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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF LOS ANGELES**

10 AMERICAN CIVIL LIBERTIES UNION OF
11 SOUTHERN CALIFORNIA,

12 Petitioner,

13 vs.

14 INGLEWOOD POLICE DEPARTMENT,

15 Respondent.
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Case No. **21STCP04167**

**VERIFIED COMPLAINT AND PETITION
FOR WRIT OF MANDATE**

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

1 **INTRODUCTION**

2 1. The California Public Records Act (“PRA”) guarantees public access to the records
3 of government agencies “as a fundamental and necessary right of every person in this state.”
4 (Gov. Code, § 6250.) In 2018, the California Legislature expanded its commitment to
5 transparency and accountability by enacting S.B. 1421, enabling the public to access peace officer
6 records concerning uses of force and police misconduct that had been previously unavailable.
7 Petitioner American Civil Liberties Union of Southern California (“ACLU”) has attempted to
8 assert these rights and obtain peace officer records from Respondent Inglewood Police Department
9 (“Department”). But the Department has repeatedly dodged these requests for nearly three years
10 now and appears determined to ignore its obligations under the law absent intervention by this
11 Court.

12 2. Following the enactment of S.B. 1421, on or about January 1, 2019, Petitioner
13 ACLU requested peace officer records from the Department. The ACLU requested records under
14 all four categories of documents that S.B. 1421 made subject to disclosure: (1) uses of force
15 causing death or great bodily injury, (2) discharges of firearms at a person, (3) sustained findings
16 of sexual assault involving a member of the public, and (4) sustained findings of dishonesty in the
17 reporting, investigation, or prosecution of a crime or investigation of misconduct.

18 3. Despite the law requiring that any responsive records be made “promptly
19 available,” (Gov. Code, § 6253, subd. (b)), the Department has still not produced a *single*
20 responsive record *nearly three years later*. During this time, the ACLU made multiple follow-up
21 efforts seeking the Department’s compliance with the PRA and S.B. 1421, to no avail.

22 4. Instead, on December 14, 2021, the ACLU learned that, pursuant to a request made
23 by the Department, the Inglewood City Council adopted a resolution that authorizes the
24 Department to destroy records that are potentially responsive to the ACLU’s requests. The ACLU
25 demanded that the Department agree not to destroy such records, again reminding the Department
26 of its obligations under the PRA and S.B. 1421, and received no response.

27 5. Because of the Department’s blatant disregard for its obligations under the
28 California Constitution, PRA and S.B. 1421, Petitioner asks this Court to issue a writ of mandate

1 compelling the Department to comply with its obligations and fully respond to the ACLU's
2 request, as well as declaratory and injunctive relief to the same effect.

3 **JURISDICTION AND VENUE**

4 6. This Court has jurisdiction under Government Code, §§ 6258 and 6259, Code of
5 Civil Procedure, §§ 1060 and 1085, and Article VI, section 10 of the California Constitution.

6 7. Venue is proper in this Court because Respondent, the acts and omissions
7 complained of herein, and the records in question, or some portion of them, are situated in this
8 County. (See Code Civ. Proc., §§ 394, subd. (a), 395, subd. (a), 401, subd. (1); Gov. Code,
9 § 6259, subd. (a).)

10 **PARTIES**

11 8. Petitioner AMERICAN CIVIL LIBERTIES UNION OF SOUTHERN
12 CALIFORNIA is a non-profit corporation that defends the fundamental rights outlined in the
13 United States Constitution, California Constitution, and the Bill of Rights. The ACLU is also
14 committed to principles of transparency and accountability and seeks to ensure that the public is
15 informed about the conduct of government officials. The ACLU is a member of the public with
16 the right to enforce its requests for records under Government Code, §§ 6252, subs. (b), (c) and
17 6258. The ACLU sought disclosure from the Department of public records in its possession
18 related to investigations and discipline of peace officers.

19 9. Defendant and Respondent INGLEWOOD POLICE DEPARTMENT is a
20 California local agency within the meaning of the PRA, Government Code, § 6252, subs. (a) and
21 (d). The records the ACLU requested are maintained by the Department.

22 **FACTUAL BACKGROUND**

23 **A. The Statutory and Constitutional Rights to Public Records**

24 10. The public's access to public records is governed by statute and the California
25 Constitution.

26 11. In 1968, the California Legislature enacted the Public Records Act "for the purpose
27 of increasing freedom of information by giving members of the public access to information in the
28 possession of public agencies." (*Copley Press, Inc. v. Superior Court* (2006) 39 Cal.4th 1272,

1 1281, citations omitted.) The Legislature declared “that access to information concerning the
2 conduct of the people’s business is a fundamental and necessary right of every person in this
3 state.” (Gov. Code, § 6250.)

4 12. Despite this fundamental commitment to transparency in government, California
5 was—for decades—among the most secretive states in the nation with respect to police officer
6 misconduct and deadly uses of force. Unlike the laws in most other states, which recognized the
7 importance of this information for public oversight of the police, California’s Penal Code Sections
8 832.7 and 832.8 (“Pitchess Statutes”) exempted records of peace officer personnel records—
9 defined as all records related to the “advancement, appraisal, or discipline” of peace officers—
10 from PRA disclosure. (See Pen. Code, §§ 832.7 and 832.8.) Courts interpreted these provisions
11 broadly to bar disclosure of any records regarding how officers had been disciplined (or not),
12 including incident reports, internal investigations, civilian complaints, and other records related to
13 police shootings and other serious uses of force or investigations into misconduct—even when the
14 agency had concluded that the officer had engaged in misconduct. (*City of Hemet v. Superior*
15 *Court (Press-Enterprise Co.)* (1995) 37 Cal.App.4th 1411, 1431.). This level of secrecy was
16 afforded only to peace officers. Records of proven misconduct by other categories of public
17 employees were generally available to the public. For non-law enforcement public employees,
18 even records related to matters that agencies ultimately found to be unsubstantiated could be
19 disclosed, provided they were the subject of significant public interest.

20 13. In 2018, the California Legislature enacted S.B. 1421, which modifies Penal Code,
21 § 832.7 by making four categories of records related to peace officers public under the PRA. The
22 categories include records related to (1) uses of force causing death or great bodily injury;
23 (2) discharges of a firearm at a person; (3) a sustained finding of sexual assault involving a
24 member of the public; and (4) a sustained finding of dishonesty tied to police officers’ unique
25 powers in investigating and prosecuting crimes, such as perjury or the fabrication of evidence, or
26 police misconduct. (See Pen. Code, § 832.7, subd. (b)(1)(A)–(C), effective Jan. 1, 2019.)

27 14. The Legislature recognized the strong public interest in access to these records:
28

1 The public has a right to know all about serious police misconduct, as well
2 as about officer-involved shootings and other serious uses of force.
3 Concealing crucial public safety matters such as officer violations of
4 civilians' rights, or inquiries into deadly use of force incidents, undercuts
the public's faith in the legitimacy of law enforcement, makes it harder for
tens of thousands of hardworking peace officers to do their jobs, and
endangers public safety.

5 (S.B. 1421, § 1, subd. (b).)¹

6 15. Accordingly, a member of the public who files a PRA request on or after January 1,
7 2019 is entitled to disclosure of all such documents in the possession of the public agency,
8 regardless of when those documents were created. (See *Walnut Creek Police Officers' Assn. v.*
9 *City of Walnut Creek* (2019) 33 Cal.App.5th 940, 941–42.)

10 16. The new amendments to Penal Code, § 832.7 mandate redaction of certain
11 categories of information (such as to protect the identity of a complainant) but generally do not
12 permit withholding entire records subject to disclosure. (See Pen. Code, § 832.7, subd. (b)(6).)
13 An agency may withhold a disclosable record only under limited, enumerated circumstances
14 during “an active criminal or administrative investigation[.]” (*Id.* at § 832.7, subd. (b)(7).)

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

19 18. Mandate lies to compel the government to comply with the PRA and the California
20 Constitution. (Gov. Code, § 6258; Civ. Proc., § 1085.)

21 **B. Records Requests Under the Public Records Act**

22 19. To ensure that state and local agencies are transparent and accountable, the PRA
23 empowers members of the public to inspect and copy agency records upon request. (See Gov.
24 Code, § 6253, subs. (a) & (d)(1).) The PRA facilitates this transfer of information by codifying

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26 ¹ Indeed, reflecting a continued commitment to transparency and accountability of peace officers,
27 the California Legislature enacted S.B. 16 in 2021, expanding even further the categories of
28 records related to investigations and discipline of peace officers that will be disclosable to the
public as of January 1, 2022.

1 specific requirements and deadlines that agencies must observe upon receipt of a public records
2 request.

3 20. The PRA requires an agency to conduct a search that is “reasonably calculated to
4 locate responsive documents,” *American Civil Liberties Union of Northern California v. Superior*
5 *Court* (2011) 202 Cal.App.4th 55, 85, and an agency may be required to assist a requestor to
6 formulate a request based on the agency’s greater knowledge of its own recordkeeping system.
7 (Gov. Code, § 6253.1, subd. (a)(1)–(3).)

8 21. A public agency must “promptly” make publicly available for inspection or provide
9 a copy of any record that it prepared, owns, uses, or retains—unless the record is subject to the
10 PRA’s limited exemptions to disclosure. (Gov. Code, § 6253, subd. (b).) If an agency determines
11 that a request should be denied, it must justify its denial in writing. (Gov. Code, § 6255, subd.
12 (b).)

13 22. The Government Code generally requires that an agency respond to a PRA request
14 within ten days of receiving it. (Gov. Code, § 6253, subd. (c).) Within those ten days, the agency
15 must: determine whether the request seeks disclosable public records, notify the requestor of its
16 determination and reasoning, and provide the requestor with an estimate of when the disclosable
17 records will be made available. (*Ibid.*)

18 23. In “unusual circumstances,” an agency can extend this deadline for up to fourteen
19 days, but it must notify the requestor in writing, setting forth the reasons for the extension and a
20 date upon which a determination will be made, and must still estimate when the records will be
21 made available at the point that it makes such a determination. (*Ibid.*) The PRA limits “unusual
22 circumstances” to mean several specific needs for delay.² (*Ibid.*) Even for these purposes, the
23

24 ² Those circumstances include: “(1) The need to search for and collect the requested records from
25 field facilities or other establishments that are separate from the office processing the request.
26 (2) The need to search for, collect, and appropriately examine a voluminous amount of separate
27 and distinct records that are demanded in a single request. (3) The need for consultation, which
28 shall be conducted with all practicable speed, with another agency having substantial interest in
substantial subject matter interest therein. (4) The need to compile data, to write programming

1 PRA permits delay “only to the extent reasonably necessary to the proper processing of the
2 particular request.” (*Ibid.*) The same section of the PRA clearly forbids delay for any other
3 reasons: “Nothing in this chapter shall be construed to permit an agency to delay or obstruct the
4 inspection or copying of public records.” (Gov. Code, § 6253, subd. (d).)³

5 24. The PRA makes clear that a verified petition is the correct procedural vehicle to
6 address public records improperly withheld: “Whenever it is made to appear by verified petition to
7 the superior court of the county where the records or some part thereof are situated that certain
8 public records are being improperly withheld from a member of the public, the court shall order
9 the officer or person charged with withholding the records to disclose the public record or show
10 cause why he or she should not do so.” (Gov. Code, § 6259, subd. (a).)

11 **C. The Department’s Unreasonable Delay in Responding and Producing Records
12 Violates the Public Records Act**

13 25. On January 1, 2019, Petitioner ACLU submitted a PRA request to the Department.
14 (**Exhibit A.**) The request sought documents that are now subject to public disclosure under S.B.
15 1421. For the most serious conduct, including fatal uses of force by the Department’s officers and
16 sustained cases of dishonesty, the request sought records created within the last twenty years. For
17 other conduct, such as serious uses of force that did not result in death, or for sustained findings of
18 sexual assault, the request sought records within the previous five or ten years. (*See ibid.*)

19 26. Rather than requesting the entire file for every incident in each of these categories,
20 the request sought only “Decisional Documents.” (*See ibid.*) The request for and definition of
21 “Decisional Documents” were intended to provide for a narrower category of easily discernable
22 documents, to reduce the burden of producing the entire file related to an incident. The ACLU’s
23 request included explanatory language to clarify the scope of “Decisional Documents.” Stated
24 briefly, “Decisional Documents” include: (1) any final investigative reports relating to the
25 _____
26 language or a computer program, or to construct a computer report to extract data.” (Gov. Code,
27 § 6253, subd. (c)(1)–(4).)

28 ³ In addition to the timeliness requirements of the PRA, S.B. 1421 specifically provides for short
extensions (e.g., “up to 60 days from the date the use of force occurred”) for certain categories of
records in limited circumstances. (*See Pen. Code, § 832.7, subd. (b)(7)(A)(i).*) Absent these
statutorily provided extensions, however, records must be disclosed more promptly.

1 incident, including reports provided to external agencies and including underlying evidence to the
2 extent not sufficiently described in the report; (2) all documents regarding the decision whether or
3 not to impose discipline; (3) all documents reflecting any appeal of a disciplinary action or referral
4 of an investigation or disciplinary action to another adjudicatory body; and (4) any related
5 settlement agreements or other resolution of the incident.

6 27. On March 5, 2019, the Department responded to the ACLU's request and indicated
7 it was in the process of reviewing its files to fulfill the request and would need time to complete
8 the search. **(Exhibit B.)** The Department's response did not state whether the Department
9 possessed disclosable records that were responsive to the ACLU's request or provide an estimated
10 date and time when any such records would be made available. *(Ibid.)*

11 28. The ACLU received no further communication from the Department for the next
12 six months. On September 13, 2019, the ACLU sent a letter to the Department asking whether it
13 had identified disclosable records and to estimate a date and time for production of such records.
14 **(Exhibit C.)** More than four months after that, on January 29, 2020, the ACLU again followed up
15 when the Department had still not responded. **(Exhibit D.)** Later that day, almost a year after its
16 first response, the Department said that it hoped to have the requested information within the next
17 2-4 weeks. **(Exhibit E.)** The Department did not explain what steps were taken to gather
18 documents and ready them for production over the preceding eleven months, nor did it invoke any
19 statutory basis for withholding any of the documents that the ACLU requested.

20 29. Almost *two years* have passed since the January 29, 2020 communication from the
21 Department, and nearly *three years* have passed since the original request. The Department has
22 not produced a single record.

23 30. The Department's failure to respond to the ACLU's request within 10 days with its
24 determination as to whether it possesses responsive records and an estimated date and time when
25 such records will be made available violated the PRA. (See Gov. Code, § 6253, subd. (c).)

26 31. The Department's failure to produce *any* records in response to the ACLU's
27 January 1, 2019 request for almost three years to date also violated the PRA. Such an extended
28

1 failure to disclose or provide grounds for withholding plainly is not “prompt,” and delays and
2 obstructs the public inspection of records. (Gov. Code, § 6253, subds. (b) & (d).)

3 **D. The Department’s Planned (and Potentially Ongoing) Destruction of Potentially**
4 **Responsive Records Would Violate the Public Records Act**

5 32. On December 14, 2021, the ACLU learned that, despite this pending PRA request,
6 the Inglewood City Council passed a resolution that day granting the Department’s request to
7 destroy records relating to internal investigations and use of force incidents. (**Exhibit F.**) The
8 resolution authorizes the Department to destroy a broad set of potentially relevant documents,
9 including records that are: (1) dated through December 31, 2016, pertaining to Administrative
10 Investigations and any associated case files, and (2) dated through December 31, 2019 and
11 pertaining to Use of Force Reports, Traffic Collision Reviews, Foot Pursuit Reviews, and Vehicle
12 Pursuit Reviews. (*Ibid.*) The resolution also says that “the Chief of Police is hereby authorized to
13 retain files outside of their retention period if necessary for pending legal and/or administrative
14 action[.]” (*Ibid.*)

15 33. The records the Department seeks to destroy include records that are plainly
16 responsive to the ACLU’s requests. “Use of Force Reports” “dated through December 31, 2019”
17 fall squarely within the ACLU’s request for “All DECISIONAL DOCUMENTS related to the
18 administrative investigation of any use of force by a peace officer employed by the Department
19 that resulted in death, from January 1, 1999 to the present,” as well as its request for “All
20 DECISIONAL DOCUMENTS related to any administrative investigation into a use of force by a
21 peace officer employed by the Department against a person that resulted in great bodily injury,
22 from January 1, 2009 to the present,” among others. (See **Exhibit A** at 3, 4.) Destroying these
23 records, or any other records that are responsive to the ACLU’s PRA request, would violate the
24 PRA provision that prohibits agencies from taking action to “delay or obstruct the inspection or
25 copying of public records.” (Gov. Code, § 6253, subd. (d); see also *Comty. Youth Athletic Ctr. v.*
26 *Nat’l City* (2013) 220 Cal.App.4th 1385.)

