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13 CITY OF LOS ANGELES

14 [No Fee- Govt. Code §6103]

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF LOS ANGELES**

17 CITY OF LOS ANGELES, a municipal
18 corporation;

19 Plaintiff,

20 v.

21 BEN CAMACHO, STOP LAPD SPYING
22 COALITION and DOES 1-50 inclusive.

23 Defendants.

24 **Case No.**

25 **COMPLAINT FOR:**

- 26 **(1) POSSESSION OF PERSONAL
PROPERTY BY CLAIM AND
DELIVERY (CIV. CODE § 3379 et seq.);**
27 **(2) DECLARATORY RELIEF; AND**
28 **(3) PETITION FOR RETURN OF
GOVERNMENT RECORDS (GOV.
CODE § 6204 et seq.)**

Plaintiff City of Los Angeles, by way of complaint against the Defendants named herein, alleges as follows:

INTRODUCTION

The City seeks emergency judicial intervention to protect the lives of law enforcement officers currently serving in sensitive assignments whose identities were compromised by the inadvertent release of their photographs pursuant to a California Public Records Act response. To date, efforts to retrieve

1 the photographs voluntarily have been rebuffed. Thus, while a strong public interest exists in
2 governmental transparency, the public has an equally strong, and sometimes conflicting interest, in
3 public safety, which requires maintaining the safety, security, and efficacy of its law enforcement
4 agencies and officers. Select sworn law enforcement officers serve in sensitive assignments, including
5 as undercover officers, who work covertly by concealing their identities as agents of the law to gather
6 information about criminal activities. These officers voluntarily expose themselves to serious risks to
7 their personal safety to gather evidence necessary to prosecute crimes. Exposure of their true identities
8 compromises current and future criminal investigations and exposes these officers to real and present
9 danger of harm by the criminals with whom they engage.

10 Defendants Ben Camacho, Stop LAPD Spying Coalition, and Does 1-50 are willfully exposing
11 to the public the identities of Los Angeles Police Department (“LAPD”) officers in undercover
12 assignments on the website Watch the Watchers, despite knowing that they are not entitled to possess
13 this information. Photographs of these officers were inadvertently included in a production related to a
14 California Public Records Act request and writ petition. The City seeks the return of these inadvertently
15 produced photos to protect the lives and work of these undercover officers.

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17 **GENERAL ALLEGATIONS**

18 1. At all times relevant herein, Plaintiff, the City of Los Angeles (hereinafter “the City” or
19 “Plaintiff”), has been a municipal corporation and a charter city, incorporated pursuant to the laws of
20 the State of California, and located in the County of Los Angeles.

21 2. Plaintiff is informed and believes, and thereon alleges, that Defendant Ben Camacho
22 (“Camacho”) is an individual who resides in the City of Los Angeles.

23 3. Plaintiff is informed and believes, and thereon alleges, that Defendant Stop LAPD Spying
24 Coalition (“SLSC”) is a nonprofit community association based in the City of Los Angeles, operating
25 in the State of California and County of Los Angeles. Plaintiff is further informed and believes that at
26 all times relevant herein, SLSC is the owner and/or operator of the website “Watch the Watchers.”

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1 4. The true names of those of the Defendants sued as Does 1 through 50, inclusive, are
2 unknown to the City, so the City sues these Defendants using fictitious names. The City will amend
3 this Complaint to allege the true names and capacities of these Doe Defendants when their identities are
4 ascertained. As set forth herein, the City is informed and believes and thereon alleges that each of the
5 Defendants designated herein as a Doe is responsible in some manner for the occurrences alleged
6 herein.

7 5. Plaintiff is informed and believes, and thereon alleges, that at all times mentioned herein,
8 each Defendant was the principal, agent, master, servant, subsidiary, partner, member, associate,
9 representative, co-conspirator, employer and/or employee of the other Defendants, and in committing
10 the acts and omissions herein mentioned was acting in the course and scope of said relationship. At all
11 times mentioned herein, each Defendant, whether named or unnamed, was chargeable with and bound
12 by the knowledge and information received by and on behalf of each of the other Defendants. Plaintiff
13 is further informed and believes, and thereon alleges, that at all times relevant herein, the acts of the
14 Defendants were done in the course and scope of the principal, agent, master, servant, subsidiary,
15 partner, member, associate, representative, co-conspirator, employer and/or employee relationship
16 which that Defendant had with the other Defendants. Plaintiff is informed and believes, and thereon
17 alleges, that each of the Defendants sued herein is responsible in some manner for the occurrences
18 alleged herein.

