Respondents' failure to provide a reason for their determination to withhold approximately 4,495 post-2010 records stored on backed-up email, and their failure to produce attachments referred to in the 5 pages of post-2010 e-mail records that the LAPD did disclose.

1 First Cause of Action: Violation of CPRA § 6253(b) (Failure to Make Records

2 Available/Expend Reasonable Effort on Search)

3 56. The allegations in the foregoing paragraphs are hereby re-alleged and incorporated
4 herein by reference.

5 57. Respondents' failure to conduct an adequate search in response to Muslim
6 Advocates' initial Request and Supplemental Request; and continuing refusal to search at all for e-
7 mail records from 2001-2010 that are in the Department's possession, violates, among other
8 provisions of the Public Records Act, Gov't Code § 6253(b), which provides, in pertinent part,
9 that "[e]xcept with respect to public records exempt from disclosure by express provisions of law,
10 each state or local agency, upon a request for a copy of records that reasonably describes an
11 identifiable record or records, shall make the records promptly available to any person[.]"

12 58. First, it is implausible that the LAPD has no e-mail records from 2001-2010
13 regarding the "Community Mapping" Program. The LAPD's own statements suggest that it
14 possesses records, given that the 2007 Senate Statement delivered by the LAPD's own Deputy
15 Chief Downing characterizes the "Community Mapping" Program as "extensive," states that the
16 program was conducted in cooperation with a partner "academic institution," establishes that it
17 was already "launched" at the time of the Statement, and suggests it may have been in operation
18 for as long as 18 months in advance of the Statement. (See Exh. A at p. 7.)

19 59. Second, not only do the LAPD's own statements render implausible the LAPD's
20 claim that no records exist, additional evidence demonstrates a high likelihood that responsive
21 documents exist but have not been provided because of a deficient search by the LAPD. In
22 particular, highly credible news sources have reported the existence of specific responsive
23 documents and have suggested that others likely exist. On November 15, 2007, approximately
24 two weeks after Deputy Chief Downing's statement, the Los Angeles Times reported, in
25 connection with the cancellation of the "Community Mapping" Program, that,

26 "in a document reviewed by The Times last week, the department's counter-
27 terrorism bureau proposed using U.S. census data and other demographic
28 information to pinpoint Muslim communities and then reach out to them through
social service agencies."

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1 (See Exh. C.) The same article also stated that:

2 “[o]riginally, the LAPD planned to partner with USC’s National Center for Risk
3 and Economic Analysis of Terrorism Events in building the mapping program. But
4 after details of the effort were made public last week, USC officials said they were
5 carefully studying whether to join the endeavor and stressed that no deal had been
6 made.”

7 (See id.) This news report specifically identifies an LAPD document that proposed using census
8 data and social service agencies as part of the Community Mapping project, and it also strongly
9 suggests that USC and the LAPD engaged in at least some communications about the
10 “Community Mapping” Program before the Program was cancelled, and/or that the LAPD
11 provided the University of Southern California with materials concerning the “Community
12 Mapping” Program that USC could “study” in deciding whether to join the endeavor. These
13 communications and/or materials would be responsive to Muslim Advocates’ request for
14 documents relating to the “Community Mapping” Program. It is highly likely they were
15 transmitted via the common communication method of e-mail, and so a search for 2001-2010 e-
16 mail would likely identify these and other records.

17 60. Moreover, responsive documents exist regarding a similar “Community
18 Engagement Initiative,” suggesting that responsive documents should exist regarding the
19 “Community Mapping” Program. (See ¶ 15.b, above.) Just as the LAPD prepared a white paper
20 identifying goals, phases of implementation and specific partners for a “Muslim Community
21 Engagement Initiative,” it is to be expected that the LAPD prepared similar documentation for the
22 “extensive” “Community Mapping” Program that Deputy Chief Downing stated had already been
23 launched in partnership with another academic institution. (See Exh. G; Exh. A at p. 7.)

24 61. An important difference between the “Community Engagement Initiative” and the
25 “Community Mapping” Program is the LAPD’s motive to avoid further discussion or scrutiny of
26 the “Community Mapping” Program, given that the Program was cancelled shortly after public
27 protests highlighted its potential to undermine civil liberties and stoke anti-Muslim bias. The
28 “Community Engagement Initiative,” in contrast, uses careful language to avoid such concerns;
for instance, while the Senate Statement suggested the goal of community mapping would be
military-intelligence-style surveillance to “identify communities, within the larger Muslim

1 community, which may be susceptible to violent ideologically-based extremism and then use a
2 full-spectrum approach guided by an intelligence-led strategy,” the White Paper stated that the
3 goal of community engagement was to “learn about the Muslims in Los Angeles so that we can
4 approach them with a respectful understanding of their histories and what they hold dear,” and
5 emphasizes that its “goal is not to locate or target individuals, but rather to ensure that the local
6 LAPD commands understand the demographics of the Muslim communities they serve.”

7 (Compare Exh. A at p. 7 with Exh. G at p. 2.) This more careful approach to community
8 engagement is laudable, but public agencies are not permitted under the CPRA to release only
9 records that were made with care; they must also release records related to controversial or
10 cancelled programs, even if the public agency regrets having proposed the program, or used ill-
11 considered language in developing the program.

12 62. Third, the LAPD’s representations are simply not reliable, given that the
13 Department has made several inaccurate statements about its search results and search capacity in
14 the course of resisting disclosure. (See, e.g., ¶¶ 18-19, 32, 36-37, above.) What’s more, the
15 Department’s responses to other items in the Muslim Advocates’ Request indicates a failure to
16 properly search for, collect, and identify responsive records. In particular, the LAPD identified as
17 responsive a document it obtained from a third party after Muslim Advocates’ request, and
18 misidentified it as a 2007 document, even though the document itself referred to events in 2010
19 and stated it was downloaded in 2013. (See ¶ 18, above.) This error strongly suggests that the
20 LAPD’s methods of searching for and collecting documents are, at a minimum, not reliable.
21 Importantly, Muslim Advocates was able to point out the LAPD’s errors involved in collecting
22 and identifying this record only by seeing the record. Muslim Advocates needs to see records of
23 the LAPD’s search for “Community Mapping” records in order to evaluate whether the LAPD’s
24 claimed inability to find responsive records was also the result of error. It is not enough that the
25 Department produced e-mails showing that Muslim Advocates’ request was sent to various
26 Departmental personnel who may or may not have taken appropriate action to search their records.
27 (See ¶ 17, fn.1, above.) Muslim Advocates needs to see records that detail the particular efforts
28 made to search for the records, including all records of search terms used and the databases those

1 terms were run against; screen shots of the use of the term and databases searched; as well as the
2 names and any summaries of paper files that were checked, and the names of available electronic
3 databases and paper files that were not searched pursuant to the Requests. (See Exh. J at pp. 1-2.)

4 63. The LAPD, however, has failed to provide requested records that would show
5 whether the LAPD actually used reasonable efforts to conduct its search. (See ¶¶ 16, 17 (fn.1),
6 20-28, above.) The LAPD's failure to provide requested records regarding its search is itself a
7 violation of the CPRA and also suggests that the LAPD did not actually use reasonable efforts to
8 conduct the search.

9 64. Finally, the LAPD's fallback argument — that it would be an “undue burden” to
10 search for e-mail records from the time period of the request, even though the Department admits
11 that it has the e-mail records and has accessed them for other purposes — cannot justify
12 withholding these important records which relate to matters of deep and continuing public interest.
13 The records plainly concerned a matter of public interest when the “Community Mapping”
14 Program was announced to the U.S. Senate, remained in the public interest as Department officials
15 continued outreach to Muslim Communities at the time the Request was made in 2013, and are
16 just as much in the public interest now, as public safety controversies continue to affect Muslim
17 communities. (See Exh. Z.)

18 65. Moreover, the Deputy Chief who announced the “Community Mapping” Program
19 continues to make public statements regarding the relationship between Muslim communities and
20 public safety. (See Exh. Z.) Whatever the content of these Departmental statements, they further
21 demonstrate that the subject of Muslim Advocates' Request directly relates to the public's strong
22 interest in understanding the proposals, viewpoint, and methods of law enforcement agencies and
23 officials that engage with Muslim communities about public safety.

24 66. The Department has not supported its burden claim by identifying any specific
25 defect in Muslim Advocates' Request, nor could it do so. Indeed, Muslim Advocates has
26 restricted the requested search by date; by subject matter — the specific “Community Mapping”
27 Program announced in October 2007; and by identity of custodian, providing the names of seven
28 Department personnel whose e-mail accounts likely contain records regarding the Program. In

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1 other words, Muslim Advocates has attempted to cooperate by narrowing its Request with these
2 restrictions; the Department, on the other hand, attempts to advance its burden claim only by citing
3 deficiencies under the Department's own control.

4 67. Most importantly, the Department has accessed pre-2010 e-mail in the past, for
5 purposes of "investigations and requests." (See Exh. S at p. 4.) The Department, however, has
6 refused to explain how it was able to search its e-mail backups in the past. (Exh. V at p. 4, item
7 no. 3; Exh. W; Exh. Y at p. 7.) The Department's refusal to explain how it was able to fulfill other
8 requests severely undermines any claim that accessing these records is an undue burden. The
9 Department's decision to keep these records in the first place suggests the records are intended and
10 able to be accessed for the Department's own purposes. The fact that the Department has actually
11 accessed the e-mail in the past confirms that access is practical.

12 68. The Department's refusal to search pre-2010 records is also indefensible because
13 its refusal excludes records from the time period most germane to the Request: records created at
14 around the time that the "Community Mapping" Program was announced in 2007. Here, the pre-
15 2010 records that the Department claims would involve an "undue burden" are critical to
16 understanding the "Community Mapping" Program announced in 2007. Indeed, they constitute
17 the heart of Muslim Advocates' Request.

18 69. The LAPD has also violated Section by refusing to provide attachments referenced
19 in the documents produced by the Department on November 18, 2015. (See ¶¶ 47, 52, 54, above;
20 Exhs. X, Y.)

21 70. Muslim Advocates alleges on information and belief that Respondents will
22 continue to refuse to permit members of the public, including Muslim Advocates, to inspect or
23 obtain copies of the requested public records in violation of the CPRA.

24 **Second Cause of Action: Violation of CPRA §§ 6253(c), 6255 (Failure to Provide Reason for**
25 **Determination)**

26 71. The allegations in the foregoing paragraphs are hereby re-alleged and incorporated
27 herein by reference.
28

1 72. Respondents also have violated their duty to notify Muslim Advocates of the
 2 reasons for the Department’s determination that certain records are supposedly not disclosable.
 3 Gov’t Code § 6253(c) (agency shall “determine whether the request, in whole or in part, seeks
 4 copies of disclosable public records in the possession of the agency and shall promptly notify the
 5 person making the request of the determination and the reasons therefor” (emphasis added)); see
 6 also Gov’t Code §6255 (“agency shall justify withholding any record by demonstrating that the
 7 record in question is exempt under express provisions of this chapter or that on the facts of the
 8 particular case the public interest served by not disclosing the record clearly outweighs the public
 9 interest served by disclosure”).

10 73. In particular, after identifying approximately 4,500 records as potentially
 11 responsive to the portion of Muslim Advocates’ Request seeking post-2010 e-mail, the LAPD
 12 ultimately produced only 5 pages. (¶¶ 42, 47 above; Exhs. X.) The Department did not specify
 13 whether the remaining 4,495 records were withheld subject to a claim of exemption under the
 14 CPRA or because the Department contends these thousands of documents are nonresponsive. (Id.)
 15 Muslim Advocates asked the Department to explain why the records were withheld, and, if any
 16 records were withheld subject to an exemption claim, to identify the claimed exemption(s). (¶ 52,
 17 above; Exh. Y at p. 7.) The Department, however, never responded. (¶ 54, above.)

18 74. Muslim Advocates needs to know the Department’s purported reason(s) for
 19 determining that these 4,495 records can be withheld, as a requestor cannot challenge — or even
 20 evaluate — the propriety of an exemption claim if an agency refuses to even state whether it is
 21 claiming an exemption.

22 **Third Cause of Action: Violation of CPRA § 6253.1(a) (Failure to Assist Requestor)**

23 75. The allegations in the foregoing paragraphs are hereby re-alleged and incorporated
 24 herein by reference.

25 76. Respondents’ evasive or non-responses to Muslim Advocates’ correspondence
 26 independently violate Gov’t Code § 6253.1(a)(1)-(3). Those provisions require an agency to
 27 “[a]ssist the [requestor] to identify records and information that are responsive to the request or to
 28 the purpose of the request, if stated;” “Describe the information technology and physical location

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in which the records exist,” and “[p]rovide suggestions for overcoming any practical basis for denying access to the records or information sought.”

- a. In particular, Muslim Advocates asked the Department to provide details regarding the particular efforts that the Department made to search for the records, along with information about the electronic databases and physical repositories where the records might be found. (See ¶¶ 16-17 (fn.1), 20-28, 62-63; above; Exh. J at pp. 1-2.) The Department has not provided this assistance.
- b. The LAPD’s serial, months-long delays also violated the LAPD’s duty under Section 6253.1(a) to “reasonabl[y]” assist Muslim Advocates. Muslim Advocates requested assistance on March 27, 2014, but the Department took more than three months to respond (see ¶ 17, above; Exhs. H, I); Muslim Advocates had to request assistance again on August 1, 2014, but the Department took more than eight months to provide a substantive response (see ¶¶ 20-21, 24, 28, above; Exhs. J, K, L, O). Because the Department’s responses to these requests for assistance still left unclear the extent and sufficiency of the Department’s search for records, Muslim Advocates made another request for assistance on May 27, 2015; but the Department took more than two months to provide a substantive response. (See ¶¶ 33-36, above; Exhs. P, Q, R S.)
- c. The Department’s delays in responding are especially unreasonable in light of the fact that the California Legislature has made clear that “[n]othing in [the CPRA] shall be construed to permit an agency to delay or obstruct the inspection or copying of public records.” Gov’t Code §6253(d).
- d. In light of the Department’s claim that searching e-mail backups would constitute an “undue burden,” Muslim Advocates also asked the Department to explain how it was able to search its e-mail backups in the past, and to use this experience to provide suggestions for overcoming the

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practical “burden” that the Department claimed was involved in searching backups in response to Muslim Advocates’ Request. (See ¶ 45, above; Exh. V.) Even though Muslim Advocates amplified this request for assistance on February 18, 2016, the Department never responded, and still has not provided this assistance. (See ¶¶ 48, 51, 54, above; Exh. Y.)

Fourth Cause of Action: Violation of CPRA § 6253(c), (d) (Delay)

77. The allegations in the foregoing paragraphs are hereby re-alleged and incorporated herein by reference.

78. Respondents also have engaged in serial delays of weeks and even months in responding to Muslim Advocates’ requests, thereby violating Gov’t Code §6253(c), which provides, in pertinent part, that “[e]ach agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency.... In unusual circumstances, the time limit may be extended by written notice ... [but n]o notice shall specify a date that would result in an extension for more than 14 days.” After determining whether records are disclosable within 10 to 24 days, an agency “shall promptly notify the person making the request of the determination and reasons therefore,” Gov’t Code §6253(c), and must thereafter produce disclosable records “promptly,” Gov’t Code §6253(b). An agency is not permitted to “delay or obstruct the inspection or copying of public records.” Gov’t Code §6253(d).

79. Here, the LAPD has violated the CPRA by exceeding the statutory period to respond to Muslim Advocates’ initial Request and supplemental CPRA requests, and by failing to disclose records promptly after making a determination. In particular:

- a. The LAPD took more than a month to respond to Muslim Advocates’ initial Request (see ¶ 12, above; Exhs. D, E, F);
- b. The LAPD took more than three months to respond to Muslim Advocates’ Supplemental Request (see ¶ 17, above; Exhs. H, I);

- 1 c. The LAPD took more than eight months to respond substantively to Muslim
- 2 Advocates' Second Supplemental Request (see ¶ 20-21, 24, 28, above;
- 3 Exhs. J, K, L, O);
- 4 d. The LAPD took a six-week-plus delay in determining whether post-2010 e-
- 5 mail records were disclosable (after refusing to even consider producing
- 6 this e-mail for almost two years) (see ¶ 39, 41-43; Exh. T, U, V).

7 80. The LAPD's serial delays in responding to Muslim Advocates also violated the

8 Department's duty to "promptly notify the person making the request of...the reasons" for the

9 agency's determination. Gov't Code §6253(c). On March 27, 2014, Muslim Advocates requested

10 that the Department explain the reason(s) that no records existed regarding the "Community

11 Mapping" Program, including "how such records were destroyed or are otherwise no longer

12 within the Department's possession custody or control," but the Department took more than three

13 months to respond (see ¶ 17, above; Exhs. H, I); Muslim Advocates had to request an explanation

14 of the Department's position again on August 1, 2014, but the Department took more than eight

15 months to provide a substantive response (see ¶¶ 20-21, 24, 28, above; Exhs. J, K, L, O). When

16 the Department introduced its argument that it would be an "undue burden" to search for the

17 records, it did not adequately explain the reasons for its claim that the request was "burdensome;"

18 therefore, Muslim Advocates requested an explanation on May 27, 2015, but the Department took

19 more than two months to provide a substantive response. (See ¶¶ 33-36, above; Exhs. P, Q, R S.)

20 81. The Department's delays in responding also operated to "delay or obstruct the

21 inspection or copying of public records" in violation of Gov't Code §6253(d).

REQUEST FOR RELIEF

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23 82. Gov't Code §§ 6259(a) and 6259(b) authorize the Court to compel Respondents to

24 release the requested documents.

25 THEREFORE, Muslim Advocates respectfully requests that:

- 26 1. This Court issue a peremptory writ of mandate, without a hearing or further notice,
- 27 directing Respondents to immediately conduct a diligent and comprehensive search for the
- 28 requested records (specifically including backed-up e-mail records from 2001-2010, along with

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1 attachments to previously produced backed-up e-mail records from 2010-2013); to thereafter
2 promptly disclose to Muslim Advocates the requested records; to provide Muslim Advocates with
3 the reason(s) for its determination that 4,495 post-2010 records stored on backed-up e-mail are
4 supposedly not disclosable; and to provide Muslim Advocates with information regarding the
5 information technology and physical locations that were searched as requested by the Second
6 Supplemental Request;

7 2. Or, in the alternative, the Court issue an alternative writ of mandate or order to
8 show cause why these public records should not be disclosed and set "times for responsive
9 pleadings and for hearings in these proceedings ... with the object of securing a decision as to
10 these matters at the earliest possible time," as provided in Gov't Code § 6258;

11 3. The Court enter an order declaring that Respondents have violated the California
12 Public Records Act by 1) refusing to reasonably search for and publicly release the public records
13 sought by Muslim Advocates' initial Request for documents regarding the "Community Mapping"
14 Program based on the Department's implausible statement that there may be no records from
15 before 2010 and that, even if there are, it would be an undue burden to search for them; 2) by
16 Respondents' failure to respond to Muslim Advocates' Second Supplemental Request for
17 substantiation of the LAPD's statement that no documents exist regarding the "Community
18 Mapping" Program (see Exh. J at pp. 1-2); 3) by Respondents' failure to provide assistance to
19 overcome the practical barrier represented by the Department's burden claim, in particular, its
20 failure to explain how and why the Department has been able to search for pre-2010 email in the
21 past, and to explain how the methods used in those past searches could assist in overcoming
22 barriers to searching for the records requested by Muslim Advocates (see Exh. V at p. 3-4; Exh. Y
23 at p. 7); 4) by Respondents' failure to provide the reasons for its determination that 4,495 post-
24 2010 records stored on backed-up e-mail were not disclosable (see Exh. X; Exh. Y at p. 7); 5) by
25 Respondents' failure to produce attachments referenced in the 5 post-2010 e-mail records that
26 were produced (see id.); and 6) by Respondents' delays in responding to Muslim Advocates'
27 CPRA requests and requests for assistance;

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DAVIS WRIGHT TREMAINE LLP

07/25/2016

4. The Court enter an order awarding Muslim Advocates its reasonable attorneys' fees and costs incurred in bringing this action, as provided in Gov't Code § 6259; and

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

DATED: July 25, 2016

DAVIS WRIGHT TREMAINE LLP
THOMAS R. BURKE
KAREN A HENRY
BRENDAN N. CHARNEY

By: 
KAREN A. HENRY

Attorneys for Petitioner
MUSLIM ADVOCATES

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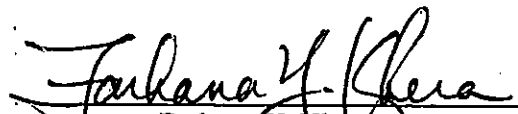
VERIFICATION

I, Farhana Y. Khera, declare:

1. I am the Executive Director of MUSLIM ADVOCATES, the petitioner in this action, and I am authorized to make this verification on petitioner's behalf.

2. I have read the VERIFIED PETITION FOR WRIT OF MANDATE DIRECTED TO THE LOS ANGELES POLICE DEPARTMENT ORDERING COMPLIANCE WITH THE CALIFORNIA PUBLIC RECORDS ACT. The facts stated in the Petition are either true and correct of my own personal knowledge, or I am informed and believe that such facts are true and correct, and on that basis I allege them to be true and correct.

This verification was executed on July 21, 2016, in Oakland, California. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


Farhana Y. Khera

DAVIS WRIGHT TREMAINE LLP

07/25/2016

07/25/2016

Statement of
Michael P. Downing
Commanding Officer
Counter-Terrorism/Criminal Intelligence Bureau
Los Angeles Police Department

Before the
Committee on Homeland Security and Governmental Affairs
United States Senate

Presented on
October 30, 2007

07/25/2016

GA

I. Introduction

Chairman Lieberman, Ranking Member Collins, and Members of the Subcommittee, thank you for the opportunity to discuss the Los Angeles Police Department's (LAPD) efforts to identify and counter violent extremism, which happens in this case, to be ideologically based.

Local law enforcement has a culture and capacity that no federal agency enjoys - the know-how and ability to engage communities that today are a vital part of the equation. Part of this engagement process is the demonstration of sensitivity to terminology that offends and/or isolates communities, hence, "*Ideologically Based Violent Extremism.*"

No agency knows their landscape better than local law enforcement; we were designed and built to be the eyes and ears of communities - the First Preventers of terrorism. What is important to law enforcement is that we carefully and accurately define those who we suspect will commit a criminal-terrorist act within our communities. That job needs to be done with the kind of balance and precision that inspires the support and trust of the American people in order to aid us in the pursuit of our lawful mission.

Prior to 2001, much of America overlooked Muslim communities in the United States (U.S). Iranians who immigrated to the U.S. following the hostage crisis received some media attention but the broader Muslim community in this country was not at the forefront of the national psyche. The reverse is now true as a result of the post-9/11 media coverage and the wars in Iraq and Afghanistan. Muslim communities here and abroad have become centerpieces of coverage for the print and broadcast media. While this coverage has, in many cases, helped to educate the American public, it has also put Muslims under a very bright spotlight. Feelings of persecution and vulnerability by large swaths of Muslim communities have created anxiety and uncertainty about the future.

Before 9/11, law enforcement was equally unaware of this community, both at a federal and statewide level. Even with our newfound awareness, law enforcement personnel are working from a disadvantage because of the obstacles we face as we approach wary communities deeply concerned with issues such as the implications of the Patriot Act, racial-profiling in the transportation industry, and the mischaracterization of Islam in the media. High-profile arrests and investigations of violent extremists such as the Fort Dix 6 play into Muslims' fears that they are under increased scrutiny. These underlying dynamics play a role in how these communities interact with all facets of American society, especially law enforcement.

One major role that law enforcement can play in the fight against violent ideological extremism is that of educator. Teaching all communities about the dangers of extreme ideologies can dispel harmful rumors and myths that alienate already pressured communities. We have learned from the European experience how these alienated communities become a breeding ground for violent extremism and a safe haven for potential terrorists to hide among the population.

Granted, the U.S. does not have the same types of problems as England, France, Germany, or Israel. While the tactics terrorists employ are learned behaviors that migrate across national boundaries - through groups, training camps, and the Internet - the underlying motivations for

these violent acts are unique to the host countries. Consequently, the remedies (i.e., jailhouse de-radicalization in Malaysia, the Channel Project in northern England, and the BIRR Project in Australia) are often contextually bounded and dependent on the depth, strength, national allegiance and identity of the native Muslim community.

In Los Angeles, for example, there are many Muslim communities that do not share the same risk profile as those in the United Kingdom as they are much more integrated into the larger society. That said, the European example does provide U.S. law enforcement with a starting point when searching for early indicators of radicalization.

We have learned that Muslim communities in the U.S. are mistrustful of the mainstream media. Therefore, they may turn to other sources of information for news and socialization, such as the Internet. Unfortunately, despite all of the positive aspects of the Internet, it allows those individuals and groups with ideological agendas to easily make contact with like-minded individuals and access potentially destructive information.

As we move from the virtual to the physical, it is important to apply the hard-won lessons we have learned in combating gang crime to the problem of terrorism. Southern California was the birthplace of gang culture and in Los Angeles we are all too familiar with the threat of violent crime by street gangs. Regardless of how many police officers we deploy, we can only suppress specific incidents. While more police are part of the answer, the real solution lies in the community – with the strengthening of the family structure and the economic base; and the weakening of political power bases built on victimization and a cultural tolerance of violence. The problem of violent street gangs is based on deep community structures. However, so are the solution sets of youth-at-risk programs, parenting classes, economic infusion, job training, community activism against violence and religion-based interventions.

While it might seem counter-intuitive, the isolation of Muslim communities acts both as a wall and as a self-regulator. Similar to gangs, the signs of extremism are first seen on the most local levels: in the families, neighborhoods, schools, mosques, and work places. The wall built by the community is the barrier created to sustain cultural identity and values and protect against the pace of assimilation.

II. LAPD Strategies and Initiatives

One of the biggest challenges for law enforcement in this environment is separating political jihadists (i.e., those who intentionally plant seeds of division in an effort to alienate and isolate Muslim citizens from the rest of society) from legitimate actors. Teaching all communities about the dangers of extreme ideologies can dispel harmful rumors and myths that alienate already pressured communities. The LAPD has done much outreach in this area, both with Muslim and non-Muslim communities. For the 18 months, we have been involved in outreach and grassroots dialogue with Muslim communities, bringing the entire command staff to observe, learn, engage and, most importantly, listen. This has helped to build more robust trust networks at the divisional level of police service. One of our goals is to be viewed as trusted friends by Muslim communities in our city.

Our outreach to the non-Muslim community has combined education with prevention. We now have Terrorism Liaison Officers (TLOs) at all of our divisions and Fire Stations who serve as the principal points of contact for terrorism information and intelligence. These liaison officers educate Department personnel and the broader community about the indicators of violent extremism and have proven to be critical assets when it comes to raising the level of terrorism prevention and preparedness.

The education provided by the TLOs has been supplemented with training by outside experts. Within our ranks, we have worked to educate our officers in the Counter-Terrorism and Criminal Intelligence Bureau about Islam and the cultural sensitivities they should be aware of when they are in the field. Approaching Muslims with respect and integrity is a large piece of the counter-narrative that law enforcement can write for itself.

The LAPD must have the capability to hunt for signs of radicalization and terrorism activities on the Internet. We recently started a cyber investigations unit to do just that. The Internet is the virtual hangout for radicals and terrorists. It provides a plain-view means of identifying and gathering information on potential threats. Information gleaned from this open source, fed into the radicalization template, and combined with a thorough understanding of operational indicators, is critical to articulating suspicion and justifying the increased application of enforcement measures.

LAPD's Counter-Terrorism and Criminal Intelligence Bureau initiatives for both the present and future have aligned people, purpose, and strategy around the mission of building capacity to hunt and disrupt operational capability on the part of terrorists (recruiting, funding, planning, surveilling, and executing operations). However, just as important, we have aligned our resources to focus on the motivational side of the terrorist equation and have made great efforts and organizing, mobilizing and in partnership, raising the moderate Muslim voice to prevent the extremists from making inroads into this faith community. A few of these strategies are described below:

- ? Working in concert with our seven county regional and federal partners, we continue to build capacity to collect, fuse, analyze, and disseminate both strategic and operational intelligence. We are aligning our intelligence collection and dissemination process with an eye toward accountability and ensuring that our First Preventers have the information they need when they need it.
- ? Our Terrorism Liaison Officers are casting an ever-wider safety net to train more people in the city to be public data collectors and First Preventers.
- ? We have started a Muslim outreach program with our command staff to leverage resources, institutionalize the idea of developing the counter-narrative, and facilitate an educational process. In developing this counter-narrative, the goal is to inspire Muslim communities to responsibly partner with law enforcement to protect American values. We also aim to elevate the moderate Muslim voice and empower people to counter the extremist ideology with confidence. This enables community

leadership to assist law enforcement in identifying those individuals and groups who espouse extremism and work to divide Muslim communities from American society.

- ? We are working with a think tank to develop a training program for mid-level executives that will be tailored specifically to state and local law enforcers. It is our hope that this will develop into a model for a national counter-terrorism academy.
- ? We initiated the Regional Public Private Infrastructure Collaboration System – a tool that enhances communication between and within LAPD and the Private Sector.
- ? Our Archangel program is a Critical Infrastructure Protection System that includes a Protective Security Task Force.
- ? We are developing a Cyber Investigation Unit to hunt violent extremists on the Internet.
- ? Our Community Mapping project is described below in Section V.

III. A Different Problem

In contrast to much of Europe, which has suffered from a marked increase in violence and violent intentions – often by its own citizens, the problem we face in the U.S is mainly political. There are those among us, I call them political jihadists, who are attempting to create division, alienation, and a sense of persecution in Muslim communities in order to create a cause. They are the nemesis of community engagement. Their purpose is to create the conditions that facilitate the radicalization process for international political causes.

Law enforcement's *ultimate* goal is to engender the continued loyalty and good citizenship of American-Muslims – not merely disrupt terrorist activities. Let me be clear, I am not saying that law enforcement should relax its effort to hunt down and neutralize small numbers of "blusters" on the criminal side of the radicalization trajectory. That task remains, and must be done with precision and must also be carried out in the context of what is ultimately valuable. What good is it to disrupt a group planning a mall bombing if the enforcement method is so unreasonable that it is widely criticized and encourages many more to enter the radicalization process?

The point is not merely an academic one– it has operational consequence. In preserving good will and by in by Muslim communities, law enforcement is, in fact, advancing its intelligence agenda by fostering an environment that maximizes tips and leads surfacing from those same communities. The long-term solution to this radicalization problem will come from Muslim communities themselves.

