

PETER BIBRING (S.B.N 223981)  
pbibring@aclusocal.org  
MELANIE P. OCHOA (S.B.N 284342)  
mpochoa@aclusocal.org  
REKHA ARULANANTHAM (S.B.N 317995)  
rarulanantham@aclusocal.org  
ACLU FOUNDATION OF SOUTHERN CALIFORNIA  
1313 West Eighth Street  
Los Angeles, California 90017  
Telephone: (213) 977-9500  
Facsimile: (213) 915-0220

*Counsel for Petitioners*  
(Additional Counsel listed on next page)

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES**

DEMETRA JOHNSON, an individual; VINLY  
ENG, an individual; ZACHARY WADE, an  
individual; AMERICAN CIVIL LIBERTIES  
UNION OF SOUTHERN CALIFORNIA,

*Petitioners,*

v.

COUNTY OF LOS ANGELES; LOS  
ANGELES SHERIFF'S DEPARTMENT,

*Respondents.*

Case No.

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

[Gov't Code §§ 6250, et seq.; Civ. Proc. Code  
§§ 1085, et seq.]

1 JACOB S. KREILKAMP (S.B.N 248210)

2 jacob.kreilkamp@mto.com

3 MUNGER, TOLLES & OLSON LLP

4 355 South Grand Avenue

5 Thirty-Fifth Floor

6 Los Angeles, California 90071-1560

7 Telephone: (213) 683-9100

8 Facsimile: (213) 687-3702

9 KATHLEEN GUNERATNE (S.B.N 250751)

10 kguneratne@aclunc.org

11 SEAN RIORDAN (S.B.N 255752)

12 sriordan@aclunc.org

13 AMY GILBERT (S.B.N 316121)

14 agilbert@aclunc.org

15 ACLU FOUNDATION OF NORTHERN CALIFORNIA

16 39 Drumm Street

17 San Francisco, CA 94111

18 Telephone: (415) 621-2493

19 Facsimile: (415) 255-8437

1. California’s recently enacted “The Right to Know Act,” Senate Bill 1421 (Skinner 2018) (“S.B. 1421”), provides for public access under the California Public Records Act (“CPRA”), Government Code § 6250 *et seq.*,<sup>1</sup> to certain categories of peace officer records in which there is great public interest, which previously were exempt from disclosure: records relating to police uses of deadly force, sustained findings of sexual assault, and sustained findings of dishonesty in the reporting, investigation, or prosecution of a crime. Petitioners Demetra Johnson, Vinly Eng, and Zachary Wade, family members of individuals killed by Los Angeles County Sheriff’s Department (“LASD” or the “Department”) deputies, requested LASD records related to their loved ones’ deaths pursuant to S.B. 1421. They have waited months since making those requests and years since their family members’ deaths for this information but have received nothing but silence from LASD. Petitioner the ACLU of Southern California (“ACLU SoCal” or the “ACLU”), a civil rights organization with a long history of advocacy around police transparency and accountability, also sought records related to LASD deputy-involved shootings and serious misconduct under S.B. 1421. LASD denied the ACLU’s requests, asserting meritless and inapplicable exemptions to the CPRA. These requests would not only serve to help family members find out what happened to their loved ones but allow them to advocate for changed policies that promote accountability and improve public safety. Because LASD has improperly ignored or denied Petitioners’ requests, Petitioners ask this Court for a writ of mandate to order LASD to comply with the CPRA and S.B. 1421 by disclosing responsive records.

**PARTIES**

2. Petitioner Demetra Johnson (“Ms. Johnson”), a California resident, is the mother of Anthony Weber, whom LASD deputies shot and killed on February 4, 2018, when Anthony was 16 years old. In March 2019, Ms. Johnson requested records from LASD under the CPRA and S.B. 1421 regarding her son’s death. To date, LASD has produced no records in response to Ms. Johnson’s request.

3. Petitioner Vinly Eng (“Mr. Eng”) is a California resident whose sister, Jazmyne Eng, was shot and killed by LASD Deputy Brian Vance on January 4, 2012. Mr. Eng requested records in May 2019 regarding his sister’s death and records regarding LASD Deputies Brian Vance, Daniel Esqueda, Jeremiah Song, and Allison Melendez, the four deputies who responded to the call for a psychiatric hold

<sup>1</sup> All references to code sections are to the Government Code unless otherwise indicated.

1 of Jazymne. LASD claims that no responsive records exist for Deputies Esqueda, Song, and Melendez.  
2 To date, LASD has produced no records regarding Deputies Vance, Esqueda, Song, and Melendez and  
3 no records regarding Jazmyne's death in response to Mr. Eng's request.

4 4. Petitioner Zachary Wade ("Mr. Wade"), a California resident, and uncle to Nephi  
5 Arreguin, whom LASD deputies shot and killed in 2015, when he was 20 years old. To date, LASD has  
6 produced no records in response to Mr. Wade's request.

7 5. Petitioner the American Civil Liberties Union of Southern California ("ACLU SoCal") is  
8 a non-profit corporation that defends the fundamental rights outlined in the United States Constitution  
9 and the Bill of Rights and was a cosponsor of S.B. 1421 in the California Legislature. ACLU SoCal  
10 requested various records from LASD related to investigations and discipline of police officers that fall  
11 under S.B. 1421. To date, LASD has produced no records in response to ACLU SoCal's requests.

12 6. Respondent County of Los Angeles ("County") is a local agency within the meaning of  
13 Gov't Code § 6252(d).

14 7. Respondent LASD is a department of the County and is also a local agency within the  
15 meaning of Gov't Code § 6252(d).

## 16 **JURISDICTION AND VENUE**

17 8. This court has jurisdiction under Gov't Code §§ 6258, 6259, Code of Civil Procedure  
18 § 1060, and 1085, and Article VI, section 10 of the California Constitution.

19 9. Venue is proper in this Court: The records in question, or some portion of them, are  
20 situated in the County of Los Angeles. Gov't Code § 6259; Civ. Proc. Code § 401(1). Also, Respondents  
21 reside in, and the acts and omissions complained of herein occurred in, Los Angeles County. *See* Civ.  
22 Proc. Code. §§ 393, 394(a).

## 23 **BACKGROUND & FACTUAL ALLEGATIONS**

### 24 **A. The California Public Records Act**

25 10. The California Constitution provides that "[t]he people have the right of access to  
26 information concerning the conduct of the people's business, and, therefore, the meetings of public  
27 bodies and the writings of public officials and agencies shall be open to public scrutiny." Cal. Const. art.  
28 1, § 3(b)(1). In enacting the CPRA, the Legislature found that "access to information concerning the

conduct of the people’s business is a fundamental and necessary right of every person in this state.”  
Gov’t Code § 6250.

11. The CPRA implements this fundamental right of public access by empowering the public to inspect and copy agency records, and by codifying specific requirements and deadlines that agencies must observe upon receipt of a public records request. Gov’t Code § 6250 *et seq.* After an agency receives a CPRA request, it has ten days to respond. Within those ten days, the agency must determine whether the request seeks disclosable public records within its possession, notify the requestor of its determination and reasoning, and provide the requestor with an estimate of when the disclosable records will be made available. *Id.* § 6253(c).

12. In “unusual circumstances,” an agency can extend the time for its response by up to fourteen days, but it must notify the requestor in writing and estimate when the records will be made available. *Id.* Even when an agency obtains an extension, it cannot “delay or obstruct the inspection or copying of public records.” *Id.* § 6253(d).

13. The CPRA requires an agency to conduct a search that is “reasonably calculated to locate responsive documents,” *American Civil Liberties Union of Northern California v. Superior Court.*, 202 Cal.App.4th 55, 85 (2011), and an agency may be required to assist a requestor to formulate a request based on the agency’s greater knowledge of its own recordkeeping system. Gov’t Code § 6253.1(a)(1)-(3).

14. A public agency ultimately must respond to any request for records by “promptly” providing copies of any responsive and nonexempt documents, or by making the originals available for inspection. *Id.* § 6253(b).

15. If an agency decides to deny a request for records in whole or in part, it must issue a denial in writing. *Id.* § 6255(b).

## **B. The Secrecy of Police Records and S.B. 1421**

16. Before 2019, California law made all peace officer personnel records – defined to include all records related to the “advancement, appraisal and discipline” of peace officers – confidential, without regard to public interest in the records or any balancing inquiry. Penal Code §§ 832.7, 832.8. This included public records regarding investigations into police shootings and other serious uses of

1 force, or investigations into serious misconduct – even in cases in which the agency ultimately  
2 determined that the officer had engaged in misconduct. *City of Hemet v. Superior Court*, 37 Cal.App.4th  
3 1411, 1430-31 (1995).

4 17. In 2018, the California Legislature enacted S.B. 1421, which modified Penal Code  
5 § 832.7. It provided public access to three categories of peace officer records related to the most serious  
6 uses of force and most serious kinds of misconduct by officers: (1) police shootings and other uses of  
7 serious force; (2) cases where the employing law enforcement agency made a sustained finding of  
8 sexual assault against a member of the public by a peace officer; and (3) cases where the employing law  
9 enforcement agency made a sustained finding of dishonesty tied to police officers’ unique powers in  
10 investigating and prosecuting crimes, such as perjury or the fabrication of evidence. *See* Penal Code  
11 § 832.7(b)(1) (effective Jan. 1, 2019). S.B. 1421 entitles a member of the public who files a CPRA  
12 request for such public documents to obtain disclosure of those documents.

