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16 SUPERIOR COURT OF THE STATE OF CALIFORNIA

17 COUNTY OF LOS ANGELES

18  
19 LABOR/COMMUNITY STRATEGY  
20 CENTER,

21 Petitioner,

22 v.

23 LOS ANGELES COUNTY  
24 METROPOLITAN TRANSIT  
25 AUTHORITY; COUNTY OF LOS  
26 ANGELES; LOS ANGELES COUNTY  
27 SHERIFF'S DEPARTMENT; CITY OF  
28 LOS ANGELES; LOS ANGELES  
POLICE DEPARTMENT; CITY OF  
LONG BEACH; LONG BEACH POLICE  
DEPARTMENT,

Respondents.

CONFORMED COPY  
ORIGINAL FILED  
Superior Court Of California  
County Of Los Angeles

DEC 13 2017

Sherri H. Carter, Executive Officer/Clerk

By: Marlon Gomez, Deputy

Case No. : **BS171816**

**VERIFIED PETITION FOR  
PEREMPTORY WRIT OF MANDATE  
ORDERING COMPLIANCE WITH THE  
CALIFORNIA PUBLIC RECORDS ACT  
AND COMPLAINT FOR DECLARATORY  
RELIEF**

[Gov. Code §§ 6250, *et seq.*;  
Code Civ. Proc. §§ 1060, 1085 *et seq.*]

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## INTRODUCTION

1. Petitioner Labor/Community Strategy Center (“Petitioner” or “Strategy Center”) brings this petition for peremptory writ of mandate and complaint for declaratory relief against Respondents the Los Angeles County Metropolitan Transportation Authority (“MTA”), the County of Los Angeles (the “County”) and its department, the Los Angeles County Sheriff’s Department (“LASD”), the City of Los Angeles and its department, the Los Angeles Police Department (“LAPD”), and the City of Long Beach and its department, the Long Beach Police Department (“LBPD”), to enforce compliance with Respondents’ obligations under the California Public Records Act (“CPRA”). (Gov. Code §§ 6250, *et seq.*; Code Civ. Proc. §§ 1060, 1085 *et seq.*)

2. Since 2003, the Los Angeles County Metropolitan Transportation Authority (“MTA”) has contracted with the LASD to police the MTA’s trains and buses. During that time, a disturbing trend of racially disparate policing and ticketing has emerged in which African-American riders are ticketed at grossly disproportionate rates compared to other racial and ethnic groups. For example, according to the MTA’s own statistics, in 2015, African-Americans comprised 19% of the train ridership, yet they received over 50% of the fare citations during that period. A summary of citation statistics produced by MTA in response to prior Public Records Act Requests by the Strategy Center is attached hereto as Exhibit A.

3. Likewise, MTA’s own statistics show that, in 2016, the Exposition and Blue Line trains – which travel routes through portions of Los Angeles County with higher densities of African-American riders – are disproportionately policed. In 2016, the Exposition Line train, which travels primarily through the neighborhoods around the University of Southern California, Leimert Park, Crenshaw, Baldwin Hills, and Culver City, experienced some of the lowest rates of violent and property crime in the MTA rail system, but experienced the highest level of policing in the MTA system in absolute terms (total number of LASD personnel deployed) and in relative terms (total number of LASD personnel deployed per mile of track and per rider). (“Metro Policing and Security Workload and Staffing Analysis,” Los Angeles County Metropolitan Transportation Authority Office of the Inspector General, Jan. 4, 2016, pp. 30-39,

1 [https://media.metro.net/about\\_us/oig/images/16aud03\\_metro\\_policing\\_and\\_security\\_workload\\_st](https://media.metro.net/about_us/oig/images/16aud03_metro_policing_and_security_workload_st)  
2 [affing\\_final\\_report\\_01.04.16.pdf](#) (accessed Dec. 6, 2017).) By contrast, the Red/Purple Line  
3 trains, which run through the neighborhoods of Downtown Los Angeles, Koreatown, Hollywood,  
4 Universal City, and North Hollywood, and carried 43% of MTA's daily rail ridership in 2016,  
5 experienced some of the lowest levels of policing in 2016 despite having the second-highest  
6 numbers of both violent and other non-property crime. (*Id.*)

7 4. LASD's own statistics also demonstrate that LASD disproportionately cited riders  
8 for fare evasion on Blue Line trains, compared with passengers on Red Line trains and Gold Line  
9 trains – which predominately travel through suburban neighborhoods in the San Gabriel Valley.  
10 For example, LASD's "Monthly Reports" to the MTA reported both the total number of "Fare  
11 Evasion Citations" and "Fare Warnings" by rail line. An example of such a Monthly Report for  
12 December of 2015 is attached hereto as Exhibit B. When combining the total number of fare  
13 citations and fare warnings, LASD's own data show that, in 2015, approximately 16% of fare  
14 evaders on the Blue Line and 21% of fare evaders on the Green Line were let off with a warning,  
15 compared with roughly 26% of fare evaders on the Red Line and approximately 39% on the Gold  
16 Line. (*Id.*, at pp. 6, 7, 9, & 10.) In other words, in 2015, passengers on Red Line trains were 60%  
17 more likely to be let off with a warning and passengers on Gold Line trains were 143% more  
18 likely to be let off with a warning than a similarly situated passenger on a Blue Line train  
19 presenting without a paid fare. (*Id.*) Likewise, Red Line passengers were 21% more likely to be  
20 let off with a warning and Gold Line passengers were 83% more likely to be let off with a  
21 warning than a similarly situated passenger on a Green Line train presenting without a paid fare.  
22 (*Id.*)

23 5. Similarly, MTA's ridership statistics show that, in 2014, the Red Line's North  
24 Hollywood station experienced roughly 61% more passenger traffic (boardings and alightings)  
25 than the Imperial/Wilmington station, which sits at the intersection of the Blue and Green Lines  
26 in South Los Angeles. ("Rail Activity by Station, Fiscal Year 2014,"  
27 <http://libraryarchives.metro.net/DPGTL/Ridership/> (accessed Dec. 8, 2017).) Yet, MTA's own  
28 statistics during the same time period show that a passenger at the Wilmington/Imperial Station

1 was roughly 82% more likely to be cited for fare evasion than a passenger at the much busier  
2 North Hollywood station. Copies of fare evasion citation data produced by MTA in response to  
3 Public Records Act Requests from the Strategy Center are attached hereto as Exhibit C.

4 6. In 2017, at the expiration of its prior contract with the LASD, MTA ended its  
5 exclusive contract with the LASD for law enforcement services and instead awarded three  
6 separate contracts for law enforcement services to LASD, LAPD, and LBPB. LAPD is now  
7 responsible for policing MTA's trains and buses within the City of Los Angeles, LBPB is now  
8 responsible for policing MTA's trains and buses within the City of Long Beach, and LASD is  
9 now responsible for policing MTA's trains and buses elsewhere in Los Angeles County.