1 34. Accordingly, the ACLU, through its counsel, sent the Department a letter on
2 December 16, 2021 demanding that the City and the Department commit to retaining all records
3 that are responsive to the ACLU’s requests. (**Exhibit G.**) The Department did not respond.

4 35. The ACLU, through its counsel, followed up with the Inglewood City Attorney on
5 December 20, 2021, again requesting that the Department engage with the ACLU about its
6 pending PRA request and agree not to destroy records in the interim, and again emphasizing that it
7 would seek judicial intervention if the Department did not reply. (**Exhibit H.**) The City Attorney
8 did not respond.

9 36. The Resolution and the subsequent failure of the Department to respond to the
10 ACLU’s communications demonstrate the Department’s intent to continue to defy the mandates of
11 the PRA and S.B. 1421 absent judicial intervention. If the Department moves forward with the
12 destruction of these records, it will violate not only its statutory obligations under the PRA and
13 S.B. 1421 and the California Constitution, but also California common law, Penal Code, § 135,
14 and the express guidance provided by the California Attorney General regarding retention of
15 newly-disclosable records of police misconduct and serious uses of force.⁴

16 37. Accordingly, this Court should grant the requested writ of mandate to protect
17 Petitioner’s right to access these records before their destruction leads to irreparable harm.

18 _____
19 ⁴ On January 3, 2019, the California Attorney General issued instructions to “All California Law
20 Enforcement Agencies” to preserve such records:

21 In order to ensure compliance with California law, the California Attorney General’s
22 Office is instructing you to preserve all records that may be subject to disclosure beginning
23 January 1, 2019, pursuant to recent amendments to Penal Code Section 832.7 as a result of
24 Senate Bill 1421

25 You should preserve all applicable files currently stored in paper files either onsite or in a
26 remote location. You should also preserve any and all electronically stored information,
27 including databases, electronic data files, hard drives, on- and offline storage drives,
28 backups, logs, archives, personal computers and portable devices, and other removable and
29 non-removable media, and electronic mail and attachments to electronic mail, pertaining to
30 both records and preservation of records, including but not limited to electronic mail
31 regarding potential destruction of covered information.

32 Information Bulletin No. 2019-DLE-01, California Department of Justice, Jan. 3, 2019 *available*
33 *at* <https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/2019-dle-01-preserve-recs.pdf>.

1 **FIRST CAUSE OF ACTION**

2 **For Writ of Mandate for Violation of the California Public Records Act**

3 38. Petitioner incorporates by reference the foregoing paragraphs as though fully set
4 forth herein.

5 39. The PRA creates mandatory, non-discretionary duties on the part of the Department
6 to adhere to deadlines and notice requirements when responding to records requests. (Gov. Code,
7 § 6253, subs. (c)–(d).)

8 40. Specifically, Government Code section 6253(c) creates duties on the part of the
9 Department to determine and notify requestors whether requested records are disclosable within
10 ten days, to be extended for no more than fourteen days in the event of “unusual circumstances”
11 upon notification of requestors in writing of the existence of such circumstances. Such records
12 shall be made “promptly available.” (Gov. Code, § 6253, subd. (b).)

13 41. S.B. 1421 reaffirms these duties with respect to the peace officer records at issue by
14 stating that such records “shall be made available for public inspection pursuant to the California
15 Public Records Act.” (Pen. Code, § 832.7(b)(1).)

16 42. The Department has repeatedly refused to satisfy its obligations under the PRA and
17 S.B. 1421 to timely search for and produce records responsive to Petitioner’s requests.

18 43. Issuance of a writ of mandate compelling the Department to perform its duties
19 under the PRA is required because there exists no plain, speedy, and adequate remedy in the
20 ordinary course of law which would protect Petitioner’s rights and interests.

21 **SECOND CAUSE OF ACTION**

22 **For Writ of Mandate for Violation of Article I, § 3 of the California Constitution**

23 44. Petitioner incorporates by reference the foregoing paragraphs as though fully set
24 forth herein.

25 45. The Department has repeatedly refused to satisfy its obligations under the PRA and
26 S.B. 1421 to timely search for and produce records responsive to Petitioner’s requests. This
27 conduct violates Article I, § 3 of the California Constitution.
28

1 show cause why the Department should not have to; and upon return to the alternative writ, issue a
2 peremptory writ as set forth in paragraph 1, above;

3 3. For a declaration that the Department's conduct violates the PRA in failing to
4 timely disclose all non-exempt, requested public records in its possession and failing to timely
5 respond to public records requests;

6 4. For an injunction requiring the Department to produce all disclosable documents
7 forthwith;

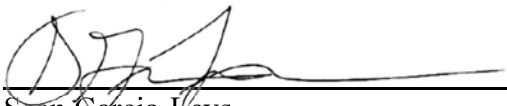
8 5. For reasonable attorneys' fees pursuant to Code Civ. Proc., § 1021.5 and Gov.
9 Code, § 6259, subd. (d);

10 6. For costs of suit; and

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

12 DATED: December 22, 2021 PEACE AND JUSTICE LAW CENTER

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By: 
Sean Garcia-Leys
Attorneys for Petitioner American Civil Liberties
Union of Southern California

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VERIFICATION

I, Tiffany Bailey, am a Staff Attorney at the American Civil Liberties Union Foundation of Southern California (“ACLU”), Petitioner in this action.

I have read the foregoing VERIFIED COMPLAINT AND PETITION FOR WRIT OF MANDATE and know the contents thereof. The facts as alleged therein are true to the best of my knowledge, except as to those matters alleged on information and belief, and as to those matters, I believe them to be true. I have authorization to verify such facts on behalf of the ACLU.

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

Executed on December 21, 2021, in Los Angeles, California.



_Tiffany Bailey

Exhibit Index

<u>Exhibit</u>	<u>Document</u>
A	January 1, 2019 Public Records Act request letter from Petitioner ACLU of Southern California addressed to the Inglewood Police Department.
B	March 5, 2019 Inglewood Police Department email response to the ACLU's Public Records Act request in which Inglewood Police Department indicated it was in the process of reviewing its files to fulfill the request, and would need time to complete the search.
C	September 13, 2019 letter from ACLU to the Inglewood Police Department asking whether Department had identified disclosable records and requesting an estimate for the date and time for production of such records.
D	January 29, 2020, 12:32 PM email from ACLU to Inglewood Police Department again requesting an update as Department had still not responded.
E	January 29, 2020, 6:29 PM email from Inglewood Police Department stating that it hoped to have the requested information within the next 2-4 weeks, and to contact them in 2 weeks if the information was not provided.
F	December 14, 2021 Recommendation for Resolution Authorizing the Destruction of Specific Internal Affairs Records, passed by Inglewood City Council granting the Inglewood Police Department's request to destroy records relating to internal investigations and use of force incidents.
G	December 16, 2021 email and letter from counsel on behalf of ACLU sent to Inglewood Police Department demanding that the City and the Department commit to retaining all records that are responsive to the ACLU's requests.
H	December 20, 2021 email from counsel on behalf of ACLU sent to Inglewood City Attorney, again requesting that the Department engage with the ACLU about its pending Public Records Act request and agree not to destroy records.
I	January 7, 2019 Public Records Act request from attorney for the family of Kisha Michael addressed to the Inglewood Police Department.

EXHIBIT A



AMERICAN CIVIL LIBERTIES UNION
Southern California

January 1, 2019

Inglewood Police Department
City Clerk
1 Manchester Boulevard
Inglewood, CA 90301

Fax:

Via Fax and U.S. Mail

RE: Request for Public Records Regarding Any Incident Involving a Sustained Finding of Sexual Assault

To Whom It May Concern:

I write to respectfully request records related to the investigation and discipline of peace officers employed by the Inglewood Police Department (the "Department") under the California Public Records Act, Gov't Code §§ 6250 et seq., California Penal Code §§832.7-832.8, and Art. I, § 3(b) of the California Constitution, as set forth below.

Last fall, the California legislature passed, and Governor Brown enacted, SB 1421 (Skinner), which amends California Penal Code section 832.7 to provide the public a right of access to records related to investigations into investigations and discipline of peace officers for shootings and serious uses of force, as well as sustained findings of dishonesty related to the investigation, reporting, and prosecution of a crime or police misconduct. We now respectfully request the records newly available under SB 1421. We make this request as the American Civil Liberties Union of Southern California, as requestor, on behalf of a wide array of civil rights, government transparency, and criminal defense groups, including Youth Justice Coalition, Justice Teams Network, Anti Police-Terror Project, California Faculty Association, PolicyLink, STOP Coalition, California Public Defender Association, and National Association of Criminal Defense Lawyers.

We have coordinated this request, and will share all records obtained, with this group of organizations, and further commit to making those records available to the public by posting on the Internet and other means, to help facilitate access to the records you produce.

I. Requests for Records

We understand that this change in the law may result in a significant number of responsive documents, and that you may have received a number of requests for similar documents from

EXECUTIVE DIRECTOR Hector O. Villagra

PRESIDENT Connie Tcheng VICE PRESIDENT David Cruz SECRETARY T.J. Hill CFO Michelle White
AFFIRMATIVE ACTION OFFICER Isabelle Gunning NATIONAL BOARD REPRESENTATIVE Sharon Kyle

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other requestors. We have endeavored to tailor our request to a limited selection of the most important documents and most relevant timeframe for incidents.

As set forth below, for purposes Requests 1 through 7, we do not seek all records relating to the underlying incident, but only a limited set of “Decisional Documents” relating to the administrative investigation of the incident. For purposes of these requests, “Decisional Documents” means all documents³¹⁵ reflecting or setting forth:

- The Department’s decision, prior to any administrative appeal, that an officer’s conduct did (or did not) violate the law or agency policy, and any reasons for that decision;
- The final investigative report (prior to any administrative appeal) of the Department, or any division of the Department, or any document setting out factual findings of, or recommended factual findings for, the person or body charged with deciding whether the officer’s conduct was within policy and/or warranted discipline or other corrective action;
- The punishment imposed or corrective action taken as the result of an administrative investigation, including letters of intent to impose discipline or other documents reflecting discipline imposed, changes in rank or assignment, training required, or changes to or examinations of Department policy, training or practice;
- A decision on appeal from the Department’s factual finding, or the discipline or corrective action imposed, including review by a superior or arbitration, including any statement of reasoning by an appeal body and any revised discipline or corrective action imposed, or any documents reflecting modifications of discipline due to the *Skelly* or grievance process,
- Any agreement to resolve an administrative investigation, including any agreement (or lack of agreement) as to the facts of what happened in the incident, or discipline or corrective action to be imposed;
- The final investigative report, factual findings, legal conclusions, or recommendations on discipline, policy, procedures or training, by the district attorney, independent civilian oversight body, or outside law enforcement agency brought on to conduct an investigation into an incident;
- The final imposition of discipline or implementation of corrective action.

For purposes of this request, records include, but are not limited to all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer’s action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action

³¹⁵ The term “records” as used in this request is defined as “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.” Cal. Govt. Code § 6252, subsection (e). “Writing” is defined as “any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.” Cal. Govt. Code § 6252 (g).

to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action. Cal. Penal Code §832.7(b)(2).

For purposes of these requests, “Decisional Documents” does not include underlying evidence, expert reports, witness statements, audio or video, unless incorporated by or included in the documents described above.

We also recognize that at some departments, older records may be stored in different recordkeeping systems that may require more time an effort to retrieve. If this is the case with your agency, we are happy to discuss particular obstacles or concerns and a process for retrieving records as efficiently as possible.

Records Request No. 1: All DECISIONAL DOCUMENTS related to the administrative investigation of any use of force by a peace officer employed by the Department³¹⁶ that resulted in death, from January 1, 1999 to the present. *See* Penal Code § 832.7(b)(1)(A)(ii).

Records Request No. 2: All DECISIONAL DOCUMENTS relating to any incident in which a peace officer employed by the Department was found to have committed an act of dishonesty directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence, at any time from Jan. 1, 1999, to the present. *See* Penal Code § 832.7(b)(1)(C). Such incidents may also include receipt or solicitation of bribes, loans, favors, or gifts in relation to an investigation; misappropriation of property in an investigation, obstructing an investigation, or influencing a witness.

Records Request No. 3: For any officer about whom a sustained finding of dishonesty is disclosed in response to Records Request No. 2, above, all DECISIONAL DOCUMENTS relating to any sustained finding of dishonesty relating to the reporting, investigation, or prosecution of a crime or misconduct by another peace officer, regardless of date.

Records Request No. 4: All DECISIONAL DOCUMENTS related to any administrative investigation into the discharge of a firearm at a person by a peace officer employed by the Department, which did not result in death, from January 1, 2014 to the present. *See* Penal Code § 832.7(b)(1)(A)(i).

³¹⁶ A peace officer is “employed by the Department” for purposes of these requests if that officer has been employed by the Department at any time. The modifying phrase “employed by the Department” does *not* limit the requests only to officers currently employed by the Department, nor does it exclude documents within the position of the Department that concern the incidents that occurred while the peace officer was employed by another agency.

Records Request No. 5: All DECISIONAL DOCUMENTS related to any administrative investigation into a use of force by a peace officer employed by the Department against a person that resulted great bodily injury, from January 1, 2009 to the present. *See* Penal Code § 832.7(b)(1)(A)(ii).

Records Request No. 6: For any officer who used force resulting in death at any time since January 1, 1999, all DECISIONAL DOCUMENTS related to any administrative investigation into the discharge of a firearm at a person by that officer that did not result in death, or a use of force by that officer against a person that resulted great bodily injury but not death, regardless of date.

Records Request No. 7: All DECISIONAL DOCUMENTS relating to any incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer employed by the Department engaged in sexual assault involving a member of the public, from January 1, 2009 to the present. *See* Penal Code § 832.7(b)(1)(B). For purposes of this request, “sexual assault” refers to the commission or attempted initiation of a sexual act with a member of the public by means of force, threat coercion, extortion, offer of leniency or other official favor, or under the color of authority, including unwanted or gratuitous sexual contact such as touching or groping. *See id.* § 832.7(b)(1)(B)(ii).

Records Request No. 8: For any officer about whom a sustained finding of sexual assault is disclosed in response to Records Request No. 7, above, all DECISIONAL DOCUMENTS relating to any sustained finding of sexual assault, regardless of date.

II. Request for Preservation, or in the Alternative, Request for Documents

While we have asked for a limited selection of documents that are newly available pursuant to S.B. 1421, review of those documents will very likely reveal some incidents in which requestors or other members of the public would like additional detail, such as records of investigation, audio, video, expert reports and other documents excluded from the present request. We therefore request that you provide assurances that you will preserve all such documents, at least for a reasonable time after complying with the present set of document requests, to allow targeted requests for additional information on specific cases.

III. Prioritization of Requests

We understand that this change in the law may result in a significant number of responsive documents, and that you may have received a number of requests for similar documents from other requestors. To help make sure your response serves the public interest in disclosure of these important records as efficiently as possible, we ask that you prioritize in the following order:

First, please prioritize requests from other requestors who are family members of those killed by police seeking information on how their loved ones died. We recognize that the change in

law in many instances may allow these family members access to this information for the first time, and for the first time provide answers about their losses, and urge you prioritize these disclosures.

Second, for our requests, prioritize in the order of requests, 1 through 8.

Third, if for any reason some categories of documents responsive to a request are more readily disclosable and others more difficult — for example, if older records are in archival storage or stored in a different and harder-to-use system, or documents responsive to one request are not as easily categorized for disclosure and would require more time-intensive searching than another — please contact us to discuss the obstacles to prompt disclosure so that we can work out a timeline, process, or refined selection criteria for documents that are more difficult to find or produce.