The natural question is: What factors put a community at-risk? Taking a page from the European experience, diaspora communities are in transition from one culture to another, making its members particularly vulnerable to identity crises which may be very easily subverted by ideologues. As Eric Hoffer wrote in his book, "The True Believer: Thoughts on the Nature of

Mass Movements": "Faith in a holy cause is to a considerable extent a substitute for the lost faith in ourselves." If there is a real or perceived threat of discrimination between the new community and the host, then an "us against them" mentality may prevail making that final step towards radicalization that much easier. Some Muslim communities may view any local discrimination as linked to Muslim causes globally, and vice versa, any discrimination against the *Ummah* (the global Muslim community) may be felt locally.

The Pakistani-British community in the United Kingdom is a diaspora, which is significant, because it makes the 2nd and 3rd generations of the community particularly vulnerable to the social pressures of growing up in a country very different from their parents' and grandparents' homeland. As a diaspora community, they remain transnational, tending to maintain close family, social, and financial ties with Pakistan. Globalization allows a diaspora to maintain these transnational contacts via faster, cheaper air travel, global communications technology (Internet and cell phone), global mass media, and nearly instant transnational banking. If the first two risk factors are present, then one must ask, "Does the community also hail from an unstable homeland with Wahhabi-Salafi ties?" If so, that community, like the British-Pakistani Muslim community, might be at greater risk of incubating homegrown radicalization.

If social factors - such as enclaves where residents are culturally and linguistically isolated - contribute to radicalization, it is important for law enforcement to be aware of those potentially vulnerable communities. This is part of our next step. We want to map the locations of these closed, vulnerable communities, and in partnership with these communities, infuse social services that will help the people who live there while weaving these enclaves into the fabric of the larger society. While the role of the law enforcer is not one of religious scholar or social worker, there is the potential to build and strengthen bridges from communities to those resources. It is then we will know where to find our Pakistani, Iranian, Somali, Chechen, Jordanian, and North African communities and thus understand how better to support their integration into the greater society. It is then that local law enforcement becomes an enabler.

IV. Legitimacy and Constitutionality

It is our position that legitimacy and intelligence are equally important tools for U.S. law enforcement to use in counter-terrorism efforts. Legitimacy starts with an organizational knowledge and pride in operating constitutionally and within the law. The need for transparency - being perceived to be and authentically honoring this principle - in intelligence and counter-terrorism activities cannot be understated. Taking great care to ensure that intelligence and enforcement operations are narrowly targeted against terrorist cells determined to go operational is critical. Law enforcement and its advocates must also avoid name-calling exchanges with political jihadists, opting instead to engage them professionally on specific issues. Political jihadists will reveal themselves in these exchanges by being unreasonable and unable to articulate specific grievances, preferring instead to use personal attacks and blanket accusations. In doing so, they are failing in their purpose to attract converts.

Community policing initiatives in Muslim communities should aim to create a shared sense of threat: society as a whole fears the indiscriminate, mass violence we are seeing around the world. All forms of communication with the public (whether analytical reports or post-incident news conferences) should address this fear. In summary, law enforcement's most pressing

challenge is to shield the public from this threat, while not advancing the purpose of political jihadists. It is a difficult balance to achieve, however, raising the moderate Muslim voice and creating the counter-narrative that offsets the fanatical trajectory of radicalization.

The LAPD has created the Counter-Terrorism and Criminal Intelligence Bureau with nearly 300 officers who are solely dedicated to counter-terrorism, criminal intelligence gathering, and community building. Policing terrorism must be a convergent strategy that enhances the fight against crime and disorder. In building the resistance to crime and disorder, we create hostile environments to terrorists.

V. Community Mapping

We need to understand the problem as it exists in Los Angeles before we roll out programs to mitigate radicalization. Historically, the temptation has been to turn to intervention programs before we have clearly identified problems within the community. In the past we have relied on interventions based on "experts," logic or previous programs that are either generic or insensitive to the constellation of issues. This has consistently produced unremarkable results. Public safety pays a high cost for this business practice. This is one of many reasons to support the rationale behind community mapping, a process that delivers a richer picture and road map that can guide future strategies.

In order to give our officers increased awareness of our local Muslim communities, the LAPD recently launched an initiative with an academic institution to conduct an extensive "community mapping" project. We are also soliciting input of local Muslim groups, so the process can be transparent and inclusive. While this project will lay out the geographic locations of the many different Muslim population groups around Los Angeles, we also intend to take a deeper look at their history, demographics, language, culture, ethnic breakdown, socio-economic status, and social interactions. It is our hope to identify communities, within the larger Muslim community, which may be susceptible to violent ideologically-based extremism and then use a full-spectrum approach guided by an intelligence-led strategy.

Community mapping is the start of a conversation, not just data sets: It is law enforcement identifying with its community and the community identifying with its families, neighborhoods, city, state, country and police. For the past 18 months, the LAPD's outreach and grassroots dialogue with Muslim communities has helped the entire command staff to observe, learn, engage and, most importantly, listen. This has helped to build more robust trust networks at the divisional level of the police service area.

Without a community mapping blueprint and methodical community engagement strategy, our outreach efforts will be sporadic. Our counter-narrative will be empty of meaning, leaving us talking about, rather than talking with, this community.

VI. Conclusion – The Evolving Threat

We need to show that our democratic principles built on the values, practices, and lives of American citizens are sacred and worthy of embracing. We need to show our belief in human dignity, the family and the value of the individual. We need to show how we honor the meaning of our lives by what we contribute to others' lives. We need to show that behind the badges of American law enforcement are caring Americans "doing" law enforcement. To do this we need to go into the community and get to know peoples' names. We need to walk into homes, neighborhoods, mosques, and businesses. We need to know how Islam expresses itself in Los Angeles if we expect to forge bonds of community support. The LAPD has been involved in this process and we are now ready to evolve our outreach to a more sophisticated and strategic level.

The U.S. faces a vicious, amorphous, and unfamiliar adversary on our land. The principal threats will be local, self-generating and self-directed. If there are direct connections with overseas groups, these are most likely to be initiated by the local actors. Cases in point include the 7/7 bombers, the Glasgow car bombers, and, more locally, Lodi in which local individuals and groups sought out training in Pakistan. This is not intended to dismiss threats that emerge from overseas locations, which should continue to be of concern. Rather, it is an estimate of relative density— locally generated threats will manifest themselves with greater frequency.

Ultimately, preventing extremism will be up to neighborhoods and communities, but thread by thread, relationship by relationship, the police can help build a network of services and relationships that will make it very hard for terrorism to take root. American Muslim neighborhoods and communities have a genuine responsibility in preventing any form of extremism and terrorism. If the broader communities are intolerant of such things, these ideologies cannot take root in its midst. I believe no amount of enforcement or intelligence can ultimately prevent extremism if the communities are not committed to working with law enforcement to prevent it.

07/25/2016

EXHIBIT B

November 8, 2007

Commander Michael P. Downing
Counter-Terrorism/Criminal Intelligence Bureau
Los Angeles Police Department
150 N. Los Angeles St., Rm. 630
Los Angeles, CA 90012

Dear Commander Downing,

We write to express our grave concerns about efforts by the Los Angeles Police Department ("LAPD") to map Muslim communities in the Los Angeles area as part of its counter-terrorism program. You recently described this mapping project in your testimony regarding LAPD's "efforts to identify and counter violent extremism."¹ The nature and scope of the program is unclear from your testimony, and we request a meeting to discuss our concerns in greater detail and learn more about the program's parameters.

The mapping of Muslim communities as part of counter-terrorism efforts seems premised on the faulty notion that Muslims are more likely to commit violent acts than people of other faiths. Singling out individuals for investigation, surveillance, and data-gathering based on their religion constitutes religious profiling that is just as unlawful, ill-advised, and deeply offensive as racial profiling. In addition to constitutional concerns that such a practice would violate equal protection and burden the free exercise of religion, religious profiling engenders fear and distrust in the community that hampers law enforcement efforts. A mapping project that aims only to gather intelligence and identify "risk factors" unfairly targets members of the Muslim community based on their religion and ethnicity, and also increases the inaccurate perception among the larger community that Muslims are doing something suspicious that merits investigation.

Your testimony regarding risk factors describes other assumptions about the Muslim community that are troubling in their breadth and questionable accuracy. For example, mere exposure to Wahhabi-Salafi teachings, unemployment, or instability in a country of origin or ancestry may not be suitable "risk factors" that accurately distinguish the majority of peaceful residents of Los Angeles from any potential criminal threats. Although Americans of all backgrounds and religions maintain ties to family or organizations in other countries, you suggest that for a Muslim, such ties make the individual a likely terrorist. Similarly, use of non-mainstream media by Muslim Americans — as by any other Americans — cannot possibly be counted as an indicator of extremist ideology or inclinations. We are deeply concerned if any part of LAPD's efforts targets community members based on their First Amendment rights to access news or opinions from whatever source they choose.

¹ Testimony of Michael P. Downing before the Senate Comm. on Homeland Security and Govt'l Affairs (Oct. 30, 2007).

07/25/2016

B B

Commander Michael P. Downing
Page 2

November 8, 2007

While preventing violence and terrorism is a goal we all share, it must be pursued in a manner respectful of the rights of the hundreds of thousands of Muslim Americans living in the Los Angeles area. We recognize that the LAPD is striving to embrace a community policing model that includes openness, transparency, and engagement with the community. "Outreach and grassroots dialogue" with all communities affected by law enforcement efforts are the foundations of a community-based policing model that we certainly endorse. We also agree that the public safety of all citizens is best served by an approach that relies on engagement and services rather than just suppression. We cannot agree, however, that the mapping project as it has been described furthers any of these worthy goals.

In that spirit of transparency and dialogue, we would like to meet with you to discuss our concerns about this program and to engage on these important public safety and civil liberties issues. You can contact us through Ranjana Natarajan or Peter Bibring at 213-977-9500 x.236 or x.295, respectively. We look forward to hearing from you.

Sincerely,



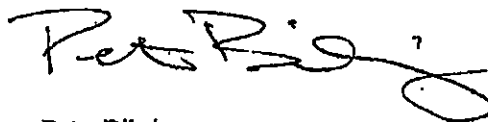
Ranjana Natarajan
Staff Attorney
ACLU of Southern California



Farhana Y. Khera
Muslim Advocates



Hussam Ayloush
Council on American Islamic Relations



Peter Bibring
Staff Attorney
ACLU of Southern California



Shakeel Syed
Islamic Shura Council

cc: Police Chief William Bratton
Mayor Antonio Villaraigosa
Councilmember Jack Weiss

07/25/2016

07/25/2016

EXHIBIT C

Los Angeles Times | ARTICLE COLLECTIONS

— Back to Original Article

LAPD's Muslim mapping plan killed

November 15, 2007 | Richard Winton and Teresa Watanabe | Times Staff Writers

The LAPD on Wednesday abruptly scrapped a program to map the city's Muslim population, a major retreat for a department that said the system was needed to identify potential hotbeds of extremism.

The reversal comes after a week of protests from Muslim groups and civil libertarians, who equated the mapping with religious profiling. Others questioned whether it was possible for the LAPD to accurately map the city's far-flung Muslim community.

Los Angeles Police Department Deputy Chief Michael P. Downing said Wednesday that in the wake of the protests, officials would drop the mapping aspect of the plan but continue their efforts to reach out to the Muslim community. Downing and other police officials plan to outline the new strategy to Muslim American activists at a meeting today.

The decision met with praise from some activists, who said they would welcome greater involvement by the LAPD in their communities as long as mapping was off the table.

"Muslim Americans were very disturbed and concerned about the ramifications of the plan and having their privacy invaded," said Salam Al-Marayati, executive director of the Muslim Public Affairs Council. "Downing's statement that he's pulling the plan says the LAPD is very open to positive community engagement, input and participation. It's the first step to very healthy dialogue between Muslim Americans and the city of Los Angeles."

The LAPD has not provided details about how it planned to build the Muslim database. But in a document reviewed by The Times last week, the department's counter-terrorism bureau proposed using U.S. census data and other demographic information to pinpoint Muslim communities and then reach out to them through social service agencies.

Originally, the LAPD planned to partner with USC's National Center for Risk and Economic Analysis of Terrorism Events in building the mapping program. But after details of the effort were made public last week, USC officials said they were carefully studying whether to join the endeavor and stressed that no deal had been made.

During Oct. 30 testimony before Congress, Downing described the plan as an attempt to "mitigate radicalization."

Downing and other law enforcement officials said police agencies around the world are dealing with radical Muslim groups that are isolated from the larger community, creating potential breeding grounds for terrorism. He cited terror cells in Europe as well as the case of some Muslim extremists in New Jersey arrested in May for allegedly planning to bomb Ft. Dix.

But in a statement, Mayor Antonio Villaraigosa said that "while I believe the department's efforts to reach out to the Muslim communities were well intentioned, the mapping proposal has created a level of fear and apprehension that made it counterproductive."

Beyond the issue of "religious profiling," some critics said it would be impossible for the LAPD to create an accurate map of where Muslims live.

The Census Bureau is barred by law from asking people for their religious affiliation. As a result, there is no scientific data on the size of the nation's Muslim population, let alone its location, with estimates of totals ranging from about 1.4 million adults in a Pew Research Center study this year to the 7 million or more claimed by some community organizations. Census data on ancestry would also fail to yield accurate Muslim estimates, because large numbers of people with Iranian backgrounds are Jewish and many people with Lebanese, Palestinian and Syrian roots are Christian.

Some critics said the LAPD plan seemed based on the European experience of isolated and often-distressed Muslim enclaves, a model they said doesn't apply to the United States, where the Muslim population is far more dispersed.

Ramona Ripston, executive director of the American Civil Liberties Union of Southern California, said Wednesday that the LAPD's reversal "shows what community outrage can do. . . . We are going to be watchful that they don't try again to bring this mapping plan forward with another name."

The ACLU on Wednesday filed a public records request for details of the mapping project.

Downing and other LAPD officials have stressed for days that the mapping program was not a form of profiling or targeting but rather a way to better understand the Muslim community.

But until Wednesday, the department had stood by the effort and insisted that critics would accept the idea once officials could provide details.

Al-Marayati said he sent a letter to Downing on Monday telling him the plan should be withdrawn before the LAPD's scheduled meeting today with Muslim American leaders. Then on Wednesday, Al-Marayati said Downing called him to say the LAPD was putting the plan aside. "Unfortunately, I think there's been damage to the relationship in terms of trust," Al-Marayati said. "But we feel we can repair that."

Mary Grady, the LAPD's public information director, said Wednesday that it made sense to remove the mapping element from the plan. "The whole purpose of this initiative was to bring together the department with the Muslim community" she said. "The word 'mapping' gave the impression it was about profiling when it was not."

07/25/2016

RC

richard.winton@latimes.com

teresa.watanabe@latimes.com

Times staff writer Steve Hyman contributed to this report.

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07/25/2016

07/25/2016

EXHIBIT D


muslim advocates
PROMOTING FREEDOM AND JUSTICE FOR ALL

Direct dial: (415) 675-1495
Email: glenn@muslimadvocates.org

December 12, 2013

VIA USPS EXPRESS MAIL EB508543854US
Los Angeles Police Department Discovery Section
Attn: Custodian of Records
201 N. Los Angeles St., Space 301
Los Angeles, CA 90012

OSM
RECEIVED
LAPD
DEC 18 2013
LEGAL AFFAIRS DIVISION
DISCOVERY SECTION

Re: California Public Records Act ("CPRA") Request

Dear Sir or Madam:

Pursuant to the CPRA, I would like to inspect and obtain electronic copies of the following records¹ that are within the possession, custody, or control of the Los Angeles Police Department ("LAPD"), for the period September 11, 2001, through the present:

1. All records reflecting or relating to "LAPD's outreach and grassroots dialogue with Muslim communities" as described by Michael P. Downing, Commanding Officer Counter-Terrorism/Criminal Intelligence Bureau, before the U.S. Senate on October 30, 2007 ("Senate Statement").²
2. All records reflecting or relating to the "Community Mapping" program, as described in the Senate Statement.
3. All records reflecting or relating to the LAPD's policies or practices based upon individuals who or communities that are Muslim, or are of Arab, South Asian or Middle Eastern descent. Such records include but are not limited to:
 - Community mapping or Muslim mapping;

¹ Throughout this request, "record" should be given its broadest meaning under Government Code § 6252, and includes, but is not limited to, policies, protocols, manuals, instructions, training materials, memoranda, templates, forms, notices, invitations, calendars, appointments, meeting agendas, meeting or interview notes, evaluations, assessments, analyses, email communications, correspondence, maps, photographs, video or audio recordings, and information stored in any form.

² Available at:
<http://www.lapdonline.org/assets/pdf/Michael%20DowningTestimonyfortheU.S.Senate-Final.PDF>

07/25/2016

Letter to LAPD Custodian of Records
December 12, 2013
Page 2

- Outreach to individuals who or communities that are Muslim, or are of Arab, South Asian or Middle Eastern descent;
 - Surveillance, monitoring, or collection of information that is not connected to a specific criminal investigation about individuals who or communities that are Muslim, or are of Arab, South Asian or Middle Eastern descent;
 - Informants in mosques or communities that are Muslim, or are of Arab, South Asian or Middle Eastern descent that are not connected to a specific criminal investigation.
4. All records reflecting or relating to communications between any employee or agent of the LAPD and the following individuals, regardless of their actual title at the time of the communication:
- Raymond Kelly, New York City Police Department ("NYPD") Commissioner;
 - David Cohen, NYPD Deputy Commissioner;
 - Lawrence ("Larry") Sanchez, Central Intelligence Agency ("CIA") liaison to the State of New York, or any capacity for the CIA or NYPD;
 - Mitchell D. Silber, NYPD Senior Intelligence Analyst
 - Arvin Bhatt, NYPD Senior Intelligence Analyst
 - Hector Berdecia, NYPD;
 - John Cutter, NYPD Deputy Chief;
 - Timothy Mehta, NYPD Sergeant;
 - Steve D'Ulisse, NYPD Captain;
 - Stephen Hoban, NYPD Detective;
 - Bryan Michael Jenkins, Senior Advisor to the President of the Rand Corporation;
 - Anyone communicating on behalf of the individuals listed in this paragraph 4.
5. All records reflecting or relating to communications between any employee or agent of the LAPD and anyone at the NYPD on the subjects specified in paragraph 3, above, including bullet points.

If you have any questions concerning this request or if the cost for access to the records will exceed \$50.00, please contact me. Thank you in advance for your assistance with this matter.

Sincerely,



Glenn Katon
Legal Director

07/25/2016

07/25/2016

LOS ANGELES POLICE DEPARTMENT



CHARLIE BECK
Chief of Police

P. O. Box 30158
Los Angeles, California 90030
Telephone: (213) 978-2100
TDD: (877) 275-5273
Reference Number: 144

ERIC GARCETTI
Mayor

December 19, 2013

Mr. Glenn Katon
Muslim Advocates
315 Montgomery Street 8th Floor
San Francisco, California 94104

Dear Mr. Katon:

I have reviewed your request (enclosed), dated December 12, 2013, for Los Angeles Police Department (the Department) records relating to the Muslim community. Your request was made pursuant to the California Public Records Act (the Act).

The Los Angeles Police Department (the Department) is cognizant of its responsibilities under the Act. It recognizes the statutory scheme was enacted in order to maximize citizen access to the workings of government. The Act does not mandate disclosure of all documents within the government's possession. Rather, by specific exemption and reference to other statutes, the Act recognizes that there are boundaries where the public's right to access must be balanced against such weighty considerations as the right of privacy, a right of constitutional dimension under California Constitution, Article 1, Section 1. The law also exempts from disclosure records that are privileged or confidential or otherwise exempt under either express provisions of the Act or pursuant to applicable federal or state law, per Government Code Sections 6254(b); 6254(c); 6254(f); 6254(k); and 6255.

Please note that, in accordance with Government Code Section 6253(e), I have found "unusual circumstances" exist with respect to the request due to the need to search for, collect, and review a voluminous amount of records; and the need to consult with other entities in the determination of the request. Therefore, my staff will require the statutory fourteen days extension of time in which to respond. A determination concerning your request will be made as soon as possible.

07/25/2016

Handwritten signature of Eric Garcetti.

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www.LAPDOnline.org
www.joinLAPD.com

Mr. Glenn Katon

Page 2

14.4

Thank you for your patience and cooperation. Any correspondence regarding this matter should include a copy of this letter and be directed to the Los Angeles Police Department – Discovery Section, 201 North Los Angeles Street, Space 301, Los Angeles, California 90012.

If you have any questions, please contact Management Analyst Caydene Monk of the Discovery Section at (213) 978-2136.

Very truly yours,

CHARLIE BECK

Chief of Police

Sandra Johnson
for

MARTIN BLAND, Senior Management Analyst
Officer-in-Charge, Discovery Section
Legal Affairs Division

Enclosure

07/25/2016

07/25/2016

LOS ANGELES POLICE DEPARTMENT



CHARLIE BECK
Chief of Police

ERIC GARCETTI
Mayor

P. O. Box 30158
Los Angeles, California 90030
Telephone: (213) 978-2100
TDD: (877) 275-5273
Reference Number: 14.4

January 17, 2014

Mr. Glenn Katon
Muslim Advocates
315 Montgomery Street 8th Floor
San Francisco, California 94104

Dear Mr. Katon:

I have reviewed your request, dated December 12, 2013, for certain Los Angeles Police Department (Department) records, made pursuant to the California Public Records Act (Cal. Govt. Code § 6250, *et seq.*, hereafter CPRA or the Act).

The Los Angeles Police Department (the Department) is cognizant of its responsibilities under the Act. It recognizes the statutory scheme was enacted in order to maximize citizen access to the workings of government. The Act does not mandate disclosure of all documents within the government's possession. Rather, by specific exemption and reference to other statutes, the Act recognizes that there are boundaries where the public's right to access must be balanced against such weighty considerations as the right of privacy, a right of constitutional dimension under California Constitution, Article I, section 1. The law also exempts from disclosure records that are privileged or confidential or otherwise exempt under either express provisions of the Act or pursuant to applicable federal or state law, per Government Code Sections 6254(b); 6254(c); 6254(f); 6254(k); and 6255.

The Department responds to your request as follows:

Requested Records:

Item No. 1

All records reflecting or relating to "LAPD's outreach and grassroots dialogue with Muslim communities" as described by Michael P. Downing, Commanding Officer Counter-Terrorism/Criminal Intelligence Bureau, before the U.S. Senate on October 30, 2007 ("Senate Statement").

07/25/2015

BF

Mr. Glenn Katon
Page 2
14.4

A search was conducted and responsive documents have been located. I will provide you with the documents upon receipt of the applicable duplicating fee. Please see the enclosed invoice for details on the documents to be provided and information on obtaining the documents.

Certain responsive and otherwise nonexempt records contain redactions. To the extent that such redactions concern the personal e-mail addresses of individuals, the Department asserts Section 6254(c) which prevents the disclosure of information which would constitute an unwarranted invasion of personal privacy. To the extent that any of the available records contain operational and/or sensitive tactical information, said information has been redacted as "Official Information" pursuant to Evidence Code § 1040, and the Department asserts Section 6254(k) of the Act which exempts the disclosure of information which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.

Item No. 2

All records reflecting or relating to the "Community Mapping" program, as described in the Senate Statement.

There are no documents responsive to your request.

Item No. 3

All records reflecting or relating to the LAPD's policies or practices based upon individuals who or communities that are Muslim, or are of Arab, South Asian or Middle Eastern descent. Such records include but are not limited to:

- Community mapping or Muslim mapping;
- Outreach to individuals who or communities that are Muslim; or are of Arab, South Asian or Middle Eastern descent;
- Surveillance, monitoring, or collection of information that is not connected to specific criminal investigation about individuals who or communities that are Muslim, or are of Arab, South Asian or Middle Eastern descent;
- Informants in mosques or communities that are Muslim, or are of Arab, South Asian or Middle Eastern descent that are not connected to a specific criminal investigation.

A search was conducted and no documents responsive to your request were located.

07/25/2016

Mr. Glenn Katon
Page 3
14.4

Item No. 4

All records reflecting or relating to communications between any employee or agent of the LAPD and the following individuals, regardless of their actual title at the time of the communication:

- Raymond Kelly, New York City Police Department ("NYPD") Commissioner;
- David Cohen, NYPD Deputy Commissioner;
- Lawrence ("Larry") Sanchez, Central Intelligence Agency ("CIA") liaison to the State of New York, or any capacity for the CIA or NYPD;
- Mitchell D. Silber, NYPD Senior Intelligence Analyst
- Arvin Bhatt, NYPD Senior Intelligence Analyst
- Hector Berdecia, NYPD;
- John Cutter, NYPD Deputy Chief;
- Timothy Mehta, NYPD Sergeant;
- Steve D'Ulisse, NYPD Captain;
- Stephen Hoban, NYPD Detective;
- Bryan Michael Jenkins, Senior Advisor to the President of the Rand Corporation;
- Anyone communicating on behalf of the individuals listed in this paragraph 4.

Staff from the Department's Information Technology Division is able to search for emails to or from specific domain names or by keywords, solely within a specific email account. A search based only by keywords or domain names would be unduly burdensome for the Department as interpreted in the "public interest" provision in Section 6255 of the Act, and would require a separate search of each individual email account of approximately 14,000 Department email accounts. The courts have interpreted this provision to include an exemption where production of the requested information would be unduly burdensome to the public agency involved. Furthermore the Department is not the custodian for NYPD records; therefore, you may wish to contact NYPD directly.

Item No. 5

All records reflecting or relating to communications between any employee or agent of the LAPD and anyone at the NYPD on the subjects specified in paragraph 3, above, including bullet points.

The Department is unable to respond to this portion of the request, as it does not reasonably describe an identifiable record as required under Section 6253(b) of the Act. Moreover, it would be unduly burdensome, pursuant to Section 6255 of the Act for the Department to search for and/or query every Department entity and employee to ascertain if that entity or employee had any communications responsive to the request. Therefore, I am denying your request.

07/25/2016


Mr. Glenn Katon
Page 4
14.4

If you wish to obtain the aforementioned documents that are responsive to your request, please submit a check or money order made payable to LAPD in the amount indicated on the invoice, along with a copy of this letter, to the Los Angeles Police Department - Discovery Section, 201 North Los Angeles Street, Space 301, Los Angeles, California 90012.

If you have any questions regarding this correspondence, please contact Management Analyst Caydene Monk of the Discovery Section at (213) 978-2136.

Very truly yours,

CHARLIE BECK
Chief of Police



MARTIN BLAND, Senior Management Analyst
Officer-in-Charge | Discovery Section
Legal Affairs Division

0772572016

LOS ANGELES POLICE DEPARTMENT
 LEGAL AFFAIRS DIVISION - DISCOVERY SECTION

INVOICE FOR

PUBLIC RECORDS

BOR ADMINISTRATIVE RECORD

Requested By: Glenn Katon Date: January 17, 2014

Officer/Serial No.: Not Applicable Box File No.: Not Applicable

CPRA Reference No.: C13-1200040 Analyst: Caydene Monk

Documents to be Provided		
Description of Documents	Pages/CD	Fee
Statement of Michael Downing Commanding Officer	8	.80
Letter from the ACLU to Commander Downing	2	.20
Muslim Community Engagement Initiative November 2007	4	.40
ACLU's article titled: Racial Profiling (2007)	5	.50
Documents from LAPD's Planning, Research and Development	7	.70
Documents from LAPD's Training Division	21	\$2.10
Documents from 2007 to 2010	13	\$1.30
Documents from 2011	98	\$9.80
Documents from 2012	118	\$11.80
Documents from 2013	88	\$8.80
<i>Total cost of reproducing documents</i>		\$36.40

Note: Please include reference number C13-1200040 on your check/money order.

The documents will be mailed to you once the payment is received. Make your check/money order payable to the LAPD.

Mailing Address: LAPD - Discovery Section, 201 N. Los Angeles St., Space 301, Los Angeles, CA 90012

If you have any questions, please contact Management Analyst Caydene Monk at (213) 978-2136.

07/25/2016

07/25/2016

LOS ANGELES POLICE DEPARTMENT
To Protect and To Serve

MUSLIM COMMUNITY ENGAGEMENT INITIATIVE

WHITE PAPER

November 2007

07/25/2016

EA G

L O S A N G E L E S P O L I C E D E P A R T M E N T

To Protect and To Serve

Community Engagement as a Guide to Deepening the Partnership with Muslims in Los Angeles

Background

Since the 9/11 attacks, Muslim communities throughout the United States and the world have found themselves under the glare of the media spotlight. Islam and terrorism have become all but synonymous in the eyes of some – much to the chagrin of the millions of Muslims who practice Islam peacefully and devotedly.

Even as many aspects of Muslim culture have been explored and studied, an odd thing has happened: Muslim communities have been lumped together, in the eyes of many, as a monolithic presence in American society. In fact, that could not be further from the truth. Each community of Muslims has its own story - its own linguistic, cultural, ethnic and socioeconomic history. Unfortunately, that rich, holistic picture of these communities has not yet been captured in a scientific way in Los Angeles.

As Muslim communities have struggled to be understood, American law enforcement – including the Los Angeles Police Department – has struggled to understand. Departments have had no road maps to use as they attempt to craft outreach strategies to communities that they know little about. The fundamental question is this: How do you attempt to have positive interactions with Muslims in Los Angeles when you don't know where they are or what is important to them? That is the question that this project seeks to answer.

It is our hope that we can learn about the Muslims in Los Angeles so that we can approach them with a respectful understanding of their histories and what they hold dear. Only then will we truly take a step toward 21st Century policing and away from a time when we did not make that extra effort to learn about the people we were trying to build partnerships with.

Critical to the success of this enterprise will be the partners who take these steps at our side. Our efforts will be reviewed and guided by the Muslim Public Affairs Council, a public service agency that works for the civil rights of American Muslims and for the integration of Islam into American pluralism, and a consortium of academic institutions.

This project will not be done in a law enforcement vacuum. The LAPD will make every effort to listen to and include feedback from a range of sources – not the least of which will be the Muslim communities. Only as partners will we be able to tell and understand the stories of the Muslim communities of Los Angeles. Only as partners will we be able to identify and overcome the challenges within those communities.

LOS ANGELES POLICE DEPARTMENT
To Protect and To Serve

Community Engagement Initiative Overview

The backbone of the community engagement initiative will be a visual presentation of statistical data that conveys a large amount of information in a clear and concise way. This initiative will capture data such as languages used in a certain area, the employment rate and the geography. The U.S. Census will serve as a primary source of information. The data we collect will be discussed with policy makers, academicians, community members and representatives of private social service organizations who will all be asked to provide input. The end product will be much more than dots on a map – it will be the community narrative and it will provide the foundational knowledge for our partnership efforts.