10 7. The Strategy Center has, for the past few years, investigated MTA's disparate  
11 treatment of African-American riders, including serving CPRA records requests on the MTA.  
12 Although the MTA produced some documents, it directed the Strategy Center to the Sheriff's  
13 department to obtain much of the key information on the policing of the MTA's trains and failed  
14 to respond adequately to at least 17 of the Strategy Center's document requests.

15 8. After being directed by MTA to do so, on August 9, 2017, the Strategy Center  
16 served LASD with a request for disclosure of Public Records pursuant to the CPRA. But rather  
17 than comply with its obligations under CPRA to make timely and fulsome disclosure of public  
18 records, LASD instead chose to stonewall the Strategy Center's investigation. Indeed, in the more  
19 than two months since the Strategy Center served its records requests, LASD produced a total of  
20 only six documents.

21 9. Additionally, in light of LAPD and LBPB's current responsibilities for policing  
22 MTA buses and trains in the City of Los Angeles and the City of Long Beach, respectively, on or  
23 about September 26, 2017, the Strategy Center served LAPD and LBPB with requests for  
24 disclosure of Public Records pursuant to the CPRA. To date, neither LAPD nor LBPB have  
25 produced a single document nor responded in any way to the Strategy Center's CPRA requests.

26 10. Respondents' failure to respond and/or respond adequately makes clear that  
27 intervention by this Court is required to compel MTA, LASD, LAPD, and LBPB to fulfill their  
28 obligations under the CPRA and produce the documents requested by the Strategy Center.

**THE PARTIES**

11. Petitioner Labor/Community Strategy Center is a non-profit California corporation founded in 1989 to address the totality of urban life with a particular focus on civil rights and the systematic disenfranchisement of African-American and Latino Angelenos, access to fair and unbiased public transit, environmental justice, public health, global warming, and the criminal justice system, with its principal place of business in Los Angeles, California.

12. Respondent Los Angeles County Metropolitan Transit Authority is a local public agency within the meaning of Government Code § 6252(d).

13. Respondent County of Los Angeles is a local public agency within the meaning of Government Code § 6252(d). Respondent Los Angeles County Sheriff's Department is a department of the County.

14. Respondent City of Los Angeles is a local public agency within the meaning of Government Code § 6252(d). Respondent Los Angeles Police Department is a department of the City of Los Angeles.

15. Respondent City of Long Beach is a local public agency within the meaning of Government Code § 6252(d). Respondent Long Beach Police Department is a department of the City of Long Beach.

16. The MTA, the County, LASD, the City of Los Angeles, LAPD, the City of Long Beach, and LBPB are collectively referred to as "Respondents" herein.

**JURISDICTION AND VENUE**

17. This Court has jurisdiction pursuant to Government Code §§ 6258, 6259, Code of Civil Procedure §§ 1060, 1085, and 1086, and Article VI, section 10 of the California Constitution.

18. Venue is proper in this Court. The records in question, or some portion of them, are situated in the County of Los Angeles. (Gov. Code § 6259(a).) Venue is also proper in this Court because Respondents are situated in, and the acts and omissions complained of herein occurred in, Los Angeles County. (Code Civ. Proc. §§ 393(b), 394(a).)

1 **FACTUAL ALLEGATIONS**

2 19. As discussed in more detail below, between May 2017 and September 2017,  
3 Petitioner served respondents with a number of requests for Public Records directed to an issue of  
4 critical public importance – a disturbing trend of racially disparate policing and ticketing on Los  
5 Angeles County’s Metropolitan Transit System in which African-American riders are ticketed at  
6 grossly disproportionate rates compared to other racial and ethnic groups. These riders are then  
7 subjected to a byzantine enforcement system that presumes guilt, denies would-be challengers  
8 any semblance of due process in contesting their tickets, and is designed to assure either no  
9 challenges to tickets or unsuccessful challenges.

10 20. MTA’s and LASD’s responses to Petitioner’s request for access to public records  
11 on this issue of public import have been a combination of months of stonewalling, coupled with  
12 incomplete disclosures and facially implausible responses. LAPD’s and LBPD’s responses have  
13 been to ignore altogether Petitioner’s requests.

14 **Allegations Relating to the MTA**

15 *MTA Request No. 17-675*

16 21. On May 23, 2017, Petitioner sent (via e-mail) a letter detailing thirty-seven Public  
17 Records Act requests to Respondent MTA, “seeking data, policies, and procedures related to  
18 mechanisms for enforcing payment of fares on the MTA transit system.” This was sent to the  
19 email address designated by the MTA for all CPRA requests. MTA designated Petitioner’s May  
20 23, 2017 letter with the internal identification number 17-675 (hereafter, “Request No. 17-675”).  
21 A copy of Request No. 17-675 is attached hereto as Exhibit D.

22 22. The records requested in Request No. 17-675 (Ex. D) are “Public Records” within  
23 the meaning of Government Code § 6252(e).

24 23. On June 16, 2017, MTA provided Petitioner with a limited set of documents in  
25 response to Request No. 17-675 and sent Petitioner an email stating that MTA had provided all  
26 records in MTA’s possession that met Petitioner’s requests. In its June 16, 2017 response, MTA:  
27 (1) stated that five of Petitioner’s specific requests should be directed to LASD, not the MTA; (2)  
28 asserted objections to three of Petitioner’s specific requests; and (3) offered to make information

1 relating to three of Petitioner's specific requests available upon the payment of an unspecified  
2 "special programming / extraction cost." MTA did not otherwise object to any of Petitioner's  
3 requests or assert that any of Petitioner's remaining requests sought documents that were not in  
4 MTA's possession or were protected from disclosure under the PRA. Copies of MTA's June 16,  
5 2017 emails are attached hereto as Exhibit E.

6 24. On October 16, 2017, Petitioner sent MTA a letter setting forth MTA's numerous  
7 deficiencies in its responses to Request No. 17-675, including deficiencies in MTA's responses to  
8 Item Nos. 16 and 33. A copy of Petitioner's October 16, 2017 letter to MTA is attached hereto as  
9 Exhibit F.

10 25. On November 3, 2017, MTA sent Petitioner a letter in response to Petitioner's  
11 October 16, 2017 letter in which MTA, for the first time, asserted numerous objections to the  
12 documents sought in Request No. 17-675. A copy of MTA's November 3, 2017 letter is attached  
13 hereto as Exhibit G.

14 26. MTA's responses to Request No. 17-675 are inadequate as to Item Nos. 16 and 33,  
15 and fail to meet MTA's obligations under the CPRA:

16 a. Item No. 16: Item No. 16 in Request No. 17-675 sought "[a]ny policies,  
17 protocols, or writings describing the methodology of each Metro Customer Survey for the  
18 relevant time period." (Ex. D, p. 3.) MTA responded by directing Petitioner to MTA's  
19 "Data Center" webpage, which includes links to the *results* of Metro's Customer  
20 Satisfaction surveys, but lacks any information about the methodology by which those  
21 surveys were conducted. (Ex. G, p. 4.) MTA did not object to Petitioner's request in Item  
22 No. 16, but has failed to produce any documents relating to the methodology of the  
23 surveys responsive to Item No. 16.