Please respond to this request in ten days, either by providing the requested information or providing a written response setting forth the specific legal authority on which you rely in failing to disclose each requested record, or by specifying a date in the near future to respond to the request. See Cal. Gov't Code § 6255. Pursuant to section 6253, please disclose all reasonably segregable non-exempt information from any portions of records you claim are exempt from disclosure.

If any records requested above are available in electronic format, please provide them in an electronic format, as provided in Govt. Code § 6253.9. To assist with the prompt release of responsive material, we ask that you make records available to us as you locate them, rather than waiting until all responsive records have been collected and copied.

If you would like to discuss these requests, please feel free to call Hermelinda Calderon or Casey Kasher at (213) 977-5265. Otherwise, please send any correspondence or documents in electronic format via email to prarequest@aclusocal.org, or correspondence or documents on CD-ROM or USB drive to:

SB 1421 Records
ATTN: Casey Kasher
ACLU of Southern California
1313 W. 8th Street
Los Angeles, CA 90017

Because this request is made on behalf of a number of nonprofit public interest organizations, with the intent to make this material easily accessible to the public as promptly as possible, we request that you waive any fees. *North Cty. Parents Ass'n v. Dep't of Ed.*, 23 Cal. App. 4th 144, 148 (1994); Cal. Gov. Code §6253(e). However, should you be unable to do so, ACLU SoCal will reimburse your agency for the “direct costs” of copying these records plus postage. If you anticipate these costs to exceed \$50.00, please notify us prior to making the copies.

Thank you in advance for providing the records we have requested. Please do not hesitate to contact us with any questions regarding this letter.

Best,

A handwritten signature in black ink, appearing to read "Peter Bibring". The signature is fluid and cursive, with a prominent loop at the end of the last name.

Peter Bibring
Director of Police Practices
ACLU of Southern California

EXHIBIT B

To: prarequest[prarequest@aclusocal.org]
From: Scott Collins[scollins@cityofinglewood.org]
Sent: Tue 3/5/2019 1:01:44 PM (UTC-08:00)
Subject: re: Public record request Peter Bibring-American Civil Liberties Union
[image002.jpg](#)
[ATT00001.htm](#)
[Peter Bibring-American Civil Liberties Union.pdf](#)
[ATT00002.htm](#)

Dear Sirs,

I have received your request which was forwarded to me in an email from our City Attorney's Office on, Friday, February 15, 2019. Please understand that we are in the process of reviewing our files in order to try to fulfill this request and we will need time to complete this task. We appreciate your patience.

Respectfully,

Lieutenant Scott T. Collins
Adjutant, Office of the Chief of Police
Inglewood Police Department
310-412-8842

From: Derald Brenneman
Sent: Friday, February 15, 2019 1:02 PM
To: Scott Collins
Subject: FW: Public record request Peter Bibring-American Civil Liberties Union

Do you have this one? It is dated January but was just stamped received by the City Clerk.

From: Ken Campos <kcampos@cityofinglewood.org>
Sent: Tuesday, February 12, 2019 12:38 PM
To: Derald Brenneman <dbrenneman@cityofinglewood.org>
Cc: Jeffery A. Lewis <jalewis@cityofinglewood.org>
Subject: Fwd: Public record request Peter Bibring-American Civil Liberties Union

Derald could you please assist. Thanks. Ken

Sent from my iPhone
Begin forwarded message:

From: Jacquelyn Gordon <jgordon@cityofinglewood.org>
Date: February 12, 2019 at 12:24:58 PM PST
To: Tracy Claverie <tclaverie@cityofinglewood.org>
Cc: Ken Campos <kcampos@cityofinglewood.org>
Subject: Public record request Peter Bibring-American Civil Liberties Union

Hello Tracey,

I have attached a Public record request from a Peter Bibring. The attached document includes eight requests for various Police records.

Best regards,

Jacquelyn Gordon

Staff Assistant: City of Inglewood
City Clerk's Office

One Manchester Boulevard, 1st Floor, Inglewood, CA 90301
Phone 310 412.8809 Fax 310 412.5533

EXHIBIT C



September 13, 2019

Lieutenant Scott T. Collins
Adjutant, Office of the Chief of Police
Inglewood Police Department
scollins@cityofinglewood.org

Via Email

RE: Request for Public Records on Police Use of Force Investigations, Sustained Findings of Police Dishonesty and Sexual Assault

To Whom It May Concern:

Thank you for your letter dated March 5, 2019 which indicated that your agency was reviewing our request under the California Public Records Act (“CPRA”) for records relating to police use of force investigations, sustained findings of police dishonesty and sexual assault. Although six months elapsed since your email, we have not yet received any disclosures or subsequent communications from your office.

As you know, an agency has 10 days to respond to a CPRA request by “promptly notif[ing] the person making the request of the determination [of whether it has disclosable public records] and the reasons therefor . . . [and] shall state the estimated date and time when the records will be made available.” Gov. Code Sec. 6253(c). This response period can be extended up to 14 days under “unusual circumstances,” as proscribed by statute. More than 60 days have elapsed since we initially submitted our request, and Inglewood Police Department has far exceeded the statutory period in which it is obligated to provide the documents or a date when they will be produced.

Please respond within seven (7) days of your receipt of this letter to inform us whether your agency has disclosable records in response to our request and provide an anticipated timeline for making those records available.

If you have documents responsive to our request but have determined they are exempt from disclosure, you must notify us of the reasons for your determination that documents are exempt Government Code 6253(c). Under the CPRA, you must disclose any public record unless a specific statutory exemption applies. *See, e.g., ACLU of Northern Cal.*, 202 Cal.App. 4th 55, 66 (2011) (internal citations omitted) (“[a]ll public records are subject to disclosure unless the Public Records Act expressly provides otherwise.”); *Marylander v. Super. Court*, 81 Cal.App. 4th 1119, 1125 (2000) (“unless exempted, all public records may be examined by any member of the public”). The enactment of Senate Bill 1421 (2018) and the consequent amendments to Penal Code Sec. 832.7 displaced all exemptions under the CPRA or any other provision of law and limited any possible bases for withholding to those specified in Penal Code Sec. 832.7(b)(7). *See* Penal Code Sec. 832.7(b)(1) (“Notwithstanding subdivision (a), subdivision (f) of Section 6254 of the Government Code, *or any other law*, the following peace officer or custodial officer

personnel records and records maintained by any state or local agency ***shall not be confidential and shall be made available for public inspection*** pursuant to the California Public Records Act” (emphasis added)).

Thank you for your attention to this request. Please do not hesitate to contact us with any questions regarding this letter at prarequest@aclusocal.org.

Best,



Casey Kasher
ACLU of Southern California

EXHIBIT D

To: scollins@cityofinglewood.org[scollins@cityofinglewood.org]
Cc: prarequest[prarequest@aclusocal.org]
From: prarequest[O=ACLUNC/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C2C3B95695CD4DE6BE33E7E72BAFAE35-PRAREQUEST]
Sent: Wed 1/29/2020 12:32:46 PM (UTC-08:00)
Subject: FW: ACLU Public Records Act Request follow-up
[re: Public record request Peter Bibring-American Civil Liberties Union PRA Follow-up \(Inglewood PD\) 09.13.2019.pdf](#)

Hello,

I don't believe I've received any response to this follow-up communication regarding the PRA request submitted to Inglewood Police Department over one year ago. Please advise.

-Casey

Casey Kasher (she/her/hers)
Senior Paralegal
ACLU of Southern California
1313 West 8th Street
Los Angeles, CA 90017
213.977.5265

From: Casey Kasher <CKasher@aclusocal.org>
Sent: Friday, September 13, 2019 12:54 PM
To: scollins@cityofinglewood.org
Cc: prarequest <prarequest@aclusocal.org>
Subject: ACLU Public Records Act Request follow-up

Please see attached follow-up regarding the ACLU of California's Public Records Act Request for records relating to police use of force investigations, sustained findings of police dishonesty and sexual assault.

Best,
Casey

Casey Kasher, Paralegal (she/her/hers)
ACLU of Southern California
1313 West 8th Street
Los Angeles, CA 90017
213.977.9500 x265

EXHIBIT E

To: prarequest[prarequest@aclusocal.org]
From: Scott Collins[scollins@cityofinglewood.org]
Sent: Wed 1/29/2020 6:29:11 PM (UTC-08:00)
Subject: RE: ACLU Public Records Act Request follow-up

Dear Casey,

I apologize that you have not received a response to your follow-up communication. With that said, we are hoping to have the information that has been requested within the next 2-4 weeks. We appreciate your patience and please contact me in 2 weeks if we have not provided the information. Thanks.

Lieutenant Scott T. Collins
Adjutant, Office of the Chief of Police
Inglewood Police Department
310-412-8842

From: prarequest [mailto:prarequest@aclusocal.org]
Sent: Wednesday, January 29, 2020 12:33 PM
To: Scott Collins <scollins@cityofinglewood.org>
Cc: prarequest <prarequest@aclusocal.org>
Subject: FW: ACLU Public Records Act Request follow-up

Hello,

I don't believe I've received any response to this follow-up communication regarding the PRA request submitted to Inglewood Police Department over one year ago. Please advise.

-Casey

Casey Kasher (she/her/hers)
Senior Paralegal
ACLU of Southern California
1313 West 8th Street
Los Angeles, CA 90017
213.977.5265

From: Casey Kasher <CKasher@aclusocal.org>
Sent: Friday, September 13, 2019 12:54 PM
To: scollins@cityofinglewood.org
Cc: prarequest <prarequest@aclusocal.org>
Subject: ACLU Public Records Act Request follow-up

Please see attached follow-up regarding the ACLU of California's Public Records Act Request for records relating to police use of force investigations, sustained findings of police dishonesty and sexual assault.

Best,
Casey

Casey Kasher, Paralegal (she/her/hers)
ACLU of Southern California
1313 West 8th Street
Los Angeles, CA 90017
213.977.9500 x265

EXHIBIT F



CITY OF INGLEWOOD
OFFICE OF THE CITY MANAGER



DATE: December 14, 2021
TO: Mayor and Council Members
FROM: Police Department
SUBJECT: Resolution Authorizing the Destruction of Specific Internal Affairs Records

RECOMMENDATION:

It is recommended that the Mayor and Council Members adopt a resolution authorizing the destruction of specified Police Department Records.

BACKGROUND:

Government Code Section 34090 and California Penal Code Section 832.5(b) authorize government agencies to destroy certain records, provided that the records are beyond their retention period and/or no longer required for any pending matters. In addition to the aforementioned code sections, the Citywide Records Retention and Destruction Policy is referenced by local City staff for guidance in maintaining records. The traditional method of destroying such records is shredding. In the past, similar records have been destroyed lawfully with prior approval of the Chief of Police, City Attorney, and the City Council.

DISCUSSION:

The Police Department's Internal Affairs Division conducted a review of case files. This review found that the Department was in possession of several documents that are no longer required to be maintained. Each of the identified documents can be categorized as one of the following:

- Administrative Investigations and any associated case files dated through December 31, 2016 (Retention Period – Date of Clearance (Clear) + five (5) years)
- Use of Force Reports, Traffic Collision Reviews, Foot Pursuit Reviews, and Vehicle Pursuit Reviews dated through December 31, 2019 (Retention Period – two (2) years)

In accordance with internal policy and the relevant code sections, the aforementioned documents can be destroyed once they are beyond their retention period. These documents have been approved for destruction by the City Attorney and Chief of Police. It is requested that the Mayor and Council Members adopt the attached resolution to authorize destruction of documents.

FINANCIAL/FUNDING ISSUES AND SOURCES:

There is no financial/funding issue related to this action.

10.

**Mayor and Council Members
Resolution – Document Destruction
December 14, 2021**

Page 2 of 3

DESCRIPTION OF ANY ATTACHMENTS:

Attachment No. 1 – Resolution

Attachment No. 2 – Chief’s Letter of Authorization and Case Purge List

PREPARED BY:

Mark Fronterotta, Chief of Police

Anna Ma, Payroll Technician

COUNCIL PRESENTER:

Mark Fronterotta, Chief of Police

APPROVAL VERIFICATION SHEET

DEPARTMENT HEAD APPROVAL:



Mark Fronterotta, Chief of Police

CITY MANAGER APPROVAL:



Artie Fields, City Manager

ATTACHMENT NO. 1

1 RESOLUTION NO. _____

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY
3 OF INGLEWOOD, CALIFORNIA AUTHORIZING THE
4 DESTRUCTION OF SPECIFIED POLICE DEPARTMENT
5 RECORDS
6

7 WHEREAS, Government Code Section 34090 and California Penal
8 Code Section 832.5 authorize government agencies to destroy
9 certain records that have exceeded their mandated retention
10 period; and

11 WHEREAS, the Inglewood Police Department is currently
12 maintaining several records that have exceeded their retention
13 period; and

14 WHEREAS, specified records include:

- 15 • Administrative Investigations and any associated case
16 files dated through December 31, 2016
- 17 • Use of Force Reports, Traffic Collision Reviews, Foot
18 Pursuit Reviews, and Vehicle Pursuit Reviews dated
19 through December 31, 2019

20 WHEREAS, the Chief of Police and City Attorney has
21 determined that specified records are obsolete, occupy valuable
22 space, and are of no further use to the Police Department; and

23 WHEREAS, the City Council also finds that the specified
24 Police Department records are of no further value to the City.

25 NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF INGLEWOOD
26 DOES HEREBY RESOLVE AS FOLLOWS:

- 27 1. That the Chief of Police is hereby authorized and
28 granted the authority to dispose of the identified

1 records, by causing the disposal of such specified
2 records in a lawful manner.

3 2. That the Chief of Police is hereby authorized and
4 granted the authority to dispose of specified records
5 that have exceeded their retention period on an annual
6 basis.

7 3. That the Chief of Police is hereby authorized to
8 retain files outside of their retention period if
9 necessary for pending legal and/or administrative
10 action, or as directed by the City Attorney's Office.

11 4. That upon destruction of the aforementioned records as
12 authorized in Section 1 hereof, the Chief of Police
13 shall make a "Certificate of Complete Destruction" of
14 said specified records and shall file the original
15 certificate in the Office of the City Clerk.

16 5. That the City Clerk shall certify to the adoption of
17 this Resolution, and henceforth and hereafter, the
18 same shall be in full force and effect.

19 PASSED, APPROVED, and ADOPTED this ____ day of _____,
20 2021.

21
22
23
24 _____
Mayor
City of Inglewood

25 Attest:

26
27
28 _____
City Clerk

ATTACHMENT NO. 2

Inglewood California

INTER-DEPARTMENTAL COMMUNICATION

December 2, 2021

TO: CHIEF OF POLICE

FROM: INTERNAL AFFAIRS DIVISION

SUBJECT: PURGING OF INTERNAL AFFAIRS RECORDS

In accordance with Section 34090 of the California Government Code, Section 832.5(b) of the California Penal Code and Inglewood Resolution #19-22, I am requesting your written authorization to purge:

1. All Internal Affairs Investigations and Administrative Investigations dated through December 31, 2016.
2. All Use of Force Reports, Traffic Collision Reviews, Foot Pursuit Reviews, and Vehicle Pursuit Reviews dated through December 31, 2019.

The attached records are no longer required to be retained by law and are not needed for any pending litigation.



GEOFFREY MEEKS
Lieutenant
Internal Affairs Division

Inglewood California

INTER-DEPARTMENTAL COMMUNICATION

December 2, 2021

TO: INTERNAL AFFAIRS DIVISION

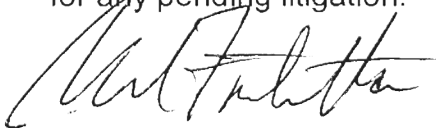
FROM: CHIEF OF POLICE

SUBJECT: PURGING OF INTERNAL AFFAIRS RECORDS

In accordance with Section 34090 of the California Government Code, Section 832.5(b) of the California Penal Code and Inglewood Resolution #19-22, I am providing written authorization to purge the following:

1. All Internal Affairs Investigations and Administrative Investigations dated through December 31, 2016.
2. All Use of Force Reports, Traffic Collision Reviews, Foot Pursuit Reviews, and Vehicle Pursuit Reviews dated through December 31, 2019.