The overarching goals of the LAPD's Muslim community engagement initiative are to:

- define who and where the city's Muslim communities are;
- develop community outreach and partnership strategies based on that information;
- conduct statistical and social analyses; and
- partner with government and non-governmental organizations to infuse any needed social services into these Muslim communities.

The initiative will engage communities within the boundaries of the city of Los Angeles. The goal is not to locate or target individuals, but rather to ensure that the local LAPD commands understand the demographics of the Muslim communities they serve. This will also help those commands develop outreach and partnership strategies aimed at integrating these potentially isolated communities and providing them with the best policing services possible. In keeping with the LAPD's philosophy of responsible and transparent policing, the civil rights of the residents of those communities will be preserved throughout.

Implementation

It is our hope that community engagement will constitute the start of a serious and respectful dialogue between local law enforcement, academia, Muslim organizations and local communities. We recognize that this will be an on-going process that will be measured not by months, but by years, and memorialized in "living documents" that are created and agreed upon by the initiative's partners.

07/25/2016

LOS ANGELES POLICE DEPARTMENT

To Protect and To Serve

We recommend that this initiative be implemented in phases.

Phase One

- Identify the scope of the initiative and agree on terminology
- Identify the stakeholders
- Create an advisory/oversight committee that will ensure that civil liberties are safeguarded
- Formalize Memorandums of Agreement (MOAs) between the partners

Phase Two (a)

- Determine methodology
- Identify statistical databases to be used
- Complete visual presentation of statistical data

Phase Two (b)

- Solicit academic input and feedback
- Define community risk factors and apply them to the communities in question
- Invite partners to share their cultural knowledge of the communities

Phase Three

- Identify partners and stakeholders who will work with local communities
- Create joint engagement plans with partners and stakeholders
- Facilitate the provision of social services
- Facilitate the assessment of these social services

Conclusion

In recent testimony before the Senate Committee on Homeland Security and Governmental Affairs, LAPD Deputy Chief Michael Downing stated: "Community mapping is the start of a conversation, not just data sets: It is law enforcement identifying with its community and the community identifying with its families, neighborhoods, city, state, country and police. ... Without a community mapping blueprint and methodical community engagement strategy, our outreach efforts will be sporadic. Our counter-narrative will be empty of meaning, leaving us talking about, rather than talking with, this community."

The last sentence of Deputy Chief Downing's statement touches on exactly what we don't want. As the LAPD combats terror plots with roots at home and abroad, it remains ever mindful that the large majority of Muslims have no connection to terrorism. Only through understanding can we build the relationships that keep communities healthy, correct misperceptions and diffuse the threat of terrorism. Community mapping is the department's good-faith step in that direction.

LAPD

Community Engagement Initiative

07/25/2016

O'MELVENY & MYERS LLP

BEIJING
BRUSSELS
CENTURY CITY
HONG KONG
JAKARTA
LONDON
NEWPORT BEACH
NEW YORK

400 South Hope Street
Los Angeles, California 90071-2899

TELEPHONE (213) 430-6000
FACSIMILE (213) 430-6407
WWW.OMM.COM

SAN FRANCISCO
SEOUL
SHANGHAI
SILICON VALLEY
SINGAPORE
TOKYO
WASHINGTON, D.C.

March 27, 2014

Martin Bland, Officer-in-Charge
Discovery Section, Legal Affairs Division
Los Angeles Police Department
201 N. Los Angeles St., Space 301
Los Angeles, CA 90012

OUR FILE NUMBER
0600000-00003

WRITER'S DIRECT DIAL
(213) 430-6029

WRITER'S E-MAIL ADDRESS
christophercraig@omm.com

Re: Follow Up to CPRA Reference No. C13-1200040

Dear Mr. Bland:

Please be advised that we represent Muslim Advocates in connection with its request for documents from the Los Angeles Police Department (the "Department") pursuant to the California Public Records Act, Cal. Gov't. Code §§ 6250 et. seq. ("CPRA"). Muslim Advocates' request letter was dated December 13, 2013 ("the Request"), and the Department's response was dated January 17, 2014. Please direct all further communications regarding this matter to my attention.

After reviewing the Department's response, we request the following:

1. All records relating to the Department's effort to comply with the Request, including (but not limited to): any effort made to identify key custodians, bureaus, sections, or divisions that would be likely to maintain responsive files; Department communications regarding this request; any summaries prepared of the Request; and the name and title of the person in charge of responding to the Request.
2. All records reflecting the basis for the Department's assertion that the article entitled "Racial Profiling" is a 2007 document. As background, one of the documents provided by the Department was an article entitled "Racial Profiling" by the American Civil Liberties Union. This document was described as a 2007 document in the list of documents being provided. The document itself, however, indicates it was printed from the internet on December 20, 2013, or seven days after our initial request. Further, the document itself refers to incidents and resources from as recently as 2010, making the assertion that it is a 2007 Department record impossible.

07/25/2016

Handwritten initials: 長 井

3. For each redaction in the enclosed two-page document you produced, beginning with the August 9, 2012 email from James Buck, please identify the statutory exemption that corresponds with each specific redaction.
4. The basis for, or a correction of, the Department's January 17, 2014 response to Item No. 2 of the Request. The Department's response stated that "[t]here are no documents responsive to your request." Item No. 2 of the Request sought: "All records reflecting or relating to the 'Community Mapping' program, as described in the Senate Statement [of Michael P. Downing, Commanding Officer, Counter-Terrorism/Criminal Intelligence Bureau, before the U.S. Senate on October 30, 2007]." We find it implausible that no such documents exist, given the information below taken directly from Commander Downing's statement to the United States Senate. If, in light of the information specified below, the Department continues to assert that it does not have records responsive to Item No. 2, please provide all records reflecting how such records were destroyed or are otherwise no longer within the Department's possession custody or control.
 - a. Section V of the Senate Statement states: "for the past 18 months, the LAPD's outreach and grassroots dialogue with Muslim communities has helped the entire command staff to observe, learn, engage and, most importantly, listen. This has helped to build more robust trust networks at the divisional level of the police service area." If these efforts were already in progress for 18 months at the time of the Senate Statement, it is likely that the Department would have some documentation relating to this program, such as reports, proposals, meeting agendas, meeting minutes, and similar records.

Section V of the Senate Statement also states that "the LAPD recently launched an initiative with an academic institution to conduct an extensive 'community mapping' project." Thus, the initiative had already been launched at the time of the Senate Statement. It is unlikely that the Department would initiate such an extensive project, alongside another institution, without having a single document reflecting its preparation, goals, objectives, strategies, and progress.

For example, the November 2007 "Muslim Community Engagement Initiative" White Paper produced by the Department provides a brief sketch that identifies goals, phases of implementation, and even an institutional partner (the Muslim Public Affairs Council) for a project called the Muslim Community Engagement initiative. Similarly, we anticipate there may be documents outlining the development, objectives, and progress of the potentially separate initiative that was already underway at the time of Officer Downing's Senate testimony. It may even

07/25/2016

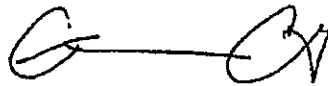
describe the partnership with the unnamed academic institution mentioned in his Senate Statement.

- b. All records relating to the Department's effort to comply with this request, as specified in paragraph 1, above.
5. The Department's response to Item No. 4 of the Request stated that it would be unduly burdensome to provide communications between its personnel and specifically named individuals with the New York Police Department, the Central Intelligence Agency, and the Rand Corporation. Accordingly, we are revising our request to cover communications between the same individuals identified in Item No. 4, and the Department personnel listed below. This request is more narrowly tailored and should not be unduly burdensome to process.
- a. William Bratton
 - b. Michael P. Downing
 - c. Joan T. McNamara
 - d. Michel R. Moore
 - e. Mark G. Stainbrook
 - f. Johnathan Celentano
 - g. Chand Syed
6. Please provide records indicating all Department personnel assigned to the Counter-Terrorism/Criminal Intelligence Bureau from September 11, 2001, through the present.

Although the Request specifically asked for records in electronic format, the Department provided hard copies. We reiterate our request that you provide your response in electronic format whenever possible. Our order of preference is: 1) electronic documents attached to an email sent to christophercraig@omm.com; 2) electronic documents delivered on a CD; or 3) paper copies.

If you have any questions regarding this request, please contact me at (213) 430-6029 or christophercraig@omm.com. Thank you for your attention to this matter.

Sincerely,



Christopher Craig
for O'MELVENY & MYERS LLP

07/25/2016

EXHIBIT I

LOS ANGELES POLICE DEPARTMENT



CHARLIE BECK
Chief of Police

ERIC GARCETTI
Mayor

P. O. Box 30158
Los Angeles, California 90030
Telephone: (213) 978-2100
TDD: (877) 275-5273
Reference Number: 14.4

July 2, 2014

Mr. Christopher Craig, Esquire
O'MELVENY & MYERS, LLP
400 South Hope Street
Los Angeles, California 90071-2899

Dear Mr. Craig:

I have reviewed your supplemental request for records. Your request, which is enclosed (see enclosures), is dated March 27, 2014, and is submitted on behalf of your client Glenn Katon with the Muslim Advocates.

The Los Angeles Police Department (Department) hereby responds to your supplemental request as follows:

Item No. 1

All records relating to the Department's effort to comply with the Request, including (but not limited to): any effort made to identify key custodians, bureaus, sections, or divisions that would be likely to maintain responsive files; Department communications regarding this request; any summaries prepared of the Request; and the name and title of the person in charge of responding to the Request.

Management Analyst Caydene Monk, Los Angeles Police Department, Legal Affairs Division (Discovery Section), requested that the following areas perform a search for records responsive to your request:

- Counter Terrorism and Special Operations Bureau (CTSOB)
- Research and Planning Division (PRD)
- Training Division (TD)
- Police Training and Education Section (PTES)

The documents related to the search for records responsive to your request, has been compiled. The documents are available and may be obtained upon receipt of the applicable fees. Please see the enclosed invoice for details on obtaining the records.

07/25/2016

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www.LAPDOnline.org
www.joinLAPD.com

A handwritten signature in black ink, appearing to be "E. J.", located at the bottom right of the page.

Item No. 2

All records reflecting the basis for the Department's assertion that the article entitled "Racial Profiling" is a 2007 document. As background, one of the documents provided by the Department was an article entitled "Racial Profiling" by the American Civil Liberties Union. This document was described as a 2007 document in the list of documents being provided. The document itself, however, indicates it was printed from the internet on December 20, 2013, or seven days after our initial request. Further, the document itself refers to incidents and resources from as recently as 2010, making the assertion that it is a 2007 Department record impossible.

The statement that, "the article entitled 'Racial Profiling' is a 2007 document," was made in error. There was a miscommunication between the area that conducted the search for this document and Ms. Monk, who believed at the time that the document was from 2007, and so the invoice reflected the same. Separate and apart from this error, the document in question was not in the Department's possession at the time the Public Records Act request from Muslim Advocates was made, and therefore it was not required under the CPRA to be provided in the first instance. I apologize for any confusion caused by these errors.

Item No. 3

For each redaction in the enclosed two-page document you produced, beginning with the August 9, 2012 email from James Buck, please identify the statutory exemption that corresponds with each specific redaction.

The Department has revised the redactions contained in this document, and has included this revised document in the records responsive to this supplemental request. To the extent the personal e-mail address and/or telephone number of individuals identified in this record have been redacted, the Department hereby asserts Section 6254(c) of the Act, which precludes the disclosure of "personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy." Further, the Department hereby asserts Section 6254(k) of the Act over any information which may contain details concerning projects which may be pending. Section 6254(k) of the Government Code exempts records or information that are exempt from disclosure under federal or state law, including but not limited to provisions of the Evidence Code relating to privilege. Evidence Code Section 1040 declares an official information privilege for information acquired in confidence by a public agency when the public interest in disclosing the information is outweighed by the public interest in keeping the information confidential. The records are also considered as official information and protected by Section 1040 of the Evidence Code. Therefore, I assert the privilege under Section 6254(k) and Evidence Code Section 1040 in withholding the redacted portions. Similarly, I assert Section 6255 of the Government Code based on this same need to retain the confidentiality of these portions of the disclosed documents.

07/25/2016

Item No. 4

The basis for, or a correction of, the Department's January 17, 2014 response to Item No. 2 of the Request. The Department's response stated that "[t]here are no documents responsive to your request." Item No. 2 of the Request sought: "All records reflecting or relating to the 'Community Mapping' program, as described in the Senate Statement [of Michael P. Downing, Commanding Officer, Counter-Terrorism/Criminal Intelligence Bureau, before the U.S. Senate on October 30, 2007]," We find it implausible that no such documents exist, given the information below taken directly from Commander Downing's statement to the United States Senate. If, in light of the information specified below, the Department continues to assert that it does not have records responsive to Item No. 2, please provide all records reflecting how such records were destroyed or are otherwise no longer within the Department's possession custody or control.

As previously stated in our original response, a search for records responsive to the request for Community Mapping documents showed that no responsive records were found. It is our understanding that the information referred to was derived from non-Department related news articles.

Item No. 5

The Department's response to Item No. 4 of the Request stated that it would be unduly burdensome to provide communications between its personnel and specifically named individuals with the New York Police Department, the Central Intelligence Agency, and the Rand Corporation. Accordingly, we are revising our request to cover communications between the same individuals identified in Item No. 4, and the Department personnel listed below. This request is more narrowly tailored and should not be unduly burdensome to process.

- a. William Bratton
- b. Michael P. Downing
- c. Joan T. McNamara
- d. Michel R. Moore
- e. Mark G. Stainbrook
- f. Johnathan Celentano
- g. Chand Syed

A request was submitted to the Information and Technology Division (ITD) for records responsive to your request. In its response, ITD stated that the request is too vague for them to process. The request seeks 13 years of e-mail communications between the Department personnel listed above and individuals from other agencies; since this is a request for e-mail communications, the e-mail addresses of the individuals *outside* the Department is required in order for ITD to conduct a search. Based on the above, the Department must deny this portion of your request at this time.

07/25/2016

Christopher Craig
Page 4
14.4

Item No. 6

Please provide records indicating all Department personnel assigned to the Counter-Terrorism/Criminal Intelligence Bureau from September 11, 2001, through the present.

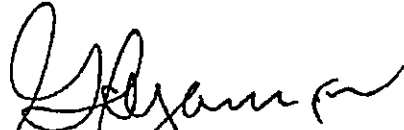
Based on e-mail correspondence between yourself and the Discovery Unit, dated April 11, 2014 and April 21, 2014, the scope of this portion of your request has been narrowed to personnel assigned to Metropolitan Division, Major Crimes Division and Deputy Chief Michael Downing's office within CTSOB, from the period beginning 2001 to present. A search has been conducted and the Department's Personnel Group, Position Control Section, has compiled records responsive to your request. The records are available and may be obtained upon receipt of the applicable fees. Please see the enclosed invoice for details on obtaining the records.

Any correspondence regarding this matter should include a copy of this letter and be directed to the Los Angeles Police Department – Discovery Section, 201 North Los Angeles Street, Space 301, Los Angeles, California 90012.

If you have any questions, please contact Management Analyst Caydene Monk of the Discovery Section at (213) 978-2155.

Very truly yours,

CHARLIE BECK
Chief of Police



MARTIN BLAND, Senior Management Analyst
Officer-in-Charge, Discovery Section
Legal Affairs Division

Enclosures

07/25/2016

**LOS ANGELES POLICE DEPARTMENT
LEGAL AFFAIRS DIVISION – DISCOVERY SECTION**

INVOICE FOR

PUBLIC RECORDS

BOR ADMINISTRATIVE RECORD

Requested By: Christopher Craig, Esq. **Date:** July 1, 2014

Officer/Serial No.: Not applicable **Box File No.:** Not applicable

CPRA Reference No.: C14-040026 **Analyst:** Caydene Monk

Documents Provided	Pages	Fee*
CD containing: Personnel assigned to Metropolitan Division, Major Crimes Division and Deputy Chief Michael Downing's office within CTSOB, from the period beginning 2001 to present.		\$5.00
Copies of Documents related to the search for records @ 10 cents a page		\$4.10
TOTAL		\$9.10

* Govt Code Section 6253(b)
Govt Code Section 6253.9(b)
Admin Code, Div 12, Chapter 2, Art 4
Admin Code, Div 22, Chapter 11, Art 8

Make your check/money order payable to the LAPD. If you wish, you may obtain the documents at our public counter. Please ask to speak with the assigned analyst. Please note that only checks or money orders are accepted at the counter.

Pick-up Hours: 8:00 a.m. – 4:30 p.m.
Monday – Friday
excluding holidays

Location: LAPD – Discovery Section
201 N. Los Angeles St., Space 301
Los Angeles, CA 90012

Note: Please include "CPRA-DL" and the CPRA reference number on your check/money order. If you have any questions, please contact Management Analyst Caydene Monk at (213) 978-2155.

07/01/14

Muslim Advocates
Request

15.2(s) Distributed

07/25/2016

INTRADEPARTMENTAL CORRESPONDENCE

December 20, 2013
14.4

TO: Commanding Officer, Counter Terrorism & Special Operations Bureau

FROM: Commanding Officer, Legal Affairs Division

SUBJECT: CALIFORNIA PUBLIC RECORDS ACT REQUEST FROM
MUSLIM ADVOCATES

The Discovery Section of Legal Affairs Division has received the attached request from Glenn Katon, Legal Director with the Muslim Advocates, asking for records pertaining to policies or practices based upon individuals or communities that are Muslim, or of Arab, South Asian or Middle Eastern descent. Mr. Katon's request was made pursuant to the California Public Records Act (the Act).

The request is being forwarded to you for review. Please provide any responsive records and materials that are in the possession of Counter Terrorism and Special Operations Bureau and its subordinate commands. Please provide these materials to Legal Affairs, Discovery Section by January 3, 2014. Personnel claiming an exemption to disclosure must provide specific justification for non-disclosure. A 15.2 is also being sent to Planning and Research Division and to Training Division requesting any responsive materials they may possess.

If you need additional information, or have any questions regarding this matter, please contact Management Analyst Caydene Monk of the Discovery Section at (213) 978-2136.

Sandra Johnson
for

ROSEIRA C. MORENO, Captain
Commanding Officer
Legal Affairs Division

Attachment

07/25/2016

muslim advocates
PROMOTING FREEDOM AND JUSTICE FOR ALL

Direct dial: (415) 675-1495
Email: glenn@muslimadvocates.org

December 12, 2013

VIA USPS EXPRESS MAIL EB508543854US
Los Angeles Police Department Discovery Section
Attn: Custodian of Records
201 N. Los Angeles St., Space 301
Los Angeles, CA 90012

USM
LAPD
DEC 16 2013
LEGAL AFFAIRS DIVISION
DISCOVERY SECTION

Re: California Public Records Act ("CPRA") Request

Dear Sir or Madam:

Pursuant to the CPRA, I would like to inspect and obtain electronic copies of the following records¹ that are within the possession, custody, or control of the Los Angeles Police Department ("LAPD"), for the period September 11, 2001, through the present:

1. All records reflecting or relating to "LAPD's outreach and grassroots dialogue with Muslim communities" as described by Michael P. Downing, Commanding Officer Counter-Terrorism/Criminal Intelligence Bureau, before the U.S. Senate on October 30, 2007 ("Senate Statement").²
2. All records reflecting or relating to the "Community Mapping" program, as described in the Senate Statement.
3. All records reflecting or relating to the LAPD's policies or practices based upon individuals who or communities that are Muslim, or are of Arab, South Asian or Middle Eastern descent. Such records include but are not limited to:
 - Community mapping or Muslim mapping;

¹ Throughout this request, "record" should be given its broadest meaning under Government Code § 6252, and includes, but is not limited to, policies, protocols, manuals, instructions, training materials, memoranda, templates, forms, notices, invitations, calendars, appointments, meeting agendas, meeting or interview notes, evaluations, assessments, analyses, email communications, correspondence, maps, photographs, video or audio recordings, and information stored in any form.

² Available at:

<http://www.lapdonline.org/assets/pdf/Michael%20DowningTestimonyfortheU.S.Senate-Final.PDF>

07/25/2016

Letter to LAPD Custodian of Records
December 12, 2013
Page 2

- Outreach to individuals who or communities that are Muslim, or are of Arab, South Asian or Middle Eastern descent;
 - Surveillance, monitoring, or collection of information that is not connected to a specific criminal investigation about individuals who or communities that are Muslim, or are of Arab, South Asian or Middle Eastern descent;
 - Informants in mosques or communities that are Muslim, or are of Arab, South Asian or Middle Eastern descent that are not connected to a specific criminal investigation.
4. All records reflecting or relating to communications between any employee or agent of the LAPD and the following individuals, regardless of their actual title at the time of the communication:
- Raymond Kelly, New York City Police Department ("NYPD") Commissioner;
 - David Cohen, NYPD Deputy Commissioner;
 - Lawrence ("Larry") Sanchez, Central Intelligence Agency ("CIA") liaison to the State of New York, or any capacity for the CIA or NYPD;
 - Mitchell D. Silber, NYPD Senior Intelligence Analyst
 - Arvin Bhatt, NYPD Senior Intelligence Analyst
 - Hector Berdecia, NYPD;
 - John Cutter, NYPD Deputy Chief;
 - Timothy Mehta, NYPD Sergeant;
 - Steve D'Ulisse, NYPD Captain;
 - Stephen Hoban, NYPD Detective;
 - Bryan Michael Jenkins, Senior Advisor to the President of the Rand Corporation;
 - Anyone communicating on behalf of the individuals listed in this paragraph 4.
5. All records reflecting or relating to communications between any employee or agent of the LAPD and anyone at the NYPD on the subjects specified in paragraph 3, above, including bullet points.

If you have any questions concerning this request or if the cost for access to the records will exceed \$50.00, please contact me. Thank you in advance for your assistance with this matter.

Sincerely,


Glenn Katon
Legal Director

07/25/2016

Muslim Advocates
Request

E-MAILS

07/25/2016

CAYDENE MONK - Re: CPRA Request for Records

From: CAYDENE MONK
To: ELSA MANLEY
Date: 12/18/2013 1:37 PM
Subject: Re: CPRA Request for Records
Attachments: 20131218143102120.pdf

Good Afternoon Elsa,
Attached is a copy of the request received by Legal Affairs for Department Records.
Please let me know how many of the requested items are housed with your office.

Thank you in advance for your assistance in our efforts to locate the items named in the attached California Public Records Act (CPRA) request.

If you or any one within your office have any questions or need to discuss this matter further, please contact me at (213) 978-2136 or via e-mail.

Caydene Monk
Management Analyst II
LAPD - Legal Affairs Division
Discovery - CPRA Unit
(213) 978-2136

07/25/2016

CAYDENE MONK - Re: CPRA Request for Records

From: ELSA MANLEY
To: MONK, CAYDENE
Date: 12/18/2013 2:09 PM
Subject: Re: CPRA Request for Records

Caydene,

Do you have a deadline? If so, please let me know so we can provide you with the info in a timely manner (before your deadline). Thanks.

Elsa

>>> CAYDENE MONK 12/18/2013 1:37 PM >>>

Good Afternoon Elsa,

Attached is a copy of the request received by Legal Affairs for Department Records.

Please let me know how many of the requested items are housed with your office.

Thank you in advance for your assistance in our efforts to locate the items named in the attached California Public Records Act (CPRA) request.

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Caydene Monk
Management Analyst II
LAPD - Legal Affairs Division
Discovery - CPRA Unit
(213) 978-2136

07/25/2016

CAYDENE MONK - Re: CPRA Request for Records

From: CAYDENE MONK
To: ELSA MANLEY
Date: 12/18/2013 2:11 PM
Subject: Re: CPRA Request for Records

I have 23 days. Thank you for asking.

>>> ELSA MANLEY 12/18/2013 2:09 PM >>>
Caydene,

Do you have a deadline? If so, please let me know so we can provide you with the info in a timely manner (before your deadline). Thanks.

Elsa

>>> CAYDENE MONK 12/18/2013 1:37 PM >>>
Good Afternoon Elsa,

Attached is a copy of the request received by Legal Affairs for Department Records. Please let me know how many of the requested items are housed with your office.

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Caydene Monk
Management Analyst II
LAPD - Legal Affairs Division
Discovery - CPRA Unit
(213) 978-2136

07/25/2016

CAYDENE MONK - Re: CPRA Request for Records

From: ELSA MANLEY
To: MONK, CAYDENE
Date: 12/18/2013 2:17 PM
Subject: Re: CPRA Request for Records

You're welcome.

>>> CAYDENE MONK 12/18/2013 2:11 PM >>>
I have 23 days. Thank you for asking.

>>> ELSA MANLEY 12/18/2013 2:09 PM >>>
Caydene,

Do you have a deadline? If so, please let me know so we can provide you with the info in a timely manner (before your deadline). Thanks.

Elsa

>>> CAYDENE MONK 12/18/2013 1:37 PM >>>
Good Afternoon Elsa,
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Caydene Monk
Management Analyst II
LAPD - Legal Affairs Division
Discovery - CPRA Unit
(213) 978-2136

07/25/2016

CAYDENE MONK - Re: CPRA Request for Records

From: ELSA MANLEY
To: MONK, CAYDENE
Date: 12/18/2013 3:13 PM
Subject: Re: CPRA Request for Records
CC: LOZANO, MARCO

Caydene,

Sergeant Mike Seguin has been assigned your request and is aware of your deadline. If you have any questions, he can be reached at the main line 213-486-8780.
Thank you.

Elsa

>>> CAYDENE MONK 12/18/2013 2:11 PM >>>
I have 23 days. Thank you for asking.

>>> ELSA MANLEY 12/18/2013 2:09 PM >>>
Caydene,

Do you have a deadline? If so, please let me know so we can provide you with the info in a timely manner (before your deadline). Thanks.

Elsa

>>> CAYDENE MONK 12/18/2013 1:37 PM >>>
Good Afternoon Elsa,
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Caydene Monk
Management Analyst II
LAPD - Legal Affairs Division
Discovery - CPRA Unit
(213) 978-2136

07/25/2016

CAYDENE MONK - Downing's statement

From: GREG TOYAMA
To: MONK, CAYDENE
Date: 12/19/2013 8:01 AM
Subject: Downing's statement

It's on the right side under congressional testimony.

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

07/25/2016

CAYDENE MONK - Re: Downing's statement

From: CAYDENE MONK
To: GREG TOYAMA
Date: 12/19/2013 8:12 AM
Subject: Re: Downing's statement

Thank you Greg. I got it.

>>> GREG TOYAMA 12/19/2013 8:01 AM >>>
It's on the right side under congressional testimony.

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

07/25/2016

CAYDENE MONK - Re: CPRA Request for Records

From: CAYDENE MONK
To: ROLLIN SECREST
Date: 12/20/2013 2:28 PM
Subject: Re: CPRA Request for Records
CC: THERESE MANOCCHIO
Attachments: 20131220150558059.pdf

Hello Detective Secrest,
Attached is a 15.2 request for records responsive to a California Public Records Act (CPRA) request made by Mr. Glenn Katon with the Muslim Advocates. The deadline to respond is January 3, 2014.

Thank you in advance for your assistance with this matter. Please give me a call if you have any questions. I can be reached at (213) 978-2136.

Caydene Monk
Management Analyst II
LAPD - Legal Affairs Division
Discovery - CPRA Unit
(213) 978-2136

07/25/2016

CAYDENE MONK - Re: CPRA Request for Records

From: CAYDENE MONK
To: SAM GONG
Date: 12/20/2013 2:37 PM
Subject: Re: CPRA Request for Records
CC: ALEJANDRO NUNO
Attachments: 20131220150536259.pdf

Good Afternoon Sam,
Attached is an official request for records that may be responsive to items listing in the attached letter from Mr. Katon.

Please note that there is a deadline date of January 3, 2014.

Thank you in advance for your assistance with this request. If you have any questions please call me at (213) 978-2136.

Caydene Monk
Management Analyst II
LAPD - Legal Affairs Division
Discovery - CPRA Unit
(213) 978-2136

07/25/2016

From: ALEJANDRO NUNO
To: V9864@lapd.lacity.org
Date: 12/20/2013 2:37 PM
Subject: Re: CPRA Request for Records (Vacation)

Hello -
I will be on vacation beginning December 16 and returning December 30.
Please contact the PTE Front Office for assistance at 213-486-0796.
Thanks.
Alex

>>> CAYDENE MONK 12/20/13 14:37 >>>

Good Afternoon Sam,
Attached is an official request for records that may be responsive to items listing in the attached letter from Mr. Katon.

Please note that there is a deadline date of January 3, 2014.

Thank you in advance for your assistance with this request. If you have any questions please call me at (213) 978-2136.

Caydene Monk
Management Analyst II
LAPD - Legal Affairs Division
Discovery - CPRA Unit
(213) 978-2136

07/25/2016

CAYDENE MONK - Re: CPRA Request for Records

From: SAM GONG
To: MONK, CAYDENE
Date: 12/20/2013 2:40 PM
Subject: Re: CPRA Request for Records
CC: NUNO, ALEJANDRO

Alex, can you help with this?

Sam

>>> CAYDENE MONK 12/20/2013 2:37 PM >>>

Good Afternoon Sam,

Attached is an official request for records that may be responsive to items listing in the attached letter from Mr. Katon.

Please note that there is a deadline date of January 3, 2014.

Thank you in advance for your assistance with this request. If you have any questions please call me at (213) 978-2136.

Caydene Monk
Management Analyst II
LAPD - Legal Affairs Division
Discovery - CPRA Unit
(213) 978-2136

07/25/2016

CAYDENE MONK - Re: CPRA Request Notification to PT&E

From: CAYDENE MONK
To: SAM GONG
Date: 12/20/2013 3:10 PM
Subject: Re: CPRA Request Notification to PT&E

Sam,
I just got a message back that Alex is on vacation until December 30.
Therefore, can you please forward the 15.2 to the person in charge in his absence or advice.

07/15/2016

CAYDENE MONK - Re: CPRA Request for Records

From: CAYDENE MONK
To: ELSA MANLEY; MICHAEL SEGUIN
Date: 12/20/2013 3:16 PM
Subject: Re: CPRA Request for Records
Attachments: 20131220150613956.pdf

Hello Ms. Manley and Sgt Seguin,
Attached is the official 15.2 for the records responsive to Mr. Katon's CPRA request.
Please note the deadline date is January 3, 2014.

