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16 SUPERIOR COURT OF THE STATE OF CALIFORNIA

17 COUNTY OF LOS ANGELES

18
19 Council on American-Islamic Relations-
California; Vigilant Love Coalition; Asian
20 Americans Advancing Justice-Los Angeles;
and American Civil Liberties Union
21 Foundation of Southern California,

22 Petitioners,

23 vs.

24 Los Angeles Mayor's Office of Public Safety;
Los Angeles Human Relations Commission;
25 and Los Angeles Police Department,

26 Respondents.
27
28

Case No.

**VERIFIED PETITION FOR
ALTERNATIVE WRIT OF MANDATE
AND WRIT OF MANDATE ORDERING
COMPLIANCE WITH THE
CALIFORNIA PUBLIC RECORDS ACT**

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

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26
27
28

TABLE OF CONTENTS

	Page
INTRODUCTION.....	6
JURISDICTION AND VENUE.....	18
THE CALIFORNIA PUBLIC RECORDS ACT	18
FACTS	20
A. The Federal Government’s Approach to CVE and CVE Programming in the City of Los Angeles.....	20
B. Petitioners’ February 2017 Public Records Request to Respondents	29
C. Response by MOPS.....	30
i. Initial Response by MOPS to Petitioners’ February 2017 Request	30
ii. Petitioners’ July 2017 Request and Response by MOPS	30
iii. Petitioners’ September 27, 2017 Deficiency Letter	32
iv. Response by MOPS Since the September 26, 2017 Deficiency Letter.....	35
D. Response by HRC	37
E. Response by LAPD	38
PRAYER FOR RELIEF.....	43

TABLE OF AUTHORITIES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Page(s)

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(2011) 202 Cal.App.4th 55.....32

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(2017) 2 Cal.5th 608.....32, 41

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(1994) 23 Cal.App.4th 144.....29

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TABLE OF AUTHORITIES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Page(s)

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21
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1 **INTRODUCTION**

2 1. This Petition is brought by civil rights and community organizations pursuant to the
3 California Public Records Act, Gov. Code § 6250, *et seq.* (“PRA”) seeking information from
4 certain Los Angeles government agencies concerning their involvement in the highly controversial
5 federal Countering Violent Extremism (“CVE”) program. The agencies from whom Petitioners
6 seek information are Respondents the Los Angeles Mayor’s Office of Public Safety (“MOPS”),
7 the Los Angeles Police Department (“LAPD”), and the Los Angeles City Human Relations
8 Commission (“HRC”); each Respondent has participated and presently participates in developing
9 local CVE programs in Los Angeles. CVE is a federal counterterrorism program that was
10 formally initiated in 2011 under the Obama administration to combat efforts by “al-Qaida and its
11 affiliates and adherents” from “inciting Americans to support or commit acts of violence” in the
12 U.S.¹ Since its inception, CVE programs have largely focused on rooting out “radicalization”
13 within American Muslims communities, stigmatizing them as inherently suspect. The CVE
14 program has continued under the Trump administration, reportedly with an even greater focus on
15 “Countering *Islamic* Extremism,” resulting in a heightened threat to the civil rights and religious
16 liberties of American Muslims.² CVE also targets other “suspect” communities, including Black
17 Lives Matter and other activists. It is reminiscent of the federal government’s highly criticized
18 COINTELPRO program, which sought to surveil, infiltrate, discredit, and disrupt civil rights,
19 Native American and black nationalist movements, and whose abuses were only properly exposed
20 through public records requests like this one.

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23 ¹ EXEC. OFFICE OF THE PRESIDENT, EMPOWERING LOCAL PARTNERS TO PREVENT VIOLENT
24 EXTREMISM IN THE UNITED STATES 2 (2011), Department of Homeland Security
<https://www.dhs.gov/sites/default/files/publications/empowering_local_partners.pdf> (as of June
25 20, 2018).

26 ² See LA PRA 4680-4701. All references to “LA PRA” refer to documents provided by
27 Respondents in response to Petitioners’ PRA requests and are publicly available at Advancing
28 Justice <<https://www.advancingjustice-la.org/second-cve-pra-request>> (as of June 25, 2018). The
statements in this verified petition describing CVE are based on the documents produced by
Respondents (as well as the other authorities cited herein) and are made on information and belief.

1 2. Despite acknowledging that “[t]he number of individuals [engaged in violent
2 extremism] remains limited,” the CVE program has gone on to allocate tens of millions of tax
3 payer dollars toward developing “community-led” initiatives to help identify individuals who are
4 perceived to be “on the path to radicalization” based on ill-defined “indicators,” despite the fact
5 that there is no empirical evidence such “indicators” can predict who is likely to become
6 radicalized, let alone who will commit acts of ideologically motivated violence.³ Because of their
7 grave concerns with CVE programs, Petitioners here seek to compel Respondents to comply with
8 their obligations under the PRA to disclose information about their involvement in CVE programs,
9 based on two PRA Requests Petitioners served on February 7, 2017 and July 12, 2017.

10 3. CVE programs like the ones developed by MOPS, LAPD, and HRC purport to act
11 as a means of “intervention” to stop individuals perceived to be on the path to “radicalization”
12 from committing acts of ideologically motivated violence. CVE programs purport to do this by
13 directing troubled individuals who demonstrate certain “indicators” of “radicalization” to “public
14 health” resources as a means to “off ramp” them from engaging in potential terrorist activity,⁴
15 without adequate basis for concluding that terrorism is a mental health problem.⁵ Further, despite
16 operating in the “pre-criminal” realm, CVE programs are inherently linked to law enforcement
17 objectives. They task local community-based organizations to funnel individuals toward “public
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19 ³ Id.; see FAIZA PATEL & MEGHAN KOUSHIK, COUNTERING VIOLENT EXTREMISM 2 (2017) Brennan
20 Center for Justice
21 <[https://www.brennancenter.org/sites/default/files/publications/Brennan%20Center%20CVE%20](https://www.brennancenter.org/sites/default/files/publications/Brennan%20Center%20CVE%20Report.pdf)
22 [Report.pdf](https://www.brennancenter.org/sites/default/files/publications/Brennan%20Center%20CVE%20Report.pdf)> (as of June 20, 2018) (“It is unlikely that either new or existing CVE programs will
23 carry tangible security benefits.”) (hereinafter “Brennan Center Report (I)”).

24 ⁴ See generally LA PRA 1-100 (MOPS Grant Applications); LA PRA 3035-36 (Providing
25 Alternatives to Hinder Extremism (“PATHE”) Behavioral Learning Objectives and Assessments).

26 ⁵ See FAIZA PATEL, ANDREW LINDSAY & SOPHIA DENUYL, COUNTERING VIOLENT EXTREMISM
27 PROGRAMS IN THE TRUMP ERA (JUNE 2018) Brennan Center for Justice <
28 <https://www.brennancenter.org/countering-violent-extremism-programs-trump-era>> (as of June
20, 2018) (“Empirical studies have disproven the notion that that terrorism is a mental health
problem, and psychologists have cautioned against mental health professionals’ participation in
CVE. Nevertheless, at least 12 DHS-funded CVE programs focus on facilitating mental health
services for people identified as potential violent extremists.”) (hereinafter, “Brennan Center
Report (II)”).

1 health” resources within the CVE network, including public health agencies that themselves are
2 closely aligned, coordinated and monitored by federal and local law enforcement agencies, like
3 Respondent LAPD, who are in turn tasked with the criminal “interdiction” component of CVE.⁶
4 Furthermore, the Trump administration has tripled the amount of CVE funding awarded to law
5 enforcement agencies.⁷ Indeed, a large number of federal CVE grants have been awarded to local
6 law enforcement agencies to develop their own CVE programs aimed at “interdiction” of
7 suspected “radicals,” like the CVE program developed by the LAPD.⁸ In addition, even for other
8 awardees, close coordination with law enforcement has become a pre-requisite for receipt of CVE
9 funds.⁹ In Los Angeles, the CVE programs developed by MOPS and LAPD both rely on the same
10 Community Based Organizations (“CBOs”) and referral networks, and these programs have
11 explicitly committed to coordinate with one another.¹⁰

12 4. CVE’s undeniable law enforcement underpinnings have a chilling effect on the
13 targeted communities’ exercise of civil rights and liberties. It also has the practical likelihood of
14 both stigmatizing individuals from “suspect communities”—particularly Muslims and other
15 communities of color—and unwittingly placing them into referral networks where they are more
16 likely to be the target of unwarranted law enforcement “interdiction.” Such harms are not just

17 ⁶ See, e.g., LA PRA 24.

18 ⁷ See Brennan Center Report (II) (“The Trump administration has nearly tripled the amount of
19 CVE funding that directly flows to law enforcement agencies (from approximately \$764,000 to
20 \$2,340,000), opening the door to increased intelligence gathering under the guise of community-
based programs.”)

21 ⁸ See LA PRA 3035-39, 3065.

22 ⁹ U.S. DEP’T OF HOMELAND SEC., DHS COUNTERING VIOLENT EXTREMISM GRANTS (2017)
Department of Homeland Security <<https://www.dhs.gov/cvegrants>> (as of April 13, 2018)
23 (“Grantees were selected in part because of their potential to support law enforcement and other
24 frontline defenders”); Bethany Allen-Ebrahimian, *DHS Strips Funding From Group that
Counters Neo-Nazi Violence*, (June 26, 2017) FOREIGN POLICY <
25 [http://foreignpolicy.com/2017/06/26/dhs-strips-funding-from-group-that-counters-neo-nazi-
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<<https://www.cnn.com/2017/07/01/politics/cve-funding-changes/index.html>> (as of June 20,
27 2018).

28 ¹⁰ LA PRA 81-90; 3037.

1 theoretical. There is significant empirical evidence that deputizing lay community members to
2 identify and refer suspected “radicals” to networks linked even tangentially to law enforcement
3 leads to devastating “false positives.” The young Muslim grade-school student in Texas who
4 innocently brought a home-made clock to school, but as a result was wrongly arrested and booked
5 as a suspected terrorist, is just one of the more publicized examples of what could go wrong with
6 CVE programs.¹¹ The Trump administration’s heightened focus on CVE programs targeting
7 schools and students, some as young as five years old, coupled with its use of ill-defined and
8 unsubstantiated indicators of extremism,¹² will only result in more such traumatizing injustices as
9 that faced by the Texas student.