24 b. Item No. 33: Item No. 33 in Request No. 17-675 sought "all  
25 communications between MTA and the [LASD] related to the [LASD's] policing of  
26 MTA's transit system, including but not limited to those communications related to the  
27 formation of any contract for policing services . . . , the deployment of [LASD] employees  
28 in performing duties under that contract, the results expected from [LASD's] performance



1 of those duties, discussions with [LASD] regarding the performance of those duties,  
2 complaints from transit riders about [LASD's] performance of those duties, and reports  
3 from [LASD's] Transit Policing Division.” (Ex. D, p. 5.) MTA responded by stating that  
4 it had “provided reports from the Sheriff to MTA” which “are the only responsive records  
5 MTA was able to locate.” (Exhibit G, p. 5.) MTA’s response – that formal reports from  
6 LASD to MTA are the *only* available communications between LASD and the MTA about  
7 LASD’s policing of the transit system – is not credible and reflects a failure by MTA to  
8 perform its duty under the CPRA to conduct a reasonable search for the documents  
9 described in Item No. 16. For example, MTA failed to provide any documents relating to  
10 the negotiation of MTA’s contracts with LASD, effectively asserting that there are *no*  
11 written records of the negotiation of that multi-year, multi-million-dollar contract between  
12 two high-profile public entities. Likewise, MTA asserted that, other than a handful of  
13 formal presentations, there are *no* written communications between MTA and LASD  
14 relating to LASD’s policing activities since 2009, notwithstanding the fact that MTA’s  
15 2009 contract with LASD required weekly meetings between “LASD’s command staff  
16 and METRO management” and required the MTA and LASD to “meet and reach  
17 agreement on the actual number and distribution of assigned dedicated positions.” (Ex. H,  
18 pp. 3, 7.) MTA’s response further suggests that there are *no* written communications  
19 between MTA and LASD relating to the numerous complaints MTA has received over the  
20 years about the conduct of LASD personnel.

21 *MTA Request No. 17-1041*

22 27. On August 9, 2017, Petitioner sent via e-mail a letter detailing an additional fifty  
23 Public Records Act requests to Respondent MTA “seeking information regarding data, policies,  
24 and procedures related to mechanisms for enforcing payment of fares on the MTA transit  
25 system.” This was sent to the email address designated by the MTA for all CPRA requests. MTA  
26 subsequently designated Petitioner’s August 9, 2017 letter with the internal identification number  
27 17-1041 (hereafter, “Request No. 17-1041”). A copy of Request No. 17-1041 is attached hereto  
28 as Exhibit I.

1           28.     The records requested in Request No. 17-1041 (Ex. I) are “Public Records” within  
2 the meaning of Government Code § 6252(e).

3           29.     On August 18, 2017, MTA sent Petitioner an email acknowledging receipt of  
4 Request No. 17-1041 and availing itself of a 14-day extension to respond to Request No. 17-1041  
5 under Government Code section 6253(c)(1). A copy of MTA’s August 18, 2017 email is attached  
6 hereto as Exhibit J.

7           30.     MTA did not otherwise object to any of Petitioner’s requests in Request No. 17-  
8 1041, nor did it assert that any of Petitioner’s requests sought documents which were not in  
9 MTA’s possession or were protected from disclosure under the PRA on or before MTA’s  
10 extended September 5, 2017 deadline to respond.

11          31.     Between September 5, 2017 and November 7, 2017, MTA released some  
12 documents responsive to Request No. 17-1041; MTA’s release of documents did not fully  
13 respond to Request No. 17-1041.

14          32.     On October 16, 2017, Petitioner sent MTA a letter informing MTA of numerous  
15 deficiencies in MTA’s responses to Request No. 17-1041. (Ex. F.)

16          33.     On November 3, 2017, MTA sent Petitioner a letter in response to Petitioner’s  
17 October 16, 2017 letter, asserting for the first time numerous objections to the documents sought  
18 in Request No. 17-1041. (Ex. G.)

19          34.     MTA’s responses to Request No. 17-1041 are inadequate as to Item Nos. 16, 17,  
20 26-29, 35, 38, 42-44, 47, and 48, and fail to meet MTA’s obligations under the CPRA:

21               a.     Item No. 16: Item No. 16 in Request No. 17-1041 was an updated version  
22 of Item No. 33 in Request No. 17-675, and sought “all communications between MTA  
23 and the [LASD] related to the [LASD’s] policing of MTA’s transit system, including but  
24 not limited to those communications related to the formation of any contract for policing  
25 services . . . , the deployment of [LASD] employees in performing duties under that  
26 contract, the results expected from [LASD’s] performance of those duties, discussions  
27 with [LASD] regarding the performance of those duties, complaints from transit riders  
28 about [LASD’s] performance of those duties, and reports from [LASD’s] Transit Policing

1 Division.” (Ex. I, p. 3.) MTA’s response to this Item was identical to its response to  
2 Request No. 17-675, Item No. 33. MTA responded by stating that it had “provided reports  
3 from the Sheriff to MTA” which “are the only responsive records MTA was able to  
4 locate.” (Exhibit G, p. 5, 7.) MTA’s response – that formal reports from LASD to MTA  
5 are the *only* available communications between LASD and the MTA about LASD’s  
6 policing of the transit system – is not credible and reflects a failure by MTA to perform its  
7 duty under the CPRA to conduct a reasonable search for the documents described in Item  
8 No. 16. For example, MTA failed to provide any documents relating to the negotiation of  
9 MTA’s contracts with LASD, effectively asserting that there are *no* written records of the  
10 negotiation of that multi-year, multi-million-dollar contract between two high-profile  
11 public entities. Likewise, MTA asserted that, other than a handful of formal presentations,  
12 there are *no* written communications between MTA and LASD relating to LASD’s  
13 policing activities since 2009, notwithstanding the fact that MTA’s 2009 contract with  
14 LASD required weekly meetings between “LASD’s command staff and METRO  
15 management” and required the MTA and LASD to “meet and reach agreement on the  
16 actual number and distribution of assigned dedicated positions.” (Ex. H, pp. 3, 7.) MTA’s  
17 response further suggests that there are *no* written communications between MTA and  
18 LASD relating to the numerous complaints MTA has received over the years about the  
19 conduct of LASD personnel.

20           b.     Item No. 17: Item No. 17 in Request No. 17-1041 sought “the number of  
21 contested citations reviewed by MTA’s Transit Court, disaggregated by the cited  
22 person’s” race, age, and gender, as well as the location of the citation, the type of citation,  
23 the violation for which the citation was issued, and the entity responsible for issuing the  
24 citation. (Ex. I, p. 3.) MTA responded by providing Petitioner with information about the  
25 total number of citations issued since 2009, but failed to provide any of the other  
26 information requested in Item No. 17. (Ex. G, p. 7.) MTA did not state that it lacked the  
27 other information Petitioner requested, which is recorded on each MTA citation ticket;  
28 MTA simply failed to produce that information.