07/25/2016

CAYDENE MONK - Re: CPRA Request for Records

From: CAYDENE MONK
To: ROLLIN SECREST
Date: 12/23/2013 10:32 AM
Subject: Re: CPRA Request for Records

Good Morning Rollin,

I know we sent you a request several months ago and I got the same response. Please provide your staff with the procedure you prefer, since I must call each time to ask who and how to send the request. I am not allowed to assume that your procedure after some time remains the same. We will always send the request as currently directed by your Admin Staff.

I was directed by your Admin Staff member to send the request to you.

May I have the name and contact information for the individual that has been assigned this project. I am working with the City Attorney on this one and need to note all my contact information.

Thank you for your assistance.

>>> ROLLIN SECREST 12/23/2013 9:58 AM >>>

Hello, I received the request this morning and forwarded it the correct section so we can get going on it.

For all future requests, please FAX them to our office at (213) 486-0411, so in the event of vacation or days-off, time sensitive requests won't be delayed.

Thank you and have a Merry Christmas,
Rollin

Detective II Rollin Secrest, CFE
Adjutant,
Planning and Research Division,
Mail Stop 400
100 West First Street, Room 831
Los Angeles, Ca. 90012
Main (213) 486-0400
Desk (213) 486-0475
Fax (213) 486-0411
email 31259@lapd.lacity.org
www.joinlapd.com

>>> CAYDENE MONK 12/20/2013 2:28 PM >>>

Hello Detective Secrest,

Attached is a 15.2 request for records responsive to a California Public Records Act (CPRA) request made by Mr. Glenn Katon with the Muslim Advocates. The deadline to respond is January 3, 2014.

Thank you in advance for your assistance with this matter. Please give me a call if you have any questions. I can be reached at (213) 978-2136.

07/25/2016
Caydene Monk
Management Analyst II
LAPD - Legal Affairs Division
Discovery - CPRA Unit
(213) 978-2136

CAYDENE MONK - CPRA Request for Records

From: TABITHA CORONADO
To: MONK, CAYDENE
Date: 12/23/2013 11:26 AM
Subject: CPRA Request for Records

Good Morning,

I work Planning and Research Division and I am the researcher assigned to this project. Please give me a call when you get a chance. My office number is below, you can also reach me on my cell (818)588-0356.

Sincerely,
Tabitha Coronado, Police Officer II
Los Angeles Police Department, Mail Stop 400
100 W. First Street, Room 831
Los Angeles, CA 90012
Main: (213)486-0456

07/25/2016

CAYDENE MONK - CPRA / Muslim Advocates

From: ROY ORTIZ
To: MONK, CAYDENE
Date: 12/26/2013 9:52 AM
Subject: CPRA / Muslim Advocates
CC: 30442; n1919

Good morning
MA Monk

RE: 15.2 Addressed to Training Division (Dated 12-20-13)
Requesting records on policies/ practices regarding the Muslim community

PTE was forwarded the above 15.2, but does not have the information that was requested.

Regards
Roy Ortiz
Police Training and Education

07/25/2016

CAYDENE MONK - Re: CPRA / Muslim Advocates

From: CAYDENE MONK
To: ROY ORTIZ
Date: 12/30/2013 10:30 AM
Subject: Re: CPRA / Muslim Advocates
CC: ALEJANDRO NUNO; KATHLENE MATTHEWS
Attachments: 20131220150536259.pdf

Good Morning Roy,

I have attached a copy of what was sent to each division requested to conduct a search for responsive documents.

The first page is the 15.2 and the 2 pages following the 15.2 is a copy of the original request from which the search is to be conducted.

Please let me know if you have any questions.

>>> ROY ORTIZ 12/26/2013 9:52 AM >>>

Good morning

MA Monk

RE: 15.2 Addressed to Training Division (Dated 12-20-13)

Requesting records on policies/ practices regarding the Muslim community

PTE was forwarded the above 15.2, but does not have the information that was requested.

Regards

Roy Ortiz

Police Training and Education

07/25/2016

CAYDENE MONK - Re: CPRA / Muslim Advocates

From: ALEJANDRO NUNO
To: MONK, CAYDENE
Date: 1/2/2014 10:26 AM
Subject: Re: CPRA / Muslim Advocates
CC: MATTHEWS, KATHLENE; ORTIZ, ROY

Hi Caydene - I'm just back from vacation today and saw your earlier email. Roy is the correct person to respond to this request and I'll check with him if we have any training material that is responsive to the CPRA request; PTE would only be responsive as related to training documents.
Take care,

Alex Nuño
Senior Management Analyst II
Police Training and Education
Los Angeles Police Department
213.486.7057
626.827.6823 (best contact)
N1919@lapd.lacity.org

>>> CAYDENE MONK 12/30/2013 10:30 AM >>>

Good Morning Roy,
I have attached a copy of what was sent to each division requested to conduct a search for responsive documents.
The first page is the 15.2 and the 2 pages following the 15.2 is a copy of the original request from which the search is to be conducted.

Please let me know if you have any questions.

>>> ROY ORTIZ 12/26/2013 9:52 AM >>>

Good morning
MA Monk

RE: 15.2 Addressed to Training Division (Dated 12-20-13)
Requesting records on policies/ practices regarding the Muslim community

PTE was forwarded the above 15.2, but does not have the information that was requested.

Regards
Roy Ortiz
Police Training and Education

07/25/2016

CAYDENE MONK - Re: CPRA Request for Records

From: MICHAEL SEGUIN
To: MONK, CAYDENE
Date: 1/2/2014 11:26 AM
Subject: Re: CPRA Request for Records

Hey I have the information. Let me know when I can bring it over.

>>> CAYDENE MONK 12/20/2013 3:16 PM >>>

Hello Ms. Manley and Sgt Seguin,

Attached is the official 15.2 for the records responsive to Mr. Katon's CPRA request.

Please note the deadline date is January 3, 2014.

07/25/2016

CAYDENE MONK - Paper Work

From: MICHAEL SEGUIN
To: MONK, CAYDENE
Date: 1/3/2014 9:32 AM
Subject: Paper Work

Hey,

I'm going to need to make a copy of what I gave you. I forgot. Let me know when I can pick it up and do that. I will bring it right back. Promise

07/25/2016

CAYDENE MONK - Re: CPRA / Muslim Advocates

From: CAYDENE MONK
To: ALEJANDRO NUNO
Date: 1/3/2014 1:59 PM
Subject: Re: CPRA / Muslim Advocates
CC: KATHLENE MATTHEWS; ROY ORTIZ

Hello Alex,
On Thursday, May 28, 2009, there was a Muslim Community Forum, agenda item No. IV was "Best Practices in Training" the presenter named is Dr. Luann Pannell.
We would to review those items along with any other items you have that may be responsive to that and/or other areas mentioned in the request that was forwarded to you.

Thank you Alex, Roy and Kathlene in advance for your assistance.

>>> ALEJANDRO NUNO 1/2/2014 10:26 AM >>>

Hi Caydene - I'm just back from vacation today and saw your earlier email. Roy is the correct person to respond to this request and I'll check with him if we have any training material that is responsive to the CPRA request; PTE would only be responsive as related to training documents.
Take care,

Alex Nuño
Senior Management Analyst II
Police Training and Education
Los Angeles Police Department
213.486.7057
626.827.6823 (best contact)
N1919@lapd.lacity.org

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>>> ROY ORTIZ 12/26/2013 9:52 AM >>>

Good morning
MA Monk

RE: 15.2 Addressed to Training Division (Dated 12-20-13)
Requesting records on policies/ practices regarding the Muslim community

07/25/2016

PTE was forwarded the above 15.2, but does not have the information that was requested.

Regards
Roy Ortiz
Police Training and Education

07/25/2016

CAYDENE MONK - Re: CPRA / Muslim Advocates

From: ALEJANDRO NUNO
To: MONK, CAYDENE
Date: 1/3/2014 2:02 PM
Subject: Re: CPRA / Muslim Advocates
CC: MATTHEWS, KATHLENE; ORTIZ, ROY

Hi Caydene - Thank you. I already touched base with Roy and when he returns on Tuesday we'll get back to you.
Take care,
Alex

>>> CAYDENE MONK 1/3/2014 1:59 PM >>>

Hello Alex,

On Thursday, May 28, 2009, there was a Muslim Community Forum, agenda item No. IV was "Best Practices in Training" the presenter named is Dr. Luann Pannell.

We would to review those items along with any other items you have that may be responsive to that and/or other areas mentioned in the request that was forwarded to you.

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Police Training and Education
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Good morning

07/25/2016

MA Monk

RE: 15.2 Addressed to Training Division (Dated 12-20-13)

Requesting records on policies/ practices regarding the Muslim community

PTE was forwarded the above 15.2, but does not have the information that was requested.

Regards

Roy Ortiz

Police Training and Education

07/25/2016

CAYDENE MONK - Re: CPRA / Muslim Advocates

From: ALEJANDRO NUNO
To: MONK, CAYDENE
Date: 1/3/2014 2:34 PM
Subject: Re: CPRA / Muslim Advocates

Got it. I understand the CPRA requirements. Delays have come as a result of employees being off for the Holidays.

>>> CAYDENE MONK 1/3/2014 2:12 PM >>>

Alex,

The City Attorney's Office has directed LAPD to respond to this request by January 9, 2014. We are requesting that you

do all that you can to expedite the response from your office so that we can review the documents within the time frame

allowed under the California Public Records Act, prior to preparing our response.

>>> ALEJANDRO NUNO 1/3/2014 2:02 PM >>>

Hi Caydene - Thank you. I already touched base with Roy and when he returns on Tuesday we'll get back to you.

Take care,

Alex

>>> CAYDENE MONK 1/3/2014 1:59 PM >>>

Hello Alex,

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Senior Management Analyst II
 Police Training and Education
 Los Angeles Police Department
 213.486.7057
 626.827.6823 (best contact)
N1919@lapd.lacity.org

01/25/2014

>>> CAYDENE MONK 12/30/2013 10:30 AM >>>

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Good morning

MA Monk

RE: 15.2 Addressed to Training Division (Dated 12-20-13)

Requesting records on policies/ practices regarding the Muslim community

PTE was forwarded the above 15.2, but does not have the information that was requested.

Regards

Roy Ortiz

Police Training and Education

07/25/2016

CAYDENE MONK - California Public Records Act Request From Muslim Advocates

From: TABITHA CORONADO
To: MONK, CAYDENE
Date: 1/6/2014 8:53 AM
Subject: California Public Records Act Request From Muslim Advocates
Attachments: 40518 - 01-06-14 - ULK459K.pdf

Good Morning,

I work Planning and Research Division (PRD) and have attached a copy of the above project request.

Sincerely,
Tabitha Coronado, Police Officer II
Los Angeles Police Department, Mail Stop 400
100 W. First Street, Room 831
Los Angeles, CA 90012

07/25/2016

CAYDENE MONK - Documents - Dr Pannell

From: KATHLENE MATTHEWS
To: MONK, CAYDENE
Date: 1/7/2014 2:04 PM
Subject: Documents - Dr Pannell
Attachments: Dr Pannell CAPRA Docs.pdf

Caydene,

I attached the documents you requested from Dr. Pannell.

Thank you,

Kathlene

Sergeant Kathlene Matthews
Los Angeles Police Department
Police Training and Education
100 West First Street, Room 650
Los Angeles, CA 90012
(213) 486-0796
30442@lapd.lacity.org

07/25/2016

CAYDENE MONK - Discovery Request

From: LUANN PANNELL
To: MONK, CAYDENE
Date: 1/7/2014 4:45 PM
Subject: Discovery Request
CC: GIPSON, NATALIE; NUNO, ALEJANDRO; ORTIZ, ROY
Attachments: CVE Outline 01.09.12.doc; CVE - Partnership Project Handout.doc; Muslim Forum.ppt

Hi Caydene -
This should get you started.
Thanks

Luann P. Pannell, Ph.D.
Director, Police Training and Education
Los Angeles Police Department
100 W. First Street, Room 646
Los Angeles, CA 90012
213-486-0796

07/25/2016

CAYDENE MONK - Re: Documents - Dr Pannell

From: CAYDENE MONK
To: KATHLENE MATTHEWS
Date: 1/8/2014 8:41 AM
Subject: Re: Documents - Dr Pannell

Thank you Kathlene, I got it.

>>> KATHLENE MATTHEWS 1/7/2014 2:04 PM >>>
Caydene,

I attached the documents you requested from Dr. Pannell.

Thank you,

Kathlene

Sergeant Kathlene Matthews
Los Angeles Police Department
Police Training and Education
100 West First Street, Room 650
Los Angeles, CA 90012
(213) 486-0796
30442@lapd.lacity.org

07/25/2016

CAYDENE MONK - Re: Discovery Request

From: CAYDENE MONK
To: LUANN PANNELL
Date: 1/8/2014 8:47 AM
Subject: Re: Discovery Request
CC: ALEJANDRO NUNO; NATALIE GIPSON; ROY ORTIZ

Thank you Dr. Pannell,
I got all your documents. We are good to go, thanks to you and your staff.

>>> LUANN PANNELL 1/7/2014 4:45 PM >>>
Hi Caydene -
This should get you started.
Thanks

Luann P. Pannell, Ph.D.
Director, Police Training and Education
Los Angeles Police Department
100 W. First Street, Room 646
Los Angeles, CA 90012
213-486-0796

07/25/2016

07/25/2016

EXHIBIT J

O'MELVENY & MYERS LLP

BEIJING
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CENTURY CITY
HONG KONG
JAKARTA
LONDON
NEWPORT BEACH
NEW YORK

400 South Hope Street
Los Angeles, California 90071-2899
TELEPHONE (213) 430-6000
FACSIMILE (213) 430-6407
WWW.OMM.COM

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SEOUL
SHANGHAI
SILICON VALLEY
SINGAPORE
TOKYO
WASHINGTON, D.C.

August 1, 2014

OUR FILE NUMBER
3001001-00409

Martin Bland, Officer-in-Charge
Discovery Section, Legal Affairs Division
Los Angeles Police Department
201 N. Los Angeles St., Space 301
Los Angeles, CA 90012

WRITER'S DIRECT DIAL
(213) 430-6029

WRITER'S E-MAIL ADDRESS
christophercraig@omm.com

Re: Second Supplemental Request to CPRA Reference No. C13-1200040

Dear Mr. Bland:

Our client, Muslim Advocates, sought records from the Los Angeles Police Department (the "Department") in a request dated December 13, 2013 ("Original Request") pursuant to the California Public Records Act, Cal. Gov't. Code §§ 6250 et. seq. ("CPRA"). The Department provided a response on January 17, 2014 ("Original Response"). We submitted a follow-up request ("Supplemental Request") to the Department on March 27, 2014. We have received the Department's response ("Supplemental Response") dated July 2, 2014.

After reviewing the Department's Supplemental Response, we request the following ("Second Supplemental Request"):

1. All records of search terms used, and the databases those terms were run against, for searches conducted pursuant to our Original Request and Supplemental Request. For paper records searched, please provide all records regarding the names and any summaries of the files checked, as well as the dates they were checked. Please also provide all records of available electronic databases that were not searched pursuant to the Requests. Your Original Response stated that "There are no documents responsive to your request [regarding 'Community Mapping']." In our Supplemental Request we asked for "All records relating to the Department's efforts to comply with the Request, including (but not limited to)" several types of suggested records. The Supplemental Response you provided did not assist us in ascertaining the adequacy of your search. In responding to this request, please include any additional records, in addition to search terms and database descriptions, that demonstrate how your search for records on "Community Mapping" was conducted. Such records, or an explanation of the search methods used, are the

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only way we can determine the extent to which the Department complied with its obligations under the statute.

2. Regarding Item No. 4 of our Supplemental Request, to the extent the term "Community Mapping" is not on the search term list responsive to Item No. 1 above (in this Second Supplemental Request), please search your email system and other electronic databases for the term "Community Mapping" and provide screen shots of the use of the term and databases searched. The Supplemental Response indicates your understanding that our information about the "Community Mapping" program was derived from news articles instead of Department sources. However, as noted in the Original Request (Item No. 2) and Supplemental Request (Item No. 4): the October 30, 2007 Senate Statement of Michael P. Downing, Commanding Officer, Counter-Terrorism/Criminal Intelligence Bureau, described the "Community Mapping" program as already in progress for 18 months. The Senate statement of a Department Commanding Officer is a direct source, not a news article. Again, we find it implausible that no such documents exist, assuming the information Officer Downing provided to the United States Senate was correct.
3. Regarding your denial of Item No. 5 of our Supplemental Request, provide records identifying the email system in use by the Department, as well as any separate archiving system and document retention policy describing the time period during which email is retained. Also, provide all records documenting the search capabilities of the email and archiving systems. We note that there is no statutory requirement that we provide the Department with email addresses to search for emails of individuals outside the Department. To the extent you maintain that there is a technological limitation requiring such a restriction, produce all records indicating that a simple term search using the names of the out-of-department individuals listed along with the names and/or email addresses of Department individuals could not be used to obtain the email messages sought.

We believe our requests could be processed more efficiently if we are given the opportunity to speak by phone with personnel in your Information Technology Department to discuss the technical details of these searches and the Department's electronic storage systems for emails and records. This direct contact may result in locating a significant amount of additional records that you are required to produce under the CPRA.

For records produced pursuant to this request, please provide your response in electronic format whenever possible. Our order of preference is: 1) electronic documents attached to an email sent to christophercraig@omm.com; 2) electronic documents delivered on a CD; or 3) paper copies.

07/25/2016

O'MELVENY & MYERS LLP
August 1, 2014 - Page 3

If you have any questions regarding this Second Supplemental Request, please contact me at (213) 430-6029 or christophercraig@omm.com. Thank you for your attention to this matter.

Sincerely,

Christopher Craig IPRM

Christopher Craig
for O'MELVENY & MYERS LLP

07/25/2016

07/25/2016

EXHIBIT K

LOS ANGELES POLICE DEPARTMENT



CHARLIE BECK
Chief of Police

ERIC GARCETTI
Mayor

P. O. Box 30158
Los Angeles, California 90030
Telephone: (213) 978-2100
TDD: (877) 275-5273
Reference Number: 14-4

August 19, 2014

Mr. Christopher Craig
O'Melveny & Myers LLP
400 South Hope Street
Los Angeles, California 90071

Dear Mr. Craig:

I have reviewed your second supplemental request (enclosed), dated August 1, 2014, for Los Angeles Police Department (the Department) records and information related to a request made by your client, the Muslim Advocates, and the first supplemental request made by you. Your request was made pursuant to the California Public Records Act (the Act).

The Los Angeles Police Department (the Department) is cognizant of its responsibilities under the Act. It recognizes the statutory scheme was enacted in order to maximize citizen access to the workings of government. The Act does not mandate disclosure of all documents within the government's possession. Rather, by specific exemption and reference to other statutes, the Act recognizes that there are boundaries where the public's right to access must be balanced against such weighty considerations as the right of privacy, a right of constitutional dimension under California Constitution, Article 1, Section 1. The law also exempts from disclosure records that are privileged or confidential or otherwise exempt under either express provisions of the Act or pursuant to applicable federal or state law, per Government Code Sections 6254(b); 6254(c); 6254(f); 6254(k); and 6255.

Please note that, in accordance with Government Code Section 6253(c) (1) and (3), I have found that "unusual circumstances" exist with respect to the request due to the need to search for and collect any existing requested records from field facilities/other establishments that are separate from the Discovery Section (the office processing the request); and, for consultation among two or more components of the agency having substantial subject matter interest in the requested records. Therefore, my staff will require the statutory fourteen days extension of time in which to respond. A determination concerning your request will be made as soon as possible.

07/25/2016

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ER K

Mr. Christopher Craig
Page 2
14.4

Thank you for your patience and cooperation. Any correspondence regarding this matter should include a copy of this letter and be directed to the Los Angeles Police Department – Discovery Section, 201 North Los Angeles Street, Space 301, Los Angeles, California 90012.

If you have any questions, please contact Management Analyst Caydene Monk of the Discovery Section at (213) 978-2155.

Very truly yours,

CHARLIE BECK
Chief of Police



MARTIN BLAND, Senior Management Analyst
Officer-in-Charge, Discovery Section
Legal Affairs Division

Enclosure

07/25/2016

07/25/2016

EXHIBIT L



Suite 800
505 Montgomery Street
San Francisco, CA 94111-6533

Thomas R. Burke
(415) 276-6552 tel
(415) 276-6599 fax

thomasburke@dwt.com

March 16, 2015

Via Facsimile and Overnight Mail

Martin Bland, Officer-in-Charge
Discovery Section, Legal Affairs Division
Los Angeles Police Department
201 N. Los Angeles St., Space 301
Los Angeles, CA 90012
Fax: (213) 978-2080

Re: CPRA Request from Muslim Advocates; Reference No. C13-1200040

Dear Mr. Bland:

This firm represents Muslim Advocates in connection with its request under the California Public Records Act ("CPRA") for records related to the LAPD's "Community Mapping" program. We have reviewed our client's earlier correspondence with the LAPD in which the LAPD denied this request by stating that there are no responsive documents. Our client has explained why it believes that responsive records exist, requested more information about the department's position, and offered to work with the LAPD to craft an effective search.¹ The LAPD has simply ignored these inquiries. Muslim Advocates will seek a court order requiring the department to comply with its obligations under the CPRA if it does not promptly produce the requested records, or provide a detailed, credible explanation for why compliance is not possible.

On December 12, 2013, Muslim Advocates requested "[a]ll records reflecting or relating to the 'Community Mapping' program, as described in the" October 30, 2007 testimony of LAPD Deputy Chief Michael Downing before the United States Senate's Homeland Security & Governmental Affairs Committee. You responded on behalf of the LAPD on January 17, 2014 that "[f]here are no documents responsive to your request."

Muslim Advocates' previous counsel regarding this matter, Christopher Craig, responded on March 27, 2014, by identifying the specific portions of Deputy Chief Downing's Senate Statement that led the organization to believe that the LAPD has records in its possession related to the Community Mapping program. He asked the LAPD to specify if responsive records had been destroyed, and requested records relating to the agency's efforts to comply with the request.

You responded on July 2, 2014, by stating that "[i]t is our understanding that the information referred to was derived from non-Department related news articles." The response

¹ A full set of the prior correspondence is attached for your reference as Exhibit A.

DWT 26396629v3 0050033-000045

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07/25/2015

March 16, 2015

Page 2

did not acknowledge Deputy Chief Downing's Senate Statement, and did not offer any details about the search the LAPD conducted in response to the request. Consequently, Mr. Craig followed up on August 1, 2014, by reiterating that it was not merely a news article that created a strong inference that the LAPD has documents in its possession about the Community Mapping program, but rather the public testimony of a high-ranking department official. Mr. Craig asked the LAPD to provide basic information about its search – including whether it had searched its email system and electronic databases for the term "Community Mapping" – and offered to speak by phone with someone from the LAPD's Information Technology Department to help formulate an effective search. You sent a form letter on August 19, 2014, stating that the LAPD would respond within 14 days, but Muslim Advocates never received any further response.

For all of the reasons identified in Mr. Craig's letters of March 27, 2014, and August 1, 2014, it is implausible that the LAPD does not have any records in its possession relating to the Community Mapping program. In its responses, the department has not even acknowledged Deputy Chief Downing's Senate Statement or offered any information to explain its position. Nor has the LAPD provided any information about how it has searched for records in response to this request. The department's refusal to assist Muslim Advocates in trying to identify any responsive records, and its apparent failure to conduct a reasonable search, are both independently actionable violations of the CPRA. See Gov't Code § 6253.1(a) (agency required to assist requester in identifying responsive records); Cal. First Amendment Coalition v. Superior Court, 67 Cal. App. 4th 159, 166 (1998) (agency must use "reasonable effort" to locate records and is "obliged to search for records based on criteria set forth in the search request").

Under these circumstances, Muslim Advocates is entitled to seek a declaratory judgment – and recovery of its resulting attorneys' fees and costs – solely on the basis of the LAPD's inadequate response. See Gov't Code § 6259(d) (successful CPRA petitioner entitled to mandatory award of attorneys' fees and costs); Community Youth Athletic Center v. City of National City, 220 Cal. App. 4th 1385, 1447 (2013) (requester prevailed in CPRA action and was entitled to fee-shifting for obtaining declaratory judgment that there were search-related CPRA violations by public agency). If the LAPD does not promptly produce the requested records as required by law, Muslim Advocates will seek a court order compelling disclosure. We hope that such action will not be necessary.

07/25/2015

DWT 26396629v3 0050033-000045

March 16, 2015

Page 3

We look forward to receiving your response no later than 5:00 p.m. on March 30, 2015. If the City Attorney's office is now involved in this matter, please provide this letter to them, and ask them to contact me at (415) 276-6552, or via email at thomasburke@dwt.com.

Sincerely,
Davis Wright Tremain LLP

Thomas R. Burke INC
Thomas R. Burke

07/25/2016

DWT 26396629v3 0050033-000045

07/25/2016

EXHIBIT M

Charney, Brendan

From: Burke, Thomas
Sent: Thursday, March 26, 2015 2:21 PM
To: Julie Raffish
Cc: Carlos De La Guerra; Laidman, Dan; Charney, Brendan; Majorko, Natasha
Subject: Re: Muslim Advocates CPRA Request

That is fine.

Thomas R. Burke | Davis Wright TremaineLLP
505 Montgomery Street, Suite 800 | San Francisco, CA 94111
Tel: (415) 276-6552 | Mobile: (415) 519-3406
Email: thomasburke@dwt.com | Website: www.dwt.com
Bio: www.dwt.com/lawdir/attorneys/BurkeThomas.cfm
Anchorage | Bellevue | Los Angeles | New York | Portland | San Francisco | Seattle | Shanghai | Washington, D.C.

On Mar 26, 2015, at 2:16 PM, Julie Raffish <julie.raffish@lacity.org> wrote:

Good afternoon Mr. Burke:

I am in receipt of your letter, dated March 16, 2015, concerning the Los Angeles Police Department's response to a California Public Records Act request made by your client, Muslim Advocates. I am assisting the Department in identifying any *additional* responsive and not otherwise exempt public records, as I believe the Department has already made over 300 pages of responsive records available to your client and the attorney previously representing them.

At the conclusion of your letter, you stated that you were seeking production of all responsive records by Monday, March 30, 2015. I will be out of the office tomorrow (Friday), and Monday, March 30th is a City holiday. I will be returning to the office on Tuesday, March 31, 2015.

I am requesting that we touch base on Tuesday, when I hope to have information concerning the availability of additional responsive records.

Please let me know whether you are agreeable to this.

I appreciate your consideration.

Julie Raffish

--
Julie S. Raffish
Deputy City Attorney
Los Angeles City Attorney's Office
Public Safety General Counsel Division
(213) 978-8388 *NOTE NEW NUMBER

07/25/2016

EM

(213) 978-8787 Fax

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07/25/2016

EXHIBIT N

Charney, Brendan

From: Charney, Brendan
Sent: Thursday, April 09, 2015 3:46 PM
To: Julie Raffish
Cc: Carlos De La Guerra; Burke, Thomas; Laidman, Dan
Subject: RE: Muslim Advocates CPRA Request

Ms. Raffish:

Thank you for your message. We are amenable to the time line you suggest, and look forward to receiving the Department's response on April 20.

Regards,

Brendan

Brendan Charney | Davis Wright Tremaine LLP
865 S Figueroa Street, Suite 2400 | Los Angeles, CA 90017
Tel: (213) 633-6824 | Fax: (213) 633-6889
Email: brendancharney@dwt.com | Website: www.dwt.com
Bio: www.dwt.com/people/brendancharney/

Anchorage | Bellevue | Los Angeles | New York | Portland | San Francisco | Seattle | Shanghai | Washington, D.C.

Disclaimer: This message may contain confidential communications protected by the attorney client privilege. If you received this message in error, please delete it and notify the sender.

From: Julie Raffish [<mailto:julie.raffish@lacity.org>]
Sent: Monday, April 06, 2015 11:24 AM
To: Burke, Thomas; Charney, Brendan
Cc: Carlos De La Guerra
Subject: Re: Muslim Advocates CPRA Request

Mr. Burke:

As we discussed last week when we spoke, I have met with representatives of the Los Angeles Police Department concerning your letter, dated March 16, 2015, regarding the existence of any additional records responsive to a CPRA request from your client, Muslim Advocates.

The Department is requesting until April 20, 2015 to conduct a further search for responsive records, confirm the capabilities of any necessary systems utilized to identify and/or extract responsive records, and deliver its written response to you.

Please advise whether you are amenable to this time line.

Thank you for your continued cooperation,

Julie

On Wed, Apr 1, 2015 at 10:57 AM, Burke, Thomas <THOMASBURKE@dwt.com> wrote:

BN

07/25/2016

Let's use my conference call line instead.

For Participants: Dial: 1/888-757-0729

Password: 415 276 6552#

Thomas R. Burke | Davis Wright Tremaine LLP
505 Montgomery Street, Suite 800 | San Francisco, CA 94111
Tel: (415) 276-6552 | Fax: (415) 489-9052 | Mobile: (415) 619-3406
Email: thomasburke@dwt.com | Website: www.dwt.com
Bio: www.dwt.com/people/ThomasRBurke

Anchorage | Bellevue | Los Angeles | New York | Portland | San Francisco | Seattle | Shanghai | Washington, D.C.

From: Julie Raffish [mailto:julie.raffish@lacity.org]
Sent: Wednesday, April 01, 2015 10:56 AM
To: Burke, Thomas
Subject: Re: Muslim Advocates CPRA Request

1:00 works for us. We will call you.

Thanks,

Julie

On Wed, Apr 1, 2015 at 7:56 AM, Burke, Thomas <THOMASBURKE@dwt.com> wrote:

Please let me know if you'll be available to discuss this matter today at 1:00. And if not then, other clear times this afternoon. Thanks.

Thomas R. Burke | Davis Wright Tremaine LLP
505 Montgomery Street, Suite 800 | San Francisco, CA 94111
Tel: (415) 276-6552 | Fax: (415) 489-9052 | Mobile: (415) 619-3406
Email: thomasburke@dwt.com | Website: www.dwt.com
Bio: www.dwt.com/people/ThomasRBurke

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4/1/2015

From: Julie Raffish [mailto:julie.raffish@lacity.org]
Sent: Thursday, March 26, 2015 2:16 PM
To: Burke, Thomas
Cc: Carlos De La Guerra
Subject: Muslim Advocates CPRA Request

Good afternoon Mr. Burke:

I am in receipt of your letter, dated March 16, 2015, concerning the Los Angeles Police Department's response to a California Public Records Act request made by your client, Muslim Advocates. I am assisting the Department in identifying any *additional* responsive and not otherwise exempt public records, as I believe the Department has already made over 300 pages of responsive records available to your client and the attorney previously representing them.