10 5. In addition to the affirmative harms wrought by CVE programs, there are no
11 empirical studies showing that CVE programs are an effective anti-terrorism tool. Research shows
12 that violent threats cannot be predicted by any religious, ideological, ethnic, or racial profiling, and
13 that the only meaningful indicator of future violence is past criminal history.¹³ Thus, even if CVE
14 programs are expanded to target other religious or ideologically motivated groups, such as neo-Nazi
15 or white supremacists, the same concerns would remain, to the extent the programs rely on racial,
16 ethnic, religious, ideology-based, or associational indicators.

17 6. The City of Los Angeles (the “City”) states that it began involvement in CVE in
18 2008, and has since made CVE a high priority issue, dedicating substantial time, resources, and
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22 ¹¹ Ashley Fantz, Steve Almasy and AnneClaire Stapleton, *Muslim Teen Ahmed Mohamed Creates*
23 *Clock, Shows Teachers, Gets Arrested* (September 16, 2015) CABLE NEWS NETWORK <
24 <https://www.cnn.com/2015/09/16/us/texas-student-ahmed-muslim-clock-bomb/index.html>> (as of
June 20, 2018).

25 ¹² Brennan Center Report (II) (“Despite the opposition from teachers, at least 14 out of the 26
26 programs funded by DHS target schools and students, some as young as 5 years old, effectively
27 turning schools into surveillance hubs. Such programs often encourage schools to report broadly
defined or undefined suspicious behavior.”)

28 ¹³ Brennan Center Report (I) at 14.

1 personnel towards developing and implementing CVE programs.¹⁴ However, it has done so
2 without meaningful public oversight, transparency, or community engagement.¹⁵ The harms
3 associated with CVE programs discussed above are squarely at issue here in Los Angeles, yet the
4 City does not appear to have established any concrete mechanisms to protect acknowledged
5 potential threats to civil rights and liberties. What limited information is known about
6 Respondents’ CVE programs—which this PRA Petition seeks to remedy—demonstrates they have
7 the potential to chill First Amendment-protected activities, such as religious worship, political
8 activism, and expression of ideological and political beliefs.¹⁶ For example, one of LAPD’s
9 signature CVE programs, Providing Alternatives to Hinder Extremisms (“PATHE”) poses the
10 following questions to program participants: “Have you traveled recently?” “Do you have a
11 religious community affiliation?” “Do you have a political or other community affiliation?” “Do
12 you have animosity towards any religious, community or political group?”¹⁷ They also pose
13 significant threats to breaches of confidential and sensitive information, particularly because they
14 task community groups that have limited (if any) experience safeguarding such information with
15 collecting, compiling, storing and disseminating it. As another example, the CVE pilot program
16 developed by the Muslim Public Affairs Council (“MPAC”), and approved by MOPS, stated,
17 “MPAC will provide the assigned Project Manager for the [Mayor’s Office] with monthly
18 reporting on demographic data and program reports, including services provided, assessments of
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22 ¹⁴ LA PRA 3482 (Los Angeles Framework for Countering Violent Extremism (May 2015)); 1505,
23 2069-2071, 2010-2107 (MOPS seeking \$250,000 from federal Urban Area Security Initiative
24 (“UASI”) funds to secure additional staff to carry out CVE programs).

25 ¹⁵ LA PRA 601-605 (LA CVE ICG member Haroon Azar (DHS) commenting in a community
26 event critical of CVE as a “one way propaganda event,” and Joumana Silyan-Saba commenting
that it “feeds into the fear narrative” which is “not surprising given that CAIR and Islamic Shura
Council are sponsors.”

27 ¹⁶ LA PRA 982-983; 3037-3046; 3493-3494; 3689-3693.

28 ¹⁷ LA PRA 3037-3044.

1 clients, evaluation outcomes, updates on progress, and any referral made to outside agencies.”¹⁸ It
2 also included a sample “record-keeping form,” to collect data on: (1) Name(s) of Person(s) of
3 Interest, (2) Reported Threat(s)/Concerning Behavior(s), (3) Names(s) of Witnesses and/or
4 Reporting Parties, (4) Warning Signs, (5) Risk Factors, (6) Potential Stabilizing
5 Influences/Protective Factors, (7) Potential Triggering Events.”¹⁹

6 7. On February 7, 2017, Petitioners submitted to each Respondent a request pursuant
7 to the PRA for records relating to CVE programming in the City (the “February 2017 Request”).
8 (Ex. 1. (“February 2017 Request”).) Timely public disclosure of the requested information is
9 required to understand the full scope of the City’s CVE programs, to assess their civil rights and
10 liberties implications, and to disseminate the information to impacted individuals who deserve to
11 know the programs’ full impact before agreeing to participate in them.

12 8. The PRA requires government agencies like Respondents to respond to requests for
13 public records within 10 days and to “make the records promptly available.” (Gov. Code, § 6253.)
14 Here, however, over 16 months have passed since Petitioners first requested this important
15 information—long beyond the period permitted for a public agency to respond under the PRA—
16 and these requests have been met with delays, deficient productions, and outright denials of
17 obligation by the responding government agencies. Petitioners have gone far beyond their duties
18 under the PRA and far beyond the efforts that should be required of members of the public who
19 seek legally required transparency from their government.²⁰ No request under the PRA should go
20 unfulfilled for so long, much less one concerning an issue of such public importance. Enough is
21 enough. Accordingly, pursuant to Code of Civil Procedure section 1085 *et seq.* and Government
22

23 ¹⁸ LA PRA 253-320. Although this program states that it does not collect and share personal
24 identifying information (“PII”) about participants, it appears PII is still collected, leaving grave
concerns about how this confidential information is protected.

25 ¹⁹ *Ibid.*

26 ²⁰ Pursuant to Government Code section 6253.1(a)(3), public agencies have an affirmative
27 obligation to “[p]rovide suggestions for overcoming any practical basis for denying access to the
28 records or information sought.” The onus is *not* on members of the public to continuously cajole
public agencies into complying with the Public Records Act.

1 Code section 6250 *et seq.*, Petitioners Asian Americans Advancing Justice-Los Angeles; the
2 Council on American-Islamic Relations-California, Greater Los Angeles Chapter; the Vigilant
3 Love Coalition; and the American Civil Liberties Union Foundation of Southern California
4 (collectively, “Petitioners”) seek to compel Respondents Los Angeles Mayor’s Office of Public
5 Safety, Los Angeles Human Relations Commission, and Los Angeles Police Department
6 (collectively, “Respondents”) to comply with the California Public Records Act and the California
7 Constitution.

8 9. Each Respondent has engaged in a practice of systematic delay, including by:
9 denying its obligation to conduct a search in the first instance; providing cryptic promises to
10 produce responsive documents; imposing unilateral and unreasonable extensions on deadlines to
11 produce documents well beyond any time permitted by the PRA; making grossly deficient
12 productions demonstrating it conducted an inadequate search and omitted key documents
13 reasonably believed to exist; and falsely claiming it has no further responsive documents. At
14 every step of this protracted and unlawful process, Petitioners have acted in good faith and
15 repeatedly urged Respondents to comply with their obligations under the PRA. Respondents—by
16 their unwillingness to search for and produce documents and by their use of other dilatory
17 tactics—have demonstrated they will do no such thing.

18 10. Respondent HRC disclaims ongoing involvement with the City’s CVE program
19 and, consistent with this position, has not conducted a reasonable search to locate and produce
20 responsive records. Since Petitioners issued the February 2017 Request, HRC has produced just
21 four documents—one of which had been provided *by Petitioners* to demonstrate HRC had
22 responsive documents. HRC was a key player in developing the City’s CVE Framework and, as
23 evidenced by recent email communications, presently collaborates with MOPS’ CVE strategy
24 director who was formerly housed under HRC to perform CVE-related work. Just last year,
25 MOPS proposed creating a CVE Intervention Response Team that would be permanently
26 embedded under HRC.²¹ HRC’s position that it lacks responsive records is simply not credible.

27 _____
28 ²¹ LA PRA 2487.

1 11. Similarly, Respondent LAPD categorically refused to search for responsive
2 documents for at least *nine months*, despite having one of its leaders—Michael Downing—
3 overseeing the City’s CVE efforts and despite the fact that the February 2017 Request specifically
4 requested records about LAPD’s well-documented CVE program Recognizing Extremist Network
5 Early Warnings (“RENEW”), now re-named as Providing Alternatives To Hinder Extremism.²²
6 Only following Petitioners’ repeated communications with the City did LAPD make a small,
7 incomplete production on December 1, 2017. There was no factual or legal basis for LAPD’s
8 initial nine-month delay in producing responsive records. LAPD made a second production on
9 February 2, 2018—two months later—and deemed its production “completed.”

10 12. The LAPD’s limited production confirms not only its continual and active
11 involvement in developing the City’s CVE programs, but also LAPD’s national recognition as
12 “one of the leaders in community policing for countering violent extremism.”²³ Indeed, several
13 documents suggest LAPD has been proactively working with MOPS to develop the CVE program
14 Petitioners referenced in their requests. They also demonstrate LAPD was a key player in
15 beginning the implementation of the RENEW/PATHE programs.²⁴ Yet, LAPD would like us to
16 believe its paltry 11-page production on the RENEW/PATHE programs includes *all* of LAPD’s
17 records referencing or relating to the programs. Simply stated, LAPD’s position defies common
18 sense. Remarkably, in December 2016, the Brennan Center for Justice published 90 pages of
19 LAPD’s CVE training documents and a PowerPoint presentation used by Chief Downing to
20 explain the RENEW program²⁵—all of which were noticeably absent from LAPD’s productions
21 here. Further, public court records from *Muslim Advocates v. City of Los Angeles*, Los Angeles
22 Superior Court, Case No. BS 163755 (Chalfant, J.), demonstrate that LAPD has previously

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24 ²² LA PRA 3035.