1           c.     Item No. 26: Item No. 26 in Request No. 17-1041 sought, from 2015  
2 through the present, “every form Notice of Violation used by MTA, including any  
3 specialized Notice of Violation forms used in specific circumstances, such as forms for  
4 juveniles.” (Ex. I, p. 5.) MTA responded to this Item by noting that MTA has “provided  
5 the Fare Compliance [Standard Operation Procedure]” and that MTA “is not in possession  
6 of any other policies that are utilized by law enforcement.” (Ex. G, p. 7.) MTA’s response  
7 relating to fare compliance *policies* and *procedures* may be partially responsive to other  
8 Items in Request No. 17-1041, but it is not responsive to Item No. 26, which specifically  
9 seeks form Notice of Violation documents. MTA has not produced any such forms nor has  
10 it indicated that lacks possession or control over them. Indeed, Pursuant to MTA’s 2009  
11 contract with LASD, LASD personnel were *required* to use MTA-issued citation books  
12 for all citations issued on the MTA transit system. (Ex. H, Attachment A, p. 10.) MTA has  
13 simply failed to respond to Item No. 26.

14           d.     Item Nos. 36-38, 40, 42-44, 47 and 48: Item Nos. 36 through 38, 40, 42  
15 through 44, 47 and 48 in Request No. 17-1041 sought policies, procedures, and guideline  
16 criteria relating to the review of Notice of Violation citations issued on the MTA system.  
17 (Ex. I, pp. 6-7.) MTA collectively responded by stating it had satisfied each of these Items  
18 by “provid[ing] the Metro Code of Conduct, which details the procedure for contesting  
19 violations.” (Ex. G, p. 8.) MTA’s response is inadequate on its face. The MTA Code of  
20 Conduct expressly provides for the adoption and use of *other* policies and procedures for  
21 the review of Notices of Violation, and those policies and procedures are neither  
22 specifically set out nor identified in the MTA Code of Conduct. For example, MTA Code  
23 of Conduct section 6-05-240(B)(3)(a) requires that any administrative hearing on a Notice  
24 of Violation “shall be conducted according to such written procedures as may from time  
25 to time be approved by the Chief Executive Officer of Metro or the Chief Hearing  
26 Officer.” Yet MTA has failed to provide any of these written procedures in response to  
27 Petitioner’s Request. Likewise, MTA Code of Conduct section 6-05-240(B)(3)(b) requires  
28 that each administrative hearing officer “shall demonstrate those qualifications, training,

1 and objectivity as are necessary and consistent with the duties and responsibilities of the  
2 position,” but MTA has failed to provide any internal policies or guidelines for  
3 determining how a hearing office may demonstrate those required criteria. MTA Code of  
4 Conduct section 6-05-240(B)(3)(d) specifically references a number of “Metro Transit  
5 Court policies and procedures” and other “Metro policies concerning notices of violation  
6 and the adjudication of hearings,” while other portions of MTA’s Code of Conduct  
7 varyingly reference a “Metro penalty schedule approved by the Board of Directors or  
8 Chief Executive Officer” (§§ 6-05-240(C)(2), (H)), “procedures concerning the  
9 administration of any hearing” (§ 6-05-240(C)(6)), other “policies or procedures adopted  
10 by the Metro Hearing Unit” (§ 6-05-240(G)) and “any necessary additional procedures in  
11 furtherance of the enforcement of this Code.” (§ 6-05-240(H).) Yet MTA has failed to  
12 provide any of these policies, procedures, and guidelines, many of which are *expressly*  
13 *required* by MTA’s own Code of Conduct, despite that Item Nos. 36 through 38, 40, 42  
14 through 44, 47 and 48 directly requested them. A copy of MTA’s Code of Conduct is  
15 attached hereto as Exhibit K.

16 e. Item No. 41: Item No. 41 in Request No. 17-1041 sought, from 2015  
17 through the present, “the number of requests to waive the prepayment of fines for an  
18 initial review of a Notice of Violation that was issued on any part of the MTA public  
19 transit system, including [the] number of the waiver requests granted and denied.” (Ex. I,  
20 p. 7.) To date, MTA has not provided any of the requested information nor has MTA  
21 provided any written response objecting to Item No. 41 or explaining MTA’s lack of  
22 response. (See, Ex. G, p. 8 [MTA’s written response to 18 different items in Request No.  
23 17-1041, including Item No. 41, which fails to identify any documents responsive to Item  
24 No. 41 or otherwise address the documents identified in Item No. 41].)

25 f. Item No. 46: Item No. 41 in Request No. 17-1041 sought, from 2015  
26 through the present, “the places and times at which in-person administrative hearings were  
27 conducted for contests of initial reviews of Notices of Violation issued on any part of the  
28 MTA public transit system.” (Ex. I, p. 7.) To date, MTA has not provided any of the

1 requested information nor has MTA provided any written response objecting to Item No.  
2 46 or explaining MTA's lack of response. (See, Ex. G, p. 8 [MTA's written response to 18  
3 different items in Request No. 17-1041, including Item No. 41, which fails to identify any  
4 documents responsive to Item No. 41 or otherwise address the documents identified in  
5 Item No. 41].)

6 **Allegations Relating to the LASD**

7 35. On August 9, 2017, Petitioner sent (via e-mail) a letter detailing thirty-five Public  
8 Records Act requests to Respondent LASD "seeking information regarding data, policies, and  
9 procedures related to mechanisms for enforcing payment of fares and law enforcement activities  
10 by the [LASD] on and around the Los Angeles Metropolitan Transit Authority ('MTA') transit  
11 system." This was sent to the email address designated by the County for all CPRA requests  
12 involving LASD. A copy of Petitioner's August 9, 2017 CPRA request, including a letter attached  
13 to Petitioner's August 9 email reasonably describing identifiable public records for production, is  
14 attached hereto as Exhibit L. (Although the letter is dated August 8<sup>th</sup>, it was sent to LASD on  
15 August 9.)

16 36. The records requested in Exhibit L are "Public Records" within the meaning of  
17 Government Code § 6252(e).

18 37. Pursuant to Government Code § 6253(c), LASD was obligated to "determine  
19 whether" Petitioner's "request, in whole or in part, seeks copies of disclosable public records" in  
20 their possession and "promptly notify [Petitioner] of the determination and the reasons therefore."  
21 Respondents were required to make this determination and notify Petitioner "within 10 days of  
22 from the receipt of the request," or no later than August 19, 2017. Pursuant to Government Code  
23 § 6253(c), Respondents were permitted to extend the August 29, 2017 deadline to provide such  
24 notice by not "more than 14 days," only upon "written notice by the head of the agency or his or  
25 her designee," and only in the case of "unusual circumstances," as that term is defined in  
26 Government Code §§ 6253(c)(1)-(c)(4) .