The attached records are no longer required to be retained by law and are not needed for any pending litigation.



MARK FRONTEROTTA
Chief of Police

IA2015

IA2015-018
IA2015-019
IA2015-021
IA2015-022
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IA2015-042

IA2016

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IA2016-016
IA2016-017
IA2016-019
IA2016-020
IA2016-021
IA2016-022
IA2016-023
IA2016-024
IA2016-026
IA2016-027

Miscellaneous

2015

15M-018
15M-019
15M-020
15M-021
15M-022
15M-024

2016

16M-002
16M-003
16M-006

EXHIBIT G

From: [Velasquez, Anna](#)
To: kcampos@cityofinglewood.org; mfronterotta@cityofinglewood.org; athompson@cityofinglewood.org; afields@cityofinglewood.org
Cc: [Kreilkamp, Jacob](#); MPochoa@aclusocal.org; [Lopez, Laura](#); [XT Bailey, Tiffany](#)
Subject: Important: Response Required - 12/14 Resolution Authorizing Destruction of Inglewood PD records
Date: Thursday, December 16, 2021 1:26:08 PM
Attachments: [2021-12-16 Letter City of Inglewood SB 1421 Records Destruction Exhibits A-C.pdf](#)

SENT ON BEHALF OF JACOB S. KREILKAMP

Please see the attached correspondence regarding the "Resolution Authorizing the Destruction of Specific Internal Affairs Records" adopted by the Inglewood City Council on December 14, 2021.

As detailed in the attached, in light of outstanding CPRA records requests from the ACLU, please confirm promptly and in any event before **1 p.m. tomorrow, December 17**, that you will retain the at-issue records.

Sincerely,
Jacob S. Kreilkamp

Anna M. Velasquez | Legal Secretary to Jacob S. Kreilkamp, John M. Gildersleeve, Sara A. McDermott, Shannon G. Aminirad, and Erinma Kalu
Munger, Tolles & Olson LLP | 350 South Grand Avenue, Floor 50 | Los Angeles, CA 90071
Tel: 213.593.5392 | anna.velasquez@mto.com | www.mto.com

NOTICE

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MUNGER, TOLLES & OLSON LLP

350 SOUTH GRAND AVENUE
FIFTIETH FLOOR
LOS ANGELES, CALIFORNIA 90071-3426
TELEPHONE (213) 683-9100
FACSIMILE (213) 687-3702

560 MISSION STREET
TWENTY-SEVENTH FLOOR
SAN FRANCISCO, CALIFORNIA 94105-3089
TELEPHONE (415) 512-4000
FACSIMILE (415) 512-4077

601 MASSACHUSETTS AVENUE NW
SUITE 500E
WASHINGTON, D.C. 20001-5369
TELEPHONE (202) 220-1100
FACSIMILE (202) 220-2300

December 16, 2021

RICHARD L. OLSON
ROBERT E. DENHAM
JEFFREY I. WENBERGER
CARY B. LERMAN
GREGORY P. STONE
BRAD D. BRIAN
BRADLEY S. PHILLIPS
GEORGE M. GARVEY
WILLIAM D. TEMKO
JOHN W. SPIEGEL
DONALD B. VERRILLI, JR.*
TERRY E. SANCHEZ
STEVEN M. PERRY
MARK B. HELM
JOSEPH D. LEE
MICHAEL R. DOYEN
MICHAEL E. SOLOFF
KATHLEEN M. MIDDEWELL
GLENN D. POMERANTZ
THOMAS B. WALKER
HENRY WEISSMANN
KEVIN S. ALLRED
JEFFREY A. HEINTZ
JUDITH T. KITANO
JEROME C. ROTH
GARTH T. VINCENT
TED DANE
STUART N. SENATOR
MARTIN D. BERN
ROBERT L. DELL ANGELO
JONATHAN E. ALTMAN
KELLY M. KLAUS
DAVID B. GOLDMAN
DAVID H. FRY
LISA J. DEMSKY
MALCOLM A. HEINICKE
JAMES C. RUITEN
RICHARD ST. JOHN
ROHIT K. SINGLA
LUIS LI
CAROLYN HOECKER LUEDTKE
C. DAVID LEE
BRETT J. RODDA*
FRED A. ROWLEY, JR.
KATHERINE M. FORSTER
BLANCA FROMM YOUNG
SETH GOLDMAN
GRANT A. DAVIS DENNY
JONATHAN H. BLAVIN
DANIEL B. LEVIN
MIRIAM KIM
MISTY M. SANFORD

HAILYN J. OHEN
BETHANY W. KRISTOVICH
JACOB S. KREILKAMP
JEFFREY Y. WU
LAURA D. SMOLOWE
ANJAN CHOUDHURY
NILE W. MACH
KATHERINE TAKAHASHI
ERIN J. COX
BENJAMIN J. HORWICH
E. MARTIN ESTRADA
MATTHEW A. MACDONALD
BRYAN H. HECKENLIVELY
ELAINE J. GOLDENBERG*
MARK B. YORALEM
GINGER D. ANDERS*
MARGARET G. MARASCHINO
JOHN M. GILDERSLEEVE
ADAM B. WEISS
GEORGE CLAYTON FATHEREE, III
KELLY L.C. KRIEBS
JEREMY A. LAWRENCE
LAURA K. LIN
AGHYUJ J. PHADKE
ZACHARY M. BRIERS
JENNIFER M. BRODER
KURUVILLA V. OLASA
JUSTIN P. RAPHAEL
ROSE LEDA EHLEH
ERIC P. TUTTLE
JOHN W. BERRY
ROBYN K. BACON
JORDAN D. SEGALL
DAVID S. HONG
JONATHAN KRAVIS*
KAREN A. LORANG
JOHN L. SCHWAB
EMILY C. CURRAN-HUBERTY
MATTHEW S. SCHONHOLZ
AIMEE M. CONTRERAS-CAMUJA
L. ASHLEY AULL
WESLEY T. L. BURRELL
CRAIG JENNINGS LAVOIE
JENNIFER L. BRYANT
NICHOLAS D. FRAM
JESSICA REICH BARIL
JULIANA M. YEE
JEREMY K. BEECHER
MATTHEW K. DONOHUE

JOHN B. MAJOR
LAUREN C. BARNETT
NICK R. SIDNEY
C. HUNTER HAYES
TREVOR N. TEMPLETON
SKYLAR B. GROVE
SARAH S. LEE
LAURA M. LOPCZ
MICHAEL C. BAKER
COLIN A. DEVINE
DANE P. SHKMAN
LEXI PEACOCK
MAGGIE THOMPSON
SAMUEL H. ALLEN
ALLISON M. DAY
JONATHAN S. MELTZER*
STEPHANIE G. HERREHA
TERESA REID DIBBO
DANIEL BENYAMIN
SARA A. MCDERMOTT
J. MAX ROSEN
RACHEL G. MILLER-ZIEGLER*
ALISON F. KAROL SIGURDSSON
ANNE K. CONLEY
DAVID W. MCHESHEAD
ANDRE W. BREWSTER III
ROWLEY J. RICE
DANILIA MIGNOUNA*
BRANDON R. TEACHOUT
LUCAS J. ARTAZ
USHA CHILUKURI VANCE
TYLER HILTON
VINCENT LING
ALEXANDER S. CORIN
ZARA BARI
BRENDAN B. GANTS*
MARI T. SAIGAL
LAUREN E. ROSS*
BENJAMIN G. BAROKH
ABE DYK
MICHELE C. NIELSEN
APRIL YOUPEC-ROLL
DAVID T. FREENOCK
COBUS VAN DER VEN*
MARIANNA MAO
MEGAN MCCREADIE
STEPHEN HYLAS
ARIEL TESHUVA
SHANNON GALVIN AMINRADO
LOYD MARSHALL
XIAONAN APRIL HU*
NATALIE KARL
BRANDON MARTINEZ
ERINMA E. KALU
ANDREW LEWIS
CARRIE C. LITLEN
RUBY J. GARRATT*
BEAU C. TREMITTIERE
JAMES R. SALZMANN
ELIZABETH DOUGLAS
SAMIR HALAWI
ROB N.S. GRAY
MICA L. MOORE
JOSEPH MOSES
MICHAEL I. SELVIN
ALICE X. WANG
HUNTER V. ARMOUR
NATHANIEL F. BUSSMAN
PAUL E. MARTIN
REBECCA L. SCIARRINO
CORY M. BAITA
BRIAN R. BOESSENECKER
AVI REJWAN OVED
ROBERT E. HOWEN
RICHARD T. JOHNSON
GRACE DAVIS FISHER
GAIL W. PEIFFER
ANDRES CANTERO, JR.
JAMIE B. LUGURI
WILLIAM M. ORR
OF COUNSEL
ROBERT K. JOHNSON
PATRICK J. CAFFERTY, JR.
PETER A. DETRE
BRAD SCHNEIDER
PETER E. GRATZINGER
JENNY H. HONG
KIMBERLY A. CHI
ADAM B. LAWTON
MICHAEL E. GREANEY
SARAH J. COLE
E. LEROY TOLLES
(1922-2008)
*ADMITTED IN DC
ALL OTHERS ADMITTED IN CA

Writer's Direct Contact
(213) 683-9260
(213) 593-2960 FAX
jacob.kreilkamp@mto.com

VIA ELECTRONIC MAIL AND COURIER

Kenneth R. Campos, City Attorney
Mark Fronterotta, Chief of Police
Aisha Thompson, City Clerk
Artie Fields, City Manager
City of Inglewood
One Manchester Boulevard
Inglewood, CA 90301

Via email to kcampos@cityofinglewood.org; mfronterotta@cityofinglewood.org;
athompson@cityofinglewood.org; afields@cityofinglewood.org

Re: December 14, 2021 "Resolution Authorizing the Destruction of Specific Internal Affairs Records" of the Inglewood Police Department

Mr. Campos, Chief Fronterotta, Ms. Thompson, and Mr. Fields:

On January 1, 2019, the California affiliates of the American Civil Liberties Union ("ACLU") filed a request under the California Public Records Act ("CPRA") seeking publicly-available records of serious uses of force and police misconduct committed by Inglewood Police Department ("Inglewood PD") officers. Nearly two years later, and despite repeated follow-up from ACLU, the Inglewood PD has still failed to produce *any* records responsive to this

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request—an egregious violation of its statutory duties under the CPRA.¹ On December 14, 2021, ACLU learned that, despite this pending request, the Inglewood City Council passed a resolution² granting Inglewood PD’s request to **destroy** records relating to internal investigations and use of force incidents. The records Inglewood PD seeks to destroy are plainly relevant to ACLU’s requests, as well as the still-pending requests by others, including the request by Trisha Shanklin filed on January 7, 2019 seeking the complete records relating to Inglewood PD’s killing of her sister, Kisha Michael.³ If the City moves forward with the destruction of these records, it will be in violation of its statutory obligations under the CPRA, California Constitution, California common law, Penal Code § 135, and the express guidance provided by the California Attorney General regarding retention of newly-available records of police misconduct and serious uses of force.

With this letter, we are putting the City and Inglewood PD on notice of their obligation to retain all records that may be responsive to these requests. **Please confirm, no later than 1:00 p.m., December 17, 2021, that the City will retain these records and that the City Attorney will exercise his authority, including the authority expressly granted under the Resolution, to direct Inglewood PD to retain any records that are potentially responsive to any outstanding PRA request, including, but not limited to, the requests filed by ACLU and Ms. Shanklin, and records relating to additional categories of documents that have been made public through the passage of Senate Bill 16 (Skinner).** See Resolution at ¶ 3 (“[T]he Chief of Police is hereby authorized to retain files outside of their retention period if necessary for pending legal and/or administrative action or as directed by the City Attorney’s Office.”). If the City fails to confirm that it will retain these records, ACLU will be forced to defend its rights under the CPRA immediately, including by seeking a temporary restraining order to enjoin Inglewood PD from destroying the potentially relevant records.

The recently-passed Resolution allows Inglewood PD to destroy the following broad set of potentially relevant documents, including records that are: (1) dated through December 31, 2016, pertaining to Administrative Investigations and any associated case files, and (2) dated through December 31, 2019 and pertaining to Use of Force Reports, Traffic Collision Reviews, Foot Pursuit Reviews, and Vehicle Pursuit Reviews.

The destruction of records responsive to these outstanding requests violates the CPRA, Gov’t Code § 6250, *et seq.* as amended by Senate Bill 1421 (Skinner). Adopted by the California Legislature in 2018, S.B. 1421 requires disclosure of records related to police uses of

¹ A copy of ACLU’s request is attached to this letter as Exhibit A.

² “Resolution Authorizing the Destruction of Specific Internal Affairs Records” (the “Resolution”) adopted by the Inglewood City Council on December 14, 2021.

³ A copy of Trisha Shanklin’s request is appended to this letter as Exhibit B.

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force and misconduct. Specifically, it makes disclosable peace officer records relating to (1) use of force resulting in death or great bodily injury; (2) discharge of a firearm; (3) a sustained finding of sexual assault by a peace officer; and (4) a sustained finding of dishonesty tied to police officers' unique powers in investigating and prosecuting crimes, such as perjury or the fabrication of evidence, or police misconduct. *See* Penal Code §§ 832.7(b)(1)(A)–(C). The law went into effect January 1, 2019 and applies to all records in an agency's possession at the time that it has an active CPRA request.

Pursuant to these newly-enacted CPRA provisions, on January 1, 2019, ACLU filed its requests seeking certain documents, including, but not limited to, documents relating to:

- Any use of force resulting in death from January 1, 1999 to the present
- Any use of force resulting in great bodily injury from January 1, 2009 to the present
- Any sustained act of dishonesty relating to the reporting, investigation or prosecution of a crime from January 1, 1999 to the present
- Any sustained act of sexual assault involving a member of the public from January 1, 2009 to the present

In response, Inglewood PD asked for several extensions of their deadline to comply with ACLU's requests.⁴ But to date, ACLU has not received a response; this despite the law requiring that any responsive records be made "promptly available." Gov't Code § 6253(b). Now, in lieu of complying with these longstanding requests as promised, Inglewood PD seeks the City's permission to destroy them through this Resolution.

Such an act would directly violate the CPRA's requirement that, in response to a request for public records, Inglewood PD produce all "disclosable public records in the possession of the agency." Gov't Code § 6253(c); *see also* Penal Code § 832.7(b)(1) (requiring that the specified records "maintained by any state or local agency . . . shall be made available . . . pursuant to the [CPRA]"). The CPRA further prohibits agencies from taking action to "delay or obstruct the inspection or copying of public records," Gov't Code § 6253(d), and destruction of records in an agency's possession that are responsive to a CPRA request undeniably violates the CPRA. *See, e.g., Comty. Youth Athletic Ctr. v. Nat'l City*, 220 Cal.App.4th 1385 (2003). Inglewood PD is therefore required to turn over documents responsive to ACLU's requests; it cannot, instead, ignore such requests and proceed to destroy responsive documents. Indeed, willful destruction of evidence following a records request is punishable by law and subject to sanctions. *See* Cal. Penal Code § 135; *see also Forbes v. County of San Bernardino*, 101 Cal.App.4th 48, 56 (2002)

⁴ Inglewood PD's initial response, received March 5, 2019, is appended as Exhibit C. On September 13, 2019 and January 29, 2020, ACLU followed up on its requests to no avail; the correspondence is also attached here as Exhibit C.

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("[A]ny person willfully destroying evidence would incur criminal liability."); *Cedar-Sinai Med. Ctr. v. Superior Court*, 18 Cal. 4th 1, 12-13 (1998) (willful destruction of evidence is subject to monetary sanctions and attorney discipline, including suspension and disbarment).

Furthermore, the destruction of records responsive to outstanding requests runs contrary to the Resolution itself. As previously noted, the Resolution provides "[t]hat the Chief of Police is hereby authorized to retain files outside of their retention period if necessary for pending legal and/or administrative action, or as directed by the City Attorney's office." See Resolution at ¶ 3. ACLU's requests, along with other unanswered requests for peace officer records, are pending matters: records responsive to such pending requests are clearly exempted from destruction under the express language of the Resolution.