At the conclusion of your letter, you stated that you were seeking production of all responsive records by Monday, March 30, 2015. I will be out of the office tomorrow (Friday), and Monday, March 30th is a City holiday. I will be returning to the office on Tuesday, March 31, 2015.

I am requesting that we touch base on Tuesday, when I hope to have information concerning the availability of additional responsive records.

Please let me know whether you are agreeable to this.

I appreciate your consideration.

Julie Raffish

07/25/2016

Julie S. Raffish

Deputy City Attorney

Los Angeles City Attorney's Office

Public Safety General Counsel Division

(213) 978-8388 *NOTE NEW NUMBER

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--

Julie S. Raffish

Deputy City Attorney

Los Angeles City Attorney's Office

Public Safety General Counsel Division

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9/25/2016

Julie S. Raffish
Deputy City Attorney
Los Angeles City Attorney's Office
Public Safety General Counsel Division
(213) 978-8388 *NOTE NEW NUMBER
(213) 978-8787 Fax

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07/25/2016

087 125 12016

EXHIBIT O

LOS ANGELES POLICE DEPARTMENT



CHARLIE BECK
Chief of Police

ERIC GARCETTI
Mayor

P. O. Box 30158
Los Angeles, California 90030
Telephone: (213) 978-2100
TDD: (877) 255-5273
Reference Number: 14.4

April 20, 2015

Thomas R. Burke
Davis Wright Tremaine LLP
505 Montgomery Street, Suite 800
San Francisco, CA 94111

Dear Mr. Burke:

Thank you for your patience. In order to provide you with the Department's response today as agreed upon, this correspondence will be sent via email and the original will follow through postal mail. To briefly summarize the procedural history of this matter, in a letter dated December 12, 2013 and received December 16, 2013, Muslim Advocates delivered a California Public Records Act request on the Los Angeles Police Department (Department) requesting records relating to "Community Mapping," "Muslim Mapping," or outreach with Muslim communities, as described by Deputy Chief Michael Downing in a statement he made before the United States Senate in October of 2007. This request also sought records relating to communications between any LAPD employee and twelve individuals from outside the Department.

On January 17, 2014, the Department provided its response to the above request, which included an invoice for the production of certain responsive and not otherwise exempt records (approximately 360 pages), as well as assertion of certain exemptions applicable to redactions contained in produced records, and entire categories of other records. Respecting the portion of the request seeking e-mail or other communications between every Department employee and the twelve identified persons, the Department explained that its Information Technology Division (ITD) could conduct a query of its system for "specific domain names or by key words solely within a specific email account," but to conduct a search of approximately 14,000 Department email accounts would be unduly burdensome.

07/25/2015

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ER 0

In a letter dated March 27, 2014 and received on March 28, 2014, an attorney for the law firm, O'Melveny & Myers sent a "follow-up" letter to the Department as counsel for Muslim Advocates. The letter challenged the processes by which the Department conducted its search for responsive records to the initial request, amended the initial email search to the accounts of seven identified Department employees, and sought the employee rosters for Counter-Terrorism Special Operations Bureau (later amended by mutual agreement). The Department provided a response to this supplemental request in a letter dated July 2, 2014. The Department's letter identified the Management Analyst primarily responsible for processing the initial CPRA request, and the bureaus and divisions to which she sent Intra-Departmental correspondence as part of the search for responsive records. As part of its July 2nd response, the Department also provided email communications between the Discovery Unit and these bureaus and divisions evidencing the requests to perform the necessary searches, and a further response from ITD concerning its (in)ability to query the email system without the email addresses of the non-Department persons identified in the original request. Significantly, none of the correspondence generated by Muslim Advocates or its legal representative ever provided a time period within which it sought production of responsive emails.

A second supplemental request was made to the Department by O'Melveny & Myers in a letter dated August 1, 2014. Again, among other things, this letter sought records identifying the databases searched, as well as the email system utilized by the Department. Additionally, the supplemental request sought any records indicating that "simple" search term queries of the system utilizing the names of the non-Departmental individuals in conjunction with the names of certain identified Department employees could not be performed within the capabilities of the system. As stated in your March 16, 2015 letter, the Department did provide a written response on August 19, 2014 wherein it indicated that a search pursuant to the supplemental request was ongoing and a further response would be provided. However, it does not appear that that occurred.

The CPRA governs production only of responsive and not otherwise exempt records, and does not require the local agency to create records that do not exist at the time the request is received. Further, the Act does not require that the agency answer questions or otherwise provide "information" beyond that which is part of a record. However, to the extent that much of the correspondence directed to the Department has related to testimony given by Deputy Chief Downing in October 2007, this response seeks to provide a measure of clarity in regard to the status of the program so testified to. While it had been Chief Downing's intention to implement a program whereby certain communities would be identified for the purpose of focused Department outreach and collaboration - referred to as a "Community Mapping" or "Muslim Mapping" program, such a program was never implemented. Discussions concerning said proposed program had been conceptual up to that point, and involved verbal dialogue with other possible non-governmental participants or potential partners. In essence, it was an idea borne out of basic community policing principles which the Department had been utilizing Citywide for almost two years prior. Records describing the concepts behind the proposed program, and any correspondence received by the Department from organizations concerning the proposed program have already been provided pursuant to this CPRA request.

Thomas R. Burke
Page 3
14.4

Chief Downing and Counter-Terrorism and Special Operations Bureau have each been contacted by the Discovery Unit and directed to conduct searches of any paper records/files to determine whether any such responsive records/files exist. No additional records related to Chief Downing's testimony, or the proposed program were located.

As stated above, in regard to a search of electronic databases or email systems, the Department previously provided copies of emails between Discovery Unit representatives and its Information Technology Division (ITD) concerning the information necessary to conduct a system-wide search of any/all email between Department and non-Department individuals. In addition to the email communications already provided, Mr. Greg Toyama of the Discovery Unit contacted Mr. Leshon Frierson, of the Department's Information Technology Division, for information concerning any limitations on querying the Department's email system. Copies of that correspondence are attached hereto. According to Mr. Frierson, the Department's email archiving system was initiated in March 2013, meaning that email generated after that date can be queried electronically. Retrieval of email prior to March 2013 requires manual restoration of taped back-ups, decryption, and individual review. Further, according to Ms. Rachel McClain, Groupwise Administrator at ITD, this extended manual search capability is only available for email dating back to late 2010. The Department does not possess the machines necessary to perform back-up retrieval for email older than this and would therefore deny a request for such email. The original CPRA request from Muslim Advocates was dated December 12, 2013. As this initial request (and all other supplements) never identified a time period within which email was sought, the Department's responses never addressed the same. However, based on the above information from ITD, the Department's email query capabilities would have been limited. To the extent any of the requests sought searching and retrieval of email from late 2010 to March 2013, such a request would be unduly burdensome as explained above, and the Department denies that portion of the request(s) pursuant to Section 6255 of the Act.

In a continued effort to respond to the various searches requested by O'Melveny & Myers in its August 1, 2014 letter, and limited as described above, the Department will conduct a "search term" query of the email accounts for the seven former/current Department employees identified in the letter, using the following search terms: "Muslim Mapping," "Community Mapping," and "Mapping Program." (See Intra-Departmental Transmittal, dated April 17, 2015, attached hereto.) Should this query result in the identification of responsive and not otherwise exempt records, a Discovery Unit representative will contact you.

07/25/2016

Thomas R. Burke
Page 4
14.4

We hope the issues raised in your March 14, 2015 letter have been addressed by way of this correspondence. As required under the Act, the Department believes it has undertaken "reasonable effort" to locate records responsive to your request(s).

If you have any questions regarding this correspondence, please contact Senior Management Analyst Greg Toyama of the Discovery Section at (213) 978-2178.

Very truly yours,

CHARLIE BECK
Chief of Police



MARTIN BLAND, Senior Management Analyst
Officer-in-Charge, Discovery Section
Legal Affairs Division

Enclosures

07/25/2016

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www.joinLAPD.com

GREG TOYAMA - 15.2 email search

From: GREG TOYAMA
To: ITDCO, ITDCO
Date: 4/17/2015 3:27 PM
Subject: 15.2 email search
Attachments: SPolice Dis15041715130.pdf

Please see attached.

Thanks

Greg

07/25/2016

file:///C:/Users/G9034/AppData/Local/Temp/XPGrpWise/55312649LAPDDomAPOA210... 4/17/2015

INTRADEPARTMENTAL CORRESPONDENCE

April 17, 2015
14.4

TO: Commanding Officer, Information Technology Division

FROM: Commanding Officer, Legal Affairs Division

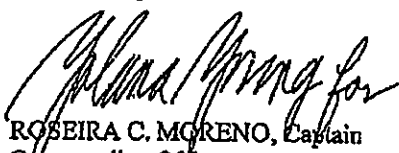
SUBJECT: REQUEST FOR E-MAIL COMMUNICATIONS OF DEPARTMENT
PERSONNEL

The Discovery Section of Legal Affairs Division (LAD) has received the attached request from Mr. Christopher Craig. Mr. Craig is seeking all email communications containing the following keywords: community mapping, Muslim mapping, mapping program.

Please conduct a search of the email accounts of the employees identified below for any responsive records. The search should be from the date of this request to whatever time period emails are retained.

- William Bratton #36573
- Michael P. Downing #23692
- Joan T. McNamara #23790
- Michel R. Moore #23506
- Mark G. Stainbrook #31696
- Johnathan Celentano #26197
- Chand Syed #38475

This is a time sensitive request and it is requested that this search be given priority status. Please contact Senior Management Analyst Greg Toyama at (213) 978-2178 to discuss the search completion date.



ROSEIRA C. MORENO, Captain
Commanding Officer
Legal Affairs Division

Attachments

07/25/2016

O'MELVENY & MYERS LLP

BEIJING
BRUSSELS
CENTURY CITY
HONG KONG
JAKARTA
LONDON
NEWPORT BEACH
NEW YORK

400 South Hope Street
Los Angeles, California 90071-2899

TELEPHONE (213) 430-6000
FACSIMILE (213) 430-6407
WWW.OMM.COM

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MAR 28 2014

LEGAL AFFAIRS DIVISION
DISCOVERY SECTION

SAN FRANCISCO
SEATTLE
SHANGHAI
SILICON VALLEY
SINGAPORE
TOKYO
WASHINGTON, D.C.

March 27, 2014

Martin Bland, Officer-in-Charge
Discovery Section, Legal Affairs Division
Los Angeles Police Department
201 N. Los Angeles St., Space 301
Los Angeles, CA 90012

OUR FILE NUMBER
0600000-00003

WRITER'S DIRECT DIAL
(213) 430-6029

WRITER'S E-MAIL ADDRESS
christophercraig@omm.com

Re: Follow Up to CPRA Reference No. CI3-1200040

Dear Mr. Bland:

Please be advised that we represent Muslim Advocates in connection with its request for documents from the Los Angeles Police Department (the "Department") pursuant to the California Public Records Act, Cal. Gov't. Code §§ 6250 et. seq. ("CPRA"). Muslim Advocates' request letter was dated December 13, 2013 ("the Request"), and the Department's response was dated January 17, 2014. Please direct all further communications regarding this matter to my attention.

After reviewing the Department's response, we request the following:

1. All records relating to the Department's effort to comply with the Request, including (but not limited to): any effort made to identify key custodians, bureaus, sections, or divisions that would be likely to maintain responsive files; Department communications regarding this request; any summaries prepared of the Request; and the name and title of the person in charge of responding to the Request.
2. All records reflecting the basis for the Department's assertion that the article entitled "Racial Profiling" is a 2007 document. As background, one of the documents provided by the Department was an article entitled "Racial Profiling" by the American Civil Liberties Union. This document was described as a 2007 document in the list of documents being provided. The document itself, however, indicates it was printed from the internet on December 20, 2013, or seven days after our initial request. Further, the document itself refers to incidents and resources from as recently as 2010, making the assertion that it is a 2007 Department record impossible.

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3. For each redaction in the enclosed two-page document you produced, beginning with the August 9, 2012 email from James Buck, please identify the statutory exemption that corresponds with each specific redaction.
4. The basis for, or a correction of, the Department's January 17, 2014 response to Item No. 2 of the Request. The Department's response stated that "[i]here are no documents responsive to your request." Item No. 2 of the Request sought: "All records reflecting or relating to the 'Community Mapping' program, as described in the Senate Statement [of Michael P. Downing, Commanding Officer, Counter-Terrorism/Criminal Intelligence Bureau, before the U.S. Senate on October 30, 2007]." We find it implausible that no such documents exist, given the information below taken directly from Commander Downing's statement to the United States Senate. If, in light of the information specified below, the Department continues to assert that it does not have records responsive to Item No. 2, please provide all records reflecting how such records were destroyed or are otherwise no longer within the Department's possession custody or control.
 - a. Section V of the Senate Statement states: "for the past 18 months, the LAPD's outreach and grassroots dialogue with Muslim communities has helped the entire command staff to observe, learn, engage and, most importantly, listen. This has helped to build more robust trust networks at the divisional level of the police service area." If these efforts were already in progress for 18 months at the time of the Senate Statement, it is likely that the Department would have some documentation relating to this program, such as reports, proposals, meeting agendas, meeting minutes, and similar records.

Section V of the Senate Statement also states that "the LAPD recently launched an initiative with an academic institution to conduct an extensive 'community mapping' project." Thus, the initiative had already been launched at the time of the Senate Statement. It is unlikely that the Department would initiate such an extensive project, alongside another institution, without having a single document reflecting its preparation, goals, objectives, strategies, and progress.

For example, the November 2007 "Muslim Community Engagement Initiative" White Paper produced by the Department provides a brief sketch that identifies goals, phases of implementation, and even an institutional partner (the Muslim Public Affairs Council) for a project called the Muslim Community Engagement initiative. Similarly, we anticipate there may be documents outlining the development, objectives, and progress of the potentially separate initiative that was already underway at the time of Officer Downing's Senate testimony. It may even

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describe the partnership with the unnamed academic institution mentioned in his Senate Statement.

- b. All records relating to the Department's effort to comply with this request, as specified in paragraph 1, above.
5. The Department's response to Item No. 4 of the Request stated that it would be unduly burdensome to provide communications between its personnel and specifically named individuals with the New York Police Department, the Central Intelligence Agency, and the Rand Corporation. Accordingly, we are revising our request to cover communications between the same individuals identified in Item No. 4, and the Department personnel listed below. This request is more narrowly tailored and should not be unduly burdensome to process.
- a. William Bratton
 - b. Michael P. Downing
 - c. Joan T. McNamara
 - d. Michel R. Moore
 - e. Mark G. Stainbrook
 - f. Johnathan Celentano
 - g. Chand Syed
6. Please provide records indicating all Department personnel assigned to the Counter-Terrorism/Criminal Intelligence Bureau from September 11, 2001, through the present.

Although the Request specifically asked for records in electronic format, the Department provided hard copies. We reiterate our request that you provide your response in electronic format whenever possible. Our order of preference is: 1) electronic documents attached to an email sent to christophercraig@omm.com; 2) electronic documents delivered on a CD; or 3) paper copies.

If you have any questions regarding this request, please contact me at (213) 430-6029 or christophercraig@omm.com. Thank you for your attention to this matter.

Sincerely,



Christopher Craig
for O'MELVENY & MYERS LLP

07/25/2016

GREG TOYAMA - Re: Email search capabilities

From: LESHON FRIERSON
To: TOYAMA, GREG
Date: 4/17/2015 1:10 PM
Subject: Re: Email search capabilities

What is your call back number?

Leshon Frierson, SSA 1
Information Technology Division, LAPD
(213) 486-0330
frierson@lapd.lacity.org

>>> GREG TOYAMA 4/16/2015 3:56 PM >>>

Leshon - Discovery is working with CA Julie Raffish to draft a response addressing the Dept's email search capabilities and we need to have a clear understanding of the time parameters so we can accurately reflect it in our letter. We received a request on December 12, 2013, so how far back could a search have gone if one had been conducted at that time? Similarly, if a request was received today, how far back could a search go? We will be finalizing our reply tomorrow so if you can let me know as soon as possible it would be greatly appreciated. If this question should be answered by someone else please forward it to them and let me know who it is.

Thanks

Greg

07/25/2016

file:///C:/Users/G9034/AppData/Local/Temp/XPGpWise/55310633LAPDDomAPOA210... 4/20/2015

GREG TOYAMA - Re: Email search capabilities

From: LESHON FRIERSON
To: TOYAMA, GREG
Date: 4/17/2015 1:44 PM
Subject: Re: Email search capabilities

Greg,

The Department instituted an email archiving system in March of 2013. We are capable of retrieving mail from that time forward without issue.

To retrieve email from prior to March, 2013, the process involves restoring data from tape backups of servers that were originally intended only for disaster recovery purposes. The backup tapes contain the mailboxes at the date and time of the back up and are not complete records of all email sent or received. Once the data is restored it must be decrypted in order for the mail to be readable. This is a manual process that is extremely time consuming and there is no guarantee that a tape, which has been sitting for years, is still readable. We make every attempt to fully comply with all requests. However, the further back we go the less likely we will be able to extract the data. Anything older than 2008 is very doubtful due to changes in backup hardware and software over that time.

Leshon

Leshon Frierson, SSA 1
Information Technology Division, LAPD
(213) 486-0330
frierson@lapd.lacity.org

>>> GREG TOYAMA 4/16/2015 3:56 PM >>>

Leshon - Discovery is working with CA Julie Raffish to draft a response addressing the Dept's email search capabilities and we need to have a clear understanding of the time parameters so we can accurately reflect it in our letter. We received a request on December 12, 2013, so how far back could a search have gone if one had been conducted at that time? Similarly, if a request was received today, how far back could a search go? We will be finalizing our reply tomorrow so if you can let me know as soon as possible it would be greatly appreciated. If this question should be answered by someone else please forward it to them and let me know who it is.

Thanks

Greg

07/25/2016

file:///C:/Users/G9034/AppData/Local/Temp/XPGrpWise/55310E4DLAPDDomAPOA21... 4/20/2015

07/25/2016



Suite 800
505 Montgomery Street
San Francisco, CA 94111-6533

Thomas R. Burke
(415) 276-6552 tel
(415) 276-6599 fax

thomasburke@dwt.com

May 27, 2015

Via Facsimile and Overnight Mail

Martin Bland, Officer-in-Charge
Discovery Section, Legal Affairs Division
Los Angeles Police Department
201 N. Los Angeles St., Space 301
Los Angeles, CA 90012
Fax: (213) 978-2080

Re: CPRA Request from Muslim Advocates; Reference No. C13-1200040 –
Supplemental Request to Clarify Search Capability In Connection With Initial
Request

Dear Mr. Bland:

I write in reply to your letter of April 20, 2015 regarding Muslim Advocates' December 12, 2013 California Public Records Act request for records pertaining to the Department's "Community Mapping" Program ("Initial Request"). The Department's April 20, 2015 letter ("Response")¹ is unclear on several points regarding the extent and sufficiency of the Department's search for records. In order to better understand the Department's search efforts and capability with regard to the Initial Request, below please find several supplemental requests for information concerning the Department's e-mail records, listed in bold below.

The Department's Response takes the position that "to the extent any of [Muslim Advocates'] requests sought searching and retrieval of email from late 2010 to March 2013, such a request would be unduly burdensome" because "review of email prior to March 2013 requires manual restoration of taped back-ups, decryption, and individual review." (Exh. A, p. 3.) This statement raises several questions; please provide records containing information responsive to the below supplemental requests:

- a. What software backup process was used to create the "taped back-ups" of e-mails from late 2010 to March 2013? In other words, what brand of software was used, and was each backup "full" (i.e., a complete backup of all of the data targeted for backup at the time of each backup?); "incremental" (i.e., a "full" backup followed by successive backups containing only data that has changed since each prior backup); "differential" (i.e., a "full" backup followed by successive backups containing only data that has changed since the initial "full" backup); or did the Department use some other process?

¹ A copy of the Department's Response is attached for your reference as Exhibit A.
DWT 26773073v3 0200879-000001

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Los Angeles	San Francisco	Washington, D.C.
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EA P

Martin Bland, Officer-in-Charge
May 27, 2015
Page 2

- b. What is the file type of the data on the "taped backups" of e-mails from late 2010 to March 2013? What type of encryption was used to encrypt these files?
- c. What type of storage medium was used to store the "taped back-ups" of e-mail from late 2010 to March 2013? (i.e., what are the brand and technical specifications of the "taped back-ups" of e-mail from late 2010 to March 2013?)
- d. What hardware and/or software would be necessary to engage in "manual restoration" of these "taped backups" of e-mails from late 2010 to March 2013?
- e. Please provide any records that describe the "individual review" that you state is required to retrieve e-mails from late 2010 to March 2013.
- f. Are backup files on the "taped back-ups" segregated in any way? (e.g., are files on the backup tapes segregated by e-mail accounts?)
- g. Has the Department worked with, or considered working with, any independent vendor(s) to conduct search or retrieval of backups of e-mails from late 2010 to March 2013? If so, what are the name(s) of those vendors, and what services has the Department received, or considered receiving, from the vendor(s)?

The Department's Response also takes the position that "the Department does not possess the machines necessary to perform back-up retrieval for e-mail older than [late 2010] and would therefore deny a request for such email." (Exh. A, p. 3.) This statement raises several additional questions; please provide records containing information responsive to the below supplemental requests:

- h. What software backup process was used to create the "taped back-ups" of e-mails prior to late 2010? In other words, what brand of software was used, and was each backup "full" (i.e., a complete backup of all of the data targeted for backup at the time of each backup?); "incremental" (i.e., a "full" backup followed by successive backups containing only data that has changed since each prior backup); "differential" (i.e., a "full" backup followed by successive backups containing only data that has changed since the initial "full" backup); or did the Department use some other process?
- i. What is the file type of the backup data of e-mail prior to late 2010? Was this data encrypted? If so, what type of encryption was used?
- j. What type of storage medium was used to store the backups of e-mail prior to late 2010? (i.e., what are the brand and technical specifications of any media used to store backups of e-mail prior to late 2010?)

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Martin Bland, Officer-in-Charge
May 27, 2015
Page 3

- k. What hardware would be necessary to perform "back-up retrieval" of e-mails prior to late 2010?
- l. Did the Department ever possess, or have access to, that hardware? If so, how did the Department come to no longer possess, or no longer have access to, that hardware? (i.e., was it lost, destroyed, or otherwise transferred? If it was transferred, to whom was it transferred?) If the Department never possessed or had access to the hardware, for what purpose did the Department back up the e-mails, and how did the Department plan to retrieve the backed up e-mails if it became necessary to retrieve the e-mails in order to serve that purpose?
- m. Has the Department ever accessed any pre-2010 department e-mail from backup files? If so, whose e-mail was accessed, and what were the send dates of the accessed e-mail? When were backups of pre-2010 e-mail accessed? Who accessed it? What was the purpose of accessing it? What hardware and/or software was used to access it?
- n. Are backup files for pre-2010 e-mail segregated in any way? (e.g., are the backup files segregated by e-mail accounts?)
- o. Has the Department worked with, or considered working with, any independent vendor(s) to conduct search or retrieval of backups of pre-2010 e-mails? If so, what are the name(s) of those vendors, and what services has the Department received, or considered receiving, from the vendor(s)?

Finally, the Department's Response takes the position that "discussions concerning said proposed ["Community Mapping"] program had been conceptual up to [Deputy Chief Downing's October 2007 Senate Statement], and involved verbal dialogue with other possible non-governmental participants or potential partners." (Exh. A, p. 2.)

- p. Please provide the factual basis for this position. In particular, given that the Department has not searched e-mail prior to March 2013, but has reviewed only "paper records/files" (Exh. A, p. 3), how does the Department know that discussions regarding the program were not conducted, at least in part, via the common communication method of e-mail?

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DWT 26773073v3 0200879-000001

Martin Bland, Officer-in-Charge
May 27, 2015
Page 4

We look forward to receiving your response. If you have any questions, please feel free to contact me at (415) 276-6552, or via email at thomasburke@dwt.com.

Sincerely,

Davis Wright Tremaine LLP

A handwritten signature in black ink that reads "Thomas R. Burke" with a stylized circular flourish at the end of the name.

Thomas R. Burke

cc: Julie Raffish, Los Angeles City Attorney's Office, via U.S. Mail and fax (213) 978-8787
Carlos De La Guerra, Los Angeles City Attorney's Office, via U.S. Mail

Enclosure: correspondence

07/25/2016

DWT 26773073v3 0200879-000001

07/25/2016

EXHIBIT Q

LOS ANGELES POLICE DEPARTMENT

CHARLIE BECK
Chief of Police



ERIC GARCETTI
Mayor

P. O. Box 30158
Los Angeles, California 90030
Telephone: (213) 978-2100
TDD: (877) 275-5273
Reference Number: 14.4

June 4, 2015

Mr. Thomas R. Burke, Esquire
DAVIS WRIGHT TREMAINE, LLP
505 Montgomery Street
San Francisco, California 94111-6533
thomasburke@dwt.com

Dear Mr. Burke:

I have reviewed your correspondence, dated May 27, 2015, regarding the Los Angeles Police Department's (the Department) email back-up and retrieval system.

Your correspondence has been forwarded to the Department's Information Technology Bureau for review. A response will be provided as soon as it is available.

Any correspondence regarding this matter should include a copy of this letter and be directed to the Los Angeles Police Department – Discovery Section, 201 North Los Angeles Street, Space 301, Los Angeles, California 90012. If you have any questions, please contact Management Analyst Caydene Monk of the Discovery Section at (213) 978-2155.

Very truly yours,

CHARLIE BECK
Chief of Police

A handwritten signature in cursive script, appearing to read "Martin Bland".

MARTIN BLAND, Senior Management Analyst
Officer-in-Charge, Discovery Section
Legal Affairs Division

Enclosures

07/25/2016

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Handwritten initials, possibly "ER" or "EQ", in a stylized cursive font.

07/25/2016

EXHIBIT R



Suite 2400
865 South Figueroa Street
Los Angeles, CA 90017-2588

Brendan N. Charney
213.633.6824 tel.
213.633.6899 fax

brandanchamay@dwt.com

July 27, 2015

Via Facsimile and Overnight Mail

Martin Bland, Officer-in-Charge
Discovery Section, Legal Affairs Division
Los Angeles Police Department
201 N. Los Angeles St., Space 301
Los Angeles, CA 90012
Fax: (213) 978-2080

Re: CPRA Request from Muslim Advocates; Reference No. C13-1200040 – Follow-up
Regarding Supplemental Request to Clarify Search Capability In Connection With
Initial Request

Dear Mr. Bland:

I write in reply to your letter of June 4, 2015 regarding Muslim Advocates' May 27, 2015 Supplemental Request to clarify the Department's search capability for e-mail back-up data ("Supplemental Request").¹ The Department's June 4, 2015 letter ("June 4 Letter") acknowledged receipt of the Supplemental Request, but did not provide any substantive response.² Please provide a response without further delay, as required by the California Public Records Act, Cal. Gov't Code §§ 6250 *et. seq.* ("CPRA").

A public agency must provide responsive records "promptly" in response to a CPRA request. Cal. Gov't Code § 6253(b). The public agency has *up to* 10 days to make a determination as to whether the requested records are disclosable under the CPRA. Cal. Gov't Code § 6253(c). In "unusual circumstances," an agency may extend this ten-day deadline by an additional 14 days, but only if the agency provides written notice "setting forth the reasons for the extension and the date on which a determination is expected to be dispatched," and stating "the estimated date and time when the records will be made available." *Id.* I note that the Department's June 4 Letter did not invoke the "unusual circumstances" extension, nor did it provide any guidance as to when the Department's response might be expected. More than a month has now passed since the Department received Muslim Advocates' Supplemental Request.

¹ This Supplemental Request was in connection with Muslim Advocates' December 12, 2013 California Public Records Act request for records pertaining to the Department's "Community Mapping" Program announced by Deputy Chief Downing in an October 2007 statement to the U.S. Senate ("Initial Request").

² A copy of the relevant correspondence is enclosed for your reference as Exhibit A.

DWT 27362788v3 0200879-000001

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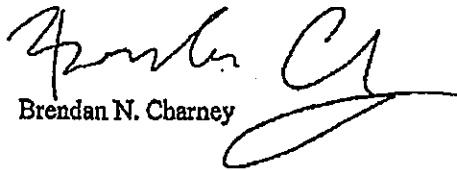
ka R

Martin Bland, Officer-in-Charge
July 27, 2015
Page 2

We look forward to receiving your response by no later than close of business,
Thursday, August 6, 2015. If you have any questions, please feel free to contact me at (213)
633-6824, or via email at brendancharney@dwt.com.

Sincerely,

Davis Wright Tremaine LLP



Brendan N. Charney

cc: Julie Raffish, Los Angeles City Attorney's Office, via U.S. Mail and fax (213) 978-8787
Carlos De La Guerra, Los Angeles City Attorney's Office, via U.S. Mail

Enclosure: correspondence

07/25/2016

DWT 27362788v3 0200879-000001

07/25/2016

EXHIBIT S

LOS ANGELES POLICE DEPARTMENT

CHARLIE BECK
Chief of Police



ERIC GARCETTI
Mayor

P. O. Box 30158
Los Angeles, California 90030
Telephone: (213) 978-2100
TDD: (877) 275-5273
Reference Number: 14.4

July 30, 2015

Mr. Thomas R. Burke, Esquire
DAVIS WRIGHT TREMAINE, LLP
505 Montgomery Street
San Francisco, California 94111-6533
thomasburke@dwt.com

Dear Mr. Burke:

I have reviewed your supplemental request, dated May 27, 2015, submitted on behalf of your client Glenn Katon, with Muslim Advocates. A copy of your request is enclosed.

As stated in the Department's April 20, 2015 correspondence to you, the CPRA governs the production of responsive and not otherwise exempt *records*, not answers to questions nor the provision of "information" beyond that contained in a record. Your supplemental request, dated May 27, 2015, seeks an enormous amount of specific information that is not necessarily contained in a document. However, in its continuing effort to be responsive, the Department's Information Technology Division has attempted to answer your questions, which responses are set forth below.

Item (a)

What software back-up process was used to create the "taped back-ups" of e-mails from late 2010 to March 2013? In other words, what brand of software was used, and was each back-up "full" (i.e. a complete back-up of all the data targeted for back-up at the time of each back-up?); "incremental" (i.e., a "full" back-up followed by successive back-ups containing only data that has changed since each prior back-up); "differential" (i.e., a "full" back-up followed by successive back-ups containing only data that has changed since the initial "full" back-up); or did the Department use some other process?

Symantec Netbackup was used to create the back-ups. Each back-up was a "full" back-up.

07/25/2016

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ES

Thomas Burke
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14.4

Item (b)

What is the file type of the data on the "taped back-ups" of e-mails from late 2010 to March 2013? What type of encryption was used to encrypt these files?