### 13 C. Petitioners’ CPRA Requests

#### 14 1. Petitioner ACLU SoCal

15 18. On January 1, 2019, Petitioner ACLU SoCal submitted a request for records under the  
16 CPRA seeking documents disclosable under each of the three categories of records now available under  
17 S.B. 1421. *See Exhibit A* (ACLU SoCal’s January 1 request). For the most serious conduct, including  
18 fatal uses of force by LASD officers and sustained cases of dishonesty, the request sought records  
19 created within the last twenty years. For other conduct, such as serious uses of force that did not result in  
20 death, or for sustained findings of sexual assault, the request sought records within the previous five or  
21 ten years. *See id.*

22 19. ACLU SoCal’s January 1 request did not seek every document disclosable under S.B.  
23 1421 related to the incidents within its scope, but rather asked only for “Decisional Documents,” defined  
24 to include “[t]he Department’s decision, prior to any administrative appeal, that an officer’s conduct did  
25 (or did not) violate the law or agency policy, and any reasons for that decision;” “[t]he final investigative  
26 report (prior to any administrative appeal) ... or any document setting out factual findings;” “[t]he  
27 punishment imposed or corrective action taken as the result of an administrative investigation;” any  
28 “decision on appeal from the Department’s factual finding, or the discipline or corrective action

1 imposed;” “any documents reflecting modifications of discipline due to the Skelly or grievance  
2 process;” “[a]ny agreement to resolve an administrative investigation;” any “final investigative report,  
3 factual findings, legal conclusions, or recommendations on discipline, policy, procedures or training, by  
4 the district attorney, independent civilian oversight body, or outside law enforcement agency brought on  
5 to conduct an investigation into an incident;” and “[t]he final imposition of discipline or implementation  
6 of corrective action.” *Id.* The request therefore did not encompass many materials related to the  
7 incidents in question, such as witness statements, audio or video, or other evidence on which the  
8 investigation’s findings were based.

9         20. As set forth in the request, ACLU SoCal coordinated the request with a number of other  
10 community and civil rights organizations, and intends to “share all records obtained, with this group of  
11 organizations, and further commit to making those records available to the public by posting on the  
12 Internet and other means, to help facilitate access to the records [LASD] produces.” *Id.*

13         21. On January 25, 2019, LASD notified the ACLU SoCal that a court had issued a  
14 temporary order enjoining disclosure. **Exhibit B** (LASD’s January 25 letter to ACLU SoCal regarding  
15 temporary restraining order). On March 5, 2019, LASD informed the ACLU SoCal that the court had  
16 lifted its order and that the Department was preparing responsive records for production. **Exhibit C**  
17 (LASD’s March 5 extension letter). On March 8, 2019, Respondent LASD denied the ACLU SoCal’s  
18 request through a letter stating:

19                 Unfortunately, we are unable to assist you with your request as it is too  
20                 broad in scope. The Public Records Act, Government Code §6253(b),  
21                 requires that a request for a copy of records reasonably describe the  
                    identifiable record or records. If you would please provide us with more  
                    detailed information such as: the name of the deputy that you want records  
                    for, we will be happy to assist you.

22 **Exhibit D** (LASD’s March 8 denial letter).

23         22. On May 9, 2019, the ACLU SoCal informed LASD that its denial violated LASD’s  
24 obligations under the CPRA, because (1) the request sufficiently described the requested records, and  
25 hundreds of other California agencies had produced records or agreed to produce records responsive to  
26 the same CPRA request; and (2) various LASD documents, such as a page on LASD’s website detailing  
27 the number of incidents involving serious uses of force by officers that occur each month, demonstrate  
28 that the Department already had identified at least some of the deputies whose records would be

responsive to the ACLU's request. *See Exhibit E* (ACLU SoCal's May 9 follow-up letter). The letter further highlighted that given the secrecy of peace officer records prior to the passage of S.B. 1421 it is impossible for the ACLU or any requestor to provide the names of deputies who have disclosable records of misconduct, and reminded LASD of its statutory duty to assist a requestor in the completion of a CPRA request due to the agency's superior knowledge of its own records. *See id.*

23. On May 17, 2019, LASD emailed the ACLU SoCal another denial based on the scope of the request and reiterated that it could produce records if the ACLU would name the deputies whose records the ACLU sought. *See Exhibit F* (LASD's May 17 denial confirmation).

24. The ACLU SoCal sent CPRA requests phrased identically to the LASD CPRA request to nearly 400 law enforcement agencies across the state of California. Nearly all agencies have either disclosed records, indicated they are in the process of disclosing records, or stated they have no responsive records. LASD is the only agency in the state of California to deny the ACLU's request in its entirety by asserting that the request was "too broad in scope" and that it was unable to produce responsive records unless the ACLU provided "detailed information such as[] the name of the deputy" whose records were sought.

25. On July 22, 2019, the ACLU SoCal sent a second request to LASD seeking records related to the "*Brady*" list – a list of deputies with disciplinary histories that might be relevant to their credibility or otherwise be exculpatory information that might have to be disclosed to the defense in a criminal proceeding if that officer was involved in an investigation or was a witness for the prosecution, pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963). *See Exhibit G* (ACLU SoCal's July 22 *Brady* list request). This *Brady* list was created by the LASD in 2016 and was the recent subject of litigation terminating with the California Supreme Court. *See Association for Los Angeles Deputy Sheriffs v. Superior Court*, 8 Cal.5th 28, 36 (2019). LASD denied the request on September 4, 2019, stating that the request "is overly broad and fails to describe an identifiable record," and that LASD was "not obligated to expend time to . . . research to attempt to determine the names of the personnel [ACLU] is seeking." *Exhibit H* (LASD's September 4 denial of *Brady* list request). LASD's denial also claimed that responsive records were exempt from disclosure under several sections of the Government Code, Penal Code, Evidence Code, and case law interpreting them. *Id.* Finally, it asserted that the records "are



possibly exempt due to the attorney-client privilege, attorney work-product doctrine, and deliberative process privilege.” *Id.*

26. LASD maintains lists of incidents responsive to ACLU SoCal’s requests. The Department publishes on its own website the number of incidents involving shootings by deputies. *See* All Shooting Incidents for Deputy Involved Shootings 2010 to Present, County of Los Angeles, <https://data.lacounty.gov/Criminal/All-Shooting-Incidents-for-Deputy-Involved-Shootin/xutq-azb6/data>. Like all agencies, LASD already is required to report in custody deaths and serious uses of force to the California Department of Justice. Gov’t Code § 12525.2. The Department also posts an anonymized description of discipline imposed on officers on a quarterly basis that indicates the nature of the underlying conduct punished, including conduct involving sexual assaults, dishonesty, and uses of force. *See, e.g., “Fourth Quarter 2018,”* <http://lasd.org/pdfjs/web/Q4%20QDR%20Final%20US%20approved.pdf>. With respect to the *Brady* list request, the Department already has compiled a responsive list of approximately 300 officers who have disciplinary histories involving moral turpitude, including the categories of dishonesty that are disclosable under Penal Code § 832.7(b)(1)(C), which has been the subject of extensive reporting in the media and high-profile litigation in the California Supreme Court. *See Association for Los Angeles Deputy Sheriffs v. Superior Court*, 8 Cal.5th 28, 36 (2019).

## 2. Petitioner Demetra Johnson

27. On March 21, 2019, Petitioner Ms. Johnson submitted a CPRA request for all records relating to the report, investigation, findings, and administrative discipline related to the killing of her son Anthony Weber, who was 16 years old when LASD Deputies shot and killed him on February 4, 2018. **Exhibit I** (Ms. Johnson’s March 21 request). Following the shooting, LASD officials publicly stated that deputies had seen a gun in Anthony’s waistband and that Anthony was reaching for his waistband when deputies shot him. Investigators recovered no gun from the scene, but the Department publicly speculated that someone removed the gun from the scene of the shooting.<sup>2</sup>

28. On April 19, 2019, LASD responded with a letter seeking a 14-day extension. **Exhibit J**

---

<sup>2</sup> *See* Kristina Bravo and Kareen Wynter, “Family of Teen Fatally Shot by Deputy in South L.A. Sues County, Officers Involved”, KTLA5 (May 2, 2018 at 10:07 PM), <https://ktla.com/2018/05/02/family-of-teen-fatally-shot-by-deputy-in-south-l-a-sues-county-officers-involved>.

(LASD's April 19 extension letter). On May 22, 2019, Ms. Johnson's counsel sent a follow-up letter to LASD noting its failure to comply with the CPRA. **Exhibit K** (Ms. Johnson's May 22 follow-up letter). To date, LASD has neither produced any records nor responded to Ms. Johnson's request.

### 3. Petitioner Zachary Wade

29. On March 21, 2019, Petitioner Mr. Wade requested all records relating to the report, investigation, findings, and administrative discipline related to the killing of his nephew Nephi Arreguin. *See Exhibit S* (Mr. Wade's March 21 request). LASD shot and killed Mr. Arreguin, the 20-year-old soon-to-be father, on May 7, 2015. Nephi was in his car, possibly sleeping, when deputies approached him, suspecting him of burglary, and soon after shot and killed him.<sup>3</sup> LASD and Nephi's family dispute whether LASD deputies shot Nephi before he began driving his car or whether Nephi drove the car toward one of the deputies first.<sup>4</sup> Mr. Wade sought public records regarding his nephew's death pursuant to the CPRA.