Additionally, the destruction of these records would likewise violate the clear instructions given by the California Attorney General. On January 3, 2019, the California Attorney General issued instructions to "All California Law Enforcement Agencies" to preserve such records:

In order to ensure compliance with California law, the California Attorney General's Office is instructing you to preserve all records that may be subject to disclosure beginning January 1, 2019, pursuant to recent amendments to Penal Code Section 832.7 as a result of Senate Bill 1421

You should preserve all applicable files currently stored in paper files either onsite or in a remote location. You should also preserve any and all electronically stored information, including databases, electronic data files, hard drives, on- and offline storage drives, backups, logs, archives, personal computers and portable devices, and other removable and non-removable media, and electronic mail and attachments to electronic mail, pertaining to both records and preservation of records, including but not limited to electronic mail regarding potential destruction of covered information.

Information Bulletin No. 2019-DLE-01, California Department of Justice, Jan. 3, 2019 *available at <https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/2019-dle-01-preserve-recs.pdf>*. This guidance applies with equal force to the additional records that have been made public under S.B. 16.

Finally, this Resolution is contrary to public policy and flies in the face of public demands for increased transparency and accountability on the part of cities and police departments, in response to all-too frequent, tragic incidents of police violence. The City should be troubled by Inglewood PD's request to destroy several years of records pertaining to officer-involved shootings, particularly in light of the California Legislature's recent enactment of S.B. 16. Moreover, we note that the timing of this Resolution is highly suspect: the City is preparing

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to destroy records relating to the most serious uses of force and other police misconduct, just before a change in state law, S.B. 16, goes into effect mandating disclosure of those records.⁵ This is not the first time the City has acted in this fashion: in 2018, just days before S.B. 1421 was set to go into effect, City of Inglewood Mayor James Butts endorsed the destruction of serious use of force, sexual assault, and dishonesty records— records that would soon become public under S.B. 1421. Despite Mayor Butts' explanation at the time—that the City was required to destroy documents at the end of the mandatory retention period set forth by state law—the City was under no such obligation then, and it is not under any such obligation now.⁶ To the contrary, the City seems intent on evading S.B. 16, which is set to go into effect on January 1, 2022 and provides for, among other things, a mandatory retention period of 15 years for records relating to instances of sustained misconduct.

In light of the foregoing, the City Attorney must exercise his authority to instruct Inglewood PD to cease any destruction of records potentially relevant to ACLU's, or any other outstanding, CPRA requests and immediately direct Inglewood PD to produce the records responsive to ACLU's long-standing request. We hope that we can informally resolve this matter without the need for the Court's intervention, but are fully prepared to defend ACLU's rights under the CPRA immediately by seeking a temporary restraining order to enjoin Inglewood PD from destroying the potentially relevant records and filing an enforcement action under the CPRA to obtain the requested records. Again, we will await confirmation by the City Attorney's office by 1:00 p.m. on December 17, 2021, that the City will not destroy the relevant records.

We await your prompt response and attention to this matter.

Regards,



Jacob S. Kreilkamp

⁵ S.B. 16, which goes into effect on January 1, 2022, expands the record retention periods for certain agency records and provides that records shall not be destroyed while a CPRA request for that record is pending; this Resolution is diametrically opposed to this law.

⁶ See, e.g., Howard Blume, "Inglewood mayor defends destruction of police records as routine; activists continue to voice concerns," LA TIMES, (December 23, 2018, 6:30 PM), <https://www.latimes.com/local/lanow/la-me-ln-inglewood-protest-20181223-story.html>.

EXHIBIT A



AMERICAN CIVIL LIBERTIES UNION
Southern California

January 1, 2019

Inglewood Police Department
City Clerk
1 Manchester Boulevard
Inglewood, CA 90301

Fax:

Via Fax and U.S. Mail

RE: Request for Public Records Regarding Any Incident Involving a Sustained Finding of Sexual Assault

To Whom It May Concern:

I write to respectfully request records related to the investigation and discipline of peace officers employed by the Inglewood Police Department (the "Department") under the California Public Records Act, Gov't Code §§ 6250 et seq., California Penal Code §§832.7-832.8, and Art. I, § 3(b) of the California Constitution, as set forth below.

Last fall, the California legislature passed, and Governor Brown enacted, SB 1421 (Skinner), which amends California Penal Code section 832.7 to provide the public a right of access to records related to investigations into investigations and discipline of peace officers for shootings and serious uses of force, as well as sustained findings of dishonesty related to the investigation, reporting, and prosecution of a crime or police misconduct. We now respectfully request the records newly available under SB 1421. We make this request as the American Civil Liberties Union of Southern California, as requestor, on behalf of a wide array of civil rights, government transparency, and criminal defense groups, including Youth Justice Coalition, Justice Teams Network, Anti Police-Terror Project, California Faculty Association, PolicyLink, STOP Coalition, California Public Defender Association, and National Association of Criminal Defense Lawyers.

We have coordinated this request, and will share all records obtained, with this group of organizations, and further commit to making those records available to the public by posting on the Internet and other means, to help facilitate access to the records you produce.

I. Requests for Records

We understand that this change in the law may result in a significant number of responsive documents, and that you may have received a number of requests for similar documents from

EXECUTIVE DIRECTOR Hector O. Villagra

PRESIDENT Connie Tcheng **VICE PRESIDENT** David Cruz **SECRETARY** T.J. Hill **CFO** Michelle White
AFFIRMATIVE ACTION OFFICER Isabelle Gunning **NATIONAL BOARD REPRESENTATIVE** Sharon Kyle

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2019 FEB 12 PM 12:14

other requestors. We have endeavored to tailor our request to a limited selection of the most important documents and most relevant timeframe for incidents.

As set forth below, for purposes Requests 1 through 7, we do not seek all records relating to the underlying incident, but only a limited set of “Decisional Documents” relating to the administrative investigation of the incident. For purposes of these requests, “Decisional Documents” means all documents³¹⁵ reflecting or setting forth:

- The Department’s decision, prior to any administrative appeal, that an officer’s conduct did (or did not) violate the law or agency policy, and any reasons for that decision;
- The final investigative report (prior to any administrative appeal) of the Department, or any division of the Department, or any document setting out factual findings of, or recommended factual findings for, the person or body charged with deciding whether the officer’s conduct was within policy and/or warranted discipline or other corrective action;
- The punishment imposed or corrective action taken as the result of an administrative investigation, including letters of intent to impose discipline or other documents reflecting discipline imposed, changes in rank or assignment, training required, or changes to or examinations of Department policy, training or practice;
- A decision on appeal from the Department’s factual finding, or the discipline or corrective action imposed, including review by a superior or arbitration, including any statement of reasoning by an appeal body and any revised discipline or corrective action imposed, or any documents reflecting modifications of discipline due to the *Skelly* or grievance process,
- Any agreement to resolve an administrative investigation, including any agreement (or lack of agreement) as to the facts of what happened in the incident, or discipline or corrective action to be imposed;
- The final investigative report, factual findings, legal conclusions, or recommendations on discipline, policy, procedures or training, by the district attorney, independent civilian oversight body, or outside law enforcement agency brought on to conduct an investigation into an incident;
- The final imposition of discipline or implementation of corrective action.

For purposes of this request, records include, but are not limited to all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer’s action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action

³¹⁵ The term “records” as used in this request is defined as “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.” Cal. Govt. Code § 6252, subsection (e). “Writing” is defined as “any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.” Cal. Govt. Code § 6252 (g).

to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action. Cal. Penal Code §832.7(b)(2).

For purposes of these requests, “Decisional Documents” does not include underlying evidence, expert reports, witness statements, audio or video, unless incorporated by or included in the documents described above.

We also recognize that at some departments, older records may be stored in different recordkeeping systems that may require more time and effort to retrieve. If this is the case with your agency, we are happy to discuss particular obstacles or concerns and a process for retrieving records as efficiently as possible.

Records Request No. 1: All DECISIONAL DOCUMENTS related to the administrative investigation of any use of force by a peace officer employed by the Department³¹⁶ that resulted in death, from January 1, 1999 to the present. *See* Penal Code § 832.7(b)(1)(A)(ii).

Records Request No. 2: All DECISIONAL DOCUMENTS relating to any incident in which a peace officer employed by the Department was found to have committed an act of dishonesty directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence, at any time from Jan. 1, 1999, to the present. *See* Penal Code § 832.7(b)(1)(C). Such incidents may also include receipt or solicitation of bribes, loans, favors, or gifts in relation to an investigation; misappropriation of property in an investigation, obstructing an investigation, or influencing a witness.

Records Request No. 3: For any officer about whom a sustained finding of dishonesty is disclosed in response to Records Request No. 2, above, all DECISIONAL DOCUMENTS relating to any sustained finding of dishonesty relating to the reporting, investigation, or prosecution of a crime or misconduct by another peace officer, regardless of date.

Records Request No. 4: All DECISIONAL DOCUMENTS related to any administrative investigation into the discharge of a firearm at a person by a peace officer employed by the Department, which did not result in death, from January 1, 2014 to the present. *See* Penal Code § 832.7(b)(1)(A)(i).

³¹⁶ A peace officer is “employed by the Department” for purposes of these requests if that officer has been employed by the Department at any time. The modifying phrase “employed by the Department” does *not* limit the requests only to officers currently employed by the Department, nor does it exclude documents within the position of the Department that concern the incidents that occurred while the peace officer was employed by another agency.

Records Request No. 5: All DECISIONAL DOCUMENTS related to any administrative investigation into a use of force by a peace officer employed by the Department against a person that resulted great bodily injury, from January 1, 2009 to the present. *See* Penal Code § 832.7(b)(1)(A)(ii).

Records Request No. 6: For any officer who used force resulting in death at any time since January 1, 1999, all DECISIONAL DOCUMENTS related to any administrative investigation into the discharge of a firearm at a person by that officer that did not result in death, or a use of force by that officer against a person that resulted great bodily injury but not death, regardless of date.

Records Request No. 7: All DECISIONAL DOCUMENTS relating to any incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer employed by the Department engaged in sexual assault involving a member of the public, from January 1, 2009 to the present. *See* Penal Code § 832.7(b)(1)(B). For purposes of this request, “sexual assault” refers to the commission or attempted initiation of a sexual act with a member of the public by means of force, threat coercion, extortion, offer of leniency or other official favor, or under the color of authority, including unwanted or gratuitous sexual contact such as touching or groping. *See id.* § 832.7(b)(1)(B)(ii).

Records Request No. 8: For any officer about whom a sustained finding of sexual assault is disclosed in response to Records Request No. 7, above, all DECISIONAL DOCUMENTS relating to any sustained finding of sexual assault, regardless of date.

II. Request for Preservation, or in the Alternative, Request for Documents

While we have asked for a limited selection of documents that are newly available pursuant to S.B. 1421, review of those documents will very likely reveal some incidents in which requestors or other members of the public would like additional detail, such as records of investigation, audio, video, expert reports and other documents excluded from the present request. We therefore request that you provide assurances that you will preserve all such documents, at least for a reasonable time after complying with the present set of document requests, to allow targeted requests for additional information on specific cases.

III. Prioritization of Requests

We understand that this change in the law may result in a significant number of responsive documents, and that you may have received a number of requests for similar documents from other requestors. To help make sure your response serves the public interest in disclosure of these important records as efficiently as possible, we ask that you prioritize in the following order:

First, please prioritize requests from other requestors who are family members of those killed by police seeking information on how their loved ones died. We recognize that the change in

law in many instances may allow these family members access to this information for the first time, and for the first time provide answers about their losses, and urge you prioritize these disclosures.

Second, for our requests, prioritize in the order of requests, 1 through 8.

Third, if for any reason some categories of documents responsive to a request are more readily disclosable and others more difficult — for example, if older records are in archival storage or stored in a different and harder-to-use system, or documents responsive to one request are not as easily categorized for disclosure and would require more time-intensive searching than another — please contact us to discuss the obstacles to prompt disclosure so that we can work out a timeline, process, or refined selection criteria for documents that are more difficult to find or produce.

Please respond to this request in ten days, either by providing the requested information or providing a written response setting forth the specific legal authority on which you rely in failing to disclose each requested record, or by specifying a date in the near future to respond to the request. See Cal. Gov't Code § 6255. Pursuant to section 6253, please disclose all reasonably segregable non-exempt information from any portions of records you claim are exempt from disclosure.

If any records requested above are available in electronic format, please provide them in an electronic format, as provided in Govt. Code § 6253.9. To assist with the prompt release of responsive material, we ask that you make records available to us as you locate them, rather than waiting until all responsive records have been collected and copied.

If you would like to discuss these requests, please feel free to call Hermelinda Calderon or Casey Kasher at (213) 977-5265. Otherwise, please send any correspondence or documents in electronic format via email to prarequest@aclusocal.org, or correspondence or documents on CD-ROM or USB drive to:

SB 1421 Records
ATTN: Casey Kasher
ACLU of Southern California
1313 W. 8th Street
Los Angeles, CA 90017

Because this request is made on behalf of a number of nonprofit public interest organizations, with the intent to make this material easily accessible to the public as promptly as possible, we request that you waive any fees. *North Cty. Parents Ass'n v. Dep't of Ed.*, 23 Cal. App. 4th 144, 148 (1994); Cal. Gov. Code §6253(e). However, should you be unable to do so, ACLU SoCal will reimburse your agency for the “direct costs” of copying these records plus postage. If you anticipate these costs to exceed \$50.00, please notify us prior to making the copies.

Thank you in advance for providing the records we have requested. Please do not hesitate to contact us with any questions regarding this letter.

Best,

A handwritten signature in black ink, appearing to read "Peter Bibring". The signature is written in a cursive, slightly slanted style.

Peter Bibring
Director of Police Practices
ACLU of Southern California

EXHIBIT B

January 7, 2019

City Clerk
Inglewood Police Department
1 Manchester Boulevard
Inglewood, CA 90301
Email: yhorton@cityofinglewood.org

Via U.S. Mail and EMAIL

RE: Request for Public Records Regarding the February 21, 2016 Murder of Kisha Michael

To Whom It May Concern:

I request the release of records under the California Public Records Act, Gov't Code §§ 6250 *et seq.*, California Penal Code §§832.7-832.8, and Art. I, § 3(b) of the California Constitution. I seek copies of all records¹ in your office's possession, regardless of who created them. Please provide all records from the date of the above-mentioned incident until the date that this request was received.

I seek a copy of all records relating to the report, investigation, findings and administrative discipline related to the February 21, 2016 murder of Kisha Michael. Records include all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Please respond to this request in ten days, either by providing the requested information or providing a written response setting forth the specific legal authority on which you rely in failing to disclose each requested record, or by specifying a date in the near future to respond to the request. See Cal. Gov't Code § 6255. Pursuant to section 6253, please disclose all reasonably segregable non-exempt information from any portions of records you claim are exempt from disclosure.

¹ The term "records" as used in this request is defined as "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." Cal. Govt. Code § 6252, subsection (e). "Writing" is defined as "any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored." Cal. Govt. Code § 6252 (g).

If any records requested above are available in electronic format, please provide them in an electronic format, as provided in Govt. Code § 6253.9. To assist with the prompt release of responsive material, we ask that you make records available to us as you locate them, rather than waiting until all responsive records have been collected and copied.

Please send any documents in electronic format to cdmartinlaw@gmail.com. Otherwise, please mail your response to:

Black Lives Matter, C/O Chris Martin
838 E. 6th Street
Los Angeles, CA 90021

Because I am the twin sister of Kisha Michael and it would be financially burdensome for myself to pay the fees, I request that you waive any fees. *North Cty. Parents Ass'n v. Dep't of Ed.*, 23 Cal. App. 4th 144, 148 (1994); Cal. Gov. Code §6253(e). However, should you be unable to do so, I will reimburse your agency for the "direct costs" of copying these records plus postage. If you anticipate these costs to exceed \$25, please notify me prior to making the copies.

Thank you in advance for providing the records we have requested. Please do not hesitate to contact me with any questions regarding this letter.

Sincerely,

Trisha Shanklin

EXHIBIT C

From: Scott Collins <scollins@cityofinglewood.org>
To: prarequest <prarequest@aclusocal.org>
Date: Thu, 30 Jan 2020 02:29:11 +0000
Subject: **RE: ACLU Public Records Act Request follow-up**

Dear Casey,

I apologize that you have not received a response to your follow-up communication. With that said, we are hoping to have the information that has been requested within the next 2-4 weeks. We appreciate your patience and please contact me in 2 weeks if we have not provided the information. Thanks.