Back-ups can contain data from any file server, e-mail or database server. The back-up files themselves are not encrypted; however, GroupWise uses its own native encryption of files at rest.

Item (c)

What type of storage medium was used to store the "taped back-ups" of e-mail from late 2010 to March 2013? (i.e., what are the brand and technical specifications of the "taped back-ups" of e-mail from late 2010 to March 2013?)

Back-ups from 2010-2013 are saved on disk.

Item (d)

What hardware and/or software would be necessary to engage in "manual restoration" of these "taped backups" of e-mails from late 2010 to March 2013?

Netbackup software and sufficient storage space to accommodate the restored Post Offices. The Department has sufficient equipment to read these disk back-ups.

Item (e)

Please provide any records that describe the "individual review" that you state is required to retrieve e-mails from late 2010 to March 2013.

There are no records describing "individual review." The process of extracting mail from these back-ups requires analysts to restore the back-up tape or file to a server(s), recreate the e-mail system as it existed at the time the back-up was taken, then log in to each account and perform the search. Mass search of the restored system based on keywords, sender, recipient or subject is not possible.

Item (f)

Are back-up files on the "taped back-ups" segregated in any way? (e.g., are files on the back-up tapes segregated by e-mail accounts?)

No. The back-ups are copies of the server files at the date and time the back-up was taken.

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Thomas Burke

Page 3

14.4

Item (g)

Has the Department worked with, or considered working with, any independent vendor(s) to conduct search or retrieval of back-ups of e-mails from late 2010 to March 2013? If so, what are the name(s) of those vendors, and what services has the Department received, or considered receiving, from the vendor(s)?

No.

The Department's Response also takes the position that "the Department does not possess the machines necessary to perform back-up retrieval for e-mails older than [late 2010] and would therefore deny a request for such e-mail." (Exh. A, p.3.) This statement raises several additional questions; please provide records containing information responsive to the below supplemental requests:

Item (h)

What software back-up process was used to create the "taped back-ups" of e-mails prior to late 2010? In other words, what brand of software was used, and was each back-up "full" (i.e., a complete back-up of all of the data targeted for back-up at the time of each back-up?); "incremental" (i.e., a "full" back-up followed by successive back-ups containing only data that has changed since each prior back-up); "differential" (i.e., a "full" back-up followed by successive back-ups containing only data that has changed since the initial "full" back-up); or did the Department use some other process?

Prior to 2010, the back-up software was either Symantec NetBackup or BackupExec. They were full back-ups.

Item (i)

What is the file type of the back-up data of e-mail prior to late 2010? Was this data encrypted? If so, what type of encryption was used?

They were saved in standard NetBackup or BackupExec format. No encryption was used, however, Novell GroupWise uses its own encryption for e-mail files and databases.

Item (j)

What type of storage medium was used to store the back-ups of e-mail prior to late 2010? (i.e., what are the brand and technical specifications of any media used to store back-ups of e-mail prior to late 2010?)

Back-ups prior to late 2010 were stored using either DLT or Super DLT.

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Item (k)

What hardware would be necessary to perform "back-up retrieval" of e-mails prior to late 2010?

Such retrieval would require tape drives capable of reading DLT or Super DLT format, and sufficient storage space for the restored file structures.

Item (l)

Did the Department ever possess, or have access to, that hardware? If so, how did the Department come to no longer possess, or no longer have access to, that hardware? (i.e., was it lost, destroyed or otherwise transferred? If it was transferred, to whom was it transferred?) If the Department never possessed or had access to the hardware, for what purpose did the Department back-up the e-mails, and how did the Department plan to retrieve the backed-up e-mails if it became necessary to retrieve the e-mails in order to serve that purpose?

Yes, the equipment used to make the back-ups is also used to retrieve the data. The Department has recently become aware that it possesses some of this equipment; however, it is uncertain whether the equipment/drive is operational or whether data on the pre-2010 tapes/disks is readable. No such equipment has ever been transferred to any other party. The tapes were made as part of the Department's disaster recovery strategy, not as historical records.

Item (m)

Has the Department ever accessed any pre-2010 Department e-mail from back-up files? If so, whose e-mail was accessed, and what were the send dates of the accessed e-mail? When were back-ups of pre-2010 e-mail accessed? Who accessed it? What was the purpose of accessing it? What hardware and/or software was used to access it?

Yes, pre-2010 tapes have been accessed by Information Technology Division personnel for investigations and requests. However, due to the time, difficulty and search criteria limitations associated with retrieving mail from these tapes/disks (search criteria must be clearly defined and individual parties must be identified), global searching would not be possible, and any search would be necessitate a great deal of personnel time. As such, and based on answers to the below respecting non-segregation, the Department denies any request for records or attempted searches for such records of pre-2010 email pursuant to Section 6255.

Item (n)

Are back-up files for pre-2010 e-mail segregated in any way? (e.g., are the back-up files segregated by e-mail accounts?)

The e-mail is not segregated on the pre-2010 tape back-ups.

Item (o)

Has the Department worked with, or considered working with, any independent vendor(s) to conduct search or retrieval of back-ups of pre-2010 e-mails? If so, what are the name(s) of those vendors, and what services has the Department received, or considered receiving, from the vendor(s)?

No.

Finally, the Department's Response takes the position that "discussions concerning said proposed ["Community Mapping"] program had been conceptual up to [Deputy Chief Downing's October 2007 Senate Statement], and involved verbal dialogue with other possible non-governmental participants or potential partners." (Exh. A, p.2.)

Item (p)

Please provide the factual basis for this position. In particular, given that the Department has not searched e-mail prior to March 2013, but has reviewed only "paper records/files" (Exh. A, p.3), how does the Department know that discussions regarding the program were not conducted, at least in part, via the common communication method of e-mail?

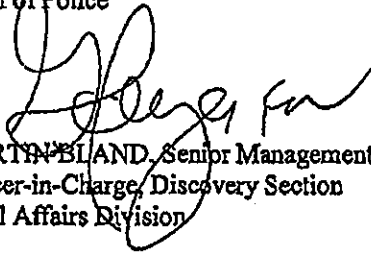
In its April 20, 2015 correspondence, the Department explained that email generated after March 2013 was capable of being queried electronically, email from late 2010 to around March of 2013 required a manual restoration and review, and that email older than late 2010 was inaccessible. On that basis, the Department denied a request for email prior to late 2010. To the extent that the multiple requests in this matter have sought email communications surrounding, related to or concerning the subject of Chief Downing's 2007 Senate statement, if any such email communications existed in 2007, the Department would deny a request for the same, based on the above explanation as originally represented in the Department's April 20th letter. The Department's response concerning the nature of discussions Chief Downing had or may have had with others about a mapping program back in 2007 was intended to provide background and context – not as an express statement that it constituted the exclusive method of all such communications.

Thomas Burke
Page 6
14.4

Any correspondence regarding this matter should include a copy of this letter and be directed to the Los Angeles Police Department – Discovery Section, 201 North Los Angeles Street, Space 301, Los Angeles, California 90012. If you have any questions, please contact Management Analyst Caydene Monk of the Discovery Section at (213) 978-2155.

Very truly yours,

CHARLIE BECK
Chief of Police



MARTIN BLAND, Senior Management Analyst
Officer-in-Charge, Discovery Section
Legal Affairs Division

07/25/2016

07/25/2018

EXHIBIT T



Suite 2400
865 South Figueroa Street
Los Angeles, CA 90017-2568

Brendan N. Charney
213.633.6824 tel
213.633.6899 fax

brendancharney@dwt.com

September 21, 2015

Via Facsimile and Overnight Mail

Martin Bland, Officer-in-Charge
Discovery Section, Legal Affairs Division
Los Angeles Police Department
201 N. Los Angeles St., Space 301
Los Angeles, CA 90012
Fax: (213) 978-2080

Re: CPRA Request from Muslim Advocates; Reference No. C13-1200040

Dear Mr. Bland:

I write in connection with Muslim Advocates' December 12, 2013 California Public Records Act request for records pertaining to the Department's "Community Mapping" Program ("Initial Request"). In particular, I write in reply to your letter of July 30, 2015, which clarified the Department's search capability for e-mail back-up data ("July 30 Letter"). Thank you for providing this clarification, as requested by Muslim Advocates in a supplemental request sent on May 27, 2015 ("Supplemental Request").¹

In light of information provided by the Department, Muslim Advocates reiterates its Initial Request for "[a]ll records reflecting or relating to the 'Community Mapping' program, as described in the" October 30, 2007 testimony of LAPD Deputy Chief Michael Downing before the United States Senate's Homeland Security & Governmental Affairs Committee.²

The Department's July 30 Letter acknowledges that pre-2013 e-mail backup data may contain responsive records involving the Community Mapping program.³ The Department has also made clear that the Department has the equipment and personnel to search for and retrieve

¹ A set of relevant prior correspondence is attached for your reference as Exhibit A.

² The Initial Request made clear that, in construing the Request, "'record' should be given its broadest meaning under Government Code §6252, and includes, but is not limited to...email communications." The Initial Request specified that it sought records from the "period September 11, 2001, through [December 12, 2013]."

³ In its July 30 letter, the Department confirmed that, because it has not searched pre-2013 e-mail records pursuant to the Initial Request, it cannot say that "[verbal dialogue] constituted the exclusive method" of communications regarding the Community Mapping program during that time.

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Martin Bland, Officer-in-Charge
September 21, 2015
Page 2

e-mail records from back-up data, with respect to e-mail from 2010-2013,⁴ and with respect to e-mail from before 2010.⁵ Indeed, the Department can conduct the search through ordinary information technology processes, and has done so in the past for other purposes.

Given the Department's representation that it cannot perform a "global" search across individual accounts, but can "perform a search" within a particular user's e-mail account, it is appropriate for the Department to search backup data within the accounts of specific individuals likely to have information regarding the Community Mapping program. To aid the Department in its search, below please find a list of individuals likely to have knowledge of the program. Individuals likely to have knowledge include, but are not limited to:

- 1) William Bratton,
- 2) Michael Downing,
- 3) Joan T. McNamara,
- 4) Michel R. Moore,
- 5) Mark G. Stainbrook,
- 6) Johnathan Celentano, and
- 7) Chand Syed.

Focusing the search for responsive records in this manner should allay the concerns raised in the July 30 Letter about the purported time and difficulty of the search. We have no doubt that a court would find this approach to be reasonable given the strong public interest in

⁴ In its July 30 Letter, the Department represented that, as to 2010-2013 e-mail backups: 1) the Department has the backup data "saved on disk"; 2) these back-ups are "full" backups and are not segregated in any way; 3) the Department has "sufficient equipment to read these disk back-ups"; and 4) the Department is able to search e-mail from 2010-2013 through specific accounts, and need only "restore the back-up tape or file to a server(s), recreate the e-mail system as it existed at the time the back-up was taken, then log in to each account and perform the search."

⁵ With respect to e-mail backups from before 2010, the Department represented in its July 30 Letter that: 1) the Department has, in its possession, taped back-ups from before 2010 "stored using either DLT or Super DLT" storage media; 2) these back-ups are "full" backups and are not segregated in any way; 3) the Department "possesses some of [the] equipment" used to retrieve data from the tapes; and 4) the Department has actually been able to access data from the tapes in the past for purposes including investigations and requests.

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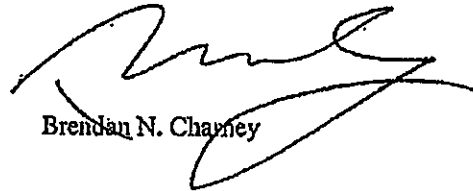
Martin Bland, Officer-in-Charge
September 21, 2015
Page 3

the information at issue. See State Bd. Of Equalization v. Superior Ct., 10 Cal. App. 4th 1177, 1190 n.14 (1992) (agency can avoid disclosure only if it can show that the burden would be "so onerous as to clearly outweigh the public interest in disclosure").

We look forward to receiving your response by close of business, Thursday, October 1, 2015. If you have any questions, please feel free to contact me at (213) 633-6824, or via email at brendancharney@dwt.com.

Sincerely,

Davis Wright Tremaine LLP



Brendan N. Charney

cc: Julie Raffish, Los Angeles City Attorney's Office, via U.S. Mail and fax (213) 978-8787
Carlos De La Guerra, Los Angeles City Attorney's Office, via U.S. Mail

Enclosure: correspondence

07/25/2016

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07/25/2016

LOS ANGELES POLICE DEPARTMENT



CHARLIE BECK
Chief of Police

ERIC GARCETTI
Mayor

P. O. Box 30158
Los Angeles, California 90030
Telephone: (213) 978-2100
TDD: (877) 275-5273
Reference Number: 14.4

October 7, 2015

Mr. Brendan N. Charney
Davis Wright Tremaine, LLP
865 S. Figueroa Street
Los Angeles, CA 90017-2566

Dear Mr. Charney:

I have reviewed your supplemental California Public Records Act ("Act") request, dated September 21, 2015, submitted on behalf of your client, Muslim Advocates, wherein you re-state your client's original request for "[a]ll records reflecting or relating to the 'Community Mapping' program, as described in the October 30, 2007 testimony of LAPD Deputy Chief Michael Downing before the United States Senate's Homeland Security & Governmental Affairs Committee." It appears from this correspondence that this request specifically seeks pre-2013 e-mail, based upon responses provided by the Department in its July 30, 2015 letter to you.¹

The Department has conducted a query/search of email for the period January 2010 to April 2015 and has identified approximately 4500 pages of records which may or may not be responsive to your request. The Department must undertake a review of each and every page to first determine whether the document is responsive. Then, where responsive documents are identified, it must then determine whether any such document is exempt from disclosure. It is anticipated this review process will take approximately six weeks. Once said review is complete, the Department will provide all identified, responsive and not otherwise exempt records.

Respecting a search for email prior to January 2010, the Department respectfully disagrees with the characterization in your September 21st correspondence that the Department's July 30, 2015 responses, or your identification of seven past or present Department employees, in any way

¹ Your September 21, 2015 correspondence specified that the restatement of the original request was directed to emails from the accounts of the following individuals: William Bratton, Michael Downing, Joan T. McNamara, Michel R. Moore, Mark G. Stainbrook, Johnathan Celentano and Chand Syed.

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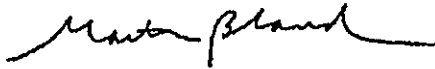
Brendan N. Charney
Page 2
14.4

"focuses the search" in a manner which "allay the concerns raised in the July 30 Letter" concerning "time and difficulty of the search." Notwithstanding the identification of individual parties, the Department maintains that any search for pre-2010 email would necessitate an extremely large number of personnel hours and as stated in the Department's July 30 Letter, involve the attempted retrieval and review of email which is not segregated, meaning, each and every tape containing email prior to 2010 would need to be searched first for the seven persons identified, and then for the subject matter in question. Such a search is clearly unduly burdensome, and as previously stated in its response to Item (m) of its July 30 Letter, the Department is denying your request for records or attempted searches for records of pre-2010 email pursuant to Section 6255 of the Act.

Any correspondence regarding this matter should include a copy of this letter and be directed to the Los Angeles Police Department – Discovery Section, 201 North Los Angeles Street, Space 301, Los Angeles, California 90012. If you have any questions, please contact Senior Management Analyst Greg Toyama of the Discovery Section at (213) 978-2178.

Very truly yours,

CHARLIE BECK
Chief of Police



MARTIN BLAND, Senior Management Analyst
Officer-in-Charge, Discovery Section
Legal Affairs Division

07/25/2016

07/25/2016

EXHIBIT V



Suite 2400
885 South Figueroa Street
Los Angeles, CA 90017-2586

Brendan N. Charney
213.633.6824 tel
213.633.6898 fax

brendancharney@dwt.com

November 2, 2015

Via Facsimile and Overnight Mail

Martin Bland, Officer-in-Charge
Discovery Section, Legal Affairs Division
Los Angeles Police Department
201 N. Los Angeles St., Space 301
Los Angeles, CA 90012
Fax: (213) 978-2080

Re: CPRA Request from Muslim Advocates; Reference No. C13-1200040

Dear Mr. Bland:

I write in reply to your letter of October 7, 2015,¹ as part of our ongoing correspondence regarding Muslim Advocates' December 12, 2013 California Public Records Act ("CPRA") request for records pertaining to the Department's "Community Mapping" Program ("Initial Request").

We are pleased that the Department has agreed to fulfill its obligation under the CPRA by providing responsive e-mail records from 2010 to 2015. The Department's October 7 letter states that the Department has identified records that may be responsive, but has not yet made a determination as to whether these records are disclosable, since the Department has not yet confirmed whether they are actually responsive, nor has it determined whether the records are exempt from disclosure. The Department represents that it expects to provide the records within six weeks of its October 7 letter, *i.e.*, by November 18, 2015.

A public agency, however, has *up to* 10 days to make a determination as to whether requested records are disclosable under the CPRA. Cal. Gov't Code § 6253(c). In "unusual circumstances," an agency may extend this 10-day deadline, but only for an additional 14 days. Id.

Almost two years have passed since Muslim Advocates' Initial Request, and more than 10 days have passed since Muslim Advocates reiterated this request in a Supplemental Request dated September 21, 2015. The additional six weeks invoked by the Department falls far beyond even the additional 14 days permitted in "unusual circumstances." Nonetheless, as a gesture of courtesy in expectation of continued cooperation, we will accept the Department's proposed six-week time frame. But under the circumstances, and given the considerable delay that has already occurred, we expect there will be no further extensions or delay in producing email from 2010-

¹ A set of relevant prior correspondence is attached for your reference as Exhibit A.

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Martin Bland, Officer-in-Charge
November 2, 2015
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2015. Thus, we look forward to receiving e-mail records from 2010-2015 by November 18, 2015 at the latest.

We also take issue with the Department's denial of the portion of the Request seeking backed-up e-mail records from 2001-2010. The Department's denial is made on the purported grounds that this portion of the Request is "unduly burdensome," but the Department's position is not supported by California law, and we do not understand the factual basis offered by the Department. Accordingly, we ask that you reconsider your position regarding the production of backed-up e-mail records from 2001-2010 and promptly provide us an updated response.

First, requests for records under the CPRA "inevitably impose some burden on government agencies." Cal. First Amendment Coal. v. Super. Ct., 67 Cal. App. 4th 159, 166 (1998). Therefore, a public agency can avoid disclosure only if it can show that the burden would be "so onerous as to clearly outweigh the public interest in disclosure." State Bd. Of Equalization v. Super. Ct., 10 Cal. App. 4th 1177, 1190 n.14 (1992). Courts have rejected claims of burden far stronger than any claim that the Department could assert here. For instance, in State Bd. Of Equalization, the Court of Appeal held that it was not unreasonable to require a public agency to spend "a month and one-half of a staff counsel's time that otherwise could be devoted to other...business" to review and excise confidential information from several boxes of information. Id. at 1183, 1193. Similarly, in CBS Broad., Inc. v. Super. Ct., 91 Cal. App. 4th 892, 903, the Court of Appeal rejected "as patently untenable" an agency's claim that a request should be rejected because it would require the agency to spend \$43,000 to prepare the records.

Here, the portion of the Initial Request seeking pre-2010 e-mail is not "so onerous as to clearly outweigh the public interest in disclosure;" in fact, e-mail created during this period is particularly likely to inform the public's strong interest in Community Mapping, given that Deputy Chief Downing testified about Community Mapping to the U.S. Senate in 2007.

Second, the Department's proffered basis for its claim of "undue burden" does not stand up to scrutiny.

The Department has not provided any specific information to substantiate its claim of burden, nor can it show that this burden outweighs the public's interest in disclosure. Instead, the Department vaguely represents that providing e-mail records from before 2010 would necessitate "an extremely large number of personnel hours" without identifying the number of hours involved. Nor has the Department identified how searching for pre-2010 e-mail would affect the Department's capacity to conduct its business, if at all.

The Department takes the position that, to identify responsive e-mail records from 2001-2010, the Department would have to search "every tape containing email prior to 2010." The Department, however, previously represented that backups of pre-2010 e-mail records were

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Martin Bland, Officer-in-Charge

November 2, 2015

Page 3

"full" backups — *i.e.*, each backup contain all e-mail records that were created prior to the backup. Thus, it should not be necessary for the Department to restore "every tape"— just the set of tapes comprising the last backup made of pre-2010 email. Indeed, this is confirmed by the user manuals for the backup software that the Department has identified as being in use prior to 2010. For instance, the administrator guide for the version of Symantec Backup Exec available in March 2007 states that, to manually restore backups made for purposes of disaster recovery, an administrator need only "inventory the media containing the *latest full backup* of the computer to be recovered."² (See Exhibit B at 660, 664 (emphasis added).) In short, since the backups were "full," there appears to be no merit to the Department's claim that it would have to access "every tape" to search pre-2010 records. And, again, the CPRA does not exempt public agencies from producing public records just because it would require time and expense to find the records. The mere fact that personnel hours would be required to restore the tapes simply does not constitute an "undue burden." See State Bd. Of Equalization, 10 Cal. App. 4th at 1193.

Most importantly, the Department has accessed pre-2010 e-mail in the past, when it saw fit, for purposes of "investigations and requests." (See the Department's July 30, 2015 letter to Muslim Advocates at 4, attached as Exhibit A.) This severely undermines any claim that accessing these records is an undue burden. The Department's decision to keep these records in the first place suggests the records are intended and able to be accessed for the Department's own purposes — why else would the records be maintained? The fact that the Department has actually accessed the e-mail in the past confirms that access is practical. The Department may not use the "undue burden" exception to conceal records when requested in connection with the public interest, while accessing these records at the Department's pleasure.

In light of the Department's position that burden presents an obstacle to producing pre-2010 backed-up e-mail, Muslim Advocates invokes Government Code Section 6253.1(a), which requires a public agency to assist a requestor in making a focused and effective search by, among other things, "[a]ssist[ing] the [requestor] to identify...information that [is] responsive to...the purpose of the request, or "[p]rovid[ing] suggestions for overcoming any practical basis for denying access to the records or information sought." Muslim Advocates therefore requests the following information in order to identify ways to overcome any practical difficulties related to the Department's concern about an undue burden.

- 1) Given the Department's representation that "any search for pre-2010 email [in response to Muslim Advocates' Initial Request] would necessitate an extremely large number of personnel hours," please state whether the Department has made any calculations, projections, or predictions of the number of personnel hours it believes would be required to fulfill the Initial Request, and if so, please also state the

² Relevant pages of this administrator's guide are attached as Exhibit B.

DWT 28109104v9 0200879-000001

Martin Bland, Officer-in-Charge

November 2, 2015

Page 4

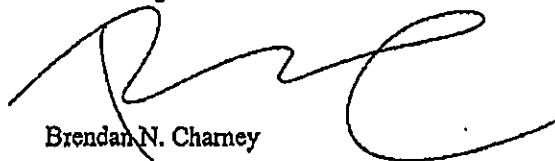
approximate number of personnel hours that it believes would be required, and the manner(s) in which this personnel time would be expended to fulfill the request.

- 2) Please state whether the Department has performed an analysis of how use of the above-referenced personnel hours would impact the Department's functioning, if at all, and, if so, please state the nature and extent of the anticipated impact.
- 3) Please describe any instances during the last five years in which Information Technology Division personnel accessed data stored on tapes containing e-mail from September 11, 2001 to January 1, 2010, including: the amount of data or number of accounts accessed in each instance; the dates or general time period of the emails that were accessed; the general purpose for which access was made (e.g., a law enforcement purpose, internal investigation of departmental activity or personnel, or fulfillment of public records requests); the process used to access the backups; and the number of personnel hours spent to access the data.

Muslim Advocates appreciates the Department's ongoing assistance with this matter and looks forward to receiving a response by close of business, November 12, 2015. If you have any questions, please feel free to contact me at (213) 633-6824, or via email at brendancharney@dwt.com.

Sincerely,

Davis Wright Tremaine LLP



Brendan N. Charney

cc: Julie Raffish, Los Angeles City Attorney's Office, via U.S. Mail and fax (213) 978-8787
Carlos De La Guerra, Los Angeles City Attorney's Office, via U.S. Mail

Enclosure: correspondence

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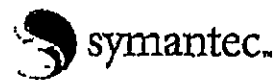
Exhibit B

07/25/2016

Symantec Backup Exec™ 11d for Windows Servers

Administrator's Guide

March 2007



07/25/2016

Using Windows' Automated System Recovery and System Restore to recover a Windows XP or Windows Server 2003 system

The ASR feature, which replaces the Emergency Repair Disk for Windows XP and Windows Server 2003, allows you to restore the operating system to a previous state so that you can start Windows XP Professional or Windows Server 2003 when other recovery methods do not work.

Microsoft recommends using System Restore, which saves only incremental changes and lets you start Windows XP Professional in normal or safe mode, before resorting to ASR. For more information about ASR or System Restore, refer to your Microsoft documentation.

Related Topics:

"Manual disaster recovery of Windows computers" on page 658

Manual disaster recovery of Windows computers

Note If your system is protected by Backup Exec for Windows Servers Intelligent Disaster Recovery (IDR), see "Symantec Backup Exec Intelligent Disaster Recovery Option" on page 1501 for information on automated disaster recovery. The procedures described in the following sections allow you to manually recover a computer not protected by IDR.

Different types of computers require different disaster recovery procedures. This section includes separate procedures for recovering the following types of computers:

- Local Windows computer (see "Manual disaster recovery of a local Windows 2000/XP/Server 2003 computer (includes non-authoritative and authoritative restore of Active Directory for a domain controller)" on page 659).
- Remote Windows computer (see "Disaster recovery of a remote Windows 2000/XP/Server 2003 computer (includes non-authoritative and authoritative restore of Active Directory for a domain controller)" on page 663).

These procedures will restore your computer's operating system to its pre-disaster state and will restore your data files, except those protected by one of the Backup Exec agents.

Use these disaster recovery procedures in the following situations:

- The Windows operating system has become corrupted and cannot be restored using the Emergency Repair Disks.

- The hard drive containing the Windows operating system has encountered an unrecoverable error that requires reformatting the disk.
- The hard drive containing the Windows operating system needs to be replaced.

Related Topics:

"Disaster recovery of a remote Windows 2000/XP/Server 2003 computer (includes non-authoritative and authoritative restore of Active Directory for a domain controller)" on page 663

Manual disaster recovery of a local Windows 2000/XP/Server 2003 computer (includes non-authoritative and authoritative restore of Active Directory for a domain controller)

This procedure will restore your computer's operating system to a pre-disaster state and will restore your data files, except those protected by one of the Backup Exec database agents, such as the Exchange Agent or SQL Agent. If any of your data is protected by Backup Exec agents, refer to the section on restoring the data protected by the agent before beginning disaster recovery.

If your system is protected by Backup Exec for Windows Servers Intelligent Disaster Recovery (IDR), see "Symantec Backup Exec Intelligent Disaster Recovery Option" on page 1501 for information on automated disaster recovery. The procedure described in the following section allows you to manually recover a computer not protected by IDR.

A media drive must be attached to the computer that is being recovered. You will also need:

- A current full backup of the computer to be recovered and any subsequent incremental/differential backups.
- The Windows 2000/XP/Server 2003 installation media.
- The Backup Exec for Windows Servers installation media.

To manually recover a local Windows 2000/XP/Server 2003 computer

1. Install Windows 2000/XP/Server 2003.

This basic Windows installation is necessary to provide Backup Exec with a target to which it can restore the system. The computer name, Windows directory, and the file system (such as NTFS) must be the same as the previous Windows installation. This installation will be overwritten by the backed up version, which will restore your original system configuration, application settings, and security settings.

Manual disaster recovery of Windows computers

If you are recovering from an entire hard disk failure, use Windows setup to partition and format the new disk during installation. Format the partitions with the same file system as before the failure.

- If the system was in a specific domain or workgroup, do not join the domain or workgroup at this time.
 - If you are recovering a domain controller, do not perform the domain controller installation process at this time.
2. Install Backup Exec for Windows Servers to a directory other than where it was originally installed (this is a temporary installation).
Always log on to Windows using the Administrator account or its equivalent during this procedure.
 3. Using the Device Configuration Wizard, install the appropriate device driver for the attached media drive. For more information, see "Using the Getting Started with Backup Exec page" on page 132.
 4. Start Backup Exec for Windows Servers.
 5. From the navigation bar, click Devices.
 6. Inventory the media containing the latest full backup of the computer to be recovered (see "Inventorying media" on page 238).
 7. Catalog the media containing the latest full backup of the computer to be recovered (see "Cataloging media while reviewing devices or media" on page 284). If the subsequent differential/incremental backups are on separate media, catalog those also.
 8. From the navigation bar, click Restore.
 9. Select all sets from the full and incremental backups that contain logical drives on the hard disk. If differential backup sets are to be restored, select only the last differential set. Make sure you include System State or Shadow Copy components as part of the restore selections.
 10. On the Properties pane, under Settings, click General, and then select the following options:
 - Restore over existing files
 - Restore security
 - Preserve tree

11. On the Properties pane, under Settings, click **Advanced**, and then select the appropriate options (see "Advanced options for restore" on page 494).

If you are restoring a computer that is the only domain controller in the domain or the entire domain is being rebuilt and this is the first domain controller, select the option **Mark this server as the primary arbitrator for replication when restoring folders managed by the File Replication Service, or when restoring SYSVOL in System State.**

12. Click **Run Now**.

13. If you are restoring a computer that is the only domain controller in the domain or the entire domain is being rebuilt and this is the first domain controller, reboot the computer after the restore job successfully completes.

Your computer's operating system is now restored to a pre-disaster state. Your data files have been restored, except those protected by Backup Exec database agents.

14. Continue with one of the following:

If you are performing an authoritative restore go to step 15.

If you are not performing an authoritative restore the recovery is complete.

15. Change the Backup Exec services to the local system account.

- Right-click **My Computer** and then select **Manage**.
- From the left pane of the **Computer Management** utility, double-click **Services and Applications**.
- Click **Services**.
- In the right pane, double-click each Backup Exec service, and from the **Log On** tab, change **Log on as** to use **Local System** account.
- Close the **Computer Management** utility.

16. Restart the computer.

17. Press <F8> during startup.

A menu appears that allows you to diagnose and fix system startup problems.