19 6. All references in this complaint to “Defendants” includes all Doe Defendants, and any
20 and all such references shall include each Defendant individually as well as all of the Defendants
21 jointly, unless otherwise noted.

22 7. The Superior Court in the County of Los Angeles has jurisdiction over this matter, as the
23 incidents, property and harms which give rise to the claims alleged in this complaint occurred and/or
24 are located in that county.

25 8. On or around October 11, 2021, defendant Camacho made a request under the California
26 Public Records Act, Gov. Code § 7920.000 *et seq.* (“CPRA”), to LAPD, Request No. 21-8914, which
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1 sought “[T]he most up-to-date roster of LAPD names, badge numbers, serial numbers, division, sworn
2 status. The department headshot photos of all of the same officers referenced above.”

3 9. On or around January 25, 2022, LAPD responded to Camacho’s CPRA request. LAPD
4 produced certain documents, including a roster containing names and other requested information, but
5 denied the request for photographs of officers.

6 10. On or around May 27, 2022, Camacho filed a Petition for Writ of Mandate or in the
7 Alternative a Complaint for Declaratory and Injunctive Relief against the City relating to the City’s
8 CPRA response, *Ben Camacho v. City of Los Angeles*, LASC Case No. 22STCP02029.

9 11. The City and Camacho subsequently agreed to settle the dispute. The City agreed to
10 provide pictures of all full-time, active duty, sworn officers as of July 3, 2022 that were available in
11 LAPD’s system, except for images of officers working in an undercover capacity. The City objected to
12 production of any records that are exempt under the CPRA, including photographs of any officers
13 assigned to undercover duties. Camacho’s counsel agreed that any production of photographs or
14 images would expressly exclude images of officers working in an undercover capacity.

15 12. On September 16, 2022, a flash drive containing photographs was produced to
16 Camacho’s counsel. The City’s cover letter enclosing the flash drive expressly stated “[a]s discussed
17 and agreed upon by all counsel, images of officers working in an undercover capacity as of the time the
18 pictures were downloaded (end of July 2022) are not included.” Unbeknownst to the City, the flash
19 drive provided to Camacho’s counsel on September 16, 2022 inadvertently produced exempt records
20 containing images of officers working in an undercover capacity.

21 13. On or around December 13, 2022, the Court entered a dismissal with prejudice of
22 Camacho’s action against the City in LASC Case No. 22STCP02029 pursuant to the settlement
23 agreement.

24 14. On information and belief, Camacho provided SLSC and other Doe Defendants with the
25 exempt records inadvertently disclosed on the flash drive of photographs produced on September 16,
26 2023.
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1 15. On or around March 16, 2023, the City discovered that the flash drive provided to
2 Camacho’s counsel contained photographs and images of officers working in an undercover capacity
3 based on a report from the Los Angeles Times.

4 16. On or around March 17, 2023, defendant SLSC launched a website entitled “Watch the
5 Watchers” that posted images and identifying information of LAPD officers, including the
6 inadvertently produced records of photos of officers working in an undercover capacity.

7 17. Photographs and images of officers working in undercover capacities are exempt from
8 disclosure under the CPRA and California law, including Government Code Section 7922.000
9 (formerly Section 6255(a)), and California case law. (*Commission on Peace Officer Standards &*
10 *Training v. Superior Court* (2007) 42 Cal.4th 278, 301.)

11 18. Defendants’ possession of undercover officers’ identifying information and photographs,
12 including on Defendants’ website Watch the Watchers, subjects these officers and their families to
13 potential threats and the possibility of danger, and harms the efficacy of LAPD’s undercover operations
14 that require anonymity.

15 19. On March 30, 2023, the City sent Camacho a demand for return of government records
16 pursuant to Government Code section 6204.2 in a letter demanding the return of the flash drive and
17 destruction of all electronic and physical copies of photographs obtained from that production.

18 20. On April 3, 2023, the City sent SLSC a demand for return of government records
19 pursuant to Government Code section 6204.2 in a letter demanding the return of the flash drive and
20 destruction of all electronic and physical copies of photographs obtained from that production.

21 21. The City and public have a strong interest in maintaining the safety and efficacy of its
22 law enforcement agencies, including by withholding government records, including photographs,
23 identifying officers operating undercover.

24 22. The inadvertent disclosure of documents exempt from production under the CPRA does
25 not waive the exemption. (*Ardon v. City of Los Angeles* (2016) 62 Cal.4th 1176).

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1 23. Defendants are not in lawful possession of the photographs. (*Rocky Mountain Wild, Inc.*
2 *v. U.S. Forest Service* (10th Cir. 2022) 56 F.4th 913, 931.)