25 ²³ LA PRA 3037-3046.

26 ²⁴ LA PRA 3035.

27 ²⁵ Michael Price, *New Counterterrorism Program in Los Angeles: Suspicious Thought Reporting?*
28 (Dec. 1, 2016) Brennan Center for Justice <<https://www.brennancenter.org/blog/new-counterterrorism-program-los-angeles-suspicious-thought-reporting>> (as of June 19,2018).

1 produced at least two PowerPoint Presentations on CVE—documents which would clearly be
2 responsive to Petitioners’ PRA requests.²⁶ Yet again, these slides are noticeably absent from
3 LAPD’s productions here.²⁷ Without the swift intervention of the Court, LAPD will only continue
4 its ongoing practice of skirting its legal obligations under the PRA.

5 13. Respondent MOPS has also engaged in a string of dilatory tactics and, to date, has
6 failed to produce numerous responsive records reasonably believed to exist. MOPS is the primary
7 local agency spearheading the City’s extensive CVE operations. Despite its obvious possession of
8 responsive records, MOPS delayed in producing documents for nearly half a year, including
9 through repeated, unilaterally imposed “extensions,” often without explanation; indeed, Petitioners
10 were forced to make a second request for additional records on July 12, 2017 as a result of this
11 delay. (Ex. 2.) After months of delay, MOPS made a production that it has now *conceded* was
12 grossly deficient.

13 14. Namely, MOPS (1) did not produce a substantial number of responsive and non-
14 privileged documents; (2) produced documents that are demonstrably incomplete (*e.g.*, the
15 produced communication discusses an attachment but the production omitted *the attachment*); and
16 (3) did not conduct the reasonable search required by law. In a good-faith attempt to assist MOPS
17 in addressing at least the deficiencies that Petitioners could readily identify based on what had
18 been produced, Petitioners sent MOPS a letter on September 26, 2017 identifying the most
19 obvious categories of deficiencies with illustrative examples of each category. Incredibly, MOPS
20 expressly conceded its production was deficient but refused to detail the documents it was
21 withholding, suggested it would remedy only *some* of the specific illustrative examples that
22 Petitioners identified—not the categories of deficiency—and proposed further delay in making

23 _____
24 ²⁶ (See *Muslim Advocates v. City of Los Angeles* (Super. Ct. Los Angeles County, Mar. 8, 2018,
25 No. BS 163755, at 7-8) [decision after continued hearing on petition for writ of mandate; granted
conditioned on payment of costs].)

26 ²⁷ City’s Supplemental Disclosures 213-236, 251-302. These documents were produced by LAPD
27 in response to a PRA request from Muslim Advocates and are publicly available at Advancing
Justice <<https://www.advancingjustice-la.org/campaign-stop-counteracting-violent-extremism-los-angeles>> (as of June 22, 2018).
28

1 even those partial corrections. MOPS produced some further self-selected documents on
2 December 12, 2017, but even then admitted this sub-set of documents was not complete, and that
3 it planned to produce further documents “in the next two weeks.” But to date, it never produced
4 those additional documents.” It has now been almost nine months since Petitioners sent the
5 deficiency letter, and MOPS has failed to cure the vast majority of deficiencies in its production or
6 to provide a privilege log.

7 15. Respondents have fallen woefully short of fully complying with their obligations
8 under the PRA. Any minimal efforts by Respondents towards compliance were only undertaken
9 as a result of Petitioners’ repeated assertions of their rights and painstaking efforts to explain to
10 Respondents their legal obligations *over the course of almost one and a half years*. Respondents
11 have demonstrated that they will continue to violate their legal duties for as long as they feel they
12 can, or until they can, through delay, wish Petitioners away. Petitioners therefore ask this Court
13 for (1) an alternative writ of mandate compelling Respondents to adequately search for and
14 produce all requested records that are subject to disclosure immediately and without further delay;
15 (2) an alternative writ of mandate compelling Respondents to provide Petitioners with a list
16 specifically describing any records they are withholding and specifying the exemption(s) that they
17 contend applies to each such record with enough information to allow Petitioners to verify the
18 legitimacy of the withholdings²⁸; and (3) a writ of mandate compelling Respondents to produce all
19 requested records except those records that the Court holds are exempt from disclosure.

20 **PARTIES**

21 16. Petitioner Council on American-Islamic Relations-California, Greater Los Angeles
22 Chapter (“CAIR-LA”) is the Los Angeles chapter of a nonprofit, grassroots civil rights and
23 advocacy organization with an office in the greater Los Angeles area. CAIR-LA is the local
24 chapter of America’s largest Muslim civil liberties organization and seeks to enhance

25 _____
26 ²⁸ In the alternative, the Court should issue an order directing Respondents to show cause why
27 they (1) have not conducted an adequate search and disclosed all requested records, and (2) have
28 not provided a list specifically describing any records they are withholding and the bases for the
withholding.

1 understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims,
2 and build coalitions that promote justice and mutual understanding. Consistent with its mission,
3 CAIR-LA opposes domestic policies that permit racial, ethnic, or religious profiling. On multiple
4 occasions, CAIR-LA has made known its concerns about the negative impact of CVE programs,
5 including the improper characterization of American Muslims as a suspect community and the
6 furtherance of ongoing abusive surveillance and monitoring practices, particularly of mosques and
7 American Muslims in the Los Angeles area. CAIR-LA uses state and federal public records laws
8 to obtain information concerning government activities that may adversely affect the communities
9 that it serves.

10 17. Petitioner Vigilant Love Coalition is a community-based grassroots organization of
11 Muslim Americans, Japanese Americans, and multi-ethnic and inter-spiritual allies who create
12 spaces for connection to actively defend the safety and justice of the communities and individuals
13 affected by Islamophobia in the greater Los Angeles area. Given Vigilant Love’s mission, diverse
14 membership, and efforts, it is particularly concerned with the negative impacts of the involvement
15 of local government officials and agencies in the highly controversial CVE programs that, *inter*
16 *alia*, characterize members of the American Muslim communities as “violent extremists,” which
17 may fuel the very Islamophobia that Vigilant Love works to combat. Considering the history of
18 how Japanese and Japanese Americans were unjustly profiled and incarcerated during World War
19 II, and the relevant context for how profiling surveillance tactics have criminalized Black
20 communities in Los Angeles, Vigilant Love has raised serious concerns with CVE programs that
21 replicate governmental processes that oppress generations of communities of color.

22 18. Petitioner Asian Americans Advancing Justice-Los Angeles (“Advancing Justice –
23 LA”) is a 501(c)(3) nonprofit organization whose mission is to advocate for civil rights, provide
24 legal services and education, and build coalitions to positively influence and impact Asian
25 Americans, Native Hawaiians, and Pacific Islanders and to create a more equitable and
26 harmonious society. In support of its mission, Advancing Justice-LA uses state and federal public
27 records laws to obtain information concerning government activities that may adversely affect the
28 communities that it serves. On multiple occasions, Advancing Justice-LA has publicly raised its

1 concerns about the negative impact of CVE programs on communities in greater Los Angeles and
2 nationally, including their stigmatizing impact on targeted Muslim communities and their potential
3 threat to religious exercise and political expression by tasking community members with
4 monitoring and reporting on supposed “radical” and “suspicious” thought and behavior to law
5 enforcement.

6 19. Petitioner American Civil Liberties Union Foundation of Southern California
7 (“ACLU SoCal”) is a non-profit, nonpartisan organization under the laws of the state of California
8 with over 120,000 members. As an affiliate of the national American Civil Liberties Union,
9 ACLU SoCal is dedicated to the principles of liberty and equality embodied in both the United
10 States and California constitutions and our nation’s civil rights laws. ACLU SoCal is committed
11 to principles of transparency and accountability and uses state and federal public records laws to
12 ensure that the public is informed about the conduct of government officials. ACLU SoCal uses
13 such records to compile information for publication in reports published in hard copy and
14 distributed electronically through its website, in amicus briefs, in legislative and public advocacy
15 efforts, and in litigation. On multiple occasions, ACLU SoCal has publicly raised its concerns
16 about the negative impact of CVE programs on communities in greater Los Angeles and
17 nationally, including their stigmatizing impact on targeted Muslim communities and their potential
18 threat to religious exercise and political expression by tasking community members with
19 monitoring and reporting on supposed “radical” and “suspicious” thought and behavior to law
20 enforcement.

21 20. Petitioners are members of the public under Government Code section 6252(b).
22 Each Petitioner has a beneficial interest in the outcome of these proceedings. Petitioners have
23 clear, present, and substantial rights to the relief sought herein and no plain, speedy, and adequate
24 remedy at law other than that sought herein.

25 21. Respondent Los Angeles Mayor’s Office of Public Safety is a local public agency
26 within the meaning of Government Code section 6252(d). MOPS has spearheaded the City’s
27 engagement with the CVE program, been allocated hundreds of thousands of dollars from federal
28 Urban Area Security Initiative (“UASI”) funds to further CVE programming, received a \$425,000

1 Federal Emergency Management Agency/Department of Homeland Security (“DHS”) grant to
2 create a CVE “intervention” program, and led the effort to coordinate CVE programs and grants
3 between City agencies and outside entities.

4 22. Respondent Los Angeles City Human Relations Commission is a local public
5 agency within the meaning of Government Code section 6252(d). HRC acts as an advisory board
6 for the Los Angeles Housing and Community Investment Department (“HCIDLA”), a local public
7 agency. HRC was a key player in developing the City’s CVE Framework and presently
8 collaborates with MOPS’ CVE strategy director who was formerly housed under HRC to develop
9 and further CVE programs.

10 23. Respondent Los Angeles Police Department is a local public agency within the
11 meaning of Government Code section 6252(d). It has been integral in the development of CVE
12 programs in the City of Los Angeles, including the RENEW/PATHE programs, and has
13 coordinated with MOPS to develop the programs that are the subject of Petitioners’ PRA requests.

14 24. On information and belief, each Respondent is in possession of disclosable records
15 sought by this Petition.