18. Select **Directory Services Restore Mode**.

19. Launch Backup Exec.
20. From the navigation bar, click Restore.
21. Select System State (Windows 2000 or Windows XP) or Shadow Copy (Windows 2003) components as the restore selections. Run the Restore job.
22. At this point, you can either choose to restore the entire Active Directory, or specific objects from the Active Directory:
 - Restore the entire Active Directory by performing the following:
 - Open a command prompt.
 - Type NTDSUTIL and press Enter.
 - Type Authoritative Restore and press Enter.
 - Type Restore Database, press Enter, click OK and then click Yes.
 - Restore specific objects from the Active Directory by performing the following:
 - Open a command prompt.
 - Type NTDSUTIL and press Enter.
 - Type Authoritative Restore and press Enter.
 - Type Restore Subtree "ou=<OU Name>.dc=<domain name>.dc=<xxx>" (without the quotation marks), and then press Enter, where <OU Name> is the name of the organizational unit you want to restore, <domain name> is the domain name the OU resides in, and <xxx> is the top level domain name of the domain controller, such as com, org, or net. You can do this as many times for as many objects you need to restore.
23. Once you have finished restoring Active Directory information, exit NTDSUTIL.
24. Restart the computer.

Related Topics:

"Restoring data by setting job properties" on page 488

"Disaster recovery of a remote Windows 2000/XP/Server 2003 computer (includes non-authoritative and authoritative restore of Active Directory for a domain controller)" on page 563

"Manual disaster recovery of Windows computers" on page 658

Disaster recovery of a remote Windows 2000/XP/Server 2003 computer (includes non-authoritative and authoritative restore of Active Directory for a domain controller)

You can perform disaster recovery on a remote computer attached to the media server. This procedure will restore your computer's operating system to its pre-disaster state and will restore your data files, except those protected by one of the Backup Exec agents. If any of your data is protected by Backup Exec agents, see "Backup Exec agents and options" on page 62 before beginning disaster recovery.

If your system is protected by Backup Exec for Windows Servers Intelligent Disaster Recovery (IDR), see "Symantec Backup Exec Intelligent Disaster Recovery Option" on page 1501 for information on automated disaster recovery. The procedure described in the following section allows you to manually recover a computer not protected by IDR.

You will need:

- A current full backup of the computer to be recovered and any subsequent incremental/differential backups.
- The Windows 2000/XP/Server 2003 installation media.

Always log on to Windows using the Administrator account or its equivalent during this procedure.

To manually recover a remote Windows 2000/XP/Server 2003 computer

At the remote computer:

1. Install Windows 2000/XP/Server 2003.

This basic Windows installation is necessary to provide Backup Exec with a target to which it can restore the system. The computer name, Windows directory and the file system (such as NTFS) must be the same as the previous Windows installation. This basic installation will later be overwritten by the backed up version, which will restore your system configuration, application settings, and security settings.

If you are recovering from an entire hard disk failure, use Windows setup to partition and format the new disk during installation. Format the partitions with the same file system as before the failure.

- If the system was in a specific domain or workgroup, do not join the domain or workgroup at this time.
- If you are recovering a domain controller, do not perform the domain controller installation process at this time.

At the media server:

Manual disaster recovery of Windows computers

2. Install the Backup Exec Remote Agent to the remote computer. For more information, see "Installing the Remote Agent for Windows Systems" on page 97.
3. Start Backup Exec for Windows Servers.
4. From the navigation bar, click **Devices**, and then inventory the media containing the latest full backup of the computer to be recovered (see "Inventorying media" on page 238).
5. Catalog the media containing the latest full backup of the computer to be recovered. If the subsequent differential/incremental backups are on separate media, catalog those also (see "Cataloging media while reviewing devices or media" on page 284).
6. From the navigation bar, click **Restore**, and then select all sets from the full and incremental backups that contain logical drives on the hard disk. If differential backup sets are to be restored, select only the last differential set. Make sure you include System State or Shadow Copy components as part of the restore selections.
7. On the Properties pane, under Settings, click **General**, and then select the following options:
 - Restore over existing files
 - Restore security
 - Preserve tree
8. On the Properties pane, under Settings, click **Advanced**, and then select the appropriate options (see "Advanced options for restore" on page 494).

If you are restoring a computer that is the only domain controller in the domain or the entire domain is being rebuilt and this is the first domain controller, select the option **Mark this server as the primary arbitrator for replication when restoring folders managed by the File Replication Service, or when restoring SYSVOL in System State.**
9. Click **Run Now**.
10. After the job completes, restart the remote computer.

Your computer's operating system is now restored to its pre-disaster state. Your data files have been restored, except those protected by Backup Exec database agents.

11. Continue with one of the following:

If you are performing an authoritative restore go to step 12.

If you are not performing an authoritative restore the recovery is complete.

12. At the remote server, press <F8> during startup.
A menu appears that allows you to diagnose and fix system startup problems.
13. Select Directory Services Restore Mode.
14. At the media server, start Backup Exec.
15. From the navigation bar, click Restore.
16. Select System State (Windows 2000 or Windows XP) or Shadow Copy (Windows 2003) components as the restore selections.
17. From the Properties pane, under Source, select Resource Credentials.
18. Highlight the restore selection for the remote server and click New.
19. Create a new logon account for this restore job. The account should have administrator privileges on the remote server.
20. Select the new logon account and click OK.
21. Run the Restore job.
At the remote server:
22. At this point, you can either choose to restore the entire Active Directory, or specific objects from the Active Directory:
Restore the entire Active Directory by performing the following:
 - Open a command prompt.
 - Type NTDSUTIL and press Enter.
 - Type Authoritative Restore and press Enter.
 - Type Restore Database, press Enter, click OK and then click Yes.Restore specific objects from the Active Directory by performing the following:

Manual disaster recovery of Windows computers

- Open a command prompt.
- Type NTDSUTIL and press Enter.
- Type Authoritative Restore and press Enter.
- Type Restore Subtree "ou=<OU Name>.dc=<domain name>.dc=<xxx>" (without the quotation marks), and then press Enter, where <OU Name> is the name of the organizational unit you want to restore, <domain name> is the domain name the OU resides in, and <xxx> is the top level domain name of the domain controller, such as com, org, or net. You can do this as many times for as many objects you need to restore.

23. Once you have finished restoring Active Directory information, exit NTDSUTIL.

24. Restart the computer.

Related Topics:

"Restoring data by setting job properties" on page 488

"Manual disaster recovery of Windows computers" on page 658

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EXHIBIT W

LOS ANGELES POLICE DEPARTMENT



CHARLIE BECK
Chief of Police

ERIC GARCETTI
Mayor

P. O. Box 30158
Los Angeles, California 90030
Telephone: (213) 978-2100
TDD: (877) 275-5273
Reference Number: 14.4

November 12, 2015

Mr. Brendan N. Charney, Esquire
DAVIS WRIGHT TREMAINE, LLP
865 S. Figueroa Street
Los Angeles, California 90017-2566

Dear Mr. Charney:

Thank you for your most recent correspondence, dated November 2, 2015. In your letter, you reference Section 6253 of the California Public Records Act as standing for the position that the local agency must provide all responsive and non-exempt public records within 10 days of receipt of a request, and might extend such an obligation for another 14 days under circumstances enumerated in Section 6253(c)(1) - (4). The Department respectfully disagrees with such an interpretation. The aforementioned time period(s) apply to the window within which the agency shall make its determination as to whether the request seeks copies of disclosable public records in the agency's possession, and communicate the same to the requestor. When such determination is made, the agency must then "state the estimated date and time when the records will be made available." (§ 6253(c).) And while an agency may not delay or obstruct inspection or copying of public records (See § 6253(d)), the Department stated in its October 7, 2015 correspondence to you that approximately 4500 pages of records had been identified as *possibly* responsive to your request for email, and that it was necessary to review every single page to determine whether the document was first, responsive to the request and then whether it was exempt from disclosure in its entirety or contained information which must be redacted and/or segregated prior to disclosure. This process is being undertaken by a single management analyst during the course of his normal work hours, and reflects one of numerous CPRA requests the analyst is handling himself or over which he is providing supervision. The Department wanted to clarify this point, notwithstanding your "agreement" to permit the results of said review to be provided by November 18, 2015.

Respecting your request that the Department reconsider its assertion of Section 6255 over pre-2010 email, the Department has done so and must again, deny your request pursuant to Section 6255, based upon the unduly burdensome nature of the request. The Department has previously explained that it utilizes Novell GroupWise as its email system. GroupWise has a very different architecture from Microsoft Exchange or other email systems. In a GroupWise environment, all

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files are encrypted and can only be read by an instance of the post office agent which created them.

To the extent the Department did not have an email archiving system prior to March 2013, locating older email would require restoration of entire post office structures (files and databases) from back-up tapes, then attempting to extract the data. More specifically, such undertaking would require the analyst to identify the tape or file containing the Post Office where the account existed at the time of the search (The email system structure has changed many times and users move constantly); Create a back-up server with the appropriate version of the back-up software to catalogue, index and read the tape; Create a Post Office server with the appropriate software from the time of the back-up and copy the restored data to it; Attempt to connect to the Post Office, clear the user's password and search for the desired email. Search capability is limited to the Sender, Recipient and Subject lines. Searching for terms in the body of the email is not possible. This process must be repeated 2 to 4 times for each year requested and for each individual account to be searched. Each restoration and extraction takes from 6-8 hours depending on the size of the Post Office.

Based on the above, and in light of the scope of your request (email from September 11, 2001 to the present), it is estimated that it would take a minimum of 960 hours to complete this request. Information Technology Division (ITD) currently receives between 10-15 requests per month to produce email in response to court subpoenas, internal investigations, personnel matters and CPRA requests. In addition to the email reconstruction/retrieval function, the designated section is responsible for supporting the current email system, managing smartphones and tablets, monitoring the subpoena delivery and tracking system, and managing the Department's extensive Body Worn Camera deployment. Therefore, the Department could only set aside approximately 8 hours per week to this restoration/retrieval/review effort. There are 2 people in the entire City of Los Angeles with the necessary skills to perform this task, and one of them is presently off and not expected to return until January, at the earliest.

As recently emphasized by the California Court of Appeal, "[T]he basic rule is that an agency must comply with a request if responsive records can be *located with reasonable effort*. (*Fredericks v. Superior Court* (2015) 233 Cal.App.4th 209, 227, citing *California First Amendment Coalition v. Superior Court* (1998) 67 Cal.App.4th 159, 165-166.) If the agency would be required to create a new set of public records in order to provide responses to a CPRA request, such agency action may be found to exceed its statutory duties. (*Haynie v. Superior Court* (2001) 26 Cal.4th 1061, 1075.) Section 6255 provides that a local agency may withhold production of public records where, "on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record." Further, "Section 6255 imposes on the California courts a duty ... to weigh the benefits and costs of disclosure in each particular case." [Citation.] A court performing this balancing test is authorized to take into account any expense and inconvenience involved in segregating non-exempt from exempt information, because the statutory term 'public interest' 'encompasses public concern with the cost and efficiency of government.' [Citations.] We may thus take it as established that the Act includes a policy favoring the efficiency of government

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and limitation of its costs.” (*Fredericks, supra*, at 228, quoting *North County Parents Organization v. Department of Education* (1994) 23 Cal.App.4th 144, 152 (conc. & dis. opn. of Huffinan, J.)(internal quotations omitted).)

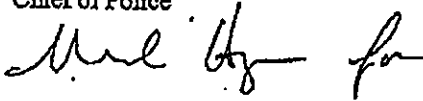
It is difficult to understand the significant public interest in disclosure of emails which, were they to exist, referenced a program or concept that, as already explained, was never implemented, either back in 2007 or today, so as to tip the scale in favor of disclosure. As such, the Department believes that “the public interest served by not disclosing the records clearly outweighs the public interest served by disclosure of the records,” and has therefore met its burden under Section 6255.

Any correspondence regarding this matter should include a copy of this letter and be directed to the Los Angeles Police Department – Discovery Section, 201 North Los Angeles Street, Space 301, Los Angeles, California 90012.

If you have any questions, please contact Management Analyst Caydene Monk of the Discovery Section at (213) 978-2155.

Very truly yours,

CHARLIE BECK
Chief of Police



MARTIN BLAND, Senior Management Analyst
Officer-in-Charge, Discovery Section
Legal Affairs Division

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EXHIBIT X

LOS ANGELES POLICE DEPARTMENT



CHARLIE BECK
Chief of Police

ERIC GARCETTI
Mayor

P. O. Box 30158
Los Angeles, California 90030
Telephone: (213) 978-2100
TDD: (877) 275-5273
Reference Number: 14.4

November 18, 2015

Mr. Brendan N. Charney
Davis Wright Tremaine, LLP
865 S. Figueroa Street
Los Angeles, CA 90017-2566

Dear Mr. Charney:

This correspondence is in response to your supplemental California Public Records Act ("Act") request, dated September 21, 2015, submitted on behalf of your client, Muslim Advocates, wherein you re-state your client's original request for "[a]ll records reflecting or relating to the 'Community Mapping' program, as described in the October 30, 2007 testimony of LAPD Deputy Chief Michael Downing before the United States Senate's Homeland Security & Governmental Affairs Committee."

The Department has conducted a query/search of email from January 2010 to April 2015, and has reviewed numerous records for the purpose of identifying the records responsive to your request. The responsive documents were identified. A further review was conducted to determine whether any such documents are exempt from disclosure. The Department is providing you with a copy of the records that are responsive and not otherwise exempt from disclosure. (See attachments)

Any correspondence regarding this matter should include a copy of this letter and be directed to the Los Angeles Police Department - Discovery Section, 201 North Los Angeles Street, Space 301, Los Angeles, California 90012.

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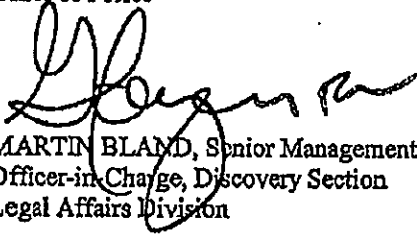
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Brendan N. Charney
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If you have any questions, please contact Management Analyst Caydene Monk of the Discovery Section at (213) 978-2155.

Very truly yours,

CHARLIE BECK
Chief of Police



MARTIN BLAND, Senior Management Analyst
Officer-in-Charge, Discovery Section
Legal Affairs Division

Attachments

07/25/2016

Subject: Countering Violent Extremism
From: MICHAEL DOWNING
Date: Fri, 25 Mar 2011 12:01:00
To: "" <bill.bratton@altegrityrisk.com>

Hello Chief

Per our conversation I have attached several document which may be of help on your panel. The testimony I gave before Congress in 2007 is pretty much on target (just leave out the MAPPING section :)

If you have any questions or need clarification I'm always on the cell phone.
Best to you and Rikki

Mike

Attachment: TEXT66.htm
Attachment: Michael Downing Testimony for the U.S. Senate - Final.doc
Attachment: COMMUNITY POLICING SUPPORT TO COUNTER TERRORISM.docx
Attachment: CVE Curriculum-Community Policing Topic Area-10 December 2010.pdf
Attachment: LAPD Counter Radicalization Strategy Paper.pdf
Attachment: Master Executive Summaries Document 3.31.10
Attachment: NCTC Community Oriented Policing offers a Grassroots Framework for Countering

07/25/2016

Subject: Re: NYU School of Law report on homegrown terrorist threat and law enforcement
From: MICHAEL DOWNING
Date: Thu, 19 May 2011 16:41:00
To: "" <usutliff@lafayettegroup.com>

Their loss):

Michael P. Downing, Deputy Chief, Commanding Officer, Counter-Terrorism and
Special Operations Bureau, Los Angeles Police Department, (O) 213 486-8780,
[REDACTED] (Fax) 213 486- [REDACTED] Email
Michael.Downing@lapd.lacity.org

>>> Usha Sutliff <usutliff@lafayettegroup.com> 5/19/2011 4:27:59 PM >>>Mike:

I just want to make sure you caught the LAPD reference in the footnotes.

The Guidelines and DIOGs work together to authorize extensive surveillance,
information-gathering, and "geo-mapping" of Muslim communities, creating a
troubling law enforcement approach of targeting entire communities, rather than
policing individuals on the basis of particularized suspicion of criminal
activity.⁶⁸

⁶⁸ The Los Angeles Police Department's experiment with geo-mapping of Muslim
communities is most well-known. Richard Winton, Jean-Paul Renaud, and Paul
Pringle, LAPD To Build Data on Muslim Areas, L.A. TIMES, Nov. 9, 2007, at A1;
Richard Winton and Teresa Watanabe, LAPD's Muslim Mapping Plan Killed, L.A.
TIMES, Nov. 15, 2007, at A1; see also Letter to Commander Michael P. Downing,
Counter-Terrorism/Criminal Intelligence Bureau, Los Angeles Police Department
from Ranjana Natarajan & Peter Bibring, Staff Attorneys, ACLU of Southern
California, Farhana Y. Khera, Muslim Advocates, Shakeel Syed, Islamic Shura
Council, and Hussam Ayloush, Council on American Islamic Relations (Nov. 8,
2007), available at http://www.aclu-sc.org/attach/m/muslim_mapping_letter.pdf
expressing "grave concerns" about the LAPD's community-mapping plans).

all the best,

Usha Sutliff
[REDACTED]

On May 19, 2011, at 12:12 PM, MICHAEL DOWNING wrote:

Thanks Usha. I read it. There is some truth to taking them places they never
earned of going however it could just as easily come from the other side -
radi

Michael P. Downing, Deputy Chief, Commanding Officer, Counter-Terrorism and

7/25/2016

Special Operations Bureau, Los Angeles Police Department, (O) 213 486-8780.
[REDACTED] (Fax) 213 486- [REDACTED] Email Michael.Dowling@lapd.lacity.org

> >>> Usha Sulliff <usulliff@lafayettegroup.com> 5/19/2011, 12:04:35 PM >>>

> Mike and John:

> This report was mentioned in today's Los Angeles Times. With a title like "Targeted and Trapped," I think it's fair to say it has a certain slant. That said, I wanted to make you aware of its existence. Thanks.

> Excerpt from the L.A. Times story:

> <http://www.latimes.com/news/nationworld/nation/la-na-muslim-report-20110519,0,6896387.story>

> U.S. government tactics in pursuing domestic terrorism cases target and entrap Muslim community members and fail to enhance public safety, according to a report released Wednesday by a human rights center at New York University's law school.

> The government's use of surveillance, paid informants and invented terrorism plots prompts human rights concerns, according to the report by NYU's Center for Human Rights and Global Justice. The authors examined three high-profile cases in New York and New Jersey that they said raised questions about the role of the FBI and New York Police Department in creating the perception of a homegrown terrorism threat.

> All the best,

> Usha Sulliff
[REDACTED]

attachment: Text87.htm

07/25/2016

Subject: Re: NYPD's covert "human mapping program" in Muslim neighborhoods
From: MICHAEL DOWNING
Date: Wed, 24 Aug 2011 13:00:00
To: "" <ushasutliff@advancedpolicing.com>

Reg I read it this morning. I knew it would happen one day. Dangerous
Michael P. Downing, Deputy Chief, Commanding Officer, Counter-Terrorism and
Special Operations Bureau, Los Angeles Police Department, (O) 213 486-8780.
[REDACTED] (Fax) 213 486- [REDACTED] Email
Michael.Downing@lapd.lacounty.org

>>> Usha Sutliff <ushasutliff@advancedpolicing.com> 8/24/2011 12:58:50 PM
>>> Incredible.

http://www.google.com/hostednews/ap/article/ALeqM5liwl_LiP3I8NwLPoSRIJULZWhDPTg?docId=68e74ec21cb6481ebff3a063dc4ca2ba

"The department has dispatched teams of undercover officers, known as "rakers," into minority neighborhoods as part of a human mapping program, according to officials directly involved in the program. They've monitored daily life in bookstores, bars, cafes and nightclubs. Police have also used informants, known as "mosque crawlers," to monitor sermons, even when there's no evidence of wrongdoing. NYPD officials have scrutinized imams and gathered intelligence on cab drivers and food cart vendors, jobs often done by Muslims."

All the best,

Usha Sutliff
[REDACTED]

Attachment: Text105.htm

07/25/2016

We can certainly talk about why LAPD decided to use it and the reasons why it was stopped (after uproar from communities?). And we want to know if this is legal.

I would love to hear from you. Please reply to this email or call me.

Thanks much.

Wilma B. Consul
NPR's Talk of the Nation
202.513.2315 w (if I don't pick up, please call my cell)
[REDACTED]

Attachment: Text146.htm

07/25/2016

07/25/2016

EXHIBIT Y



Suite 2400
865 South Figueroa Street
Los Angeles, CA 90017-2566

Brendan N. Charney
213.633.6824 tel
213.633.6899 fax

brendancharney@dwt.com

February 18, 2016

Via Facsimile and Overnight Mail

Martin Bland, Officer-in-Charge
Discovery Section, Legal Affairs Division
Los Angeles Police Department
201 N. Los Angeles St., Space 301
Los Angeles, CA 90012
Fax: (213) 978-2080

Re: CPRA Request from Muslim Advocates; Reference No. C13-1200040

Dear Mr. Bland:

I write in reply to your letters of November 12 and 18, 2015,¹ as part of our ongoing correspondence regarding Muslim Advocates' December 12, 2013 California Public Records Act ("CPRA") request for records pertaining to the Department's "Community Mapping" Program ("Request"). It is beyond disappointing that, after two years of correspondence, the Department has produced only 5 records – after confirming the existence of thousands of potentially responsive records.

For your reference, here is a brief summary of where things stand:

More than two years ago, Muslim Advocates requested records relating to a Deputy Chief's testimony before the U.S. Senate about the Department's program to map Muslim communities in Los Angeles. The Deputy Chief testified in October 2007 that the program had been "recently launched" in partnership with an "academic institution," and that the Department was "soliciting input" from "local Muslim groups."² Moreover, the testimony referred to outreach activities to Muslim communities that had already been taking place "[f]or the past 18 months" at the "divisional level." When Muslim Advocates made its Request for records regarding this "Community Mapping" Program and the "LAPD's outreach and grassroots dialogue" with Muslim communities, however, the Department claimed no records existed.

¹ A set of relevant prior correspondence is attached for your reference as **Exhibit A**.

² A copy is attached as **Exhibit B**.

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What's more, the Department cited the Deputy Chief's testimony as a "non-Department related news article" — even though a transcript of this Departmental testimony is available on the Department's own website. Following several letters from Muslim Advocates' counsel, the Department agreed to produce records in response to only a subset of the Request: e-mail records created after 2010. The Department continues to flatly deny the portion of the Request seeking e-mail records from 2001-2010 — the period most germane to a request about a program launched in 2007 — on the grounds that a search for these records would be an "undue burden." Notably, the Department's November 12, 2015 letter does not deny that responsive e-mail records from 2001-2010 may exist. Instead, the Department simply refuses to search for these records.

After withdrawing its claim that the Senate testimony of a Deputy Chief was somehow a "non-Department...news article," the Department has continued to offer evolving justifications for its refusal to produce pre-2010 e-mail, repeatedly shifting position when challenged by Muslim Advocates. For instance:

- On April 20, 2015, the Department claimed that it "does not possess the machines necessary to perform back-up retrieval for e-mail older than [2010]." After additional correspondence with Muslim Advocates' undersigned counsel, the Department admitted on July 30, 2015 that it "has recently become aware that it possesses some of this equipment."
- Likewise, in its April 20 letter, the Department claimed that discussions concerning the proposed "Community Mapping" program had been "conceptual" before the October 2007 Senate Testimony and involved only "verbal dialogue with other possible non-governmental participants or potential partners." Muslim Advocates' counsel followed up, however, to ask the Department how it could possibly know that discussions involved only verbal dialogue, unless the Department had searched its e-mail system to confirm the absence of written dialogue (which it steadfastly refuses to do). In response, the Department again changed tack, writing that "[t]he Department's response concerning the nature of discussions...about a mapping program back in 2007 was intended to provide background and context—not as an express statement that [verbal dialogue] constituted the exclusive method of all such communications."
- In the Department's July 30 letter, the Department also stated that, to search pre-2010 e-mail backups, "search criteria must be clearly defined and individual parties must be identified." In response, Muslim Advocates identified seven departmental personnel who are likely to have had custody of records concerning the "Community Mapping" program. Nonetheless, the Department continues to deny this portion of the Request, now claiming that it would be an "undue burden" to search the accounts of only seven custodians — even though the Department concedes that it has pre-2010 e-mail backup

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records in its control, and searches and retrieves these records when convenient for the Department's own purposes, including the Department's own "investigations and requests."

As to the portion of the Request seeking post-2010 records, the Department identified approximately 4500 pages of e-mail as potentially responsive to the Request. After an additional delay of more than a month, the Department produced only 5 pages. It did not specify whether the remaining 4495 documents were withheld subject to an exemption to the CPRA, or because the Department contends these thousands of documents are nonresponsive. Although at least ten attachments are referenced in the e-mails, no attachments were produced.

Thus, more than two years after making its Request, Muslim Advocates still has no Departmental records showing, among other things, the identity of the "academic institution" with whom the Department conferred to launch the Program, nor the identity of the "local Muslim groups" from whom the Department solicited input. Nor has Muslim Advocates seen the Department's correspondence with these Program participants. Most importantly, Muslim Advocates has been denied access to the internal Departmental correspondence that surely must have been created at the time of the Deputy Chief's 2007 testimony. This internal correspondence would shed light on, for instance, the Department's purpose(s) in proposing the Program, the attitudes and expectations of Departmental personnel concerning the Program, any resources expended in connection with the Program, and whether the Department created any personnel positions, committees, policies, or any other institutional structures in connection with the Program. As discussed below, records of the Department's own internal correspondence and conduct with respect to the "Community Mapping" Program are necessary to fully evaluate the Department's continuing public statements about the relationship between public safety and Muslim communities in Southern California. Importantly, the Department has also failed to provide records showing whether it conducted a sufficient search for the records it has agreed to release, which suggests that it did not conduct a full search of all available paper and electronic files.³

³ On August 1, 2014, Muslim Advocates' counsel requested "all records of search terms used, and the databases those terms were run against, for searches conducted pursuant to our Original Request and Supplemental Request." Muslim Advocates also sought records of the "names and any summaries of" paper files that were checked; the names of "available electronic databases that were not searched pursuant to the Requests." It also requested that the Department "search [its] email system and other electronic databases for the term 'Community Mapping' and provide screen shots of the use of the term and databases searched." The Department never provided a response to these requests. See Exh. A.

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The California Constitution, along with the CPRA, expresses California's commitment to open government, and confirms the public's right to scrutinize — for themselves — the conduct of the people's business. See Cal. Const. Art. I, § 3(b); Cal. Gov't Code § 6250. Under the "Sunshine Amendment" expressed in Article I, Section 3(b) of the California Constitution, a statute or other authority "shall be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access." Thus, any exemption set forth in Section 6255 must be "narrowly construed" under the California Constitutional law — including the "undue burden" exemption claimed by the Department under Section 6255. Cal. Const. Art. I, § 3(b); County of Santa Clara v. Superior Court, 170 Cal. App. 4th 1301, 1321 (2009). Indeed, even before the "Sunshine Amendment," the California Supreme Court had already observed that the CPRA's purpose is to promote "[m]aximum disclosure of the conduct of governmental operations." CBS, Inc. v. Block, 42 Cal. 3d 646, 652 (1986) (rejecting law-enforcement agency's claim that catch-all Section 6255 exemption shielded production of individuals' concealed-carry applications) (emphasis added). In ordering that records be disclosed to the public, the California Supreme Court emphasized that:

"disclosure statutes such as the [CPRA]...were passed to ensure public access to vital information about the government's conduct of its business. If the press and the public are precluded from learning the [specific facts contained in government records], there will be no method by which the public can ascertain whether the law is being properly applied or carried out in an evenhanded manner."

Block, 42 Cal. 3d at 656.

Here, the Department has made many representations about the Program, and about the Department's efforts (or lack thereof) to search for records regarding the Program. The public, however, is not required to accept these representations at face value — especially given that so many of the Department's representations have proved inaccurate. Rather, Muslim Advocates is entitled to see the Department's records, in order to scrutinize, for itself, how the Department actually developed, launched, and then mothballed the "Community Mapping" Program.

To try to excuse its continuing failure to produce pre-2010 records, the Department recently made the incredible claim that it is "difficult to understand the significant public interest" in these records. Nonsense. The LAPD does not get to decide what is in the public's interest, and in this case the requested records are indisputably in the public interest. The records concerned a matter of public interest when the Deputy Chief touted the "Community Mapping" Program to the U.S. Senate; remained in the public interest as Department officials continued outreach to Muslim communities at the time the Request was made in 2013; and are just as much in the public interest now, as current presidential candidates continue to debate the treatment of American Muslims, and LAPD personnel — including the Deputy Chief who announced the "Community Mapping" Program — continue to make public statements regarding the

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relationship between Muslim communities and public safety.⁴ Putting aside the (generally inclusive and reassuring) tone of these Departmental statements, they further demonstrate that the subject of Muslim Advocates' Request directly relates to the public's strong interest in how law enforcement engages with Muslim communities in the context of ongoing public safety controversies. Moreover, the U.S. Court of Appeals for the Third Circuit recently reversed dismissal of a lawsuit based on an alleged Muslim mapping and surveillance program by the NYPD, comparing the program to the treatment of "Jewish-Americans during the Red Scare, African-Americans during the Civil Rights Movement, and Japanese-Americans during World War II." Hassan v. City of New York, 804 F.3d 277, 307, 309 (3rd Cir. 2015).

Put simply, the Department's claim that the public has no interest in the records lacks credibility — as did its initial claim that there were no records at all about the "Community Mapping" Program. Likewise, the Department's burden claim is also without credence.

The LAPD has provided nothing to show that Muslim Advocates' Request is unduly burdensome. Nor has the Department identified any specific defect in the Request. The Request can be fulfilled with "reasonable effort" and does not involve the proverbial search for a "needle in a haystack." See, e.g., Cal. First Amendment Coalition v. Superior Court, 67 Cal. App. 4th 159, 166 (1998). Indeed, Muslim Advocates has restricted the requested search by date; by subject matter — the specific "Community Mapping" Program announced in October 2007; and by identity of custodian, providing the names of seven Department personnel whose e-mail accounts likely contain records regarding the Program. Accordingly, the Department attempts to support its burden claim by citing only deficiencies under the Department's own control. For instance, the Department points out the personnel available to undertake a search also have other responsibilities such as "managing smartphones and tablets." It also claims that "there are 2 people in the entire City of Los Angeles with the necessary skills to perform [backup retrieval], and one of them is presently off and not expected to return until January." The Department,

⁴ See LAPD Chief Beck to Host Muslim Community Forum, CBS News, Sept. 19, 2013, available at <<http://losangeles.cbslocal.com/2013/09/19/lapd-chief-beck-to-host-muslim-community-forum/>>; Martin Kaste, Counterterrorism Cops Try to Build Bridges With Muslim Communities, KUNC (NPR), Dec. 22, 2015, available at <<http://www.kunc.org/post/counterterrorism-cops-try-build-bridges-muslim-communities#stream/0>>; Ian Lovett, Los Angeles Police Dept. Seeks to Reassure Local Muslims, New York Times, Dec. 2, 2015, available at <<http://www.nytimes.com/live/san-bernardino-shooting/lapd-seeks-to-reassure/>>; Samuel Freedman, Los Angeles Police Leader Makes Outreach to Muslims His Mission, Mar. 6, 2015, available at <<http://www.nytimes.com/2015/03/07/us/lapd-deputy-chief-muslims.html>>. Copies are enclosed as **Exhibit C**.