27 38. On August 22, 2017, three days after LASD's August 19 deadline to notify  
28 Petitioner of their determination of whether Petitioner's request sought disclosable public records,

1 LASD sent Petitioner an email in response to Petitioner's August 9 records request. LASD stated  
2 that Petitioner's August 9 request "has been received" but that LASD had not yet begun  
3 "processing [Petitioner's] request." LASD stated that it "currently [has] a backlog of PRA  
4 requests due to an increase in the number of requests received and an unexpected shortage of  
5 personnel." LASD did not articulate any "unusual circumstances" for its delay, as that term is  
6 defined in Government Code § 6253(c). Nor did LASD's August 22 email include a "written  
7 notice by the head of the agency or his or her designee" specifying an extended date by which  
8 Respondents would provide Petitioner with the notice required under Government Code §  
9 6253(c). A copy of LASD's August 22, 2017 email is attached hereto as Exhibit M.

10 39. On September 20, 2017, 42 days after Petitioner's August 9, 2017 request, and 15  
11 days after the expiration of the maximum 24-day period permitted by law, Petitioner, with the  
12 assistance of counsel, sent LASD a second demand for inspection of the Public Records at issue  
13 in Petitioner's August 9, 2017 request. Petitioner's September 20 letter expressly stated that it  
14 was in relation to Petitioner's August 9, 2017 CPRA request, and attached a copy of the August 9  
15 request. Petitioner objected to Respondents' delay in providing notice of LASD's determination  
16 under Government Code § 6253(c), as well as LASD's refusal to "promptly" provide Petitioner  
17 with the requested Public Records, as required under section 6253(b). Petitioner informed LASD  
18 that Petitioner "will have no option but to seek court assistance" in enforcing Petitioner's rights  
19 under the CPRA if LASD did not produce all requested records by October 1, 2017. A copy of  
20 Petitioner's September 20, 2017 letter is attached hereto as Exhibit N.

21 40. On September 28, 2017, 50 days after Petitioner's August 9, 2017 request, LASD  
22 sent Petitioner a letter purporting to extend its deadline to respond to Petitioner's CPRA request  
23 by "up to 14 days." In its September 28 letter, LASD asserted for the first time that Petitioner's  
24 request involved "unusual circumstances" under Government Code §§ 65253(c)(1) and (c)(2)  
25 because Petitioner sought "records from field facilities or other establishments that are separate  
26 from the office processing the request" and involve "a voluminous amount of separate and  
27 distinct records that are demanded in a single request." A copy of LASD's September 28, 2017  
28 letter is attached hereto as Exhibit O.

1           41.     On October 23, 2017, 75 days after Petitioner's August 9, 2017 request, LASD  
2 sent Petitioner another letter stating that LASD had identified responsive documents, and  
3 indicating that LASD would complete its review "within the next several weeks." A copy of  
4 LASD's October 23, 2017 letter is attached hereto as Exhibit P.

5           42.     On October 31, 2017, Petitioner sent LASD a letter noting LASD's blatant failure  
6 to comply with its statutory obligations under the CPRA and demanding production of all  
7 responsive documents no later than November 10, 2017. A copy of Petitioner's October 31, 2017  
8 letter is attached hereto as Exhibit Q.

9           43.     On November 8, 2017, 91 days after Petitioner's August 9, 2017 request, and 64  
10 days after the expiration of the maximum 24-day period permitted by law, LASD finally  
11 responded to Petitioner's thirty-five separate requests for public records by producing a total of  
12 only six documents. In a letter dated the same day, LASD asserted various objections to  
13 Petitioner's requests and stated that it would produce additional documents relating to three of  
14 Petitioner's requests for an additional fee. A copy of LASD's November 8, 2017 letter is attached  
15 hereto as Exhibit R.

16           44.     Despite taking nearly three months to respond to Petitioner's August 9, 2017  
17 CPRA requests (an unlawful delay), LASD's responses are in large part inadequate and fail to  
18 meet LASD's obligations under the CPRA:

19               a.     Item No. 1: Item No. 1 in Petitioner's request to the LASD sought "the  
20 total number of fare check stops at each MTA transit station during each relevant year,"  
21 disaggregated by MTA station, race, age, gender, date, and the employment status of the  
22 LASD agent conducting the fare check. LASD responded by stating that "it has no records  
23 responsive to [this] request." (Exhibit R, p. 1.) LASD's response is facially implausible,  
24 particularly in light of the fact that, after the 2012 introduction of the electronic TAP card  
25 system of fare payment, LASD conducted fare checks using an electronic card-reading  
26 system.

27               b.     Item Nos. 2 & 6: Item Nos. 2 and 6 in Petitioner's request to the LASD  
28 sought information relating to warnings issued by LASD personnel to MTA riders,



1 including information about the MTA station where the warning was issued, the date, the  
2 checked person's race, age, gender, date, and the employment status of the LASD agent  
3 conducting the fare check. LASD responded to both Requests responded by stating that it  
4 "has no records responsive to [Petitioner's] request." (Ex. R, pp. 1-2.) However, evidence  
5 obtained by Petitioner demonstrates that LASD issued specific "warning" citations  
6 containing information about the MTA station where the warning was issued, the date, the  
7 checked person's race, age, and gender, and the identity of the LASD agent issuing the  
8 warning citation. An example of such a warning citation is attached hereto as Exhibit S.  
9 Moreover, LASD's contention that it has "no records" responsive to this request is  
10 directly refuted by LASD's own "Monthly Reports" to the MTA, in which LASD  
11 regularly reported the number of "Fare Warnings" issued by LASD personnel on each  
12 individual rail line. (See Ex. B, pp. 7-11.)

13 c. Item No. 4: Item No. 4 in Petitioner's request to the LASD sought a "list of  
14 the fare check stops for each year that resulted in the issuance of a criminal citation."  
15 LASD responded by stating that "LASD has no records responsive to your request. (Ex.  
16 R, p. 2.) Not only is it facially implausible that LASD would have no documents  
17 summarizing the fare check stops that resulted in the issuance of a criminal citation, it is  
18 also directly contradicted by other statements made by LASD in the very same letter. In  
19 response to Petitioner's Item No. 3, for instance, LASD specifically admitted that it has  
20 "part ownership of the citations database" and "possesses criminal citation records"  
21 relating to LASD's enforcement activities on the MTA transit system. (*Id.*)

22 d. Item No. 5: Item No. 5 in Petitioner's request to the LASD similarly asked  
23 for a "list of the fare check stops for each year that resulted in arrest," to which LASD  
24 again responded that it "has no records responsive to [Petitioner's] request." (Ex. R, p. 2.)  
25 The notion that LASD has no records of arrests made on the MTA transit system is simply  
26 not credible, particularly in light of LAPD's statutory obligation to maintain and report  
27 arrest information – including information relating to the arrestee's age, sex, race/ethnicity  
28 – to the Attorney General. *See* Pen. Code § 13020. *See also* "Criminal Statistics Reporting

Requirements,” Cal. Dept. of Justice, April 2014, at pp. 8-9; available at <https://oag.ca.gov/sites/all/files/agweb/pdfs/cjsc/rptreq.pdf>.