16 **JURISDICTION AND VENUE**

17 25. This Court has jurisdiction under Government Code sections 6258 and 6259, Code
18 of Civil Procedure sections 1060 and 1085, and Article VI, section 10 of the California
19 Constitution.

20 26. Venue is proper in this Court. The records in question, or some portion of them,
21 are situated in the County of Los Angeles and the City of Los Angeles. (See Gov. Code,
22 § 6259(a).) Respondents reside in, and the acts and omissions complained of herein occurred in,
23 Los Angeles County. (See Code Civ. Proc., §§ 393, 394(a).)

24 **THE CALIFORNIA PUBLIC RECORDS ACT**

25 27. Under the PRA, all records that are prepared, owned, used, or retained by any
26 public agency, and that are not subject to the PRA’s statutory exemptions to disclosure, must be
27 made publicly available for inspection and copying upon request. (Gov. Code, § 6253.)

28

1 28. The PRA imposes a ministerial duty on the government to determine whether to
2 disclose records within 10 days of receiving a request, unless “unusual circumstances” justify a
3 14-day extension of that period. (Gov. Code, § 6253(c).) The PRA requires the government, upon
4 a request for a copy of records that reasonably describes an identifiable record or records, to
5 promptly provide a copy of the record(s) to the requesting person. (Id. § 6253(b).) The statute
6 does not allow the government to delay or obstruct the copying of public records. (Id. § 6253(d).)

7 29. Because a requester, having no access to agency files, may be unable to precisely
8 identify the documents sought, the government is required to “[a]ssist the member of the public to
9 identify records and information that are responsive to the request or to the purpose of the
10 request.” (Gov. Code, § 6253.1(a).) An agency that receives a request must also “[p]rovide
11 suggestions for overcoming any practical basis for denying access to the records or information
12 sought.” (Ibid.)

13 30. Whenever it is made to appear by verified petition to the superior court of the
14 county where the records, or some part thereof, are situated that certain public records are being
15 improperly withheld from a member of the public, the court shall order the officer or person
16 charged with withholding the records to disclose the public record or show cause why he or she
17 should not do so. (Gov. Code, § 6259(a).) The court shall decide the case after examining the
18 record *in camera* (if permitted by the Evidence Code), papers filed by the parties, and any oral
19 argument and additional evidence as the court may allow. (Ibid.)

20 31. If the court finds that the failure to disclose is not justified, it shall order the public
21 official to make the record public. (Gov. Code, § 6259(b).)

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

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FACTS

A. The Federal Government’s Approach to CVE and CVE Programming in the City of Los Angeles

33. The federal government has adopted and endorsed CVE programming based on the purported goal of preventing violent extremists and their supporters from inspiring, radicalizing, financing, or recruiting individuals or groups in the United States to commit violent acts. CVE programs call on community groups and members to act as a conduit for law enforcement surveillance of “radical” and “suspicious” thought and behavior within their own communities.

34. In August 2011, the White House made public the National Strategy for Empowering Local Partners to Prevent Violent Extremism in the United States (the “Strategy”). The Strategy identified al-Qa’ida and its supporters as “the preeminent terrorist threat” to the United States. It emphasized that “[p]rotecting American communities from al-Qa’ida’s hateful ideology is not the work of the government alone” and that “[c]ommunities—especially Muslim American communities whose children, families and neighbors are being targeted for recruitment by al-Qa’ida—are often best positioned to take the lead because they know their communities the best.” The Strategy further recognized that Muslim American communities have previously “worked with law enforcement to help prevent terrorist attacks and forged creative programs to protect their sons and daughters from al-Qa’ida’s murderous ideology.”

35. In September 2011, the White House announced a strategic implementation plan detailing how it would put the Strategy into action. The plan described federal support for “empowering local stakeholders to build resilience against violent extremism” and “preventative programming.” The plan further noted that the federal government will “prioritize preventing violent extremism and terrorism that is inspired by al-Qa’ida and its affiliates and adherents.” In 2011, the DHS partnered with the City to establish the first DHS Office for Strategic Engagement to bring subject matter expertise to the region to assist in expanding engagement initiatives.

1 36. Around this same time, DHS deployed regional director Haroon Azar to Los
2 Angeles “full-time to the field dedicated to the CVE mission.”²⁹ Eileen Decker, then Deputy
3 Mayor for Public Safety, supported the City of Los Angeles’ decision to “host” Azar to carry out
4 this mission.³⁰

5 37. As early as March 2014, Azar began to work closely with HRC and specifically
6 with Joumana Silyan-Saba, whom Azar introduced to the Director for Community Partnerships of
7 the White House National Security Council, George Selim, as “one of DHS’s closest partners here
8 in LA on CVE efforts.”³¹

9 38. In April 2014, Azar announced the launch of the LA CVE Interagency
10 Coordination Group (“LA CVE ICG”). The participants in this group include DHS, the Los
11 Angeles Sheriffs’ Department (“LASD”), LAPD, MOPS, the Federal Bureau of Investigation
12 (“FBI”), the United States Attorneys’ Office (“USAO”), HRC, and LA City Community
13 Development.³² The purpose of the LA CVE ICG was to “promote outreach and relationship
14 building with communities to expand knowledge and learning of ideologically motivated threats in
15 communities and offer law enforcement resources to support regional CVE activities.”³³ They
16 planned to have monthly meetings at the “DHS/CVE Resource Center” in Brea, California.
17 Contrary to claims that CVE programs are “community led,” the LA CVE ICG was a top-down,
18 government-led group from its inception.

19 39. The City’s closest community partner on its CVE efforts were certain groups
20 serving Muslim communities, including MPAC.³⁴ Nonetheless, the City was on notice that there
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24 ²⁹ LA PRA 2232.

25 ³⁰ See LA PRA 2232, 2271.

26 ³¹ LA PRA 1226-30.

27 ³² LA PRA 727, 729.

28 ³³ See LA PRA 3702.

³⁴ See, e.g., LA PRA 794-95, 1170, 1172, 1231-32, 2283.

1 was significant community opposition to its CVE efforts, including amongst members of the
2 Muslim community.³⁵

3 40. In September 2014, the Department of Justice (“DOJ”) announced it was
4 responding to “the emergence of groups like [the Islamic State of Iraq and the Levant (“ISIL”)],
5 and the knowledge that some Americans are attempting to travel to countries like Syria and Iraq,”
6 by launching a new CVE pilot program. In addition to the existing work of law enforcement
7 agencies such as the FBI and INTERPOL to identify “foreign fighters in Syria and Iraq” and
8 “American extremists,” the CVE pilot aimed to “bring together community representatives, public
9 safety officials, religious leaders, and United States Attorneys to improve local engagement; to
10 counter violent extremism; and—ultimately—to build a broad network of community partnerships
11 to keep our nation safe.” The program was to be run in partnership with the White House, the
12 DHS, and the National Counterterrorism Center (“NCTC”). The pilot program was initially
13 implemented in Boston, Minneapolis, and Los Angeles.

14 41. Even before the September 2014 announcement that Los Angeles would be a CVE
15 “pilot city” through the auspices of the LA CVE ICG, each of the Respondents—HRC, MOPS and
16 LAPD—collaborated with federal, state, and local agencies to develop a Los Angeles Framework
17 for Countering Violence Extremism (“LA CVE Framework”). The LA CVE Framework built on
18 their prior collaborative CVE efforts in the greater Los Angeles area that began in 2008.

19 42. The LA CVE Framework focused on three areas—prevention, intervention, and
20 interdiction. With respect to the “intervention” component, the framework sought to provide
21 individuals “already deemed to be on a path towards violent extremism” with so-called off-ramps
22 to necessary social, mental health, and other services. According to the LA CVE Framework, the
23 City’s CVE-related network included the Los Angeles County Department of Mental Health and
24 Department of Social Services. Members of the LA CVE ICG presented the LA CVE Framework
25 at a three-day CVE summit convened by the White House in February 2015.³⁶

26 _____
27 ³⁵ LA PRA 601-605, 820-23.

28 ³⁶ LA PRA 3524-3525.

1 43. On information and belief, DHS, DOJ, FBI, and the U.S. Department of State
2 formed official offices for CVE in early 2015.³⁷

3 44. On February 24, 2015, Congress passed the CVE Grants Act, whose purpose was
4 “to authorize the use of Urban Area Security Initiative and State Homeland Security Grant
5 Program funds for countering violent Islamist extremism and to ensure that State and local
6 officials are aware that Federal resources are available for this urgent homeland security priority.”
7 The City took advantage of this law to divert UASI and other federal funds toward CVE
8 programs.³⁸

9 45. Since the White House CVE summit, the City continues to work alongside law
10 enforcement and other groups to discuss and push forward its CVE efforts. The City formed the
11 Multidisciplinary Regional Steering Committee, which is comprised of three sub-committees: (1)
12 the Operational Development Committee, (2) the Community Advisory Committee (“CAC”) (of
13 which HRC is a member), and (3) the ICG. MOPS is a lead member of all three sub-
14 committees.³⁹

15 46. In 2014, the City approved a resolution explaining that LAPD is “at the forefront of
16 the federal government’s community engagement strategy” and that countering violent extremism
17 is a “top priority” for LAPD. The resolution expressed the City’s support for these efforts,
18 including support for increased funding for CVE programming.⁴⁰ The City approved a similar
19 resolution in 2015, again expressing support for LAPD’s adoption and furtherance of the federal
20 government’s CVE programming, which has a “significant focus on cooperation and coordination
21 with local law enforcement and community groups.”⁴¹

22 47. On information and belief, the City’s CVE efforts—consistent with the White
23 House strategy—continue to emphasize the detection of violent extremists within the Muslim

24 ³⁷ See, e.g., H.R. 2899, the Countering Violent Extremism Act of 2015; LA PRA at 1175-1184.

25 ³⁸ LA PRA 1002, 1505-06, 1295-1309, 2069-71.

26 ³⁹ LA PRA 3520.

27 ⁴⁰ LA PRA 4179.

28 ⁴¹ LA PRA 4104.