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however, may not frustrate the public's right of access to government records by understaffing its information technology department.

Most fatal to the Department's burden claim is the fact that *the Department has accessed pre-2010 e-mail backup records for other purposes*. The Department cannot use an "undue burden" claim to cherry pick among requests for public records, providing access when the Department deems convenient, while denying access to requestors like Muslim Advocates.

Moreover, the Department's refusal to search pre-2010 records is also indefensible because its refusal *excludes records from the time period most germane to the Request*: records created at around the time that the "Community Mapping" Program was announced in 2007. The pre-2010 records that the Department claims would involve an "undue burden" are critical to understanding the "Community Mapping" Program announced in 2007, and indeed constitute the heart of Muslim Advocates' Request. A court will reject the Department's claim that it is an "undue burden" to search for these critical records, just as courts have rejected similar attempts by agencies to avoid searching e-mail backups created during the critical time period of a request. See, e.g., Ctr. for Biological Diversity v. Office of the U.S. Trade Representative, 450 Fed. Appx. 605, 607, 610 (9th Cir. 2011) (unpublished) (holding that public agency failed to conduct adequate search under FOIA for records relating to a program that began in April 2006, because the agency searched only those e-mail backup records created after June 2006).

Throughout this lengthy correspondence over the course of two years, Muslim Advocates has engaged cooperatively with the Department, and continues to seek assistance from the Department in overcoming any practical barriers to producing the records. As we have reminded the Department, a public agency has a duty to reasonably "assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request...[and to] [p]rovide suggestions for overcoming any practical basis for denying access to the records or information sought." Cal. Gov't Code § 6253.1. A public agency's failure to assist a requestor in overcoming practical difficulties to production will support an award of attorneys' fees against the agency. See, e.g., Pac. Merch. Shipping Ass'n v. Bd. Of Pilot Comm'rs for the Bays of San Francisco, 2015 Cal. App. LEXIS 1082, *28 (Nov. 6, 2015).

The Department has presented a picture of maximum cost, but has so far failed to suggest strategies for overcoming the practical difficulties it claims would be required to conduct a search. To overcome the practical difficulties related to the Department's burden claim, Muslim Advocates requests assistance from the Department as detailed below. The Department should also explain what differentiates Muslim Advocates' Request from other instances in which the Department has elected to search backed-up email from before 2010. To that end, please:

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- a. **Identify each search request that has been performed on pre-2010 e-mail backups within the last three years, including the subject matter of the request, the amount of data retrieved, how many user accounts were searched, and a substantive description of how use of search terms, identification of custodians, or other search restrictions made the search possible;**⁵
- b. **Identify and propose search terms or methodologies that would reduce the burden the Department claims would be required to review pre-2010 e-mail. For instance, is one of the seven departmental personnel identified by Muslim Advocates in its September 21, 2015 letter more likely than the others to have created or received e-mail records regarding the Program? If so, perhaps the Department can start by searching that individual's email records, and then cross-reference across other personnel to determine whether e-mail was sent to their accounts. Also, if Department personnel are unavailable to conduct the search due to competing Departmental responsibilities or personnel leave, perhaps the Department can identify a third party vendor to conduct the search.**

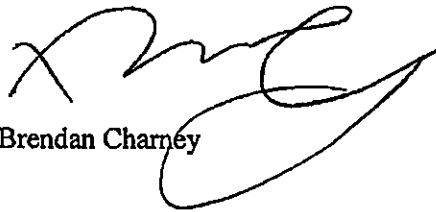
In addition, the Department has failed to specify why it withheld approximately 4,495 records that were retrieved but not produced, nor has it explained why it has failed to produce responsive attachments to the 5 records that it did produce. Accordingly, please state the reason that approximately 4,495 records were withheld in response to the portion of Muslim Advocates' Request seeking post-2010 e-mail. If any records were withheld subject to a claim of CPRA exemption, please identify the exemption(s) you claim are applicable. Please also promptly produce the attachments referenced in the documents produced on November 18, 2015. Finally, please also provide the records requested on August 1, 2014 regarding the sufficiency of the Department's search for records, including all records of search terms used, and the databases those terms were run against; screen shots of the use of the term and databases searched; as well as the names and any summaries of paper files that were checked, and the names of available electronic databases and paper files that were not searched pursuant to the Requests.

⁵ This request for assistance amplifies a similar request that Muslim Advocates made on November 2, 2015, but to which the Department failed to respond.

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Given the time that has already passed since Muslim Advocates' 2013 Request, a prompt response will be appreciated.

Sincerely,
Davis Wright Tremaine LLP



Brendan Charney

cc: Julie Raffish, Los Angeles City Attorney's Office, via U.S. Mail and fax (213) 978-8787
Carlos De La Guerra, Los Angeles City Attorney's Office, via U.S. Mail

Enclosures

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EXHIBIT Z

LAPD Chief Beck to Host Muslim Community Forum

losangeles.cbslocal.com/2013/09/19/lapd-chief-beck-to-host-muslim-community-forum/

September 19, 2013 10:15 AM



after prayers during the Muslim holy month of Ramadan in Los Angeles on August 13, 2010. Muslims all over the world abstain from eating, drinking, smoking and sex from sunrise to sunset during the month of Ramadan in order to purify themselves and concentrate on Islamic teachings. AFP PHOTO/Mark RALSTON

A Muslim woman leaves the Masjid Omar ibn Al-Khattab mosque in Los Angeles. (Photo credit: MARK RALSTON/AFP/Getty Images)

LOS ANGELES (CBSLA.com) — The chief of the Los Angeles Police Department Thursday was set to meet with Muslim community leaders.

LAPD Chief Charlie Beck and other high-ranking LAPD officials will take part in the forum, which, as Beck told KNX 1070 NEWSRADIO, gives the Muslim community and the public at large a chance to hear from police on current events.

LAPD Chief Charlie Beck

07/25/2013
playpause

"There's very topical issues going on in the Middle East that we wanna talk about, and we want to make sure that tensions in other parts of the world don't spill over into Los Angeles," Beck said.

There are currently no known direct or credible terrorist threats against the city, Beck added.

EA Z

The forum continues a tradition that stretches back to Beck's predecessor, Bratton, who made fostering close ties between various ethnic and religious groups throughout Los Angeles a top priority during his administration.

According to Beck, LAPD outreach efforts to the Muslim community as well as the African-American, Hispanic, and LGBT communities are critical to local crime-fighting efforts.

"It's really important that folks feel that they have a say about their policing, that they buy into law enforcement, and that we build trust with all communities," Beck said.

The meeting is scheduled for 6 p.m. at the Masjid Omar Ibn Al Khattab Foundation located at 1025 W. Exposition Boulevard.

Comments

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LOADING...

Counterterrorism Cops Try To Build Bridges With Muslim Communities

By [MARTIN KASTE](#) ([/PEOPLE/MARTIN-KASTE](#)) • DEC 21, 2015



(http://mediad.publicbroadcasting.net/p/shared/npr/styles/x_large/nprshared/201512/460576184.jpg)

Shawn Alexander and Ashley Jimenez visit a madrassa in the Los Angeles area. The two police officers are part of the Los Angeles Police Department's counterterrorism bureau, which is focused on fostering community engagement.

MARTIN KASTE / NPR

Listen

Originally published on December 22, 2015 12:23 pm

The attack that killed 14 people in San Bernardino, Calif., earlier this month raised the alarm over so-called homegrown terrorism, attacks that aren't necessarily coordinated from overseas.

A few days after the massacre, FBI Director James Comey described the challenges of detecting those threats in a hearing of the Senate Judiciary Committee.

"Critical to our finding those people who are radicalizing in their homes are tips from the community," Comey said. "We have worked very, very hard to develop good relationships in communities all across the country — especially in Muslim communities."

But the FBI is regarded by many American Muslims with suspicion, in part because of misgivings about a legacy of federal sting operations that are perceived by some as efforts to entrap Muslims into planning theoretical terrorist attacks.

Local law enforcement, on the other hand, says it is well-positioned to develop relationships with Muslim communities.

"It's no different than how we work with young people who want to join gangs," says Sheriff Rich Stanek of Hennepin County in Minnesota, where local law enforcement has been struggling with the question of how to dissuade the youth of recent Somali immigrants from becoming radicalized. "We want to know what's happening in the communities, and that's all based on trust. Local law enforcement has to trust them, and in order for that to happen, they have to be able to trust us."

This approach is often called countering violent extremism, or CVE, a philosophy built on the idea that law enforcement can help isolated communities such as recent immigrants to feel more invested in society and, as a result, make them more likely to detect threats such as self-radicalization.

"In a sense, it's an adaptation for counterradicalization purposes of good old-fashioned community policing methods," says Anders Strindberg of the Naval Postgraduate School's Center for Homeland Defense and Security. Local police are ideally situated to bring marginalized immigrant communities into the mainstream, he says — and make them more likely to report threats.

"I know this sounds kind of crunchy," he says, "but what you really need are communities that feel a level of trust and integration that allows them to reach out."

This philosophy is officially part of the federal government's anti-terrorism strategy (<https://www.whitehouse.gov/the-press-office/2015/02/18/fact-sheet-white-house-summit-countering-violent-extremism>), but Strindberg says it's been hampered by an internal struggle over whether the FBI or Homeland Security should take the lead and over what the role of local police should be. Strindberg says that debate has been "vitriolic" and has wasted valuable time.

There's been skepticism among Muslims. "If there is such a program — which I don't believe there is in the United States — it's an idea, it's a framework," says Salam Al-Marayati, president of the Muslim Public Affairs Council. Marayati says CVE suffers from being too vague about its goals. He wants to make sure these friendly, relationship-building cops don't start asking questions about religion or social customs. And, he says, people need to be clear about what should be reported to police and what shouldn't.

"I mean, if it's stockpiling ammunition in somebody's apartment and buying explosives, of course they should report that kind of behavior. But if it's just about how a person is dressed, or how a person is religious, then no," Marayati says.

While some local police have embraced the CVE concept with community engagement officers, Strindberg says those efforts are often hard to maintain, in part because they're hard to quantify.

"The problem with community policing is the metrics are terrible," he says. "The metrics are not about tangible achievements in the sense that a lot of bureaucracies want to have available to them, but rather it's about things that didn't happen."

Still, some cities are pressing forward with this approach. The Los Angeles Police Department's counterterrorism bureau has officers who are dedicated primarily to building relationships with what they call the city's "diaspora" communities. Shawn Alexander, one of those officers, makes a point of telling the people he works with that he's not focused on investigations — even though he's part of counterterrorism. He and his partner, Officer Ashley Jimenez, work in community engagement.

"We're totally separated from our investigators. The hunters and pursuers, we don't engage with them, they don't engage with us," he says. A practicing Muslim, Alexander says that when he visits a mosque or a madrassa in the LA area, he wants to make it clear that he's not there to spy.

"If we're there for information-gathering or investigation purposes or we're trying to get information on the community, it's kind of a slap in the face of the community," Alexander says. "It's like telling the community we're here because we think something is going to happen here. But that's not why we're there."

Does he believe this approach has prevented radicalization or violence? It's impossible to know, Alexander says, but he is convinced of the value of approaching these communities in the role of a public servant and not an investigator.

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Transcript

RENEE MONTAGNE, HOST:

07
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And the attack in San Bernardino earlier this month raised the alarm over homegrown terrorism - attacks that aren't necessarily coordinated from overseas. As FBI Director James Comey told the Senate Judiciary Committee this month, detecting independent actors can be hard.

(SOUNDBITE OF ARCHIVED RECORDING)

JAMES COMEY: Critical to our finding those people who are radicalized in their homes is tips from the community. We have worked very, very hard to develop good relationships in communities all across the country, especially in Muslim communities.

MONTAGNE: In fact, many American Muslims have come to regard the FBI with suspicion. And as NPR's Martin Kaste reports, local police say they're often better positioned to get those tips.

MARTIN KASTE, BYLINE: Two Los Angeles police officers are sitting in a modest Indian restaurant passing some time before an appointment. Their business cards say they're part of LAPD's counterterrorism bureau. But Officer Shawn Alexander does not want you to read too much into that.

SHAWN ALEXANDER: We are totally separated from our investigators. The hunters and pursuers - we don't engage with them, they don't engage with us. We're on a totally separate floor.

KASTE: He wants to make that clear because he and his partner, Ashley Jimenez, on are the community engagement side of things. For instance, this appointment they're waiting for - they've been invited to speak at an Islamic madrasa. It's a religious school just a few doors down from here. Alexander says the school is pretty conservative. He's actually surprised they were invited, and he wants to make the right impression.

ALEXANDER: If we're there for information gathering or investigation purposes or we're trying to get information on the community, it's kind of a slap in the face to the community. It's like saying - telling the community that we're here because we think something is going to happen here. But that's not why we're there.

KASTE: But why would counterterrorism cops visit a mosque if they're not looking for information? Because it's the smart thing to do, says Anders Strindberg.

ANDERS STRINDBERG: In a sense, it's an adaptation for counter-radicalization purposes of good old-fashioned community policing methods.

KASTE: Strindberg is an expert in this subject at the Naval Postgraduate School Center for Homeland Defense and Security. He says the cops probably aren't going to spot a self-radicalized potential terrorist. But the community might.

STRINDBERG: And I know this sounds kind of crunchy, but what you really need are communities that feel a level of trust and integration that allows them to reach out.

KASTE: So if the police offer those people services, say extra protection when they feel threatened or advice on dealing with City Hall, then they'll feel invested in the larger society. This approach is sometimes called CVE - countering violent extremism. It's part of the federal antiterrorism strategy, but Strindberg says it's been hampered by competition between the FBI and Homeland

Security, as well as a vitriolic [redacted] at's his word - argument over the role [redacted] for local cops. There's skepticism among Muslims, too.

SALAM AL-MARAYATI: If there is such a program, which I don't believe there is in the United States, it's an idea, it's a framework.

KASTE: Salam Al-Marayati is president of the Muslim Public Affairs Council. He says CVE suffers from being too vague about its goals. He wants to make sure these friendly relationship-building cops don't start asking questions about religion or social customs. And he wants people to be clear about what should be reported to the police and what shouldn't.

AL-MARAYATI: I mean, if it's stockpiling ammunition in somebody's apartment and buying explosives, of course they should report that kind of behavior. But if it's just about how a person is dressed or how a person is religious, then no.

UNIDENTIFIED CHILDREN: (Singing in foreign language).

KASTE: The two LAPD officers have now made their entrance at the madrasa. It's a modest storefront packed with traditionally dressed boys and girls. They stare shyly at the officers, and then the kids see something they weren't expecting.

UNIDENTIFIED MAN: (Singing in foreign language).

KASTE: As the imam starts the evening prayer, Officer Alexander joins in, kneeling in the first row. He's a Muslim. It's a big reason he does this work. When the prayer is over, the kids crowd around him and his partner.

ALEXANDER: (Foreign language spoken).

KASTE: After he greets them, they pepper the cops with questions. Some of it's about their fear of a backlash. The memory of San Bernardino is still raw in this city. The officers also give advice to a mother who wonders what to do if she's harassed because of her headscarf. And then a little girl demands to know if the officers are detectives.

ALEXANDER: No, we're - we don't drive around a police car and chase bad guys. Our job is to connect with the community and to make sure, like, that the community gets what they need, OK?

KASTE: Then it's time for the pizza party, with the kids begging the officers for LAPD stickers. On the way out of the madrasa, one father points to Officer Alexander and says I'd rather call him than the FBI. Martin Kaste, NPR News, Los Angeles. Transcript provided by NPR, Copyright NPR.

01/15/2016

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Los Angeles Police Dept. Seeks to Reassure Local Muslims

🌐 www.nytimes.com/live/san-bernardino-shooting/apd-seeks-to-reassure/

Ian Lovett, Jennifer Medina, Richard Pérez-Peña and Christine Hauser

2:57 pm ET Dec 2, 2015 2015-12-10T23:50:24+00:00

Details Emerge of a Deadly Plan

The Times has concluded its live coverage of the shooting in San Bernardino, Calif., which killed 14 people and wounded 21.

Look back at how the events unfolded.

4:10 pm ET Dec 3, 2015 2015-12-03T21:38:06+00:00

Deputy Chief Michael P. Downing, commanding officer of the Counter-Terrorism and Special Operations Bureau, said in a telephone interview that he planned to hold a conference call on Thursday with about 20 local Muslim and interfaith religious leaders.

"The purpose is just to reassure them," Chief Downing said, "that you're part of our community, that Muslim communities are our strength – not our weakness – and we can't let this deteriorate our relationship or allow others to isolate or stigmatize the Muslim community."

Law enforcement officials in Southern California have cultivated relationships with many Muslim leaders for the purpose both of preventing terrorist incidents and protecting Muslims from attacks fueled by bigotry or hate.

Chief Downing said he had observed American Muslim leaders growing increasingly alarmed that the Islamic State and its sympathizers poses an "existential threat" to their faith: "The concern is that if there are 300 million extreme Wahhabi, Salafi Muslims out of the 1.6 billion Muslims who see the caliphate as legitimate and pledge allegiance to al-Baghdadi, it poses a potential existential threat to mainstream Islam. I think people are seeing that now."

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The New York Times <http://nyti.ms/1Cl3E7b>

U.S.

Los Angeles Police Leader Makes Outreach to Muslims His Mission

On Religion

By SAMUEL G. FREEDMAN MARCH 6, 2015

LOS ANGELES — On a damp and dreary Saturday two months ago, several hundred mourners gathered outside City Hall here for a memorial service honoring Dr. Maher Hathout. Born in Egypt and trained as a cardiologist, Dr. Hathout, 79, had devoted decades to espousing a moderate version of Islam and reaching across denominational lines to other faiths.

So there was nothing surprising about the presence of rabbis and priests, Sikhs and Episcopalians at the service. The unexpected moment came when a man in a different sort of vestment, the dark blue uniform of the Los Angeles Police Department, knelt before Dr. Hathout's widow and presented her with the carefully folded triangle of an American flag.

For the man in the uniform, Deputy Chief Michael Downing, that moment distilled the uncommon role he has within the department. While his full title aptly describes his investigative mission — commanding officer of the counterterrorism and special operations bureau — it omits what has become

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the signature element of his 33-year career. In a city with a history of traumatic, adversarial relations between the police force and various minority groups, Muslims among them, Chief Downing has forged bonds that are both durable and contentious.

“He has delivered,” said Salam al-Marayati, 54, president of the Muslim Public Affairs Council, a national advocacy group founded in Los Angeles. “He’s been outspoken against Islamophobia, and he’s stood up to criticism for listening to us.”

For his part, Chief Downing, 55, said, “We’ve learned the hard lessons that you can’t declare war on your own citizens, on the people we serve, or on their ideas.”

The unofficial partnership between Mr. Marayati and Chief Downing has included joint appearances last month at the White House’s conference on “Countering Violent Extremism.” Late last year, the Muslim Political Affairs Council bestowed its annual award for outstanding achievement on Chief Downing.

As if anyone needed a reminder of the skepticism that continues to surround such entente, several hecklers tried to disrupt the award presentation. One of the major Muslim groups in the region, the Los Angeles chapter of the Council on American-Islamic Relations, has regarded Chief Downing’s outreach efforts warily.

“Good intentions won’t have much effect as long as law enforcement agencies engage and view the American Muslim community exclusively through the prism of national security and counterterrorism,” said Hussam Ayloush, the chapter’s executive director. “Such a framework is demeaning and harmful because it unfairly singles out and stigmatizes our community.”

From the other side of the religious and political spectrum, Chief Downing has been portrayed as the dupe of jihadists. The activist group United West, which contends that Muslims want to impose religious law in

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America, crashed a community meeting with Chief Downing at a Los Angeles mosque and posted video of the resulting confrontation on YouTube under the title "LA Top Cop in Bed with Muslim Brotherhood."

What the clip wound up capturing was Chief Downing's calm in the face of provocation and his ready knowledge in discussing the Muslim Brotherhood's founder, Hassan al-Banna, and the range of modern applications of his teachings — some violent, many not.

Little in Chief Downing's background would have anticipated his current specialty. He grew up in suburban Los Angeles attending a nondenominational Christian church and earned a degree in business administration from the University of Southern California. He joined the Los Angeles police force in 1982 and got an insider's view of the department's worst abuses.

In 1991, several officers were caught on videotape beating Rodney G. King, an unarmed black driver they had been pursuing. Later in the decade, a corruption and brutality scandal emerged from the department's Rampart Division, which ultimately led to the department being overseen for five years by the Justice Department.

Amid that broad pattern of police malpractice — and the resulting alienation of a vast portion of the city's population — Chief Downing was trying a different approach. As a captain in Hollywood in the late 1990s, he set about repairing the rift between police officers and the neighborhood's large gay population. At one point, he invited a transgender woman to address his precinct's rank and file at roll call and tell her life story.

As little as Chief Downing had known about transgender people, he knew even less about Muslims. And for many years he had the impression that the department and the Muslims both wanted it that way. "They were building a mosque near U.S.C. when I was an officer, and we were told, 'You're not allowed in there,'" he recalled. "It was off-limits to us. And so Muslims were

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unknown.”

Simultaneously, many Muslims in Los Angeles had reasons for keeping their distance from the police. For many immigrant families, like Mr. Marayati’s, American officers evoked terrifying memories of the secret police in home countries like Egypt, Iran, Iraq and Pakistan. The increased surveillance of American Muslims after the Sept. 11, 2001, attacks, and the use of informants by the F.B.I., compounded the fear and anxiety.

“We carried the psychological baggage of the secret police in the Middle East,” said Mr. Marayati, an engineer whose family emigrated from Iraq when he was a child. “We thought we’d left it and it would never happen here. Then it did.”

Several events in the mid-2000s left Muslims in Southern California — there are about 95,000 in Los Angeles and Orange Counties, according to U.S.C. statistics — simultaneously dreading and craving law enforcement’s involvement. On the one hand, an F.B.I. informant insinuated himself into mosques in the Irvine area on a supposed hunt for terrorists. On the other, a former member of the Jewish Defense League was arrested on charges of planning to bomb a Culver City mosque.

Tossed by those crosscurrents, Mr. Marayati and the public affairs council made a decision. “We couldn’t wait for problems to happen,” he said. “We had to have a relationship with law enforcement first. This was our form of glasnost.”

On the receiving end, Chief Downing established a regular forum to meet with Muslim leaders, modeled after one he had formed with the gay activists in Hollywood. He set about educating himself about Islam through courses, readings and travel abroad. And he came to see American Islam as perhaps the world’s best hope for a vibrant, moderate iteration of the faith.

No progress has come without struggle and strain, however. Chief Downing and Muslim groups in Los Angeles have clashed over the official

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police definition of "suspicious activity" and the department's plan to map areas of heavy Muslim populations. But the two sides negotiated compromises on both matters, although the outcomes were still deemed inadequate in some Muslim and civil liberties quarters.

Still, Chief Downing formally separated the investigative and community-relations functions in his bureau to try to assuage Muslim concerns of being spied upon under the guise of outreach. His efforts, though taken on his own initiative, also served the reform agenda of William J. Bratton, who was the police chief in Los Angeles from 2002 to 2009.

"We have to be careful not to have a one-eyed view," Chief Downing said. "The threat of violent extremism is very real, even more real than it was five years ago. But the way Islam is practiced here is peaceful, it's charitable, it's building better communities, it's about acceptance and philanthropy. And those things are good."

sgf1@columbia.edu; Twitter: @SamuelGFreedman

A version of this article appears in print on March 7, 2015, on page A19 of the New York edition with the headline: Los Angeles Police Leader Makes Outreach to Muslims His Mission.

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Thomas R. Burke (SBN 141930); Karen A. Henry (SBN 229707)
DAVIS WRIGHT TREMAINE LLP
865 S. Figueroa St., Ste. 2400
Los Angeles, CA 90017
TELEPHONE NO.: (213) 633-6800 FAX NO.: (213) 633-6899
ATTORNEY FOR (Name): Petitioner MUSLIM ADVOCATES

FOR COURT USE ONLY

FILED
Superior Court of California
County of Los Angeles

JUL 25 2016

Sherri R. Carter, Executive Officer/Clerk
By M. Soto, Deputy
Moses Soto

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
STREET ADDRESS: 111 North Hill Street
MAILING ADDRESS:
CITY AND ZIP CODE: Los Angeles, CA 90012
BRANCH NAME: STANLEY MOSK

CASE NAME: MUSLIM ADVOCATES v. THE CITY OF LOS ANGELES

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000) Limited (Amount demanded is \$25,000 or less)


Complex Case Designation
 Counter Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: **BS 163755**
JUDGE:
DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
Auto Tort: Auto (22), Uninsured motorist (46), Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort: Asbestos (04), Product liability (24), Medical malpractice (45), Other PI/PD/WD (23), Non-PI/PD/WD (Other) Tort: Business tort/unfair business practice (07), Civil rights (08), Defamation (13), Fraud (16), Intellectual property (19), Professional negligence (25), Other non-PI/PD/WD tort (35), Employment: Wrongful termination (36), Other employment (15)
Contract: Breach of contract/warranty (06), Rule 3.740 collections (09), Other collections (09), Insurance coverage (18), Other contract (37), Real Property: Eminent domain/Inverse condemnation (14), Wrongful eviction (33), Other real property (26), Unlawful Detainer: Commercial (31), Residential (32), Drugs (38), Judicial Review: Asset forfeiture (05), Petition re: arbitration award (11), Writ of mandate (02), Other judicial review (39)
Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403): Antitrust/Trade regulation (03), Construction defect (10), Mass tort (40), Securities litigation (28), Environmental/Toxic tort (30), Insurance coverage claims arising from the above listed provisionally complex case types (41), Enforcement of Judgment: Enforcement of judgment (20), Miscellaneous Civil Complaint: RICO (27), Other complaint (not specified above) (42), Miscellaneous Civil Petition: Partnership and corporate governance (21), Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
a. Large number of separately represented parties d. Large number of witnesses
b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): 4
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: July 25, 2016
Karen A. Henry (TYPE OR PRINT NAME)  (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE
• Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
• File this cover sheet in addition to any cover sheet required by local court rule.
• If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
• Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (not asbestos or toxic/environmental) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (not medical or legal)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36) Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)
Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (not provisionally complex) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review

Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (non-domestic relations)
Sister State Judgment
Administrative Agency Award (not unpaid taxes)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (not specified above) (42)
Declaratory Relief Only
Injunctive Relief Only (non-harassment)
Mechanics Lien
Other Commercial Complaint Case (non-tort/non-complex)
Other Civil Complaint (non-tort/non-complex)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (not specified above) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

SHORT TITLE: MUSLIM ADVOCATES v. THE CITY OF LOS ANGELES, et al.

CASE NUMBER **BS 163755**

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

Step 2: In Column B, check the box for the type of action that best describes the nature of the case.

Step 3: In Column C, circle the number which explains the reason for the court filing location you have chosen.

Applicable Reasons for Choosing Court Filing Location (Column C)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, Central District. | 7. Location where petitioner resides. |
| 2. Permissive filing in central district. | 8. Location wherein defendant/respondent functions wholly. |
| 3. Location where cause of action arose. | 9. Location where one or more of the parties reside. |
| 4. Mandatory personal injury filing in North District. | 10. Location of Labor Commissioner Office. |
| 5. Location where performance required or defendant resides. | 11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury). |
| 6. Location of property or permanently garaged vehicle. | |

102 / 52 / 1 / Other Personal Injury/Property Damage/Wrongful Death Tort
 Auto Tort

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11
Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1, 4, 11
Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage	1, 11
	<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	1, 11
Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11
Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1, 4, 11
	<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 4, 11
Other Personal Injury/Property Damage/Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1, 4, 11
	<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1, 4, 11
	<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1, 4, 11
	<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11

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CASE NUMBER

Non-Personal Injury/ Property
Damage/ Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1, 2, 3
	<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case	1, 2, 3
	<input type="checkbox"/> A6109 Labor Commissioner Appeals	10
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2, 5
	<input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)	2, 5
	<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1, 2, 5
	<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1, 2, 5
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	5, 6, 11
	<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	5, 11
	<input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11
Insurance Coverage (18)	<input type="checkbox"/> A6016 Insurance Coverage (not complex)	1, 2, 5, 8
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1, 2, 3, 5
	<input type="checkbox"/> A6031 Tortious Interference	1, 2, 3, 5
	<input type="checkbox"/> A6027 Other Contract-Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 8, 9
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2, 6
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2, 6
	<input type="checkbox"/> A6032 Quiet Title	2, 6
	<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11

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CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus	2, 8
		<input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter	2
		<input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2
Other Judicial Review (39)	<input checked="" type="checkbox"/> A6150 Other Writ /Judicial Review	2, 8	
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2, 5, 11
		<input type="checkbox"/> A6160 Abstract of Judgment	2, 6
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2, 9
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2, 8
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2, 8
		<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 8, 9
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1, 2, 8
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2, 8
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1, 2, 8
<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)		1, 2, 8	
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2, 3, 9
		<input type="checkbox"/> A6123 Workplace Harassment	2, 3, 9
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2, 3, 9
		<input type="checkbox"/> A6190 Election Contest	2
		<input type="checkbox"/> A6110 Petition for Change of Name/Change of Gender	2, 7
		<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2, 3, 8
<input type="checkbox"/> A6100 Other Civil Petition		2, 9	

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LACIV 109 (Rev 2/16)

LASC Approved 03-04

**CIVIL CASE COVER SHEET ADDENDUM
AND STATEMENT OF LOCATION**

Local Rule 2.3

Page 3 of 4

SHORT TITLE:

MUSLIM ADVOCATES v. THE CITY OF LOS ANGELES, et al.

CASE NUMBER

Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

REASON: <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11.			ADDRESS: Los Angeles Police Department Police Department Discovery Section 201 North Los Angeles St., Space 301 Los Angeles, CA 90012
CITY: Los Angeles	STATE: CA	ZIP CODE: 90012	

Step 5: Certification of Assignment: I certify that this case is properly filed in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., §392 et seq., and Local Rule 2.3(a)(1)(E)].

Dated: July 25, 2016

Dawn A. Henry
 (SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

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