e. Item Nos. 10 & 11: Item Nos. 10 and 11 in Petitioner’s request to the LASD sought the “number of deputies, non-deputy employees, and other agents deployed by [LASD] to perform fare enforcement activities on MTA’s transit system throughout each relevant year, disaggregated by date and location of deployment.” Request Number 11 to the LASD, in turn, sought related deployment records, including logs, ledgers, or charts assigned or describing the deployment.” LASD responded by producing a “Metro Contracted Full Time Equivalents Staffing” spreadsheet (attached hereto as Exhibit T), identifying the total number of LASD staff assigned to overall MTA enforcement activities. However, LASD failed to provide any information about the date and location of those deployments on the grounds that it would require manual review and redaction of “nearly 30,000 documents.” (Ex. R, pp. 4-5). LASD’s objection – that the only way to identify deployment records for LASD personnel on the MTA transit system is by a manual review of 30,000 individual personnel records – is not credible and is belied by other publicly-available records. In a January 2016 report by MTA’s inspector general on “Metro Policing and Security Workload and Staffing Analysis,” for example, MTA gave detailed breakdowns of then-current LASD staffing deployments by rail line, listing “LASD Contract Law Bureau” as the source of such information. (Ex. U, p. 38.) LASD maintained precisely this sort of aggregated data, but failed to produce it in response to Petitioner’s valid Request. Moreover, LASD offered no basis to conclude that records such as routine deployment logs constitute private personnel files that are protected from disclosure under the CPRA.

f. Item No. 12: Item No. 12 in Petitioner’s request to the LASD sought “[p]olicies, procedures, protocols, or other practices for each year governing how” LASD personnel “are to be deployed for making fare check stops.” LASD responded by producing its 2009 and 2017 contracts with MTA (attached hereto as Exhibits H and V). LASD’s response is woefully inadequate. For example, LASD’s 2009 contract with MTA

1 was in effect for the seven-year period from 2009 through 2016. LASD's response  
2 suggests that the 2009 contract between LASD and MTA was LASD's sole "policy,  
3 procedure, protocol, or other practice" regarding the daily deployment of the hundreds of  
4 LASD personnel each day for roughly seven years despite the fact that the contract is  
5 silent on specific staffing levels. LASD's response is not only implausible, it is directly  
6 contradicted by the 2009 contract itself, which was silent on specific staffing and  
7 deployment levels, and expressly required that LASD and MTA "meet and reach  
8 agreement on the actual number and distribution of assigned dedicated positions"  
9 throughout the MTA system. (Ex. H, p. 3.) LASD failed to produce any of the "policies,  
10 procedures, protocols, or other practices" developed in those or similar meetings, and has  
11 failed to adequately respond to Item No. 12.

12 g. Item No. 13: Item No. 13 in Petitioner's request to the LASD sought "a  
13 copy of any and all forms used to record or review fare check stops, including both forms  
14 used for individual fare check stops and forms related to the activity of deputies, non-  
15 deputy employees, and other agents deployed by [LASD] that includes fare check stops."  
16 LASD responded by objecting that Petitioner's request "covers a period of 9 years and  
17 nearly 500,000 documents," and that such records "contain private information protected  
18 under California law." However, Petitioner's request clearly seeks the template *forms* used  
19 by LASD, not the individual citations or records to which LASD objects. LASD failed to  
20 reasonably construe Petitioner's request in Item No. 13.

21 h. Item No. 32: Item No. 32 in Petitioner's request to the LASD sought "all  
22 use of force reports made in connection with the activities of" LASD personnel "on the  
23 MTA transit system." LASD responded by stating that it "does not keep information in the  
24 manner [Petitioner has] requested." (Ex., R, pp. 11-12.) LASD's response is directly  
25 contrary to its own Use of Force Policy, which requires the preparation of written reports  
26 for every instance of "Reportable Force" involving LASD personnel. By LASD policy,  
27 any instance of "Reportable Force," including force applied on the MTA transit system,  
28 would require the completion of one or more use of force reports.

1           i.       Item No. 34: Item No. 34 in Petitioner’s request to the LASD requested  
2       “[a]ny datasets compiled for the purpose of making reports to the MTA board or one of its  
3       committees.” LASD responded by stating that the term “dataset” is “not an identifiable or  
4       searchable criterion” and that “LASD Transit Services Bureau does not have any records  
5       identified as “datasets.” LASD’s alleged confusion about the term “dataset” is not  
6       credible. The term “dataset” or “data set” is a commonly-understood term, which the  
7       Oxford English Dictionary defines as a “collection of related sets of information that is  
8       composed of separate elements but can be manipulated as a unit by a computer.” Request  
9       Number 34 unambiguously sought all such compilations or collections of data prepared by  
10      LASD for the purpose of making reports to the MTA board or one of its committees.  
11      LASD’s purported confusion over the definition of the term “dataset” does not satisfy its  
12      obligations under the CPRA. *California First Amendment Coal. v. Superior Court*, 67 Cal.  
13      App. 4th 159, 166–67, (1998) (“Feigned confusion based on a literal interpretation of the  
14      request is not grounds for denial.”)

15                                   **Allegations Relating to the LAPD**

16           45.      On September 26, 2017, Petitioner sent via e-mail a letter detailing 34 Public  
17      Records Act requests to Respondent LAPD “seeking information regarding data, policies, and  
18      procedures related to mechanisms for enforcing payment of fares and law enforcement activities  
19      by the [LAPD] on and around the Los Angeles Metropolitan Transportation Authority (“MTA”) transit system.” This was sent to the email address designated by the LAPD for all CPRA requests  
20      involving LAPD. A copy of Petitioner’s September 26, 2017 CPRA request, including a letter  
21      attached to Petitioner’s September 26 email reasonably describing identifiable public records for  
22      production, is attached hereto as Exhibit W.

24           46.      On September 26, 2017, Petitioner received a reply e-mail from LAPD stating that  
25      LAPD had received Petitioner’s September 26, 2017 Public Records Act requests. A copy of  
26      LAPD’s September 26, 2017 acknowledgment email is attached hereto as Exhibit X.

27           47.      The records requested in Exhibit W are “Public Records” within the meaning of  
28      Government Code § 6252(e).

1           48. Pursuant to Government Code § 6253(c), Respondents were obligated to  
2 “determine whether” Petitioner’s “request, in whole or in part, seeks copies of disclosable public  
3 records” in their possession and “promptly notify [Petitioner] of the determination and the reasons  
4 therefore.” Respondents were required to make this determination and notify Petitioner “within  
5 10 days of from the receipt of the request,” or no later than October 6, 2017. Pursuant to  
6 Government Code § 6253(c), LAPD was permitted to extend the October 20, 2017 deadline to  
7 provide such notice by not “more than 14 days,” only upon “written notice by the head of the  
8 agency or his or her designee,” and only in the case of “unusual circumstances,” as that term is  
9 defined in Government Code §§ 6253(c)(1)-(c)(4) .