1 community. In discussions amongst City representatives, MPAC suggested focusing on
2 “partnerships, community-led initiatives and raising awareness to counter ISIS threat on social
3 media,” which MOPS confirmed was “the core of the LA Framework.” As another example,
4 around August 2015, LAPD with the support of MOPS, sought to divert UASI funding from the
5 California Governor’s Office to contract with EdVenture Partners to implement its P2P
6 Challenging Extremism initiative, a program that recruits college students to create a social or
7 digital initiative to help counter violent extremist messaging, with a particular focus on ISIL.⁴²

8 48. In April 2016, MOPS sought to divert \$250,000 from federal UASI funds to
9 support its CVE efforts, including several new staff members and a media campaign.⁴³

10 49. Around June 9, 2016, MOPS sent an “informal procurement” for a funding
11 opportunity titled “Building Healthy Communities” to MPAC. MOPS had previously expressed
12 to David Eisenman from the UCLA School of Public Health and Steve Weine, a DHS contractor,
13 that MPAC and the ILM Foundation could be potential contractors to provide prevention services
14 “with a focus on youth.” The “informal procurement” solicited applications from community-
15 based organizations that are currently “providing youth services aimed at building leadership skills
16 and mitigating youth vulnerabilities” with the goal of curbing ideologically motivated violence.
17 On June 29, 2016, MPAC submitted a proposal based on its “Safe Spaces” program and was
18 ultimately awarded a \$20,000 contract to implement various outreach programs specifically
19 targeting troubled individuals and youth within the American Muslim community.⁴⁴ That
20 program was tasked with using counseling services to gather sensitive information from
21 community members, including about their religious and political beliefs, and sharing it with
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26 ⁴² LA PRA 2343-2449.

27 ⁴³ LA PRA 2101-07.

28 ⁴⁴ LA PRA 253-258, 259-320.

1 MOPS.⁴⁵ On information and belief, MOPS sought to divert UASI funds to finance this
2 program.⁴⁶

3 50. On information and belief, an aspect of the City’s CVE programming is LAPD’s
4 Recognizing Extremist Network Early Warnings program. RENEW is described as “a new
5 approach to identifying early warnings of potential violent behavior.” Under RENEW, LAPD
6 partners with the FBI’s Joint Terrorism Task Forces, the Joint Regional Intelligence Center, and
7 mental health and social services providers to identify potential “subjects” through law
8 enforcement tracking, as well as mental health and wrap around service assessments. On
9 information and belief, LAPD Deputy Chief Downing gave a presentation on RENEW as a new
10 CVE program around September 2016. On information and belief, around 2017, RENEW was
11 rebranded as PATHE: Providing Alternatives To Hinder Extremism. PATHE is “an enhanced
12 methodology to assess, identify, and manage behaviors of individuals encountered by law
13 enforcement or civilians alike—who express an extremist ideology, coupled with a mental illness,
14 from a course or pathway that historically resulted in violence.” On information and belief, LAPD
15 hosted a workshop in 2017 to educate attendees on how to “identify and apply the concepts of an
16 early intervention and diversion program such as PATHE as it applies to the attendees’ local
17 profession, organization, and community.”⁴⁷ Some of the risk factors identified in a PATHE
18 questionnaire include religious affiliations, political and community affiliations, and
19 socioeconomic status.⁴⁸

20 51. In July 2016, DHS announced the Fiscal Year 2016 Countering Violent Extremism
21 Grant Program (“CVE Grant”). The CVE Grant program would provide federal funds to state,
22 local, and tribal partners and community groups to develop and expand efforts at the community
23 level to counter violent extremist recruitment and radicalization. As a condition of funding,
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25 ⁴⁵ Ibid.

26 ⁴⁶ LA PRA 1505-06.

27 ⁴⁷ LA PRA 3035.

28 ⁴⁸ LA PRA 3040-44.

1 programs were to be evaluated using “individual performance measures that will measure [their]
2 success.”⁴⁹

3 52. On information and belief, around the time of the CVE Grant announcement,
4 Respondents began meeting with the CAC to develop the City’s CVE program based on a “public
5 health” approach. The CAC consists of representatives from over a dozen organizations that met
6 routinely to develop the City’s CVE program with the goal of obtaining a CVE Grant. On
7 information and belief, the City also worked closely with DHS contractors, including Steve
8 Weine, University of Illinois at Chicago, David Eisenman, and Ahmed Younis who was formerly
9 with the Department of State.⁵⁰

10 53. MOPS ultimately submitted three CVE Grant applications, one for each of the
11 following areas: Managing Interventions, Training and Engagement, and Developing Resilience.

- 12 a. The Managing Interventions program builds on the LA CVE Framework,
13 focusing on a “holistic approach” to prevention and intervention that
14 “complements other CVE prevention, resilience and mental health services
15 grant applications being considered by DHS for funding in the LA Area.”
16 “Crucial to the coordination efforts ... is the Communetwork web-based
17 platform, a unified information resource that CBOs and individuals may
18 utilize to identify an access government and community partners.” It affirms
19 close collaboration with law enforcement: “The City of LA recognizes that
20 while the systems being proposed enhance the region’s CVE efforts in the
21 social domain, support of interventions in the criminal space for individuals
22 who are already in the process of radicalization is also needed...to that end,
23 the Mayor’s Office fully supports and will continue to partner with [the Los
24 Angeles County Department of Mental Health] on its START program,
25 which combined mental health professionals with law enforcement
26 personnel to address criminal threats. We see both efforts as
27 complementary and necessary in a comprehensive continuum of services
28 from prevention, to intervention, and diversion as envisioned in the LA
CVE Framework.” It also plans to rely on DHS contractor Steven Weine,
“through the DHS-funded Los Angeles research project on the development
of the behavioral assessment tools to support full development and
implementation of [the referral process].” It identified as community based
organizations that would be receiving subgrants, including: “Organizations
funded will include MPAC, ILM Foundation, Not in Our Town, and Tiyya
Foundation among others.”

26 ⁴⁹ See Fact Sheet: Countering Violent Extremism (CVE) Grants (FY 2016) Department of
27 Homeland Security <[https://www.dhs.gov/news/2016/07/06/fy-2016-countering-violent-
28 extremism-cve-grants](https://www.dhs.gov/news/2016/07/06/fy-2016-countering-violent-extremism-cve-grants)> (as of June 22, 2018).

⁵⁰ LA PRA 982-983, 1125, 1127, 3689-3693.

- 1 **b.** The Training and Engagement program focused on “elevat[ing] knowledge
2 and understanding of violent extremism based on the latest
3 multidisciplinary research and consultation with multi-domain CVE
4 professionals and CBOs.” It calls for collaboration with “key stakeholders,”
5 to develop a “comprehensive [CVE] curriculum” and will “consult with the
6 DHS Los Angeles Regional Office for Strategic Engagement to ensure that
7 both the training content and delivery adhere to the standards set by DHS.”
- 8 **c.** The Developing Resilience program focused on bolstering community-led
9 activities and leveraging existing structures and partnerships to build CVE-
10 specific activities and programs. The program planned to sub-grant over
11 half of the grant amount “to community-based organizations (CBOs) for
12 activities related to strengthening social cohesion and pluralism, youth
13 leadership, civic engagement, education, and capacity to build resilience
14 against ideologically-motivated violence.” Sub-grantees would include ILM
15 Foundation, Film to Future, Tiyya and EdVenture.”⁵¹

16 54. On January 13, 2017, just before the end of the Obama administration, DHS
17 announced that it was awarding funding for 31 grant proposals. MOPS received one \$400,000
18 grant for Training and Engagement and one \$425,000 grant for Managing Interventions. Upon
19 receiving the grants, MOPS confirmed with LAPD: “You are a key partner in this and we are
20 certainly looking forward to continued work together.”⁵²

21 55. However, once the Trump administration assumed control of DHS, reports
22 circulated that it was halting the grant program, subject to an internal re-assessment of priorities,
23 including focusing the program exclusively on “Combatting Islamic Extremism.”⁵³

24 56. On June 23, 2017, DHS announced a revised list of grantees. The accompanying
25 statement by the Secretary of Homeland Security explained that “DHS is focused on stepping up
26 efforts to counter terrorist recruitment and radicalization, including through close collaboration
27 with state and local partners” and pledged to “closely monitor these [CVE] efforts.” The number
28 of grant awards dropped from 31 to 26; notably, Life After Hate—an organization focused on
 outreach to former members of the American violent far-right extremist movement—which had
 previously been awarded a grant was now omitted in the revised June list. Meanwhile, several law

26 ⁵¹ LA PRA 35-36.

27 ⁵² LA PRA 1498-99.

28 ⁵³ LA PRA 4680-4701.

1 enforcement agencies either were added as grant recipients or received an increase in the amount
2 of funding.

3 57. The award to MOPS was revised to omit the Training and Engagement grant; only
4 the Managing Interventions grant was awarded. In other words, the federal government only
5 funded the MOPS' CVE program that explicitly involved cooperation with law enforcement
6 agencies.

7 58. Given these developments, and consistent with their concerns described elsewhere
8 in this Petition, Petitioners issued a Freedom of Information Act request to federal government
9 agencies around July 6, 2017. (Ex. 3.)

10 59. Other than as disclosed in response to Petitioners' PRA to date, the City has
11 publicly disclosed very few details about actual or potential CVE programming it plans to
12 implement in Los Angeles, in coordination with DHS. Due to the lack of transparency regarding
13 the City's CVE programs, Petitioners submitted the PRA requests that are at issue in this verified
14 petition. Despite the extensive efforts and resources the City has directed towards developing and
15 implementing CVE programming, Petitioners to date have received a limited amount of
16 information that does not adequately disclose what the City's CVE programming actually entails.
17 Critically, although a key feature of the City's CVE programming is the detection of individuals
18 who are "on a path towards violent extremism," the produced documents do not explain the types
19 of physical, behavioral, or other identifiers on which the City's CVE programming relies in
20 identifying "at-risk" persons, which MOPS' own CVE grant proposal highlights as key to its
21 program.⁵⁴ Respondents' refusal to disclose responsive records in their possession impairs
22 Petitioners' ability to evaluate the potentially harmful impact of the City's CVE program on
23 communities in the greater Los Angeles area. Respondents have thereby obstructed Petitioners'
24 fundamental and necessary "right to access information concerning the conduct of the people's
25 business." (Cal. Const., art. 1, § 3(b)(1).)