30. LASD responded on April 4, 2019 seeking a 14-day extension. **Exhibit T** (LASD's April 4 extension letter). Mr. Wade's counsel followed up on Mr. Wade's request on May 22, 2019 reminding LASD it was "grossly out of compliance with its obligations under the CPRA" and that Mr. Wade's family has awaited information for five years since Nephi's killing. **Exhibit U** (Mr. Wade's May 22 follow-up letter). To date, LASD has neither produced any records nor responded again to Mr. Wade's request.

### 4. Petitioner Vinly Eng

31. On May 28, 2019, Petitioner Mr. Eng requested of LASD all records related to the sustained findings of sexual assault, dishonesty-related misconduct, or use-of-force resulting in death or in great bodily injury at the hands of deputies Brian Vance, Daniel Esqueda, Jeremiah Song and Allison Melendez throughout the period of their employment with LASD as well as records regarding his

---

<sup>3</sup> Toni McAllister, *Young Dad Shot, Killed by Sheriff's Deputy: LA County Agrees to \$1.5 Million Payout for Family*, MYNEWSLA.COM (Aug. 8, 2017), <https://mynews1a.com/crime/2017/08/08/young-dad-shot-killed-by-sheriffs-deputy-la-county-agrees-to-1-5-million-payout-for-family/>.

<sup>4</sup> Nina Agrawal, *L.A. County to Pay \$1.5 Million to Settle Wrongful-Death Lawsuit in 2015 Shooting*, L.A. Times (Aug. 8, 2017 at 6:35 PM), <https://www.latimes.com/local/lanow/la-me-ln-sheriff-wrongful-death-20170808-story.html>.

(cont'd)

1 sister's death. **Exhibit L** (Mr. Eng's May 28 request). Mr. Eng's sister, Jazmyne Eng, was seeking help  
2 during a mental health crisis at the Asian Pacific Family Center, a psychotherapy clinic where she was a  
3 patient.<sup>5</sup> Just under five feet tall and weighing less than 100 pounds, Jazmyne was sitting calmly in the  
4 lobby of the clinic with a small ball-peen hammer in her lap, when the clinic director called LASD for a  
5 psychiatric hold, *i.e.*, to assist in holding Jazmyne involuntarily because she required inpatient  
6 psychiatric care.<sup>6</sup> Deputies Vance, Esqueda, Song, and Melendez responded to the call. Within 12  
7 seconds of visual contact with Jazmyne<sup>7</sup>, Deputy Daniel Esqueda deployed multiple Taser darts and  
8 Deputy Vance, a 16-year veteran of the Department, shot Jazmyne in quick succession.<sup>8</sup> The deputies  
9 were disciplined for failing to meet LASD standards.<sup>9</sup>

10 32. On May 31, 2019, LASD sent Mr. Eng three letters stating it possessed no responsive  
11 records regarding Deputies Esqueda, Song, and Melendez. **Exhibit N** (LASD's May 31 letter regarding  
12 Deputy Esqueda); **Exhibit O** (LASD's May 31 letter regarding Deputy Song); **Exhibit P** (LASD's May  
13 31 letter regarding Deputy Melendez). The Department sought 14-day extensions for disclosure of  
14 records regarding Jazmyne's death and responsive disciplinary records of Deputy Vance. **Exhibit M**  
15 (LASD's May 31 extension letter regarding Deputy Vance). Mr. Eng followed up on June 18, 2019  
16 asking about the status of his request and reminding LASD it failed to comply with the CPRA. **Exhibit**  
17 **Q** (Mr. Eng's follow-up emails from June 18 and July 8). Again, on July 8, 2019, Mr. Eng sent an email  
18 reminding LASD of its failure to comply with the CPRA. *Id.* On July 26, 2019, LASD sent a letter to  
19 Mr. Eng stating it was "continuing to gather records to review" but did not provide Mr. Eng with a  
20

---

21 <sup>5</sup> Lauren Gold, *County Approves \$1.8 million settlement in shooting of mentally ill Rosemead woman*,  
PASADENA STAR NEWS (Feb. 18, 2014 at 2:37 PM),  
22 [https://www.pasadenastarnews.com/2014/02/18/county-approves-18-million-settlement-in-shooting-of-](https://www.pasadenastarnews.com/2014/02/18/county-approves-18-million-settlement-in-shooting-of-mentally-ill-rosemead-woman/)  
23 [mentally-ill-rosemead-woman/](https://www.pasadenastarnews.com/2014/02/18/county-approves-18-million-settlement-in-shooting-of-mentally-ill-rosemead-woman/).

24 <sup>6</sup> Rina Palta, Annie Gilbertson, and Chris Keller, *A Call for Help*, KPCC (Nov. 10, 2015),  
<https://projects.scpr.org/officer-involved/stories/a-call-for-help/>.

25 <sup>7</sup> Sandra Allen, *This toxic lie about gun violence hurts society's most vulnerable*, CNN, (Feb. 26, 2018  
at 7:28 PM), [https://www.cnn.com/2018/02/26/opinions/trump-parkland-shooting-mental-health-sandra-](https://www.cnn.com/2018/02/26/opinions/trump-parkland-shooting-mental-health-sandra-allen-opinion/index.html)  
26 [allen-opinion/index.html](https://www.cnn.com/2018/02/26/opinions/trump-parkland-shooting-mental-health-sandra-allen-opinion/index.html).

27 <sup>8</sup> Palta, *supra* n. 6; *This toxic lie about gun violence hurts society's most vulnerable*, CNN, (Feb. 26,  
2018 at 7:28 PM), [https://www.cnn.com/2018/02/26/opinions/trump-parkland-shooting-mental-health-](https://www.cnn.com/2018/02/26/opinions/trump-parkland-shooting-mental-health-sandra-allen-opinion/index.html)  
28 [sandra-allen-opinion/index.html](https://www.cnn.com/2018/02/26/opinions/trump-parkland-shooting-mental-health-sandra-allen-opinion/index.html).

<sup>9</sup> Office of Independent Review for the County of Los Angeles, *Eleventh Annual Report* at page 73,  
available at <https://oig.lacounty.gov/LinkClick.aspx?fileticket=f54v5uH945w%3d&portalid=18>.

1 timeframe by when it would complete its review. **Exhibit R** (LASD's July 26 letter regarding a second  
2 extension). Since then, LASD has not produced any documents to Mr. Eng or provided him with another  
3 update regarding his request.

4  
5 **FIRST CAUSE OF ACTION**  
6 **For Violation of the California Public Records Act &**  
7 **Article I, § 3 of the California Constitution**  
8 (Petitioners against all Respondents)

9 33. Petitioners incorporate herein by reference the allegations of paragraphs 1 through 32  
10 above, as if set forth in full.

11 34. Respondents have repeatedly refused to satisfy their obligations under the CPRA to  
12 timely search for and produce records responsive to Petitioners' requests. This conduct violates the  
13 CPRA and Article I, § 3 of the California Constitution.

14 **PRAYER FOR RELIEF**

15 **WHEREFORE**, Petitioner prays as follows:

- 16 1. That the Court issue a peremptory writ of mandate directing Respondents to provide  
17 Petitioners with all requested records except those records that the Court determines may  
18 lawfully be withheld;  
19 2. That Petitioners be awarded attorneys' fees and costs; and  
20 3. For such other and further relief as the Court deems proper and just.

21 Dated: October 29, 2019

22 Respectfully submitted,

23 ACLU FOUNDATION OF SOUTHERN  
24 CALIFORNIA

25 MUNGER, TOLLES & OLSON LLP

26 ACLU FOUNDATION OF NORTHERN  
27 CALIFORNIA

28 By: s/ Rekha Arulanantham

Rekha Arulanantham

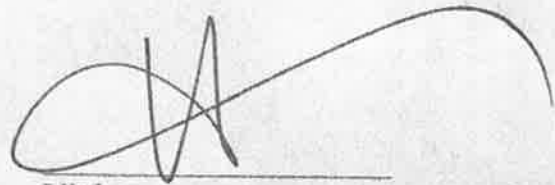
Attorneys for Petitioner

### VINLY ENG VERIFICATION

I, Vinly Eng, hereby declare as follows:

I am a petitioner in this matter. I have read paragraphs 3, 31, and 32 of the VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT ORDERING COMPLIANCE WITH THE CALIFORNIA PUBLIC RECORDS ACT and know its contents. The facts alleged in this matter concerning my claims are within my own personal knowledge, and I know these facts to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this verification was executed this 28 day of October, 2019 in San Francisco, California.



Vinly Eng

## **PETER BIBRING VERIFICATION**

I, Peter Bibring, hereby declare as follows:

I am an attorney representing the American Civil Liberties Union of Southern California (“ACLU”), a petitioner in this matter. I have the authority to act on behalf of the ACLU and to make this verification for, and on behalf of, the ACLU. I have read paragraphs 5 and 19-27 of the VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT ORDERING COMPLIANCE WITH THE CALIFORNIA PUBLIC RECORDS ACT and know its contents.