10           49. On October 30, 2017, 34 days after Petitioner’s September 26, 2017 request, and  
11 14 days after LAPD’s October 6, 2017 deadline to notify Petitioner of its determination of  
12 whether Petitioner’s request sought disclosable public records, Petitioner sent LAPD a letter  
13 noting LAPD’s blatant failure to comply with its statutory obligations under the CPRA and  
14 demanding production of all responsive documents no later than November 9, 2017. A copy of  
15 Petitioner’s October 30, 2017 letter is attached hereto as Exhibit Y.

16           50. Despite the Strategy Center’s September 26, 2017 request and its October 30, 2017  
17 “reminder” letter, LAPD has not provided Petitioner with any response to its September 26, 2017  
18 CPRA request, including either: (a) notice of Respondents’ determination as to whether  
19 Petitioner’s “request, in whole or in part, seeks copies of disclosable public records in the  
20 possession of the agency” (Gov. Code § 6253(c)); or (b) any public records or data that are the  
21 subject of Petitioner’s September 26, 2017 request (Gov. Code § 6253(b)).

22                           **Allegations Relating to the LBPD**

23           51. On September 26, 2017, Petitioner sent via e-mail a letter detailing 34 Public  
24 Records Act requests to Respondent LBPD “seeking information regarding data, policies, and  
25 procedures related to mechanisms for enforcing payment of fares and law enforcement activities  
26 by the [LBPD] on and around the Los Angeles Metropolitan Transportation Authority (“MTA”)  
27 transit system.” This was sent to the email address designated by the LBPD for all CPRA requests  
28 involving LBPD. A copy of Petitioner’s September 26, 2017 CPRA request, including a letter

1 attached to Petitioner's September 26 email reasonably describing identifiable public records for  
2 production, is attached hereto as Exhibit Z.

3 52. The records requested in Exhibit Z are "Public Records" within the meaning of  
4 Government Code § 6252(e).

5 53. Pursuant to Government Code § 6253(c), Respondents were obligated to  
6 "determine whether" Petitioner's "request, in whole or in part, seeks copies of disclosable public  
7 records" in their possession and "promptly notify [Petitioner] of the determination and the reasons  
8 therefore." Respondents were required to make this determination and notify Petitioner "within  
9 10 days of from the receipt of the request," or no later than October 6, 2017. Pursuant to  
10 Government Code § 6253(c), LBPDP was permitted to extend the October 20, 2017 deadline to  
11 provide such notice by not "more than 14 days," only upon "written notice by the head of the  
12 agency or his or her designee," and only in the case of "unusual circumstances," as that term is  
13 defined in Government Code §§ 6253(c)(1)-(c)(4) .

14 54. On October 30, 2017, 34 days after Petitioner's September 26, 2017 request, and  
15 14 days after LBPDP's October 6, 2017 deadline to notify Petitioner of its determination of  
16 whether Petitioner's request sought disclosable public records, Petitioner sent LBPDP a letter  
17 noting LBPDP's blatant failure to comply with its statutory obligations under the CPRA and  
18 demanding production of all responsive documents no later than November 9, 2017. A copy of  
19 Petitioner's October 30, 2017 letter is attached hereto as Exhibit AA.

20 55. Despite the Strategy Center's September 26, 2017 request and its October 30, 2017  
21 "reminder" letter, LBPDP has not provided Petitioner with any response to its September 26, 2017  
22 CPRA request, including either: (a) notice of Respondents' determination as to whether  
23 Petitioner's "request, in whole or in part, seeks copies of disclosable public records in the  
24 possession of the agency" (Gov. Code § 6253(c)); or (b) any public records or data that are the  
25 subject of Petitioner's September 26, 2017 request (Gov. Code § 6253(b)).

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1                                    **THE CALIFORNIA PUBLIC RECORDS ACT**

2            56.      Under the CPRA, all records that are prepared, owned, used, or retained by any  
3 public agency, and that are not subject to the CPRA's statutory exemptions to disclosure must be  
4 made publically available for inspection and copying upon request. (Gov. Code § 6253.)

5            57.      The CPRA is recognized as essential to the goal of transparency in government. In  
6 enacting the CPRA, the Legislature recognized that:

7                    A requester, having no access to agency files, may be unable to precisely  
8 identify the documents sought. Thus, writings may be described by their  
9 content. The agency must then determine whether it has such writings  
10 under its control and the applicability of any exemption. An agency is thus  
obligated to search for records based on the criteria set forth in the search  
request.

11            *California First Amendment Coalition v. Superior Court*, 67 Cal. App. 4th 159, 165-66 (1998).

12            58.      The fact that a request for Public Records may impose some burden on the agency  
13 to locate, identify, or review records is not a basis for denying or ignoring a request for Public  
14 Records under the CPRA. "Records requests . . . inevitably impose some burden on government  
15 agencies. An agency is obliged to comply so long as the record can be located with reasonable  
16 effort." *California First Amendment Coal. v. Superior Court*, 67 Cal. App. 4th 159, 166 (1998).

17            59.      The duty of "reasonable effort" imposed upon public agencies under the CPRA  
18 includes the affirmative obligation to "communicate the scope of the information requested to the  
19 custodians of its records" and "to make reasonable efforts toward clarification and production" of  
20 the requested records. *Cnty. Youth Athletic Ctr. v. City of Nat'l City*, 220 Cal. App. 4th 1385,  
21 1418 (2013). "The focus should be on the criteria in the request and the description of the  
22 information, as reasonably construed, and the search should be broad enough to account for the  
23 problem that the requester may not know what documents or information of interest an agency  
24 possesses." *Id.* at 1425

25            60.      Upon receiving such a request, the public agency "shall, within 10 days from  
26 receipt of the request, determine whether the request, in whole or in part, seeks copies of  
27 disclosable public records in the possession of the agency and shall promptly notify the person  
28

1 making the request of the determination and the reasons therefor.” (Gov. Code § 6253(c)  
2 [emphasis added].)

3 61. In “unusual circumstances” a public agency may extend “time limit prescribed in”  
4 section 6253(c) by no more than 14 days. (Gov. Code § 6253(c).) Such an extension must be  
5 made “by written notice by the head of the agency or his or her designee to the person making the  
6 request, setting forth the reasons for the extension and the date on which a determination is  
7 expected to be dispatched.” For the purposes of section 6253(c) “unusual circumstances are  
8 limited to the following:

- 9 (1) The need to search for and collect the requested records from field  
10 facilities or other establishments that are separate from the office  
processing the request.
- 11 (2) The need to search for, collect, and appropriately examine a  
12 voluminous amount of separate and distinct records that are  
demanded in a single request.
- 13 (3) The need for consultation, which shall be conducted with all  
14 practicable speed, with another agency having substantial interest  
15 in the determination of the request or among two or more  
components of the agency having substantial subject matter  
interest therein.
- 16 (4) The need to compile data, to write programming language or a  
17 computer program, or to construct a computer report to extract  
data.

18 (Gov. Code § 6253(c)(1)-(c)(4).)