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⁵⁴ LA PRA 6.

1 **B. Petitioners' February 2017 Public Records Request to Respondents**

2 60. On or around February 7, 2017, Petitioners issued the February 2017 Request to
3 each Respondent. (See February 2017 Request.) The request sought records related to the federal
4 CVE Grant program, as well as Respondents' respective involvement in CVE-related
5 programming. The request seeks information that can be divided into five main categories:

- 6 a. **All Records related to any potential or actual funding to support any**
7 **CVE-related program**, including records constituting or relating to: grant
8 proposals seeking a CVE Grant; CVE-related programs that have been the
9 subject of any federal funding; communications with federal agents
10 regarding CVE-related funding; and City funds allocated to any CVE-
11 related program. (Id., Requests 1-2, 6, 8.)
- 12 b. **All Records related to the RENEW (now, PATHE) program.** (Id.,
13 Request 3.)
- 14 c. **All Records related to the involvement of community partners and the**
15 **Community Advisory Committee in CVE-relating programs**, including
16 grant proposals, planning documents, emails, meeting agendas, meeting
17 minutes, and contracts with consultants; and CVE-related communications
18 involving CAC members and collaborators. (Id., Requests 4-5, 7.)
- 19 d. **All Records relating to federal guidelines and conditions on CVE-**
20 **related programs**, including federally imposed metrics, conditions,
21 deliverables, requirements, and guidelines on CVE-related funding; and
22 records related to the City's CVE program's qualifications for a CVE Grant.
23 (Id., Requests 9-12.)
- 24 e. **Records responsive to the August 3, 2015 PRA Request.** Several
25 Petitioners issued a request in August 2015 to Respondents but only ever
26 received a few documents. Notably absent were any documents concerning
27 the LA CVE Framework, including records relating to individuals "deemed
28 to be on a path towards violent extremism." (Id., Request 13 & Ex. J.)

1 61. The February 2017 Request sought Records created on or after January 1, 2012 and
2 defined Records to include “any paper or electronic information, reports, evaluations, memoranda,
3 correspondence, letters, emails, charts, graphs, flyers, meeting agendas and minutes, training
4 materials, diagrams, forms, DVDs, tapes, CDs, notes or other similar materials.” (Id. at 8.)

5 62. The February 2017 Request further requested a waiver of any fees applicable to the
6 request. (Id. at 10); (see *N. County Parents Organization v. Dept. of Education* (1994) 23
7 Cal.App.4th 144, 148 [explaining that public agencies are vested with discretion to grant a fee
8 waiver].)

9 **C. Response by MOPS**

10 *i. Initial Response by MOPS to Petitioners’ February 2017 Request*

11 63. On March 3, 2017, MOPS issued a determination letter stating that it had
12 disclosable public records responsive to the February 2017 Request and that a “written response”
13 would be provided by March 24, 2017. (Ex. 4.)

14 64. Between March 24 and July 28, MOPS provided notice that it was “revising the
15 date of production for [Petitioners’] public records request” no fewer than seven times. Each time,
16 either on or after the promised date of production, MOPS unilaterally pushed back the date of
17 production without explanation. Only after Petitioners pressed for an explanation did MOPS
18 provide one; but even then, the reasons for the delay varied from other PRA requests that were
19 occupying its time, to a transition in the office’s staff.

20 *ii. Petitioners’ July 2017 Request and Response by MOPS*

21 65. By June 23, 2017—the date DHS announced the revised list of CVE grantees—the
22 only documents provided by MOPS were its three already-public CVE Grant applications. In light
23 of the DHS announcement and given the extended delays in production by MOPS, Petitioners
24 requested that MOPS include in its forthcoming production further communications between
25 MOPS and the federal government regarding the CVE Grant. MOPS responded that it would only
26 provide records through February 7 (the date the February 2017 Request was submitted) and
27 instructed Petitioners to submit a new request for any records post-dating the February 2017
28 Request. (Ex. 2.)

1 66. On July 12, 2017, Petitioners submitted a second PRA request to MOPS, seeking
2 “all records related to the Mayor’s Countering Violent Extremism grant proposals to the federal
3 government, including but not limited to any communications with the federal government
4 regarding any changes, redeterminations, requirements, restrictions, conditions, metrics,
5 measurements, evaluations, or deliverables associated with the proposals” (the “July 2017
6 Request”). (Ibid.)

7 67. On August 4, MOPS issued a determination letter stating that it had disclosable
8 public records responsive to the July 2017 Request and that a “written response” would be
9 provided by September 8, 2017. (Ex. 5.)

10 68. On August 17, MOPS took the position that, in response to the July 2017 Request,
11 it would produce only records dated through July 12—the date of the request. In response,
12 Petitioners informed MOPS that under the PRA, the date of the public agency’s search controlled
13 the scope of responsive documents, not the date of the PRA request. (Ex. 6.) Despite its initial
14 insistence on using a date-of-request cut-off and refusal to clarify what documents, if any, it was
15 withholding on this basis, MOPS ultimately did produce at least some documents dated through
16 September 2017.

17 69. On September 8, 2017, Petitioners conferred with MOPS. Petitioners pointed out
18 that the production to date consisted almost entirely of incomplete communications from the email
19 account of a single custodian. MOPS confirmed that it had only searched the email account of a
20 single custodian for responsive records. MOPS did not disclose what search terms it used in
21 conducting its search. Petitioners further noted that MOPS had failed to produce any of the
22 attached documents referenced in the email communications. Petitioners also explained that the
23 email communications made use of a “hidden text” function that obscured portions of the email
24 chain. Petitioners requested that MOPS correct these deficiencies in its final production.

25 70. On September 12, 2017, MOPS made what it deemed to be its final production of
26 records responsive to both the February and July 2017 Requests. This final production did not
27 address any of the concerns Petitioners raised on September 8, 2017.

28

1 iii. Petitioners' September 27, 2017 Deficiency Letter

2 71. MOPS' production, which it represented to be "complete," was riddled with
3 obvious gaps and deficiencies and did not come close to providing transparency about the full
4 scope and nature of the City's CVE programming. After conducting a thorough review of these
5 documents, Petitioners voluntarily identified the most obvious deficiencies in the MOPS' search
6 process and production—which omitted documents that clearly exist and to which Petitioners are
7 entitled—in a detailed letter dated September 26, 2017. (Ex. 7.) In addition to pointing out
8 production deficiencies, Petitioners requested an explanation of the search parameters employed
9 so that Petitioners could assist in identifying additional search terms necessary for a search
10 reasonably calculated to locate responsive documents. (See *City of San Jose v. Superior Court*
11 (2017) 2 Cal.5th 608, 627 [explaining that the scope of the agency's search much "be reasonably
12 calculated to located responsive documents"].) Petitioners further requested a privilege log
13 identifying any documents that were withheld on the basis of privilege or exemption so that
14 Petitioners could evaluate whether MOPS was properly complying with its obligations under the
15 PRA. (See *Am. Civil Liberties Union of N. Cal. v. Superior Court* (2011) 202 Cal.App.4th 55, 82-
16 83 [explaining that an agency must establish "an adequate factual basis" for withholding requested
17 documents].)

18 72. The production by MOPS was deficient in at least the following ways:

- 19 a. **Missing records from relevant custodians with known involvement in**
20 **the City's CVE programming.** The vast majority of the produced records
21 were email communications from the account of a single custodian,
22 Joumana Silyan-Saba. The February 2017 Request identified by name other
23 custodians of record with relevant files, as well as names of non-City
24 employees that should have been used as search terms. The production also
25 revealed the names of additional custodians with clear involvement in the
26 City's CVE programming and whose files should have been searched. (See
27 Ex. 7 at 3-4.)

1 **b. Missing attachments from email communications.** MOPS did not
2 provide any of the clearly responsive and material attachments referenced in
3 the produced email communications. (See id. at 5-8.)

4 **c. Missing records known to be available by reference or inference in the**
5 **produced email communications.** MOPS failed to produce additional
6 documents that must have accompanied the CVE-related meeting, activity,
7 or contract referred to in the produced email. For example, several emails
8 relate to various presentations on the City’s CVE efforts that Ms. Silyan-
9 Saba made at summits, forums, workshops and meetings. On information
10 and belief, Ms. Silyan-Saba prepared and maintained planning notes,
11 talking points, and other presentation materials, none of which were
12 produced. (See id. at 8-9.) Similarly, emails produced by the LAPD
13 include emails that include communications with key MOPS personnel, but
14 those personnel failed to produce their copies of these and related email
15 communications, despite having produced other email communications on
16 other topics.⁵⁵

17 **d. Incomplete production of email chains and unclear redactions.** A
18 number of the produced emails were either empty or contained what is
19 labeled as “hidden text.” The obscured portions of these emails impair
20 Petitioners’ ability to understand the significance of the communication.
21 Additionally, a number of the emails omitted additional communications
22 that must have preceded or followed the produced email. For example, an
23 email from Jenny Presswalla (a NCTC representative) to Ms. Silyan-Saba
24 and others dated September 18, 2014 thanked the recipients for supporting
25 the “LA workshops last week” and promised a “follow-up report.” The

26
27 ⁵⁵ LA PRA 4680-4701 (Email chain initiated by Joumana Silyan- Saba of MOPS with various
28 LAPD representatives discussing reports that the Trump administration was planning to shift focus
exclusively to “Countering Islamic Extremism.”)

1 email further states that Ms. Presswalla would “like to connect with each of
2 you next week.” The follow-up report and any subsequent emails regarding
3 the referenced report were not produced. (See *id.* at 4-5.)