The facts alleged in this matter in these paragraphs are within my own personal knowledge, and I know these facts to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this verification was executed this 28 day of October, 2019 in Los Angeles, California.



---

Peter Bibring

## ZACHARY WADE VERIFICATION

I, Zachary Wade, hereby declare as follows:

I am a petitioner in this matter. I have read paragraphs 4, 29, and <sup>30<sup>ZSW</sup></sup>~~39~~ of the VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT ORDERING COMPLIANCE WITH THE CALIFORNIA PUBLIC RECORDS ACT and know its contents. The facts alleged in this matter concerning my claims are within my own personal knowledge, and I know these facts to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this verification was executed this 25 day of October, 2019 in Long Beach, California.



Zachary Wade

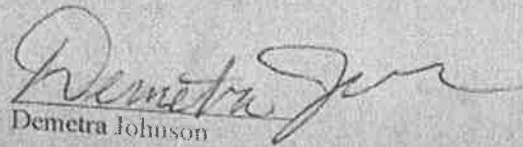


**DEMETRA JOHNSON VERIFICATION**

I, Demetra Johnson, hereby declare as follows:

I am a petitioner in this matter. I have read paragraphs 2, 27, and 28 of the VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT ORDERING COMPLIANCE WITH THE CALIFORNIA PUBLIC RECORDS ACT and know its contents. The facts alleged in this matter concerning my claims are within my own personal knowledge, and I know these facts to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this verification was executed this 25 day of October, 2019 in Los Angeles, California.

  
Demetra Johnson



# **Exhibit A**



January 1, 2019

Los Angeles County Sheriff Department  
211 W. Temple St.  
Los Angeles, CA 90012

Re: Request for Public Records on Police Use of Force Investigations, Sustained Findings of Police Dishonesty and 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 Los Angeles County Sheriff 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 the ACLU of California (including the ACLU of Northern California, ACLU of Southern California, and ACLU of San Diego and Imperial Counties) as well as a wide array of civil rights, government transparency, and criminal defense groups, including the 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 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 documents<sup>1</sup> 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 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).

---

<sup>1</sup> 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).

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 Department<sup>2</sup> 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).

**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 in 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

---

<sup>2</sup> 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.

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](mailto: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,



Peter Bibring  
Director of Police Practices  
ACLU of Southern California

# **Exhibit B**

**Rekha Arulanantham**

---

**From:** Discovery Unit PRA Requests <DiscoveryUnitPRARequests@lasd.onmicrosoft.com>  
**Sent:** Friday, January 25, 2019 1:27 PM  
**To:** Peter Bibring  
**Cc:** Hermelinda Calderon  
**Subject:** RE: Request for Records

This is in response to your request for records under the California Public Records Act dated and received by the Los Angeles Sheriff's Department Discovery Unit on December 31, 2018.

On January 24, 2019, the Los Angeles County Superior Court issued a Temporary Restraining Order enjoining and restraining the Sheriff's Department "from retroactively enforcing or applying Senate Bill 1421's amendments to California Penal Code sections 832.7 and 832.8 in any manner which would result in the disclosure or production of peace officer personnel records and information regarding incidents or reflecting conduct occurring prior to January 1, 2019 that would not have otherwise been subject to disclosure prior to January 1, 2019."

Since your Public Records Act request appears to seek such personnel records and/or information, we are unable to respond to your request at this time.

If you have any questions, please contact Lieutenant Smeltzer of the Discovery Unit at (323) 890-5000.

Thank you,  
Discovery Unit



---

**From:** Discovery Unit PRA Requests  
**Sent:** Thursday, January 10, 2019 4:13 PM  
**To:** 'Peter Bibring' <PBibring@ACLU.SOCAL.ORG>  
**Cc:** Hermelinda Calderon <HCalderon@ACLU.SOCAL.ORG>  
**Subject:** RE: Request for Records

Please see the attached extension letter regarding your request for records pursuant to the California Public Records Act.

Thank you,





---

**From:** Peter Bibring [<mailto:PBibring@ACLUSOCAL.ORG>]  
**Sent:** Monday, December 31, 2018 5:11 PM  
**To:** Discovery Unit PRA Requests <[DiscoveryUnitPRARequests@lasd.onmicrosoft.com](mailto:DiscoveryUnitPRARequests@lasd.onmicrosoft.com)>  
**Cc:** Hermelinda Calderon <[HCalderon@ACLUSOCAL.ORG](mailto:HCalderon@ACLUSOCAL.ORG)>  
**Subject:** Request for Records

Please see attached records request.

**Peter Bibring**

(Pronouns: he/him/his)

Director of Police Practices, ACLU of California  
& Senior Staff Attorney, ACLU of Southern California  
1313 W. 8th Street | Los Angeles, CA 90017  
(t) 213.977.9500 x.295 | (f) 213.977.5297  
[pbibring@aclusocal.org](mailto:pbibring@aclusocal.org) @PeterBibring

[ACLUSoCal.org](http://ACLUSoCal.org) || [facebook](#) || [twitter](#) || [blog](#)

**ACLU SoCal: STAND FOR JUSTICE >> Download our mobile app at [mobilejusticeca.org](http://mobilejusticeca.org)**

*This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.*

# **Exhibit C**

## Casey Kasher

---

**From:** Discovery Unit PRA Requests <DiscoveryUnitPRARequests@lasd.onmicrosoft.com>  
**Sent:** Tuesday, March 5, 2019 3:46 PM  
**To:** Peter Bibring  
**Subject:** PRA 1421 Request  
**Attachments:** PRA Request.pdf

This is in response to your request for records under the California Public Records Act dated January 1, 2019 and received by the Los Angeles Sheriff's Department Discovery Unit on December 31, 2018.

The Los Angeles County Sheriff's Department was previously unable to release any records subject to S.B. 1421 pursuant to stays issued by the Los Angeles County Superior Court in *Association for Los Angeles Deputy Sheriffs v. County of Los Angeles*, Case No. 19STCP00166, and *Professional Peace Officers Association v. County of Los Angeles, et al.*, Case No. 19STCP00267. In light of the court recently lifting the stays, we are currently preparing non-exempt responsive records for production. We will inform you once the non-exempt responsive records are ready for production.

If you have any questions, please contact Lieutenant Smeltzer of the Discovery Unit at (323) 890-5000.



# **Exhibit D**



# OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



March 8, 2019

Peter Bibring  
[PBibring@ACLUUSOCAL.ORG](mailto:PBibring@ACLUUSOCAL.ORG)  
[prarequest@aclusocal.org](mailto:prarequest@aclusocal.org)

Dear Mr. Bibring:

This letter is in response to your request for records under the California Public Records Act dated January 1, 2019, and received by the Los Angeles County Sheriff's Department (LASD) Discovery Unit on December 31, 2018.

In your request, you are seeking the following:

1. "All DECISIONAL DOCUMENTS related to the administrative investigation of any use of force by a peace officer employed by the Department<sup>2</sup> that resulted in death, from January 1, 1999 to the present. See Penal Code § 832.7(b)(1)(A)(ii)."
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."
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."

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

*A Tradition of Service*  
— Since 1850 —

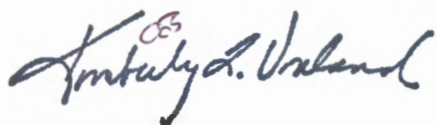
4. "All DECISIONAL DOCUMENTS related to any administrative investigation into the discharge of a firearm at a person by a peace officer employed by the Department, which did not result in death, from January 1, 2014 to the present. *See* Penal Code § 832.7(b)(1)(A)(i)."
5. "All DECISIONAL DOCUMENTS related 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)."
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."
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)."
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."

**Response:** Unfortunately, we are unable to assist you with your request as it is too broad in scope. The Public Records Act, Government Code §6253(b), requires that a request for a copy of records reasonably describe the identifiable record or records. If you would please provide us with more detailed information such as: the name of the deputy that you want records for, we will be happy to assist you

If you have any questions, please contact Lieutenant Smeltzer of the Discovery Unit at (323) 890-5000.

Sincerely,

ALEX VILLANUEVA, SHERIFF

A handwritten signature in black ink, reading "Kimberly L. Unland". The signature is written in a cursive style with a red ink flourish above the first name.

Kimberly L. Unland, Captain  
Risk Management Bureau

# **Exhibit E**



May 9, 2019

Los Angeles County Sheriff's Department  
211 W. Temple St.  
Los Angeles, CA 90012

*Via email: DiscoveryUnitPRRequests@lasd.onmicrosoft.com*

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

Capt. Unland:

I write in response to Los Angeles Sheriffs' Department's ("LASD" or "Department") March 8, 2019 response to our request under the California Public Records Act ("CPRA") dated January 1, 2019 for records relating to police use of force investigations and sustained findings of police dishonesty and sexual assault.

Your letter stated that the Department was refusing to produce any records in response to our request, summarily claiming that it is "unable to assist [us] with [our] request as it is too broad in scope," and noting that the CPRA requires that a request "reasonably describe the identifiable record or records." Your letter further directed us to identify the specific deputies for whom we are seeking records. This response is wholly inadequate and in violation of LASD's obligations under the CPRA. If you do not comply with your obligations to produce responsive records, we may be forced to bring an action under the CPRA to enforce our rights to public records. As you know, an agency may be liable for the attorneys' fees and costs incurred to litigate the production of records improperly withheld. Gov. Code §6259(d).