Lieutenant Scott T. Collins
Adjutant, Office of the Chief of Police
Inglewood Police Department
310-412-8842

From: prarequest [mailto:prarequest@aclusocal.org]
Sent: Wednesday, January 29, 2020 12:33 PM
To: Scott Collins <scollins@cityofinglewood.org>
Cc: prarequest <prarequest@aclusocal.org>
Subject: FW: ACLU Public Records Act Request follow-up

Hello,

I don't believe I've received any response to this follow-up communication regarding the PRA request submitted to Inglewood Police Department over one year ago. Please advise.

-Casey

Casey Kasher (she/her/hers)
Senior Paralegal
ACLU of Southern California
1313 West 8th Street
Los Angeles, CA 90017
213.977.5265

From: Casey Kasher <CKasher@aclusocal.org>
Sent: Friday, September 13, 2019 12:54 PM
To: scollins@cityofinglewood.org
Cc: prarequest <prarequest@aclusocal.org>
Subject: ACLU Public Records Act Request follow-up

Please see attached follow-up regarding the ACLU of California's Public Records Act Request for records relating to police use of force investigations, sustained findings of police dishonesty and sexual assault.

Best,
Casey

Casey Kasher, Paralegal (she/her/hers)
ACLU of Southern California
1313 West 8th Street
Los Angeles, CA 90017
213.977.9500 x265

From: prarequest <prarequest@aclusocal.org>
To: "scollins@cityofinglewood.org" <scollins@cityofinglewood.org>
Cc: prarequest <prarequest@aclusocal.org>
Date: Wed, 29 Jan 2020 12:32:46 -0800
Subject: **FW: ACLU Public Records Act Request follow-up**
Attachments: [NoName.eml](#); [PRA Follow-up \(Inglewood PD\) 09.13.2019.pdf](#)

Hello,

I don't believe I've received any response to this follow-up communication regarding the PRA request submitted to Inglewood Police Department over one year ago. Please advise.

-Casey

—
Casey Kasher (she/her/hers)
Senior Paralegal
ACLU of Southern California
1313 West 8th Street
Los Angeles, CA 90017
213.977.5265

From: Casey Kasher <CKasher@aclusocal.org>
Sent: Friday, September 13, 2019 12:54 PM
To: scollins@cityofinglewood.org
Cc: prarequest <prarequest@aclusocal.org>
Subject: ACLU Public Records Act Request follow-up

Please see attached follow-up regarding the ACLU of California's Public Records Act Request for records relating to police use of force investigations, sustained findings of police dishonesty and sexual assault.

Best,
Casey

—
Casey Kasher, Paralegal (she/her/hers)
ACLU of Southern California
1313 West 8th Street
Los Angeles, CA 90017
213.977.9500 x265

[NoName.eml](#)

[PRA Follow-up \(Inglewood PD\) 09.13.2019.pdf](#)

From: Scott Collins <scollins@cityofinglewood.org>
To: "prarequest@aclusocal.org" <prarequest@aclusocal.org>
Date: Tue, 5 Mar 2019 21:01:44 +0000
Subject: **re: Public record request Peter Bibring-American Civil Liberties Union**
Attachments: [ATT00001.htm](#); [ATT00002.htm](#); [image002.jpg](#); [Peter Bibring-American Civil Liberties Union.pdf](#)

Dear Sirs,

I have received your request which was forwarded to me in an email from our City Attorney's Office on, Friday, February 15, 2019. Please understand that we are in the process of reviewing our files in order to try to fulfill this request and we will need time to complete this task. We appreciate your patience.

Respectfully,

Lieutenant Scott T. Collins
Adjutant, Office of the Chief of Police
Inglewood Police Department
310-412-8842

From: Derald Brenneman
Sent: Friday, February 15, 2019 1:02 PM
To: Scott Collins
Subject: FW: Public record request Peter Bibring-American Civil Liberties Union

Do you have this one? It is dated January but was just stamped received by the City Clerk.

From: Ken Campos <kcampos@cityofinglewood.org>
Sent: Tuesday, February 12, 2019 12:38 PM
To: Derald Brenneman <dbrenneman@cityofinglewood.org>
Cc: Jeffery A. Lewis <jalewis@cityofinglewood.org>
Subject: Fwd: Public record request Peter Bibring-American Civil Liberties Union

Derald could you please assist. Thanks. Ken

Sent from my iPhone

Begin forwarded message:

From: Jacquelyn Gordon <jgordon@cityofinglewood.org>
Date: February 12, 2019 at 12:24:58 PM PST
To: Tracy Claverie <tclaverie@cityofinglewood.org>
Cc: Ken Campos <kcampos@cityofinglewood.org>
Subject: Public record request Peter Bibring-American Civil Liberties Union

Hello Tracey,

I have attached a Public record request from a Peter Bibring. The attached document includes eight requests for various Police records.

Best regards,

Jacquelyn Gordon

Staff Assistant City of Inglewood
City Clerk's Office

One Manchester Boulevard, 1st Floor, Inglewood, CA 90301

Phone 310 412.8809 Fax 310 412.5533

www.Cityofinglewood.org

[ATT00001.htm](#)

[ATT00002.htm](#)



[image002.jpg](#)

[Peter Bibring-American Civil Liberties Union.pdf](#)



September 13, 2019

Lieutenant Scott T. Collins
Adjutant, Office of the Chief of Police
Inglewood Police Department
scollins@cityofinglewood.org

Via Email

RE: Request for Public Records on Police Use of Force Investigations, Sustained Findings of Police Dishonesty and Sexual Assault

To Whom It May Concern:

Thank you for your letter dated March 5, 2019 which indicated that your agency was reviewing our request under the California Public Records Act (“CPRA”) for records relating to police use of force investigations, sustained findings of police dishonesty and sexual assault. Although six months elapsed since your email, we have not yet received any disclosures or subsequent communications from your office.

As you know, an agency has 10 days to respond to a CPRA request by “promptly notif[ing] the person making the request of the determination [of whether it has disclosable public records] and the reasons therefor . . . [and] shall state the estimated date and time when the records will be made available.” Gov. Code Sec. 6253(c). This response period can be extended up to 14 days under “unusual circumstances,” as proscribed by statute. More than 60 days have elapsed since we initially submitted our request, and Inglewood Police Department has far exceeded the statutory period in which it is obligated to provide the documents or a date when they will be produced.

Please respond within seven (7) days of your receipt of this letter to inform us whether your agency has disclosable records in response to our request and provide an anticipated timeline for making those records available.

If you have documents responsive to our request but have determined they are exempt from disclosure, you must notify us of the reasons for your determination that documents are exempt Government Code 6253(c). Under the CPRA, you must disclose any public record unless a specific statutory exemption applies. *See, e.g., ACLU of Northern Cal.*, 202 Cal.App. 4th 55, 66 (2011) (internal citations omitted) (“[a]ll public records are subject to disclosure unless the Public Records Act expressly provides otherwise.”); *Marylander v. Super. Court*, 81 Cal.App. 4th 1119, 1125 (2000) (“unless exempted, all public records may be examined by any member of the public”). The enactment of Senate Bill 1421 (2018) and the consequent amendments to Penal Code Sec. 832.7 displaced all exemptions under the CPRA or any other provision of law and limited any possible bases for withholding to those specified in Penal Code Sec. 832.7(b)(7). *See* Penal Code Sec. 832.7(b)(1) (“Notwithstanding subdivision (a), subdivision (f) of Section 6254 of the Government Code, *or any other law*, the following peace officer or custodial officer

personnel records and records maintained by any state or local agency ***shall not be confidential and shall be made available for public inspection*** pursuant to the California Public Records Act” (emphasis added)).

Thank you for your attention to this request. Please do not hesitate to contact us with any questions regarding this letter at prarequest@aclusocal.org.

Best,

A handwritten signature in blue ink that reads "Casey Kasher".

Casey Kasher
ACLU of Southern California

EXHIBIT H

From: Sean Garcia-Leys <sean.garcialeys@gmail.com>
Sent: Monday, December 20, 2021 4:55 PM
To: kcampos@cityofinglewood.org
Cc: Moyce, Natalie; XT Bailey, Tiffany; Lopez, Laura; Kreilkamp, Jacob
Subject: Meet and Confer
Attachments: 2021-12-16 Letter City of Inglewood_SB 1421 Records Destruction_Exhibits A-C.pdf

Hello Mr. Campos,

I just left a voicemail for you at 310-412-5372. I'm following up with an email because I am hoping to hear from you in the next 24 hours.

I am representing the ACLU who have a pending CPRA request for records from the Inglewood Police Department. We are concerned that the resolution passed by the Inglewood City Council last week regarding document retention will result in the destruction of documents relevant to the ACLU's records request. Please see the attached letter.

We are preparing to file for a temporary restraining order to prevent the destruction of documents but are hopeful that we can avoid that with a phone conversation. We will wait until 4:00 pm tomorrow to hear from you before filing with the court.

You may call me on my cell phone at (323) 490-2412.

Sincerely,
Sean Garcia-Leys

Sean Garcia-Leys, Esq.
sean.garcialeys@gmail.com
1012 W. Beverly Blvd., # 864
Montebello, CA 90640
(323) 490-2412

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BRADLEY S. PHILLIPS
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JOHN W. SPIEGEL
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STEVEN M. FERRY
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JOSEPH D. LEE
MICHAEL R. DOYEN
MICHAEL E. SOLOFF
GLENN D. POMERANTZ
THOMAS B. WALPER
HENRY WEISSMANN
KEVIN S. ALLRED
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JUDITH T. KITANO
JEROME C. ROTH
GARTH T. VINCENT
TED DANE
STUART N. SENATOR
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KELLY M. KLAUS
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DAVID H. FRY
LISA J. DEMSKY
MALCOLM A. HEINICKE
JAMES C. RITTEN
RICHARD ST. JOHN
ROHIT K. SINGLA
LUIS LI
CAROLYN HOECKER LUEDTKE
C. DAVID LEE
BRETT J. RODDA*
FRED A. ROWLEY, JR.
KATHERINE M. FORSTER
BLANCA FROMM YOUNG
SETH GOLDMAN
GRANT A. DAVIS-DENNY
JONATHAN H. BLAVIN
DANIEL B. LEVIN
MIRIAM KIM
MISTY M. SANFORD

HAILYN J. CHEN
BETHANY W. KRISTOVICH
JACOB S. KREILKAMP
JEFFREY Y. WU
LAURA D. SMOLOWE
ANJAN CHOUDHURY
KYLE W. MACH
HEATHER E. TAKAHASHI
JOHN E. COO
BENJAMIN J. HORWICH
E. MARTIN ESTRADA
MATTHEW A. MACDONALD
BRYAN H. HECKENLIVELY
ELAINE J. GOLDENBERG*
MARK R. YOHALEM
SINDER D. ANDERS*
MARGARET G. MARASCHINO
JOHN M. GILDERSLEEVE
ADAM B. WEISS
GEORGE CLAYTON FATHEREE, III
KELLY L. C. KRIEBS
JEREMY A. LAWRENCE
LAURA K. LIN
ACHYUT J. PHADKE
ZACHARY M. BRIERS
JENNIFER M. BRODER
KURUVILLA J. OLASA
JUSTIN P. RAPHAEL
ROSE LEDA EHLE
ERIC P. TUTTLE
JOHN W. BERRY
ROBYN K. BACON
JORDAN D. SEGALL
DAVID S. HONG
JONATHAN KRAVIS*
KAREN A. LORANG
JOHN L. SCHWAB
EMILY C. CURRAN-HUBERTY
MATTHEW S. SCHONHOLZ
AIMEE M. CONTRERAS-CAMUA
L. ASHLEY AULL
WESLEY T. L. BJURRELL
CRAIG JENNINGS LAVOIE
JENNIFER L. BRYANT
NICHOLAS D. FRAM
JESSICA REICH BARIL
JULIANA M. YEE
JEREMY K. BEECHER
MATTHEW K. DONOHUE

350 SOUTH GRAND AVENUE
FIFTIETH FLOOR
LOS ANGELES, CALIFORNIA 90071-3426
TELEPHONE (213) 683-9100
FACSIMILE (213) 687-3702

560 MISSION STREET
TWENTY-SEVENTH FLOOR
SAN FRANCISCO, CALIFORNIA 94105-3089
TELEPHONE (415) 512-4000
FACSIMILE (415) 512-4077

601 MASSACHUSETTS AVENUE NW
SUITE 500E
WASHINGTON, D.C. 20001-5369
TELEPHONE (202) 220-1100
FACSIMILE (202) 220-2300

December 16, 2021

JOHN B. MAJOR
LAUREN C. BARNETT
NICK R. SIDNEY
C. HUNTER HAYES
TREVOR N. TEMPLETON
SKYLAR B. GROVE
SARAH S. LEE
LAURA M. LOPEZ
MICHAEL C. BAKER
COLIN A. DEVINE
DANE P. SHIKMAN
LEXI PEACOCK
MAGGIE THOMPSON
SAMUEL H. ALLEN
ALLISON M. DAY
JONATHAN S. MELTZER*
STEPHANIE G. HERRERA
TERESA REED DIPPO
DANIEL BENYAMIN
SARA A. MCDERMOTT
J. MAX ROSEN
RACHEL G. MILLER-ZIEGLER*
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ARIEL TESHUVA
SHANNON GALVIN AMINIRAD
LLOYD MARSHALL
XIAONAN APRIL HU*
NATALIE KARL

BRANDON MARTINEZ
ERINMA E. KALU
ANDREW LEWIS
CARRIE C. LITTE
RUBY J. GARRETT
BEAU C. TREMITIERE
JAMES R. SALZMANN
ELIZABETH DOUGLAS
SAMIR HALAWI
ROBIN S. GRAY
MICA L. MOORE
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MICHAEL I. SELVIN
ALICE X. WANG
HUNTER V. ARMOUR
NATHANIEL F. SUSSMAN
PAUL E. MARTIN
REBECCA L. SCIARRINO
CORY M. BATZA
JESSE R. BOESSENECKER
AN REJWAN SYED
DERRICK E. BOWEN
RICHARD T. JOHNSON
GRACE DAVIS FISHER
CALEB W. PEPPER
ANDRES CANTERO, JR.
JAMIE B. JAGER
WILLIAM M. ORR

OF COUNSEL
ROBERT K. JOHNSTRI
PATRICK CAFFERTY, JR.
PETER A. DETRE
BRAD SCHNEIDER
PETER E. GRITZINGER
JENNY H. HONG
KIMBERLY A. CH
ADAM R. LAWTON
MICHAEL E. SKEANE
SARAH J. COLE

E. LEROY TOLLES
(1922-2008)

*ADMITTED IN DC.
ALL OTHERS ADMITTED IN CA

Writer's Direct Contact
(213) 683-9260
(213) 593-2960 FAX
jacob.kreilkamp@mto.com

VIA ELECTRONIC MAIL AND COURIER

Kenneth R. Campos, City Attorney
Mark Fronterotta, Chief of Police
Aisha Thompson, City Clerk
Artie Fields, City Manager
City of Inglewood
One Manchester Boulevard
Inglewood, CA 90301

Via email to kcampos@cityofinglewood.org; mfronterotta@cityofinglewood.org;
athompson@cityofinglewood.org; afields@cityofinglewood.org

Re: December 14, 2021 "Resolution Authorizing the Destruction of Specific Internal Affairs Records" of the Inglewood Police Department

Mr. Campos, Chief Fronterotta, Ms. Thompson, and Mr. Fields:

On January 1, 2019, the California affiliates of the American Civil Liberties Union ("ACLU") filed a request under the California Public Records Act ("CPRA") seeking publicly-available records of serious uses of force and police misconduct committed by Inglewood Police Department ("Inglewood PD") officers. Nearly two years later, and despite repeated follow-up from ACLU, the Inglewood PD has still failed to produce *any* records responsive to this

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request—an egregious violation of its statutory duties under the CPRA.¹ On December 14, 2021, ACLU learned that, despite this pending request, the Inglewood City Council passed a resolution² granting Inglewood PD’s request to **destroy** records relating to internal investigations and use of force incidents. The records Inglewood PD seeks to destroy are plainly relevant to ACLU’s requests, as well as the still-pending requests by others, including the request by Trisha Shanklin filed on January 7, 2019 seeking the complete records relating to Inglewood PD’s killing of her sister, Kisha Michael.³ If the City moves forward with the destruction of these records, it will be in violation of its statutory obligations under the CPRA, California Constitution, California common law, Penal Code § 135, and the express guidance provided by the California Attorney General regarding retention of newly-available records of police misconduct and serious uses of force.