4 **e. Missing non-email records.** The February 2017 Request broadly defined
5 “Records” to include “any paper or electronic information, reports,
6 evaluations, memoranda, correspondence, letters, emails, charts, graphs,
7 flyers, meeting agendas and minutes, training materials, diagrams, forms,
8 DVDs, tapes, CDs, notes or other similar materials.” (February 2017
9 Request at 8.) Despite obvious references to the existence of non-email
10 records in the produced documents, MOPS largely failed to produce
11 anything other than email correspondence. (See Ex. 7 at 9.) For example,
12 per its “Building Healthy Communities” contract with MOPS, MPAC must
13 provide various outreach programs to recommended persons “that have
14 demonstrated a range of vulnerabilities that make said person susceptible to
15 propaganda promoting Ideologically Motivated Violence.” Among other
16 things, MPAC was obligated to regularly provide MOPS event materials,
17 draft agendas, and meeting minutes. MPAC was also obligated to provide
18 MOPS monthly reports.⁵⁶ It did not produce this information.

19 **f. Missing documents responsive to entire categories of requests.** MOPS
20 produced no records relating to the RENEW (or PATHE) program, which it
21 presumably would have been coordinating with under its Managing
22 Interventions grant. (See February 2017 Request, Request 3.) Additionally,
23 other than a few public announcements regarding the CVE Grant funding
24 opportunity and a handful of logistical emails regarding its CVE Grant
25 award(s), MOPS did not provide records relating to the various
26 requirements and guidelines by the federal government regarding the CVE

27
28 ⁵⁶ LA PRA 259-320.

1 Grant or CVE-related programs, including amendments it admittedly made
2 to its grant to comport to changes it made, including in response to new
3 requirements imposed by the Trump administration.⁵⁷ (See *id.*, Requests 9-
4 12; Ex. 2.)

5 73. Petitioners stressed that the September 26, 2017 letter was not an exhaustive or
6 comprehensive list of all deficiencies. Petitioners are not in a position to identify all such
7 deficiencies because they do not have access to complete information about the records in the
8 possession, custody, or control of MOPS, that office’s efforts in response to the PRA requests, and
9 which documents, if any, MOPS is withholding. Only MOPS itself has access to such
10 information.

11 *iv. Response by MOPS Since the September 26, 2017 Deficiency Letter*

12 74. At the close of business on October 11, 2017—two days before the date that
13 Petitioners requested that MOPS *correct* all of the identified deficiencies—MOPS sent a written
14 response to the September 26, 2017 letter. (Ex. 8.) That letter stated that it had “reviewed
15 [Petitioners’] letter and our prior production” and “*conclude[d] that a number of your criticisms*
16 *are well-founded . . .*” (Id. at 1, emphasis added.) For instance, the letter acknowledged “that
17 certain mayoral staffers may have been omitted inadvertently from the search” for responsive
18 documents, that MOPS “share[s] your concern with respect to the absence of attachments and non-
19 email records,” and that “the concerns you express with regard to your Requests 3 and 9-12 will be
20 addressed upon our record search of the document custodians identified above.” (Id. at 2-3.)

21 75. Despite acknowledging these deficiencies, MOPS refused to generate and produce
22 a privilege log and proposed correcting only a sub-set of the identified deficiencies. With respect
23 to missing records known to be available, missing attachments, and missing non-email records,
24 MOPS suggested it would remedy deficiencies with respect to the *illustrative exhibits only*, not the
25 production as a whole. With respect to missing records from relevant custodians, MOPS agreed to
26 search the files of a handful of custodians, but declined (1) to search the files of other City

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28 ⁵⁷ LA PRA 1328-1352.

1 employees included on CVE-related emails or (2) to use as search terms the names of non-City
2 employees with involvement in CVE programming. The letter protests that Petitioners identify
3 too many individuals; however, *by its own design*, the City’s CVE programming—as directed by
4 the federal government—requires active participation from and collaboration with dozens of
5 federal, state, and local agencies and community partners. The PRA does not absolve the City of
6 its duty to search for and provide responsive records merely because of the extensive nature of the
7 government program at issue. Finally, MOPS offered a further delayed deadline of November 13,
8 2017 as a “target date” (while noting that it “[did] not currently have enough information to say
9 with confidence that [it] can meet this deadline”).

10 76. On October 12, 2017, Petitioners explained to MOPS that its proposed approach to
11 correct a small set of the identified deficiencies on a delayed timeline was inadequate. (Ex. 9.)

12 77. On December 12, 2017, MOPS supplemented what it previously deemed a
13 complete production. As previewed in the MOPS’ October 11, 2017 letter, the supplemental
14 production only attempted to correct a small sub-set of *example* deficiencies voluntarily identified
15 by Petitioners in their September 26, 2017 letter. And even as to those examples, MOPS—
16 contrary to its own representations—failed to provide the majority of the promised documents. As
17 of the date of this verified petition, MOPS does not appear to have searched the email
18 correspondence of a number of City employees who Respondents have good reason to believe
19 have responsive documents, including Ana Guerrero and Donna Arrechea (two individuals whose
20 files MOPS agreed to search), and only a highly selective number of emails from other key staff
21 centrally involved in CVE, including Neeraj Bhatnagar and Jeff Gorrell.⁵⁸ It has not provided the
22 overwhelming majority of documents (both email responses and non-email records) reasonably
23 believed to exist based on produced email correspondence. (See Ex. 7, Exs. E-H, T-CC.) Nor has
24 MOPS provided an explanation of its search methodology or a privilege log (or its equivalent)

25
26 ⁵⁸ The supplemental production does include some emails from Deputy Mayor Jeff Gorell, one of
27 the City employees who was purportedly omitted “inadvertently” from the City’s nine-month-long
28 search and production efforts. Those emails reveal that Deputy Mayor Gorell plays a significant
role in the City’s CVE efforts and that he works directly with Ms. Silyan-Saba—the CVE strategy
director at MOPS. See LA PRA at 932-938; 1002.

1 setting forth the grounds for withholding otherwise responsive documents. These, again, are only
2 some of the remaining many deficiencies in MOPS' "corrected" response.

3 78. MOPS' December 12, 2017 letter also stated that it "still expect[ed] to make at
4 least one more supplemental production of documents from Neeraj Bhatnagar, which [it]
5 estimated to take place in the next two weeks." (Ex. 10.) That production never came; nor has
6 there been any explanation for MOPS' six-month delay.

7 **D. Response by HRC**

8 79. Petitioners sent the February 2017 Request to HRC on February 7, 2017.
9 Petitioners did not hear from HRC until they contacted HRC twice, once on March 3, 2017 and
10 again on April 11, 2017.

11 80. On April 26, 2017, HCIDLA, responding on behalf of HRC, stated that it had
12 forwarded the February 2017 Request to MOPS and that "[t]he program and files were transferred
13 from the [HRC] to MOPS."⁵⁹ (Ex. 11.)

14 81. However, on three separate occasions, MOPS had taken the position that it was
15 responding only on its own behalf and that it was not responding on behalf of the other City
16 departments that were the subject of the February 2017 Request. Although Petitioners are not
17 obligated in any way under the PRA to liaise between the City departments, Petitioners relayed to
18 HRC MOPS' position that it would not produce documents on HRC's behalf. Petitioners
19 emphasized that HRC was responsible for responding directly to the February 2017 Request. (Ex.
20 12.) On September 20, 2017, HRC again took the position that it did not have records responsive
21 to the February 2017 Request. Petitioners even identified for HRC specific custodians who likely
22 had responsive documents, even though it is not possible for Petitioners to know which records
23 HRC has or has not searched and which records it was withholding. (Ex. 13.)

24 82. On information and belief, HRC has responsive records in its possession. Ms.
25 Silyan-Saba—the City's CVE strategy director and primary custodian from whose email account

26 _____
27 ⁵⁹ Petitioners' subsequent communications with HRC were through HCIDLA, which confirmed it
28 was responding on behalf of HRC.

1 MOPS produced documents—was previously employed by HRC for 13 years. While HRC
2 employed Ms. Silyan-Saba, she was actively involved in planning CVE-related programming.
3 HRC played a key role in developing the LA CVE Framework that was presented at the White
4 House Summit in 2015. After Ms. Silyan-Saba moved to MOPS, she continued in her role to
5 develop the City’s CVE program and, in her official capacity, consulted and collaborated with
6 colleagues in HRC. The MOPS’ production contains email communications involving Ms.
7 Silyan-Saba and other HRC representatives, confirming HRC’s ongoing involvement in the City’s
8 CVE programming. Just last year, MOPS proposed creating a CVE Intervention Response Team
9 that would be permanently embedded under HRC.

10 83. Despite HRC’s initial position that it had no responsive records, HRC ultimately
11 produced four documents after Petitioners explained on three separate occasions their belief that
12 HRC possessed responsive documents. Those documents are: (1) the LA CVE Framework (with
13 annotations); (2) a document titled “City Human Relations Commission Summary of work: Los
14 Angeles CVE Framework”; (3) a document titled “Best Practice in Action: Los Angeles HRC”;
15 and (4) a DHS Notice of Funding Opportunity for the CVE Grant program. (Ex. 14.) Two of the
16 four produced documents were included or referenced in Petitioners’ February 2017 Request.
17 (*Compare* Ex. 14, *with* February 2017 Request, Ex. A [LA CVE Framework] and Ex. B
18 [containing link to the Notice of Funding Opportunity].)

19 84. As of the date of this verified petition, HRC has not produced any additional
20 documents.

21 **E. Response by LAPD**

22 85. Petitioners sent the February 2017 Request to LAPD on February 7, 2017, the same
23 day they sent it to MOPS and to HRC. Having failed to receive a timely response to their request,
24 Petitioners contacted the LAPD on February 28, 2017 and again on March 3, 2017.

25 86. On or around March 21, 2017, LAPD directed Petitioners to MOPS for a response
26 to the February 2017 Request. (Ex. 15.) Although Petitioners are not obligated in any way under
27 the PRA to liaise between the City departments, Petitioners relayed to LAPD on September 1,
28 2017 MOPS’ position that it would not produce documents on LAPD’s behalf. Petitioners

1 emphasized that LAPD was responsible for responding directly to the February 2017 Request.
2 (Ex. 16.)