First, our initial request defined in detail the specific records we are seeking—*i.e.* certain documents from the administrative files of every officer who used serious force or force resulting in death, and officers who have sustained findings of sexual assault or official dishonesty in their files. These requests are coterminous with the categories of law enforcement records that have been made public under the newly-amended Penal Code Section 832.7(b)(1), and track the statutory language exactly. Over 100 agencies throughout the state have had no problem discerning the scope of the request and have already produced responsive records, and hundreds more have acknowledged the request and are working with us to produce records. You have not articulated any reason for LASD's stated inability to understand and respond to this request.

Second, your alleged inability to identify officers whose records must be disclosed is particularly difficult to comprehend, given that various Department documents reflect that it has already identified at least some of the deputies whose records we are seeking. For instance, the Department publishes on its own website the number of incidents involving serious uses of force by officers that occur each month.<sup>1</sup> It also posts an anonymized description of discipline of

<sup>1</sup> See, e.g., reports published on the LASD data sharing webpage at [https://lasd.org/public\\_data\\_sharing.html](https://lasd.org/public_data_sharing.html).

imposed on officers on a quarterly basis that indicates the nature of the underlying conduct punished, including conduct involving sexual assaults, dishonesty, and uses of force.<sup>2</sup> And, internally, the Department has already identified approximately 300 officers who have disciplinary histories involving moral turpitude, including the categories of dishonesty that are disclosable under Penal Code Section 832.7(b)(1)(C).<sup>3</sup> The Department is unquestionably tracking the relevant information, and although the publicly-available information does not disclose the identities of the deputies involved, this information is known to the Department. Moreover, even if the Department was not actively tracking this information or has not tracked it for the entire time period for which we are seeking records, this undeniably demonstrates that the Department is able to identify records that would be responsive to our request.

Additionally, as you likely know, until the passage of S.B. 1421 (Skinner 2018), and the above-mentioned amendments to Penal Code Section 832.7, the general public was prohibited from learning information about the discipline imposed upon law enforcement officers. The Department's request that we identify the specific deputies who have been administratively disciplined for dishonesty or sexual assault or who were involved in serious uses of force and for whom records are sought is therefore impossible, and cannot be a prerequisite to the Department's production of disclosable public records.

The CPRA requires an agency to conduct a search that is "reasonably calculated to locate responsive documents," *American Civil Liberties Union of Northern California v. Super. Ct.*, 202 Cal. App. 4<sup>th</sup> 55, 85 (2011), and an agency may be required to assist a requestor to formulate a request based on the agency's greater knowledge of its own recordkeeping system. Gov. Code §§6253.1(a)(1)-(3). Given the existence of the LASD records mentioned above that would have assisted the Department in identifying at least a portion of the records responsive to our request, we would like to know what steps the Department took to locate responsive documents before outright denying our request.

Please confirm within seven (7) days of the receipt of this letter that the LASD will resume its search for records responsive to our initial request, which we have also attached here for your reference, and provide a timeline for which we may expect a response. Gov. Code §6253(c). We would be willing to accept documents on a rolling basis. If you have any further questions, I am happy to discuss our requests by phone at 213-977-5233 or you may contact us at [prarequest@aclusocal.org](mailto:prarequest@aclusocal.org).

Regards,

Melanie Ochoa  
Staff Attorney  
ACLU of Southern California

CC: Peter Bibring, Director of Police Practices

<sup>2</sup> *Id.*

<sup>3</sup> See *Association for Los Angeles Deputy Sheriffs v. Superior Court*, 13 Cal. App. 5<sup>th</sup> 413, 422 (2017).

# **Exhibit F**

**Rekha Arulanantham**

---

**From:** Norman, Alise <ANorman@lasd.org>  
**Sent:** Friday, May 17, 2019 4:18 PM  
**To:** prarequest  
**Cc:** Casey Kasher  
**Subject:** ACLU PRA Request

Dear Ms. Ochoa:

This correspondence is in response to your letter dated May 9, 2019 regarding the Los Angeles County Sheriff's Department's ("Department") response to your California Public Records Act request dated January 1, 2019. Per the Department's response letter dated March 8, 2019, your request is too broad in scope and fails to reasonably describe identifiable records. As previously advised in the aforementioned response letter, if you provide us with identifiable records, e.g. providing the names of the deputies you want records for, we will be happy to assist you.

If you have any questions, please contact me, Lieutenant Alise Norman at (323) 890-5000.

Sincerely,

Alise Norman, Lieutenant  
4900 S. Eastern Avenue  
Commerce, CA 90040  
(323) 890-5000

# **Exhibit G**

July 22, 2019

Records/Report Requests  
Los Angeles County Sheriff's Department  
211 West Temple Street  
Los Angeles, California 90012  
prarequests@lasd.org

*Via E-Mail and U.S. Mail*

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

To Whom It May Concern:

I am writing on behalf of the American Civil Liberties Union of Southern California (ACLU SoCal) to request the release of the following records<sup>1</sup> under the California Public Records Act, Gov't Code §§ 6250 *et seq.*, and Art. I, § 3(b) of the California Constitution related to the a "Brady" list – a list of deputies with disciplinary history that might be relevant to their credibility or otherwise be exculpatory information that might have to be disclosed to the defense in a criminal proceeding if that officer were involved in an investigation or a witness for the prosecution, pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963) ("*Brady*")):

1. All documents compiled by the Los Angeles County Sheriff's Department ("LASD"), or its agents or employees, at any time from January 1, 2009 to the present, identifying officers with a history of discipline or potential misconduct that might have to be disclosed pursuant to *Brady* if the officer is involved in the investigation or called as a witness in a criminal proceeding. This includes, but is not limited, the list of about 300 deputies described in the Los Angeles Times (see, e.g. [Maya Lau](#), [Ben Poston](#) and [Corina Knoll](#), *Inside a secret 2014 list of hundreds of L.A. deputies with histories of misconduct*, Los Angeles Times (Dec. 8, 2017) at <http://www.latimes.com/local/la-me-sheriff-brady-list-20171208-htlstory.html>, and lists at issue in the litigation *Association for Los Angeles Deputy Sheriffs v. Superior Court*. To the extent that any list responsive to

<sup>1</sup> 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).

request number 1 contains deputies named to that list due to misconduct that is not publicly disclosable pursuant to Penal Code section 832.7, we anticipate that those deputies may be redacted from the list. However, responsive documents that identify deputies placed on such a list because of disciplinary conduct that made not confidential under Penal Code section 832.7(b) should not be redacted.

2. All documents related to the disciplinary history of any deputy identified in any list produced in response to Request No. 1.
3. For any peace officers identified in Request No. 1, the current rank; the employment history within the Department (including, but not limited to dates of promotion and/or demotion and rank to which the officer was promoted or demoted); and the salary history of any peace officers appearing on the *Brady* list.

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. 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 \$200.00, please notify us prior to making the copies.

Please send any documents in electronic format to [rekha@aclusocal.org](mailto:rekha@aclusocal.org). Otherwise, please mail your response to:

Rekha Arulanantham  
ACLU of Southern California  
1313 West 8th Street  
Los Angeles, CA 90017

Because the ACLU of Southern California is a nonprofit public interest organization, we request that you waive any fees. *North Cty. Parents Ass'n v. Dep't of Ed.*, 23 Cal. App. 4th 144, 148 (1994).

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Rekha', with a stylized flourish at the end.

Rekha Arulanantham  
Munger, Tolles & Olson Fellow  
ACLU of Southern California  
[rekha@aclusocal.org](mailto:rekha@aclusocal.org)  
(213) 977-9500 ext. 215



# **Exhibit H**



# OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



September 4, 2019

Rekha Arulanantham  
Munger Tolles & Olson Fellow  
ACLU of Southern California  
1313 W. 8<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90017  
rekha@aclusocal.org

Dear Ms. Arulanantham:

This letter is in response to your request for records under the California Public Records Act dated and received by the Los Angeles County Sheriff's Department (LASD) Discovery Unit on July 22, 2019.

In your request, you are seeking the following:

1. "All documents compiled by the Los Angeles County Sheriff's Department ("LASD"), or its agents or employees, at any time from January 1, 2009 to the present, identifying officers with a history of discipline or potential misconduct that might have to be disclosed pursuant to *Brady* if the officer is involved in the investigation or called as a witness in a criminal proceeding. This includes, but is not limited, the list of about 300 deputies described in the Los Angeles Times (see, e.g. Maya Lau, Ben Poston and Corina Knoll, *Inside a secret 2014 list of hundreds of L.A. deputies with histories of misconduct*, Los Angeles Times (Dec. 8, 2017) at <http://www.latimes.com/local/la-me-sheriff-brady-list-20171208-htmlstory.html>, and lists at issue in the litigation *Association for Los Angeles Deputy Sheriffs v. Superior Court*. To the extent that any list responsive to request number 1 contains deputies named to that list due to misconduct that is not publicly disclosable pursuant to Penal Code section 832.7, we anticipate that those deputies may be redacted from the list. However, responsive documents that identify deputies placed on such a list because of disciplinary conduct that made not confidential under Penal Code section 832.7(b) should not be redacted."