With this letter, we are putting the City and Inglewood PD on notice of their obligation to retain all records that may be responsive to these requests. **Please confirm, no later than 1:00 p.m., December 17, 2021, that the City will retain these records and that the City Attorney will exercise his authority, including the authority expressly granted under the Resolution, to direct Inglewood PD to retain any records that are potentially responsive to any outstanding PRA request, including, but not limited to, the requests filed by ACLU and Ms. Shanklin, and records relating to additional categories of documents that have been made public through the passage of Senate Bill 16 (Skinner).** See Resolution at ¶ 3 (“[T]he Chief of Police is hereby authorized to retain files outside of their retention period if necessary for pending legal and/or administrative action or as directed by the City Attorney’s Office.”). If the City fails to confirm that it will retain these records, ACLU will be forced to defend its rights under the CPRA immediately, including by seeking a temporary restraining order to enjoin Inglewood PD from destroying the potentially relevant records.

The recently-passed Resolution allows Inglewood PD to destroy the following broad set of potentially relevant documents, including records that are: (1) dated through December 31, 2016, pertaining to Administrative Investigations and any associated case files, and (2) dated through December 31, 2019 and pertaining to Use of Force Reports, Traffic Collision Reviews, Foot Pursuit Reviews, and Vehicle Pursuit Reviews.

The destruction of records responsive to these outstanding requests violates the CPRA, Gov’t Code § 6250, *et seq.* as amended by Senate Bill 1421 (Skinner). Adopted by the California Legislature in 2018, S.B. 1421 requires disclosure of records related to police uses of

¹ A copy of ACLU’s request is attached to this letter as Exhibit A.

² “Resolution Authorizing the Destruction of Specific Internal Affairs Records” (the “Resolution”) adopted by the Inglewood City Council on December 14, 2021.

³ A copy of Trisha Shanklin’s request is appended to this letter as Exhibit B.

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force and misconduct. Specifically, it makes disclosable peace officer records relating to (1) use of force resulting in death or great bodily injury; (2) discharge of a firearm; (3) a sustained finding of sexual assault by a peace officer; and (4) a sustained finding of dishonesty tied to police officers' unique powers in investigating and prosecuting crimes, such as perjury or the fabrication of evidence, or police misconduct. *See* Penal Code §§ 832.7(b)(1)(A)–(C). The law went into effect January 1, 2019 and applies to all records in an agency's possession at the time that it has an active CPRA request.

Pursuant to these newly-enacted CPRA provisions, on January 1, 2019, ACLU filed its requests seeking certain documents, including, but not limited to, documents relating to:

- Any use of force resulting in death from January 1, 1999 to the present
- Any use of force resulting in great bodily injury from January 1, 2009 to the present
- Any sustained act of dishonesty relating to the reporting, investigation or prosecution of a crime from January 1, 1999 to the present
- Any sustained act of sexual assault involving a member of the public from January 1, 2009 to the present

In response, Inglewood PD asked for several extensions of their deadline to comply with ACLU's requests.⁴ But to date, ACLU has not received a response; this despite the law requiring that any responsive records be made "promptly available." Gov't Code § 6253(b). Now, in lieu of complying with these longstanding requests as promised, Inglewood PD seeks the City's permission to destroy them through this Resolution.

Such an act would directly violate the CPRA's requirement that, in response to a request for public records, Inglewood PD produce all "disclosable public records in the possession of the agency." Gov't Code § 6253(c); *see also* Penal Code § 832.7(b)(1) (requiring that the specified records "maintained by any state or local agency . . . shall be made available . . . pursuant to the [CPRA]"). The CPRA further prohibits agencies from taking action to "delay or obstruct the inspection or copying of public records," Gov't Code § 6253(d), and destruction of records in an agency's possession that are responsive to a CPRA request undeniably violates the CPRA. *See, e.g., Comty. Youth Athletic Ctr. v. Nat'l City*, 220 Cal.App.4th 1385 (2003). Inglewood PD is therefore required to turn over documents responsive to ACLU's requests; it cannot, instead, ignore such requests and proceed to destroy responsive documents. Indeed, willful destruction of evidence following a records request is punishable by law and subject to sanctions. *See* Cal. Penal Code § 135; *see also Forbes v. County of San Bernardino*, 101 Cal.App.4th 48, 56 (2002)

⁴ Inglewood PD's initial response, received March 5, 2019, is appended as Exhibit C. On September 13, 2019 and January 29, 2020, ACLU followed up on its requests to no avail; the correspondence is also attached here as Exhibit C.

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("[A]ny person willfully destroying evidence would incur criminal liability."); *Cedar-Sinai Med. Ctr. v. Superior Court*, 18 Cal. 4th 1, 12-13 (1998) (willful destruction of evidence is subject to monetary sanctions and attorney discipline, including suspension and disbarment).

Furthermore, the destruction of records responsive to outstanding requests runs contrary to the Resolution itself. As previously noted, the Resolution provides "[t]hat the Chief of Police is hereby authorized to retain files outside of their retention period if necessary for pending legal and/or administrative action, or as directed by the City Attorney's office." See Resolution at ¶ 3. ACLU's requests, along with other unanswered requests for peace officer records, are pending matters: records responsive to such pending requests are clearly exempted from destruction under the express language of the Resolution.

Additionally, the destruction of these records would likewise violate the clear instructions given by the California Attorney General. On January 3, 2019, the California Attorney General issued instructions to "All California Law Enforcement Agencies" to preserve such records:

In order to ensure compliance with California law, the California Attorney General's Office is instructing you to preserve all records that may be subject to disclosure beginning January 1, 2019, pursuant to recent amendments to Penal Code Section 832.7 as a result of Senate Bill 1421

You should preserve all applicable files currently stored in paper files either onsite or in a remote location. You should also preserve any and all electronically stored information, including databases, electronic data files, hard drives, on- and offline storage drives, backups, logs, archives, personal computers and portable devices, and other removable and non-removable media, and electronic mail and attachments to electronic mail, pertaining to both records and preservation of records, including but not limited to electronic mail regarding potential destruction of covered information.

Information Bulletin No. 2019-DLE-01, California Department of Justice, Jan. 3, 2019 *available at <https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/2019-dle-01-preserve-recs.pdf>*. This guidance applies with equal force to the additional records that have been made public under S.B. 16.

Finally, this Resolution is contrary to public policy and flies in the face of public demands for increased transparency and accountability on the part of cities and police departments, in response to all-too frequent, tragic incidents of police violence. The City should be troubled by Inglewood PD's request to destroy several years of records pertaining to officer-involved shootings, particularly in light of the California Legislature's recent enactment of S.B. 16. Moreover, we note that the timing of this Resolution is highly suspect: the City is preparing

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December 16, 2021
Page 5

to destroy records relating to the most serious uses of force and other police misconduct, just before a change in state law, S.B. 16, goes into effect mandating disclosure of those records.⁵ This is not the first time the City has acted in this fashion: in 2018, just days before S.B. 1421 was set to go into effect, City of Inglewood Mayor James Butts endorsed the destruction of serious use of force, sexual assault, and dishonesty records— records that would soon become public under S.B. 1421. Despite Mayor Butts' explanation at the time—that the City was required to destroy documents at the end of the mandatory retention period set forth by state law—the City was under no such obligation then, and it is not under any such obligation now.⁶ To the contrary, the City seems intent on evading S.B. 16, which is set to go into effect on January 1, 2022 and provides for, among other things, a mandatory retention period of 15 years for records relating to instances of sustained misconduct.

In light of the foregoing, the City Attorney must exercise his authority to instruct Inglewood PD to cease any destruction of records potentially relevant to ACLU's, or any other outstanding, CPRA requests and immediately direct Inglewood PD to produce the records responsive to ACLU's long-standing request. We hope that we can informally resolve this matter without the need for the Court's intervention, but are fully prepared to defend ACLU's rights under the CPRA immediately by seeking a temporary restraining order to enjoin Inglewood PD from destroying the potentially relevant records and filing an enforcement action under the CPRA to obtain the requested records. Again, we will await confirmation by the City Attorney's office by 1:00 p.m. on December 17, 2021, that the City will not destroy the relevant records.

We await your prompt response and attention to this matter.

Regards,



Jacob S. Kreilkamp

⁵ S.B. 16, which goes into effect on January 1, 2022, expands the record retention periods for certain agency records and provides that records shall not be destroyed while a CPRA request for that record is pending; this Resolution is diametrically opposed to this law.

⁶ See, e.g., Howard Blume, "Inglewood mayor defends destruction of police records as routine; activists continue to voice concerns," LA TIMES, (December 23, 2018, 6:30 PM), <https://www.latimes.com/local/lanow/la-me-ln-inglewood-protest-20181223-story.html>.

EXHIBIT A



AMERICAN CIVIL LIBERTIES UNION
Southern California

January 1, 2019

Inglewood Police Department
City Clerk
1 Manchester Boulevard
Inglewood, CA 90301

Fax:

Via Fax and U.S. Mail

RE: Request for Public Records Regarding Any Incident Involving a Sustained Finding of Sexual Assault

To Whom It May Concern:

I write to respectfully request records related to the investigation and discipline of peace officers employed by the Inglewood Police Department (the "Department") under the California Public Records Act, Gov't Code §§ 6250 et seq., California Penal Code §§832.7-832.8, and Art. I, § 3(b) of the California Constitution, as set forth below.

Last fall, the California legislature passed, and Governor Brown enacted, SB 1421 (Skinner), which amends California Penal Code section 832.7 to provide the public a right of access to records related to investigations into investigations and discipline of peace officers for shootings and serious uses of force, as well as sustained findings of dishonesty related to the investigation, reporting, and prosecution of a crime or police misconduct. We now respectfully request the records newly available under SB 1421. We make this request as the American Civil Liberties Union of Southern California, as requestor, on behalf of a wide array of civil rights, government transparency, and criminal defense groups, including Youth Justice Coalition, Justice Teams Network, Anti Police-Terror Project, California Faculty Association, PolicyLink, STOP Coalition, California Public Defender Association, and National Association of Criminal Defense Lawyers.

We have coordinated this request, and will share all records obtained, with this group of organizations, and further commit to making those records available to the public by posting on the Internet and other means, to help facilitate access to the records you produce.

I. Requests for Records

We understand that this change in the law may result in a significant number of responsive documents, and that you may have received a number of requests for similar documents from

EXECUTIVE DIRECTOR Hector O. Villagra

PRESIDENT Connie Tcheng VICE PRESIDENT David Cruz SECRETARY T.J. Hill CFO Michelle White
AFFIRMATIVE ACTION OFFICER Isabelle Gunning NATIONAL BOARD REPRESENTATIVE Sharon Kyle

RECEIVED
CITY CLERK
CITY OF INGLEWOOD
2019 FEB 12 PM 12:14

other requestors. We have endeavored to tailor our request to a limited selection of the most important documents and most relevant timeframe for incidents.

As set forth below, for purposes Requests 1 through 7, we do not seek all records relating to the underlying incident, but only a limited set of “Decisional Documents” relating to the administrative investigation of the incident. For purposes of these requests, “Decisional Documents” means all documents³¹⁵ reflecting or setting forth:

- The Department’s decision, prior to any administrative appeal, that an officer’s conduct did (or did not) violate the law or agency policy, and any reasons for that decision;
- The final investigative report (prior to any administrative appeal) of the Department, or any division of the Department, or any document setting out factual findings of, or recommended factual findings for, the person or body charged with deciding whether the officer’s conduct was within policy and/or warranted discipline or other corrective action;
- The punishment imposed or corrective action taken as the result of an administrative investigation, including letters of intent to impose discipline or other documents reflecting discipline imposed, changes in rank or assignment, training required, or changes to or examinations of Department policy, training or practice;
- A decision on appeal from the Department’s factual finding, or the discipline or corrective action imposed, including review by a superior or arbitration, including any statement of reasoning by an appeal body and any revised discipline or corrective action imposed, or any documents reflecting modifications of discipline due to the *Skelly* or grievance process,
- Any agreement to resolve an administrative investigation, including any agreement (or lack of agreement) as to the facts of what happened in the incident, or discipline or corrective action to be imposed;
- The final investigative report, factual findings, legal conclusions, or recommendations on discipline, policy, procedures or training, by the district attorney, independent civilian oversight body, or outside law enforcement agency brought on to conduct an investigation into an incident;
- The final imposition of discipline or implementation of corrective action.

For purposes of this request, records include, but are not limited to all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer’s action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action

³¹⁵ The term “records” as used in this request is defined as “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.” Cal. Govt. Code § 6252, subsection (e). “Writing” is defined as “any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.” Cal. Govt. Code § 6252 (g).

to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action. Cal. Penal Code §832.7(b)(2).

For purposes of these requests, “Decisional Documents” does not include underlying evidence, expert reports, witness statements, audio or video, unless incorporated by or included in the documents described above.

We also recognize that at some departments, older records may be stored in different recordkeeping systems that may require more time an effort to retrieve. If this is the case with your agency, we are happy to discuss particular obstacles or concerns and a process for retrieving records as efficiently as possible.

Records Request No. 1: All DECISIONAL DOCUMENTS related to the administrative investigation of any use of force by a peace officer employed by the Department³¹⁶ that resulted in death, from January 1, 1999 to the present. *See* Penal Code § 832.7(b)(1)(A)(ii).

Records Request No. 2: All DECISIONAL DOCUMENTS relating to any incident in which a peace officer employed by the Department was found to have committed an act of dishonesty directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence, at any time from Jan. 1, 1999, to the present. *See* Penal Code § 832.7(b)(1)(C). Such incidents may also include receipt or solicitation of bribes, loans, favors, or gifts in relation to an investigation; misappropriation of property in an investigation, obstructing an investigation, or influencing a witness.

Records Request No. 3: For any officer about whom a sustained finding of dishonesty is disclosed in response to Records Request No. 2, above, all DECISIONAL DOCUMENTS relating to any sustained finding of dishonesty relating to the reporting, investigation, or prosecution of a crime or misconduct by another peace officer, regardless of date.

Records Request No. 4: All DECISIONAL DOCUMENTS related to any administrative investigation into the discharge of a firearm at a person by a peace officer employed by the Department, which did not result in death, from January 1, 2014 to the present. *See* Penal Code § 832.7(b)(1)(A)(i).

³¹⁶ A peace officer is “employed by the Department” for purposes of these requests if that officer has been employed by the Department at any time. The modifying phrase “employed by the Department” does *not* limit the requests only to officers currently employed by the Department, nor does it exclude documents within the position of the Department that concern the incidents that occurred while the peace officer was employed by another agency.

Records Request No. 5: All DECISIONAL DOCUMENTS related to any administrative investigation into a use of force by a peace officer employed by the Department against a person that resulted great bodily injury, from January 1, 2009 to the present. *See* Penal Code § 832.7(b)(1)(A)(ii).

Records Request No. 6: For any officer who used force resulting in death at any time since January 1, 1999, all DECISIONAL DOCUMENTS related to any administrative investigation into the discharge of a firearm at a person by that officer that did not result in death, or a use of force by that officer against a person that resulted great bodily injury but not death, regardless of date.

Records Request No. 7: All DECISIONAL DOCUMENTS relating to any incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer employed by the Department engaged in sexual assault involving a member of the public, from January 1, 2009 to the present. *See* Penal Code § 832.7(b)(1)(B). For purposes of this request, “sexual assault” refers to the commission or attempted initiation of a sexual act with a member of the public by means of force, threat coercion, extortion, offer of leniency or other official favor, or under the color of authority, including unwanted or gratuitous sexual contact such as touching or groping. *See id.* § 832.7(b)(1)(B)(ii).