19 62. Separate and apart from the time limits for providing notice of an agency’s  
20 determination under Government Code § 6253(c), “upon a request,” an agency “shall make the  
21 records promptly available to any person upon payment of fees covering direct costs of  
22 duplication or a statutory fee if available.” (Gov. Code § 6253(b).)

23 63. If a public agency determines that any public record is not subject to disclosure  
24 under the CPRA, the agency must provide a written response explaining its determination and  
25 denying the request in whole or in part. (Gov. Code §§ 6253(c); 6255.)

26 64. “Whenever it is made to appear by verified petition to the superior court of the  
27 county where the records or some part thereof are situated that certain public records are being  
28



1 improperly withheld from a member of the public, the court shall order the officer or person  
2 charged with withholding the records to disclose the public record or show cause why he or she  
3 should not do so.” (Gov. Code § 6259(a).)

4 65. If the Court finds that the failure to disclose is not justified, it shall order the public  
5 official to make the record public. (Gov. Code § 6259(b).)

6 66. “The effect of [a public agency’s] inability or unwillingness to locate the records  
7 ha[s] the same effect as withholding requested information from the public.” *Cnty. Youth Athletic*  
8 *Ctr.*, 220 Cal. App. 4th at 1425. In other words, a public agency’s failure to produce records  
9 under the CPRA need not “be intentionally obstructionist” to justify relief by writ of mandate. *Id.*  
10 A writ of mandate is proper to compel the production of public records if the public agency was  
11 not “sufficiently proactive or diligent in making a reasonable effort to identify and locate” the  
12 public records sought. *Id.*

13 67. The California Constitution provides an additional, independent right of access to  
14 government records. “The people have the right of access to information concerning the conduct  
15 of the people’s business, and, therefore, the meetings of public bodies and the writings of public  
16 officials and agencies shall be open to public scrutiny.” (Cal. Const., Art., I, § 3(b)(1).)

17 **FIRST CAUSE OF ACTION**

18 **Violation of the California Public Records Act**

19 **Failure to Provide Notice of Determination**

20 **(Gov. Code §§ 6253(c), 6259; Code Civ. Proc. §§ 1060, 1085, 1086)**

21 **By Petitioner Against All Respondents**

22 68. Petitioner alleges and incorporates herein by reference each and every allegation  
23 contained in paragraphs 1 through 67 above as though set forth herein in full.

24 69. Respondents have a non-discretionary statutory obligation to determine whether  
25 Petitioner’s CPRA requests, in whole or in part, seek copies of disclosable public records in the  
26 possession of Respondents and to notify Petitioner of that decision, and the reasons therefore, in  
27 writing within the time limits prescribed by Government Code § 6253(c).

28 70. Respondents failed to timely respond to Petitioner’s CPRA requests under  
Government Code § 6253(c).

1           71.     Respondents have failed to perform their non-discretionary statutory obligations to  
2 determine whether Petitioner's CPRA requests, in whole or in part, seeks copies of disclosable  
3 public records in the possession of Respondents and to promptly notify Petitioner of the  
4 determination and the reasons therefor within the time limits prescribed by law in violation of  
5 Government Code § 6253(c).

6           72.     Respondents have failed to perform their non-discretionary statutory obligations to  
7 inform Petitioner in writing of the basis for withholding or refusing to produce public records that  
8 are the subject of Petitioner's CPRA requests.

9           73.     Petitioner has no plain, speedy, and adequate remedy, in the ordinary course of  
10 law, to remedy Respondents' failure to comply with its obligations under Government Code §  
11 6253(c).

12                               **SECOND CAUSE OF ACTION**

13                               **Violation of the California Public Records Act**

14                               **Failure to Produce Public Records**

15                               **(Gov. Code §§ 6253(b), 6259; Code Civ. Proc. §§ 1060, 1085, 1086; Cal. Const. Art. I, § 3)**

16                               **By Petitioner Against All Respondents**

17           74.     Petitioner alleges and incorporates herein by reference each and every allegation  
18 contained in paragraphs 1 through 73 above as though set forth herein in full.

19           75.     Petitioner's CPRA requests reasonably describe identifiable public records.

20           76.     Petitioner is prepared and able to pay all fees provided by applicable law for the  
21 production of the records requested in Petitioner's request.

22           77.     Respondents have refused to produce identifiable and available public records in  
23 response to Petitioner's request.

24           78.     As evidenced by Respondents' failure to produce identifiable and available public  
25 records, on information and belief, Respondents have failed to make a sufficiently proactive or  
26 diligent effort to identify and locate public records that meet the criteria in Petitioner's CPRA  
27 requests and the descriptions of the information sought therein, as reasonably construed.

28           79.     Respondents' failure to produce public records in response to Petitioner's CPRA  
requests – whether the result of Respondents' intentional decision to withhold records or the

1 result of Respondents' neglect or unwillingness to locate and produce such records – is not  
2 justified under Government Code §§ 6254 or 6255 in violation of Government Code § 6253(b).

3 80. Petitioner has no plain, speedy, and adequate remedy, in the ordinary course of  
4 law, to remedy Respondents' failure to comply with its obligations under Government Code §  
5 6253(b).

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Petitioner prays for:

- 8 1. A peremptory writ of mandate directing Respondents to immediately: (a) perform  
9 their non-discretionary statutory obligations to determine whether Petitioner's  
10 CPRA requests, in whole or in part, seek copies of disclosable public records in  
11 the possession of Respondents and to promptly notify Petitioner in writing of the  
12 determination and the reasons therefor.
- 13 2. A peremptory writ of mandate directing Respondents to provide Petitioner with all  
14 public records identified in Petitioners' requests (Exs. D, I, L, W, Z) except those  
15 records that the Court determines may be lawfully withheld;
- 16 3. A declaration that Respondents, and each of them, have failed to comply with their  
17 statutory obligations to timely and adequately respond to Petitioner's CPRA  
18 requests;
- 19 4. Costs of the proceedings herein pursuant to Government Code § 6259(d) and as  
20 may be otherwise permitted by law;

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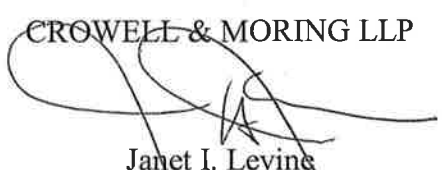
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- 1           5.       Reasonable attorneys' fees pursuant to Government Code § 6259(d) and as may be  
2               otherwise permitted by law; and  
3           6.       All such and further relief as the Court deems just and proper.  
4

5       Dated: December 12, 2017  
6

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**VERIFICATION**

I, Manuel Criollo, have read the VERIFIED PETITION FOR PEREMPTORY WRIT OF MANDATE ORDERING COMPLIANCE WITH THE CALIFORNIA PUBLIC RECORDS ACT in the matter of *Labor/Community Strategy Center v. County of Los Angeles, et al.* I am familiar with the facts therein and I know these facts to be true.

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

Executed this 12th day of December, 2017 at Los Angeles California.



Manuel Criollo