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

*A Tradition<sup>42</sup> of Service*  
— Since 1850 —

2. "All documents related to the disciplinary history of any deputy identified in any list produced in response to Request No. 1."
3. "For any peace officers identified in Request No. 1, the current rank; the employment history within the Department (including, but not limited to dates of promotion and/or demotion and rank to which the officer was promoted or demoted); and the salary history of any peace officers appearing on the *Brady* list."

**Response to Request #1:** Unfortunately, we are unable to assist you with your request. As a preliminary matter, your request is overly broad and fails to describe an identifiable record. "All documents compiled by the Los Angeles County Sheriff's Department," is not an identifiable or searchable criterion. Neither are your references to "the list of about 300 deputies described in the Los Angeles Times" article and the website link to the article itself as we are not obligated to expend time to conduct a review and research to attempt to determine the names of the personnel you are seeking. The Public Records Act, Government Code section 6253(b), requires that a request for a copy of records reasonably describe the identifiable record or records. Your request does not provide the proper information with which to determine a report or report type.

Furthermore, these records are exempt from disclosure under several authorities, including, but not limited to the following: California Constitution, article I, section 1; Government Code sections 6254 (a), (b), (c), (f), (k), and 6255(a); Evidence Code sections 1040, 1043, and 1045, Penal Code sections 832.7 and 832.8; *Pitchess v. Superior Court* (1974) 11 Cal.3d 531; *Copley Press v. Superior Court* (2006) 39 Cal.4th 1272; and the recent California Supreme Court decision in *Association for Los Angeles Deputy Sheriffs v. Superior Court* (Aug. 26, 2019, S243855) \_\_\_ P.3d \_\_\_ [2019 WL 4009133]. In addition, since your request is so overbroad, these records are possibly exempt due to the attorney-client privilege, attorney work-product doctrine, and deliberative process privilege.

**Response to Requests #2 and #3:** For the same reasons set forth in the response to Request #1, the records you seek are exempt from disclosure.

Rekha Arulanantham

-3-

September 4, 2019

If you have any questions, please contact Lieutenant Norman of the Discovery Unit at (323) 890-5000.

Sincerely,

ALEX VILLANUEVA, SHERIFF

A handwritten signature in black ink, appearing to read "Albert M. Maldonado", is written over a large, faint circular stamp or watermark.

Albert M. Maldonado, Captain  
Risk Management Bureau

# **Exhibit I**

March 21, 2019

LA County Sheriff  
211 West Temple Street  
Los Angeles, CA 90012  
Email: [prarequests@lasd.org](mailto:prarequests@lasd.org); discoveryunitprarequests@lasd.onmicrosoft.com

*Via U.S. Mail and Email*

**RE: Request for Public Records Regarding the February 4, 2018 Killing of Anthony Weber**

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 records<sup>1</sup> 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 4, 2018 killing of Anthony Weber. 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.

<sup>1</sup> 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 BLMLApras@gmail.com. Otherwise, please mail your response to:

Chris Martin  
838 E. 6<sup>th</sup> Street  
Los Angeles, CA 90021

Because I am the Mother of Anthony Weber 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 or Black Lives Matter will reimburse your agency for the "direct costs" of copying these records plus postage. If you anticipate these costs to exceed \$50, 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,

Demetra Johnson

# **Exhibit J**





# OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



April 19, 2019

Demetra Johnson  
Chris Martin  
838 E. 6<sup>th</sup> Street  
Los Angeles, CA 90021  
[blmlapras@gmail.com](mailto:blmlapras@gmail.com)

Dear Ms. Johnson and Mr. Martin:

This letter is in response to your request for records under the California Public Records Act dated and received by the Los Angeles County Sheriff's Department (LASD) Discovery Unit on March 21, 2019.

In your request, you are seeking "a copy of all records relating to the report, investigation, findings and administrative discipline related to the February 4, 2018 killing of Anthony Weber. 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."

Re: Anthony Weber  
Date: 02/04/18

Although the Sheriff's Department is obligated to respond within 10 days of receipt of the request, this time limit is subject to an extension of up to fourteen (14) days under the following circumstances as defined in Government Code §6253(c)(1):

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

*A Tradition of Service*  
— Since 1850 —

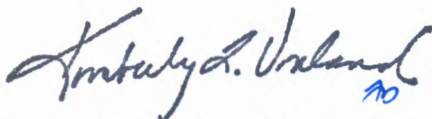
The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

In addition, please note that we may redact or withhold records if there are any exempt matters impacting the privacy rights of individuals (California Constitution, Article I, Section 1, and Government Code Sections 6254(k) and 6255(a)). Other exempt matters will include those protected by the attorney-client, official information and deliberative process privileges, pending litigation exemption, personnel exemption, or other matters otherwise protected from disclosure by law or where the particular facts and circumstances warrant nondisclosure of the information (Government Code sections 6254(b), (c), (k), and 6255(a)).

If you have any questions, please contact Lieutenant Norman of the Discovery Unit at (323) 890-5000.

Sincerely,

ALEX VILLANUEVA, SHERIFF

A handwritten signature in blue ink that reads "Kimberly L. Unland". There is a small blue mark below the signature.

Kimberly L. Unland, Captain  
Risk Management Bureau

# **Exhibit K**

May 22, 2019

Los Angeles County Sheriff's Department  
LA County Sheriff  
211 West Temple Street  
Los Angeles, CA 90012  
Via email: [discoveryunitprarequests@lasd.onmicrosoft.com](mailto:discoveryunitprarequests@lasd.onmicrosoft.com)  
[prarequests@lasd.org](mailto:prarequests@lasd.org)

Re: Request for Public Records Regarding February 4, 2018 Killing of Anthony Weber

To Whom It May Concern:

I write in response to Los Angeles Sheriffs' Department's ("LASD" or "Department") failure to respond to our request under the California Public Records Act ("CPRA") dated March 21, 2019 for records relating to the February 4, 2018 killing of Anthony Weber. LASD has yet to provide any records related to this incident or identify a time when it expects that the responsive records will be made available, as required under the CPRA.

Our CPRA request to LASD was dated March 21, 2019 and sent via email and regular mail. LASD responded via email to our emailed request on April 19, 2019—29 days later—acknowledging our request, and apparently invoking the Gov. Code Sec. 6253(c)(1) to request a 14-day extension to respond. The Department also cited various provisions of the Government Code as potential bases for redacting or withholding records, but did not specifically state whether it was invoking any of those provisions as a basis for withholding documents responsive to this request. The Department's April 19, 2019 letter did not state if it had disclosable records, nor provide a date by which it would produce any such records. This is the only response that we have received from LASD as of the date of this letter.

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. While LASD requested a 14-day extension in its initial response, this response was already more than 24 days after our initial request was submitted. More than 60 days have elapsed since we initially submitted our request, and LASD has far exceeded the statutory period in which it is obligated to provide the documents or a date when they will be produced. LASD is grossly out of compliance with its obligations under the CPRA.

Mr. Weber's family has been denied access to this information for over a year since his killing by LASD deputies, and should not be required to continue to wait while the Department fails to fulfill its obligations under the CPRA. The family will accept documents produced on a rolling basis if that will assist the Department in expediting its production of records.

If you have any further questions, I can be reached at I can be reached at (323) 359-2211 or via email at [blmlapras@gmail.com](mailto:blmlapras@gmail.com).

Regards,

Chris Martin

CC: Melanie Ochoa, Staff Attorney, American Civil Liberties Union of Southern California

# **Exhibit L**

May 28, 2019

Sheriff Alex Villaneuva□  
Capt. Mike Hanneman, public information officer  
San Francisco Sheriff's Department□  
211 W. Temple St.,  
Los Angeles, CA 90012

RE: Request under the California Public Records Act § 6250 et seq.

Dear Sheriff Alex Villaneuva and Capt. Mike Hanneman:

Pursuant to my rights under the California Public Records Act § 6250 et seq., I ask to obtain a copy of the following, which I understand to be held by your agency:

**Any and all records related to the sustained findings of sexual assault, dishonesty-related misconduct, or use-of-force resulting in death or in great bodily injury at the hands of deputies Brian Vance, Daniel Esqueda, Jeremiah Song and Allison Melendez throughout the period of their employment with the Los Angeles Sheriff's Department.**

The response should reasonably include all applicable records specified by statute, including but not limited to: **all investigative reports; photographic, audio and video evidence; transcripts and recordings of interviews; 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 in connection with an incident, 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.**

As well, I ask for a copy of **any and all records listed about above** relating to the **Jan. 4, 2012** shooting death of **Jazmyne Ha Eng** at **Pacific Clinic's Asian Pacific Family Center** in **Rosemead**.

I ask for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make that determination without having to review the records in question.

If you determine that any or all of the information qualifies for an exemption from disclosure, I ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested.

In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

If I can provide any clarification that will help expedite your attention to my request, please contact me at (415) 385-0440. I am requesting that you waive all applicable fees associated with this request as I believe this request is in the interest of my family and is not for commercial use. If you deny this request for a fee waiver, please advise me in advance of the estimated charges associated with fulfilling this request. Please send me a detailed and itemized explanation of those charges.

Thank you for your time and attention to this matter.