Records Request No. 8: For any officer about whom a sustained finding of sexual assault is disclosed in response to Records Request No. 7, above, all DECISIONAL DOCUMENTS relating to any sustained finding of sexual assault, regardless of date.

II. Request for Preservation, or in the Alternative, Request for Documents

While we have asked for a limited selection of documents that are newly available pursuant to S.B. 1421, review of those documents will very likely reveal some incidents in which requestors or other members of the public would like additional detail, such as records of investigation, audio, video, expert reports and other documents excluded from the present request. We therefore request that you provide assurances that you will preserve all such documents, at least for a reasonable time after complying with the present set of document requests, to allow targeted requests for additional information on specific cases.

III. Prioritization of Requests

We understand that this change in the law may result in a significant number of responsive documents, and that you may have received a number of requests for similar documents from other requestors. To help make sure your response serves the public interest in disclosure of these important records as efficiently as possible, we ask that you prioritize in the following order:

First, please prioritize requests from other requestors who are family members of those killed by police seeking information on how their loved ones died. We recognize that the change in

law in many instances may allow these family members access to this information for the first time, and for the first time provide answers about their losses, and urge you prioritize these disclosures.

Second, for our requests, prioritize in the order of requests, 1 through 8.

Third, if for any reason some categories of documents responsive to a request are more readily disclosable and others more difficult — for example, if older records are in archival storage or stored in a different and harder-to-use system, or documents responsive to one request are not as easily categorized for disclosure and would require more time-intensive searching than another — please contact us to discuss the obstacles to prompt disclosure so that we can work out a timeline, process, or refined selection criteria for documents that are more difficult to find or produce.

Please respond to this request in ten days, either by providing the requested information or providing a written response setting forth the specific legal authority on which you rely in failing to disclose each requested record, or by specifying a date in the near future to respond to the request. See Cal. Gov't Code § 6255. Pursuant to section 6253, please disclose all reasonably segregable non-exempt information from any portions of records you claim are exempt from disclosure.

If any records requested above are available in electronic format, please provide them in an electronic format, as provided in Govt. Code § 6253.9. To assist with the prompt release of responsive material, we ask that you make records available to us as you locate them, rather than waiting until all responsive records have been collected and copied.

If you would like to discuss these requests, please feel free to call Hermelinda Calderon or Casey Kasher at (213) 977-5265. Otherwise, please send any correspondence or documents in electronic format via email to prarequest@aclusocal.org, or correspondence or documents on CD-ROM or USB drive to:

SB 1421 Records
ATTN: Casey Kasher
ACLU of Southern California
1313 W. 8th Street
Los Angeles, CA 90017

Because this request is made on behalf of a number of nonprofit public interest organizations, with the intent to make this material easily accessible to the public as promptly as possible, we request that you waive any fees. *North Cty. Parents Ass'n v. Dep't of Ed.*, 23 Cal. App. 4th 144, 148 (1994); Cal. Gov. Code §6253(e). However, should you be unable to do so, ACLU SoCal will reimburse your agency for the “direct costs” of copying these records plus postage. If you anticipate these costs to exceed \$50.00, please notify us prior to making the copies.

Thank you in advance for providing the records we have requested. Please do not hesitate to contact us with any questions regarding this letter.

Best,

A handwritten signature in black ink, appearing to read "Peter Bibring". The signature is fluid and cursive, with a prominent initial "P" and a long, sweeping underline.

Peter Bibring
Director of Police Practices
ACLU of Southern California

EXHIBIT B

January 7, 2019

City Clerk
Inglewood Police Department
1 Manchester Boulevard
Inglewood, CA 90301
Email: yhorton@cityofinglewood.org

Via U.S. Mail and EMAIL

RE: Request for Public Records Regarding the February 21, 2016 Murder of Kisha Michael

To Whom It May Concern:

I request the release of records under the California Public Records Act, Gov't Code §§ 6250 *et seq.*, California Penal Code §§832.7-832.8, and Art. I, § 3(b) of the California Constitution. I seek copies of all records¹ in your office's possession, regardless of who created them. Please provide all records from the date of the above-mentioned incident until the date that this request was received.

I seek a copy of all records relating to the report, investigation, findings and administrative discipline related to the February 21, 2016 murder of Kisha Michael. Records include all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Please respond to this request in ten days, either by providing the requested information or providing a written response setting forth the specific legal authority on which you rely in failing to disclose each requested record, or by specifying a date in the near future to respond to the request. See Cal. Gov't Code § 6255. Pursuant to section 6253, please disclose all reasonably segregable non-exempt information from any portions of records you claim are exempt from disclosure.

¹ The term "records" as used in this request is defined as "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." Cal. Govt. Code § 6252, subsection (e). "Writing" is defined as "any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored." Cal. Govt. Code § 6252 (g).

If any records requested above are available in electronic format, please provide them in an electronic format, as provided in Govt. Code § 6253.9. To assist with the prompt release of responsive material, we ask that you make records available to us as you locate them, rather than waiting until all responsive records have been collected and copied.

Please send any documents in electronic format to cdmartinlaw@gmail.com. Otherwise, please mail your response to:

Black Lives Matter, C/O Chris Martin
838 E. 6th Street
Los Angeles, CA 90021

Because I am the twin sister of Kisha Michael and it would be financially burdensome for myself to pay the fees, I request that you waive any fees. *North Cty. Parents Ass'n v. Dep't of Ed.*, 23 Cal. App. 4th 144, 148 (1994); Cal. Gov. Code §6253(e). However, should you be unable to do so, I will reimburse your agency for the "direct costs" of copying these records plus postage. If you anticipate these costs to exceed \$25, please notify me prior to making the copies.

Thank you in advance for providing the records we have requested. Please do not hesitate to contact me with any questions regarding this letter.

Sincerely,

Trisha Shanklin

EXHIBIT C

From: Scott Collins <scollins@cityofinglewood.org>
To: prarequest <prarequest@aclusocal.org>
Date: Thu, 30 Jan 2020 02:29:11 +0000
Subject: **RE: ACLU Public Records Act Request follow-up**

Dear Casey,

I apologize that you have not received a response to your follow-up communication. With that said, we are hoping to have the information that has been requested within the next 2-4 weeks. We appreciate your patience and please contact me in 2 weeks if we have not provided the information. Thanks.

Lieutenant Scott T. Collins
Adjutant, Office of the Chief of Police
Inglewood Police Department
310-412-8842

From: prarequest [mailto:prarequest@aclusocal.org]
Sent: Wednesday, January 29, 2020 12:33 PM
To: Scott Collins <scollins@cityofinglewood.org>
Cc: prarequest <prarequest@aclusocal.org>
Subject: FW: ACLU Public Records Act Request follow-up

Hello,

I don't believe I've received any response to this follow-up communication regarding the PRA request submitted to Inglewood Police Department over one year ago. Please advise.

-Casey

Casey Kasher (she/her/hers)
Senior Paralegal
ACLU of Southern California
1313 West 8th Street
Los Angeles, CA 90017
213.977.5265

From: Casey Kasher <CKasher@aclusocal.org>
Sent: Friday, September 13, 2019 12:54 PM
To: scollins@cityofinglewood.org
Cc: prarequest <prarequest@aclusocal.org>
Subject: ACLU Public Records Act Request follow-up

Please see attached follow-up regarding the ACLU of California's Public Records Act Request for records relating to police use of force investigations, sustained findings of police dishonesty and sexual assault.

Best,
Casey

Casey Kasher, Paralegal (she/her/hers)
ACLU of Southern California
1313 West 8th Street
Los Angeles, CA 90017
213.977.9500 x265

From: prarequest <prarequest@aclusocal.org>
To: "scollins@cityofinglewood.org" <scollins@cityofinglewood.org>
Cc: prarequest <prarequest@aclusocal.org>
Date: Wed, 29 Jan 2020 12:32:46 -0800
Subject: **FW: ACLU Public Records Act Request follow-up**
Attachments: [NoName.eml](#); [PRA Follow-up \(Inglewood PD\) 09.13.2019.pdf](#)

Hello,

I don't believe I've received any response to this follow-up communication regarding the PRA request submitted to Inglewood Police Department over one year ago. Please advise.

-Casey

—
Casey Kasher (she/her/hers)
Senior Paralegal
ACLU of Southern California
1313 West 8th Street
Los Angeles, CA 90017
213.977.5265

From: Casey Kasher <CKasher@aclusocal.org>
Sent: Friday, September 13, 2019 12:54 PM
To: scollins@cityofinglewood.org
Cc: prarequest <prarequest@aclusocal.org>
Subject: ACLU Public Records Act Request follow-up

Please see attached follow-up regarding the ACLU of California's Public Records Act Request for records relating to police use of force investigations, sustained findings of police dishonesty and sexual assault.

Best,
Casey

—
Casey Kasher, Paralegal (she/her/hers)
ACLU of Southern California
1313 West 8th Street
Los Angeles, CA 90017
213.977.9500 x265

[NoName.eml](#)

[PRA Follow-up \(Inglewood PD\) 09.13.2019.pdf](#)

From: Scott Collins <scollins@cityofinglewood.org>
To: "prarequest@aclusocal.org" <prarequest@aclusocal.org>
Date: Tue, 5 Mar 2019 21:01:44 +0000
Subject: **re: Public record request Peter Bibring-American Civil Liberties Union**
Attachments: [ATT00001.htm](#); [ATT00002.htm](#); [image002.jpg](#); [Peter Bibring-American Civil Liberties Union.pdf](#)

Dear Sirs,

I have received your request which was forwarded to me in an email from our City Attorney's Office on, Friday, February 15, 2019. Please understand that we are in the process of reviewing our files in order to try to fulfill this request and we will need time to complete this task. We appreciate your patience.

Respectfully,

Lieutenant Scott T. Collins
Adjutant, Office of the Chief of Police
Inglewood Police Department
310-412-8842

From: Derald Brenneman
Sent: Friday, February 15, 2019 1:02 PM
To: Scott Collins
Subject: FW: Public record request Peter Bibring-American Civil Liberties Union

Do you have this one? It is dated January but was just stamped received by the City Clerk.

From: Ken Campos <kcamos@cityofinglewood.org>
Sent: Tuesday, February 12, 2019 12:38 PM
To: Derald Brenneman <dbrenneman@cityofinglewood.org>
Cc: Jeffery A. Lewis <jalewis@cityofinglewood.org>
Subject: Fwd: Public record request Peter Bibring-American Civil Liberties Union

Derald could you please assist. Thanks. Ken

Sent from my iPhone

Begin forwarded message:

From: Jacquelyn Gordon <jjgordon@cityofinglewood.org>
Date: February 12, 2019 at 12:24:58 PM PST
To: Tracy Claverie <tclaverie@cityofinglewood.org>
Cc: Ken Campos <kcamos@cityofinglewood.org>
Subject: Public record request Peter Bibring-American Civil Liberties Union

Hello Tracey,

I have attached a Public record request from a Peter Bibring. The attached document includes eight requests for various Police records.

Best regards,

Jacquelyn Gordon

Staff Assistant City of Inglewood
City Clerk's Office

One Manchester Boulevard, 1st Floor, Inglewood, CA 90301

Phone 310 412.8809 Fax 310 412.5533

www.Cityofinglewood.org

[ATT00001.htm](#)

[ATT00002.htm](#)



[image002.jpg](#)

[Peter Bibring-American Civil Liberties Union.pdf](#)



September 13, 2019

Lieutenant Scott T. Collins
Adjutant, Office of the Chief of Police
Inglewood Police Department
scollins@cityofinglewood.org

Via Email

RE: Request for Public Records on Police Use of Force Investigations, Sustained Findings of Police Dishonesty and Sexual Assault

To Whom It May Concern:

Thank you for your letter dated March 5, 2019 which indicated that your agency was reviewing our request under the California Public Records Act (“CPRA”) for records relating to police use of force investigations, sustained findings of police dishonesty and sexual assault. Although six months elapsed since your email, we have not yet received any disclosures or subsequent communications from your office.

As you know, an agency has 10 days to respond to a CPRA request by “promptly notif[ing] the person making the request of the determination [of whether it has disclosable public records] and the reasons therefor . . . [and] shall state the estimated date and time when the records will be made available.” Gov. Code Sec. 6253(c). This response period can be extended up to 14 days under “unusual circumstances,” as proscribed by statute. More than 60 days have elapsed since we initially submitted our request, and Inglewood Police Department has far exceeded the statutory period in which it is obligated to provide the documents or a date when they will be produced.

Please respond within seven (7) days of your receipt of this letter to inform us whether your agency has disclosable records in response to our request and provide an anticipated timeline for making those records available.

If you have documents responsive to our request but have determined they are exempt from disclosure, you must notify us of the reasons for your determination that documents are exempt Government Code 6253(c). Under the CPRA, you must disclose any public record unless a specific statutory exemption applies. *See, e.g., ACLU of Northern Cal.*, 202 Cal.App. 4th 55, 66 (2011) (internal citations omitted) (“[a]ll public records are subject to disclosure unless the Public Records Act expressly provides otherwise.”); *Marylander v. Super. Court*, 81 Cal.App. 4th 1119, 1125 (2000) (“unless exempted, all public records may be examined by any member of the public”). The enactment of Senate Bill 1421 (2018) and the consequent amendments to Penal Code Sec. 832.7 displaced all exemptions under the CPRA or any other provision of law and limited any possible bases for withholding to those specified in Penal Code Sec. 832.7(b)(7). *See* Penal Code Sec. 832.7(b)(1) (“Notwithstanding subdivision (a), subdivision (f) of Section 6254 of the Government Code, *or any other law*, the following peace officer or custodial officer

personnel records and records maintained by any state or local agency *shall not be confidential and shall be made available for public inspection* pursuant to the California Public Records Act” (emphasis added)).

Thank you for your attention to this request. Please do not hesitate to contact us with any questions regarding this letter at prarequest@aclusocal.org.

Best,

A handwritten signature in blue ink that reads "Casey Kasher".

Casey Kasher
ACLU of Southern California

EXHIBIT I

January 7, 2019

City Clerk
Inglewood Police Department
1 Manchester Boulevard
Inglewood, CA 90301
Email: yhorton@cityofinglewood.org

Via U.S. Mail and EMAIL

RE: Request for Public Records Regarding the February 21, 2016 Murder of Kisha Michael

To Whom It May Concern:

I request the release of records under the California Public Records Act, Gov't Code §§ 6250 *et seq.*, California Penal Code §§832.7-832.8, and Art. I, § 3(b) of the California Constitution. I seek copies of all records¹ in your office's possession, regardless of who created them. Please provide all records from the date of the above-mentioned incident until the date that this request was received.

I seek a copy of all records relating to the report, investigation, findings and administrative discipline related to the February 21, 2016 murder of Kisha Michael. Records include all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Please respond to this request in ten days, either by providing the requested information or providing a written response setting forth the specific legal authority on which you rely in failing to disclose each requested record, or by specifying a date in the near future to respond to the request. See Cal. Gov't Code § 6255. Pursuant to section 6253, please disclose all reasonably segregable non-exempt information from any portions of records you claim are exempt from disclosure.

¹ The term "records" as used in this request is defined as "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." Cal. Govt. Code § 6252, subsection (e). "Writing" is defined as "any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored." Cal. Govt. Code § 6252 (g).

If any records requested above are available in electronic format, please provide them in an electronic format, as provided in Govt. Code § 6253.9. To assist with the prompt release of responsive material, we ask that you make records available to us as you locate them, rather than waiting until all responsive records have been collected and copied.

Please send any documents in electronic format to cdmartinlaw@gmail.com. Otherwise, please mail your response to:

Black Lives Matter, C/O Chris Martin
838 E. 6th Street
Los Angeles, CA 90021

Because I am the twin sister of Kisha Michael and it would be financially burdensome for myself to pay the fees, I request that you waive any fees. *North Cty. Parents Ass'n v. Dep't of Ed.*, 23 Cal. App. 4th 144, 148 (1994); Cal. Gov. Code §6253(e). However, should you be unable to do so, I will reimburse your agency for the "direct costs" of copying these records plus postage. If you anticipate these costs to exceed \$25, please notify me prior to making the copies.

Thank you in advance for providing the records we have requested. Please do not hesitate to contact me with any questions regarding this letter.

Sincerely,

Trisha Shanklin