3 87. On information and belief, LAPD was plainly in possession of responsive
4 documents at the time it deferred Petitioners' request to another agency. LAPD was (and
5 continues to be) actively involved with the City's CVE efforts in light of the federal mandate that
6 CVE grantees cooperate with law enforcement. As a member of the ICG, LAPD routinely met
7 with other government agencies and community organizations to develop CVE programming in
8 greater Los Angeles and the LA CVE Framework that was presented at the White House Summit.
9 MOPS has produced email communications in which Ms. Silyan-Saba, LAPD representatives, and
10 others discuss CVE funding, presentations at various summits, and meetings about the City's CVE
11 efforts. LAPD's own Strategic Plan reflecting "Mayor Garcetti's priority outcomes" lists the
12 "expan[sion of] countering violent extremism (CVE) outreach efforts" as one of LAPD's
13 initiatives for fiscal years 2015-2016 and 2016-2017. City resolutions and motions confirm
14 LAPD's prioritization of CVE. And LAPD, in collaboration with the FBI and other City agencies,
15 leads the PATHE program (formerly, RENEW); just last year, LAPD hosted a workshop to
16 educate attendees on implementing PATHE.

17 88. On October 26, 2017, LAPD sent Petitioners a one-page letter stating it had
18 "reviewed [Petitioners'] September 2017 letter following up on the Department's March 2017
19 response" to the February 2017 Request. (Ex. 17.) The letter stated that LAPD had "forwarded
20 the request to several LAPD units or divisions with instructions that they conduct a search for
21 records." The letter further stated that after reviewing any responsive records and determining
22 whether any exemptions applied, LAPD would "provide a substantive response" at an unspecified
23 time.

24 89. On December 1, 2017—more than nine months after the February 2017 Request
25 was issued—LAPD sent a letter stating that various LAPD divisions had performed searches for
26 responsive records. (Ex. 18.) For all but one of the 13 enumerated requests in Petitioners'
27
28

1 February 2017 Request,⁶⁰ LAPD stated that it was “in the process of reviewing records” generated
2 by the search and would produce responsive and non-exempt records at an unspecified time.
3 LAPD also listed five boilerplate exemptions and repeatedly and blanketly asserted that it would
4 not produce any otherwise responsive documents that it determines falls within one of those
5 exemptions.

6 90. The December letter was accompanied by LAPD’s first production containing only
7 a handful of documents in three categories: (1) documents relating to LAPD’s 2014 application for
8 funding from the DOJ’s Office of Community Oriented Policing Services, including sub-grants
9 sought for Salam Al-Marayati of MPAC and DHS contractor Steven Weine, both of who were
10 collaborating in MOPS’ CVE programs;⁶¹ (2) 11 pages of documents relating to PATHE,
11 including the workshop that was held in 2017; and (3) the “LAPD Strategic Plan: LAPD in
12 2020”—a high-level overview of LAPD’s various goals and initiatives through 2020. These
13 documents appeared to be highly selective, omitting communications and other internal training
14 and implementation documents that likely exist that would place these CVE-related programs in
15 context of the broader CVE efforts in Los Angeles.

16 91. On February 2, 2018—nearly a year after Petitioners’ 2017 PRA request—LAPD
17 sent Petitioners a letter stating its collection and review was now complete. (Ex. 19.) The
18 February letter was accompanied by LAPD’s second and final production, which contained three
19 categories of documents: (1) largely duplicative email correspondence that omits the referenced
20 attachments; (2) agendas from two events hosted by LAPD regarding violent extremism; and
21 (3) documents relating to an initiative by a private entity focused on Muslim extremism called
22 “P2P: Challenging Extremism; A CVE Youth Initiative.”

23 92. While both of LAPD’s letters refer to boilerplate exemptions, LAPD has not
24 identified any documents that have been withheld from Petitioners on the basis of these
25

26 ⁶⁰ With respect to Request 1 of the February 2017 Request, the letter stated that it did not identify
27 any responsive records.

28 ⁶¹ LA PRA 2958-2961, 2883-2893.

1 exemptions. Consequently, Petitioners are left with no ability to verify whether requested records
2 are being properly withheld.

3 93. Moreover, LAPD’s productions—like MOPS’ productions—are missing
4 attachments that are clearly referenced in the emails it has produced so far.⁶² Also, although
5 LAPD’s own documents illustrate that LAPD has helped begin the RENEW and PATHE
6 programs and that LAPD has hosted a workshop on PATHE, the agency claims its 11-page
7 production on the programs is “complete.”

8 **FIRST CAUSE OF ACTION**
9 **Failure To Conduct a Reasonable Search and Disclose Required Records in Violation of the**
10 **California Public Records Act & Article I,**
11 **§ 3 of the California Constitution**
12 (Against all Respondents)

11 94. Petitioners incorporate herein by reference the allegations of paragraphs 1 through
12 93 above, as if set forth in full.

13 95. The PRA requires that the responding agency conduct a search that is reasonably
14 calculated to locate responsive documents. (See *City of San Jose v. Superior Court* (2017) 2
15 Cal.5th 608, 627.) The PRA further obligates the responding agency to assist the member of the
16 public to identify records and information that are responsive to the request or to the purpose of
17 the request and to provide suggestions for overcoming any practical basis for denying access to the
18 records or information sought. (See Gov. Code, § 6253.1.)

19 96. On information and belief, Respondents failed to make a reasonable effort to
20 conduct a complete search for records responsive to Petitioners’ requests, in violation of the PRA
21 and Article I, § 3 of the California Constitution.

22 97. The PRA also requires that the government make disclosable records available to
23 the public promptly and without delay. (See Gov. Code, § 6253.) Nevertheless, Respondents
24 have withheld records, in whole or in part, that are reasonably described and requested by
25 Petitioners that are not exempt from disclosure under any express provision of law. By refusing to
26

27 ⁶² See, e.g., LA PRA 4384-85; 4450-51, 4456-59, 4466, 4551-52; 4555. 4568. 4628, 4643-48,
28 4656, 4673.

1 provide records responsive to Petitioners' requests, Respondents have denied Petitioners access to
2 information concerning Respondents' conduct of the people's business, and it has shielded the
3 writings of public officials and Respondents from public scrutiny, in violation of the California
4 Constitution. (See Cal. Const. art. 1, § 3(b)(1).)

5 98. Petitioners have requested a waiver for duplication costs from each Respondent but
6 at all relevant times stood ready (and stand ready) to tender payment for duplication costs.
7 Respondents have never tendered a bill for duplication costs prior to providing records.

8 99. Respondents' failure to conduct an adequate search for and to provide all records
9 that Petitioners requested within the legally required period violates their duties under the PRA
10 and Article I, § 3 of the California Constitution to provide such records promptly and without
11 delay.

12 **SECOND CAUSE OF ACTION**
13 **Failure To Adequately Describe the Basis for Withholding Documents in Violation of the**
14 **California Public Records Act & Article I,**
15 **§ 3 of the California Constitution**
16 (Against all Respondents)

17 100. Petitioners incorporate herein by reference the allegations of paragraphs 1 through
18 99 above, as if set forth in full.

19 101. Respondents have failed to provide a list describing each responsive document that
20 it contends is exempt from disclosure and specifying the exemption it contends to be applicable to
21 each such document.

22 102. Production of such a list will streamline this litigation and aid in this Court's
23 review of Respondent's contentions. The Court has the authority to order production of such a list
24 under the PRA and its inherent authority. (See *League of Cal. Cities v. Superior Court* (2015) 241
25 Cal.App.4th 976, 982 [trial court directed the City of San Diego to provide a privilege log
26 identifying the documents not produced, along with the legal objection for not producing the
27 documents]).
28

1 **THIRD CAUSE OF ACTION**
2 **Failure To Disclose Required Records in Violation of the California Public Records Act &**
3 **Article I,**
4 **§ 3 of the California Constitution**
5 (Against all Respondents)

6 103. Petitioners incorporate herein by reference the allegations of paragraphs 1 through
7 102 above, as if set forth in full.

8 104. The PRA requires that the government disclose all records requested, unless it
9 satisfies its burden of proving the applicability of a statutory exemption from disclosure.

10 105. On information and belief, Respondents are unlawfully withholding non-exempt
11 records and have failed to release the requested records to Petitioners as required by the PRA and
12 Article I, § 3 of the California Constitution.

13 **PRAYER FOR RELIEF**

14 **WHEREFORE,** Petitioners respectfully pray as follows:

15 1. That the Court issue an alternative writ of mandate directing Respondents to
16 conduct an adequate search that is reasonably likely to locate all responsive, disclosable records
17 and to produce those records immediately and without further delay, or, in the alternative, order
18 Respondents to show cause why they have not done so;

19 2. That the Court issue an alternative writ of mandate directing Respondents to
20 provide Petitioners and the Court with a list of any responsive records that they have not released
21 to Petitioners, describing with specificity each document and identifying the exemptions that it
22 contends apply, or, in the alternative, order Respondents to show cause why they have not done
23 so;

24 3. That the Court issue a writ of mandate directing Respondents to provide Petitioners
25 with all requested records except those records that the Court determines may lawfully be
26 withheld, or an order to show cause why Respondents should not do so;

27 4. That Petitioners be awarded their attorneys' fees and costs;

28 5. For such other and further relief as the Court deems proper and just.

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DATED: June ____, 2018

MUNGER, TOLLES & OLSON LLP
ANJAN CHOUDHURY
ELIZABETH A. KIM
NEFI D. ACOSTA

By: _____
ANJAN CHOUDHURY
Attorneys for PETITIONERS

VERIFICATION

I, Laboni Hoq, declare:

1. I am the Litigation Director for Asian Americans Advancing Justice-Los Angeles, a Petitioner in this action, and I am authorized to make this verification on Petitioners' behalf.
2. I have read the foregoing Verified Petition for Alternative Writ of Mandate and Writ of Mandate Ordering Compliance with the California Public Records Act and know its contents.
3. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.
4. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 28, 2018, at Los Angeles, California.

Laboni Hoq