Sincerely,  
Vinly Eng  
Brother of Jazmyne Ha Eng



# **Exhibit M**



# OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



May 31, 2019

Vinly Eng  
[vinnyeng@gmail.com](mailto:vinnyeng@gmail.com)

Dear Mr. Eng:

This letter is in response to your request for records under the California Public Records Act dated and received by the Los Angeles County Sheriff's Department Discovery Unit on May 28, 2019.

In your request, you are seeking:

1. "Any and all records related to the sustained findings of sexual assault, dishonesty-related misconduct, or use-of-force resulting in death or in great bodily injury at the hands of **Deputy Brian Vance**."
2. "...any and all records listed about above relating to the Jan. 4, 2012 shooting death of Jazmyne Ha Eng at Pacific Clinic's Asian Pacific Family Center in Rosemead."

Although the Sheriff's Department is obligated to respond within 10 days of receipt of the request, this time limit is subject to an extension of up to fourteen (14) days under the following circumstances as defined in *Government Code §6253(c)(1)*.

The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request, and the need to appropriately examine potentially voluminous amounts of records.

In addition, please note that we may redact or withhold records if there are any exempt matters impacting the privacy rights of individuals (*California Constitution, Article I, §1, and Government Code §6254(k) and 6255(a)*). Other exempt matters will include those protected by the attorney-client, official information and deliberative process privileges, pending litigation exemption, personnel exemption, or other matters otherwise protected from disclosure by law or where the particular facts and circumstances warrant nondisclosure of the information (*Government Code § 6254(b), (c), (k), and 6255(a)*).

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

*A Tradition of Service*  
— Since 1850 —

Vinly Eng

-2-

June 3, 2019

If you have any questions, please contact Lieutenant Norman of the Discovery Unit at (323) 890-5000.

Sincerely,

ALEX VILLANUEVA, SHERIFF

A handwritten signature in black ink, reading "Kimberly L. Unland" with a small flourish at the end.

Kimberly L. Unland, Captain  
Risk Management Bureau

# **Exhibit N**



# OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE



May 31, 2019

ALEX VILLANUEVA, SHERIFF

Vinly Eng  
[vinnyeng@gmail.com](mailto:vinnyeng@gmail.com)

Dear Mr. Eng:

This letter is in response to your request for records under the California Public Records Act dated and received by the Los Angeles County Sheriff's Department Discovery Unit on May 28, 2019.

In your request, you are seeking:

1. "Any and all records related to the sustained findings of sexual assault, dishonesty-related misconduct, or use-of-force resulting in death or in great bodily injury at the hands of **Deputy Daniel Esqueda**."
2. "...any and all records listed about above relating to the Jan. 4, 2012 shooting death of Jazmyne Ha Eng at Pacific Clinic's Asian Pacific Family Center in Rosemead."

**Response to #1:** LASD has no records responsive to your request.

**Response to #2:** Although the Sheriff's Department is obligated to respond within 10 days of receipt of the request, this time limit is subject to an extension of up to fourteen (14) days under the following circumstances as defined in *Government Code §6253(c)(1)*.

The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request, and the need to appropriately examine potentially voluminous amounts of records.

In addition, please note that we may redact or withhold records if there are any exempt matters impacting the privacy rights of individuals (*California Constitution, Article I, §1, and Government Code §6254(k) and 6255(a)*). Other exempt matters will include those protected by the attorney-client, official information and deliberative process privileges, pending litigation exemption, personnel exemption, or other matters otherwise protected from disclosure by law or where the particular facts and circumstances warrant

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

*A Tradition<sup>61</sup> of Service*  
— Since 1850 —

Vinly Eng

-2-

June 3, 2019

nondisclosure of the information (*Government Code § 6254(b), (c), (k), and 6255(a)*).

If you have any questions, please contact Lieutenant Norman of the Discovery Unit at (323) 890-5000.

Sincerely,

ALEX VILLANUEVA, SHERIFF

A handwritten signature in black ink, appearing to read "Kimberly L. Unland" with a small "70" written below the name.

Kimberly L. Unland, Captain  
Risk Management Bureau

# **Exhibit O**



# OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE



May 31, 2019

ALEX VILLANUEVA, SHERIFF

Vinly Eng  
[vinnyeng@gmail.com](mailto:vinnyeng@gmail.com)

Dear Mr. Eng:

This letter is in response to your request for records under the California Public Records Act dated and received by the Los Angeles County Sheriff's Department Discovery Unit on May 28, 2019.

In your request, you are seeking:

1. "Any and all records related to the sustained findings of sexual assault, dishonesty-related misconduct, or use-of-force resulting in death or in great bodily injury at the hands of **Deputy Jeremiah Song**."
2. "...any and all records listed about above relating to the Jan. 4, 2012 shooting death of Jazmyne Ha Eng at Pacific Clinic's Asian Pacific Family Center in Rosemead."

**Response to #1:** LASD has no records responsive to your request.

**Response to #2:** Although the Sheriff's Department is obligated to respond within 10 days of receipt of the request, this time limit is subject to an extension of up to fourteen (14) days under the following circumstances as defined in *Government Code §6253(c)(1)*.

The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request, and the need to appropriately examine potentially voluminous amounts of records.

In addition, please note that we may redact or withhold records if there are any exempt matters impacting the privacy rights of individuals (*California Constitution, Article I, §1, and Government Code §6254(k) and 6255(a)*). Other exempt matters will include those protected by the attorney-client, official information and deliberative process privileges, pending litigation exemption, personnel exemption, or other matters otherwise protected from disclosure by law or where the particular facts and circumstances warrant

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

*A Tradition<sup>64</sup> of Service*  
— Since 1850 —



Vinly Eng

-2-

June 3, 2019

nondisclosure of the information (*Government Code § 6254(b), (c), (k), and 6255(a)*)).

If you have any questions, please contact Lieutenant Norman of the Discovery Unit at (323) 890-5000.

Sincerely,

ALEX VILLANUEVA, SHERIFF

A handwritten signature in black ink, reading "Kimberly L. Unland" with a stylized flourish at the end.

Kimberly L. Unland, Captain  
Risk Management Bureau

# **Exhibit P**



# OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



May 31, 2019

Vinly Eng  
[vinnyeng@gmail.com](mailto:vinnyeng@gmail.com)

Dear Mr. Eng:

This letter is in response to your request for records under the California Public Records Act dated and received by the Los Angeles County Sheriff's Department Discovery Unit on May 28, 2019.

In your request, you are seeking:

1. "Any and all records related to the sustained findings of sexual assault, dishonesty-related misconduct, or use-of-force resulting in death or in great bodily injury at the hands of **Deputy Allison Melendez**."
2. "...any and all records listed about above relating to the Jan. 4, 2012 shooting death of Jazmyne Ha Eng at Pacific Clinic's Asian Pacific Family Center in Rosemead."

**Response to #1:** LASD has no records responsive to your request.

**Response to #2:** Although the Sheriff's Department is obligated to respond within 10 days of receipt of the request, this time limit is subject to an extension of up to fourteen (14) days under the following circumstances as defined in *Government Code §6253(c)(1)*.

The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request, and the need to appropriately examine potentially voluminous amounts of records.

In addition, please note that we may redact or withhold records if there are any exempt matters impacting the privacy rights of individuals (*California Constitution, Article I, §1, and Government Code §6254(k) and 6255(a)*). Other exempt matters will include those protected by the attorney-client, official information and deliberative process privileges, pending litigation exemption, personnel exemption, or other matters otherwise protected from disclosure by law or where the particular facts and circumstances warrant

*A Tradition of Service*  
— Since 1850 —

Vinly Eng

-2-

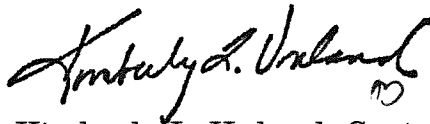
June 3, 2019

nondisclosure of the information (*Government Code § 6254(b), (c), (k), and 6255(a)*).

If you have any questions, please contact Lieutenant Norman of the Discovery Unit at (323) 890-5000.

Sincerely,

ALEX VILLANUEVA, SHERIFF

A handwritten signature in black ink that reads "Kimberly L. Unland". The signature is written in a cursive style with a small "17" written below the name.

Kimberly L. Unland, Captain  
Risk Management Bureau

# Exhibit Q



Vinny Eng &lt;vinnyeng@gmail.com&gt;

## PRA Request

**Vinny** <vinnyeng@gmail.com>

Mon, Jul 8, 2019 at 12:12 PM

To: Discovery Unit PRA Requests <DiscoveryUnitPRARequests@lasd.onmicrosoft.com>

Cc: MWHannem@lasd.org

Bcc: Vivian Ho <vivian.ho@guardian.co.uk>

To Whom It May Concern:

I submitted the original request for this information on May 28, 2019. Today is July 8, 2019. By law, the information should have been provided by now. This process has gone on way beyond the extension date. Please advise on the status of this request.

Thank you,  
Vinly Eng

On Tue, Jun 18, 2019 at 9:59 PM Vinny <vinnyeng@gmail.com> wrote:

Hello,

Please provide an update on the status of this request. The period has exceeded the extension requested. I appreciate your timely response.

Thank you,

On Fri, May 31, 2019 at 9:58 AM Discovery Unit PRA Requests <DiscoveryUnitPRARequests@lasd.onmicrosoft.com> wrote:

Please see attached extension letter regarding your request for records pursuant to the California Public Records Act



----- Forwarded message -----

From: "Hannemann, Michael W." <MWHannem@lasd.org>

To: Discovery Unit PRA Requests <DiscoveryUnitPRARequests@lasd.onmicrosoft.com>

Cc:

Bcc:

Date: Tue, 28 May 2019 18:27:33 +0000

Subject: FW: CPRA request

**From:** Vinny [mailto:vinnyeng@gmail.com]

**Sent:** Tuesday, May 28, 2019 11:06 AM

**To:** Hannemann, Michael W. <MWHannem@lasd.org>

**Subject:** CPRA request

May 28, 2019

Sheriff Alex Villaneuva  
Capt. Mike Hanneman, public information officer  
San Francisco Sheriff's Department  
211 W. Temple St.,  
Los Angeles, CA 90012

RE: Request under the California Public Records Act § 6250 et seq.

Dear Sheriff Alex Villaneuva and Capt. Mike Hanneman:

Pursuant to my rights under the California Public Records Act § 6250 et seq., I ask to obtain a copy of the following, which I understand to be held by your agency:

**Any and all records related to the sustained findings of sexual assault, dishonesty-related misconduct, or use-of-force resulting in death or in great bodily injury at the hands of deputies Brian Vance, Daniel Esqueda, Jeremiah Song and Allison Melendez throughout the period of their employment with the Los Angeles Sheriff's Department.**

The response should reasonably include all applicable records specified by statute, including but not limited to: **all investigative reports; photographic, audio and video evidence; transcripts and recordings of interviews; 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 in connection with an incident, 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.**

As well, I ask for a copy of **any and all records listed about above** relating to the **Jan. 4, 2012** shooting death of **Jazmyne Ha Eng** at **Pacific Clinic's Asian Pacific Family Center** in **Rosemead**.

I ask for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make that determination without having to review the records in question.

If you determine that any or all of the information qualifies for an exemption from disclosure, I ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so whether it is necessary in this case to exercise your discretion to withhold the information.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you redact it for the time being and make the rest available as requested.

In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

If I can provide any clarification that will help expedite your attention to my request, please contact me at (415) 385-0440. I am requesting that you waive all applicable fees associated with this request as I believe this request is in the interest of my family and is not for commercial use. If you deny this request for a fee waiver, please advise me in advance of the estimated charges associated with fulfilling this request. Please send me a detailed and itemized explanation of those charges.

Thank you for your time and attention to this matter.

Sincerely,

Vinly Eng

Brother of Jazmyne Ha Eng

# **Exhibit R**





# OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



July 26, 2019

Vinly Eng  
[vinnyeng@gmail.com](mailto:vinnyeng@gmail.com)

Dear Mr. Eng:

In our May 31, 2019 letter, you were informed that pursuant to *Government Code* §6253(c)(1), the Sheriff's Department would require an additional 14 days to determine whether there are disclosable records that are responsive to your request.

We are continuing to gather records to review. Once we have determined what records are responsive to your request, we will review them to determine if some of the records are exempt from disclosure. Not having reviewed all of the records, we cannot specify all the applicable authorities upon which records would be withheld or redactions would be required. The authorities may include, but are not limited to, the following: *California Constitution*, article I, section 1; matters protected by the attorney-client, official information, and deliberative process privileges; matters relating to pending litigation, personnel matters, investigations, or where the particular facts and circumstances warrant nondisclosure of the information. (*Government Code* §§ 6254 (a), (b), (c), (f), (k), and 6255(a).)

We are hoping to complete the review in the near future. When it is completed, we will advise you as to the availability of the non-exempt records.

If you have any questions, please contact Lieutenant Norman of the Discovery Unit at (323) 890-5000.

Sincerely,

ALEX VILLANUEVA, SHERIFF

Albert M. Maldonado, Captain  
Risk Management Bureau

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

*A Tradition of Service*  
— Since 1850 —

# Exhibit S

RECEIVED  
CENTRALIZED CUSTODY  
RECORDS UNIT  
2019 MAR 29 PM 1:29

March 21, 2019

Los Angeles County Sheriff  
211 Temple St.  
Los Angeles, CA 90012  
DiscoveryUnitPRRequests@lasd.onmicrosoft.com

*Via email and mail*

**RE: Request for Public Records Regarding the 2014 Killing of Nephi Arreguin**

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 records<sup>1</sup> 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 killing of Nephi Arreguin. 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.

---

<sup>1</sup> 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 [BLMLApras@gmail.com](mailto:BLMLApras@gmail.com). Otherwise, please mail your response to:

Chris Martin  
838 E. 6<sup>th</sup> Street  
Los Angeles, CA 90021

Because I am the uncle of Nephi Arreguin 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 \$50, 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,

Zachary Wade



**ACLU**

AMERICAN CIVIL LIBERTIES UNION

**Southern California**

1313 West 8th Street  
Los Angeles, CA 90017



LOS ANGELES  
CA 900  
26 MAR '19  
PM 9 L

Hasler

03/25/2019

US POSTAGE

FIRST-CLASS MAIL

**\$00.50<sup>00</sup>**



ZIP 90017  
011D11648663

*Discovered*

Los Angeles County Sheriff  
211 Temple St.  
Los Angeles, CA 90012

RECEIVED  
CENTRALIZED CUSTODIAN  
RECORDS UNIT  
2019 MAR 29 PM 1:29

90012-445505



# **Exhibit T**



# OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



April 4, 2019

Chris Martin  
838 E. 6<sup>th</sup> Street  
Los Angeles, CA 90021

Dear Mr. Martin:

This letter is in response to your request for records under the California Public Records Act dated March 21, 2019, and received by the Discovery Unit on March 21, 2019 and March 29, 2019.

In your request you are seeking "...a copy of all records..." specifically:

- "...relating to the report, investigation, findings and administrative discipline related to the killing of Nephi Arreguin."

Although the Sheriff's Department is obligated to respond within 10 days of receipt of the request, this time limit is subject to an extension of up to fourteen (14) days under the following circumstances as defined in *Government Code §6253(c)(1)*.

The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request, and the need to appropriately examine potentially voluminous amounts of records.

In addition, please note that we may redact or withhold records if there are any exempt matters impacting the privacy rights of individuals (*California Constitution, Article I, §1, and Government Code §6254(k) and 6255(a)*). Other exempt matters will include those protected by the attorney-client, official information and deliberative process privileges, pending litigation exemption, personnel exemption, or other matters otherwise protected from disclosure by law or where the particular facts and circumstances warrant nondisclosure of the information (*Government Code § 6254(b), (c), (k), and 6255(a)*).

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

*A Tradition of Service*  
— Since 1850 —

Chris Martin

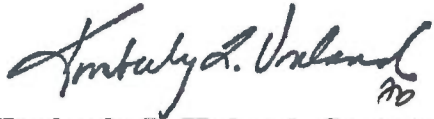
-2-

April 4, 2019

If you have any questions, please contact Lieutenant Norman of the Discovery Unit at (323) 890-5000.

Sincerely,

ALEX VILLANUEVA, SHERIFF

A handwritten signature in black ink, reading "Kimberly L. Unland" with a stylized flourish at the end.

Kimberly L. Unland, Captain  
Risk Management Bureau

cc:

Melanie Ochoa  
Zachary Wade



# **Exhibit U**

May 22, 2019

Los Angeles County Sheriff's Department  
LA County Sheriff  
211 West Temple Street  
Los Angeles, CA 90012  
Via email: [discoveryunitprarequests@lasd.onmicrosoft.com](mailto:discoveryunitprarequests@lasd.onmicrosoft.com)  
[prarequests@lasd.org](mailto:prarequests@lasd.org)

Re: Request for Public Records Regarding 2014 Killing of Nephi Arreguin

To Whom It May Concern:

I write in response to Los Angeles Sheriffs' Department's ("LASD" or "Department") failure to respond to our request under the California Public Records Act ("CPRA") dated March 21, 2019 for records relating to the 2014 killing of Nephi Arreguin. LASD has yet to provide any records related to this incident or identify a time when it expects that the responsive records will be made available, as required under the CPRA.

Our CPRA request to LASD was dated March 21, 2019 and sent via email and regular mail. LASD responded via email to our emailed request on April 4, 2019 acknowledging our request, and apparently invoking the Gov. Code Sec. 6253(c)(1) to request a 14-day extension to respond. The Department also cited various provisions of the Government Code as potential bases for redacting or withholding records, but did not specifically state whether it was invoking any of those provisions as a basis for withholding documents responsive to this request. The Department's April 4, 2019 letter did not state if it had disclosable records, nor provide a date by which it would produce any such records. This is the only response that we have received from LASD, as of the date of this letter.

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 LASD has far exceeded the statutory period in which it is obligated to provide the documents or a date when they will be produced. LASD is grossly out of compliance with its obligations under the CPRA.

Mr. Arreguin's family has been denied access to this information for five years since his killing by LASD deputies, and should not be required to continue to wait while the Department fails to fulfill its obligations under the CPRA. The family will accept documents produced on a rolling basis if that will assist the Department in expediting its production of records.

If you have any further questions, I can be reached at (323) 359-2211 or via email at [blmlapras@gmail.com](mailto:blmlapras@gmail.com).

Regards,

Chris Martin

CC: Melanie Ochoa, Staff Attorney, American Civil Liberties Union of Southern California