3 24. As of April 5, 2023, Defendants have not returned the flash drive containing the
4 inadvertently disclosed records that are exempt under the CPRA and California law or to confirm that
5 Defendants have destroyed all electronic and physical copies of such records in their possession,
6 custody or control. Defendants continue to possess undercover officer photographs, including on the
7 Watch the Watchers website.

8 **FIRST CAUSE OF ACTION**

9 (Possession of Personal Property by Claim and Delivery Against Defendants Camacho, SLSC, and

10 DOES 1-50)

11 (Civ. Code § 3379 *et seq.*; C.C.P. § 511.010 *et seq.*)

12 25. The City hereby incorporates by this reference paragraphs 1 through 24 of this complaint
13 as though fully and completely set forth herein.

14 26. The City is, and at all times herein mentioned was, the owner of the government records
15 of LAPD department photographs, including officers assigned to undercover duties, and seeks recovery
16 of its property, including the flash drive containing inadvertently produced photographs of officers
17 assigned to undercover duties, and all copies of such records. The City is, and all times mentioned
18 herein was, entitled to immediate possession of the personal property described above.

19 27. Defendants have no ownership or other possessory interest in records exempt from
20 production under the CPRA, Government Code § 7920.000 *et seq.*, inadvertently produced on the flash
21 drive.
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23 28. Defendants have been and now are in wrongful possession of the flash drive and copies
24 of the exempt photographs in violation of the City's right to immediate possession and, following the
25 City's demand for return of said property, Defendants have wrongfully retained said property and failed
26 to return said property to the City.

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1 **SECOND CAUSE OF ACTION**

2 (For Declaratory Relief Against Camacho, SLSC and Does 1-50)

3 (C.C.P. § 1060)

4 29. The City hereby incorporates by this reference paragraphs 1 through 28 of this complaint
5 as though fully and completely set forth herein.

6 30. An actual and justifiable controversy exists between the City and Defendants regarding
7 the ownership, use and return of inadvertently produced photographs exempt from production under the
8 CPRA, Government Code § 7920.000 *et seq.*

9 31. The City contends that Defendants have no lawful right to possession or use of records
10 exempt from production under the CPRA that are inadvertently produced in response to a CPRA
11 request and that such records must be returned to the City and all physical or electronic copies
12 destroyed.

13 32. The City is informed and believes that Defendants dispute these contentions.

14 33. The City desired a determination of the rights and duties of the City and Defendants as to
15 the above-referenced contentions. Such a declaration and an implementing injunction ordering the
16 return of the exempt records, the destruction of all electronic copies, and further prohibition on
17 publishing said records online, are necessary and appropriate to declare and enforce the parties' rights
18 and obligations.
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20 **THIRD CAUSE OF ACTION**

21 (Petition for Order Requiring the Return of Government Records Against Camacho,

22 SLSC and Does 1-50)

23 (Gov. Code § 6204 *et seq.*)

24 34. The City hereby incorporates by this reference paragraphs 1 through 33 of this complaint
25 as though fully and completely set forth herein.

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1 35. LAPD department photographs are public records as defined in Government Code
2 § 7920.530 and photographs and images of officers assigned to undercover duties are exempt from
3 disclosure pursuant to Government Code § 7920.000.

4 36. Defendants are in wrongful possession of such records, including photographs reflecting
5 images of officers assigned to undercover duties, inadvertently disclosed by the City, and Defendants
6 are not authorized by law to possess these records because these records are exempt from disclosure
7 under the CPRA and California law, including Government Code Section 7922.000 (formerly Section
8 6255(a)), and California case law.

9 37. The City issued written demands to Defendants for return of government records
10 pursuant to Government Code § 6204.2, which was provided to Defendants in conformity with all
11 procedural requirements of Government Code §§ 6204 and 6204.1.

12 38. Within the required time, Defendants have not delivered the described records, responded
13 to the notice and demand, or adequately demonstrated that the records do not belong to LAPD.
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15 **PRAYER**

16 WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as follows:

- 17 1. For immediate return and possession of the property described above.
- 18 2. For a writ of possession ordering the immediate return of the property to the City and
19 further authorizing the County Sheriff to seize said property from the unlawful possession of
20 Defendants and return said property to Plaintiff forthwith; and
- 21 3. For a declaration that Defendants have no lawful right to possession or use of records
22 exempt from production under the CPRA that were inadvertently produced in response to a CPRA
23 request and that such records in Defendants' possession must be returned to the City and all physical or
24 electronic copies destroyed;
- 25 4. For preliminary and permanent injunctive relief enjoining Defendants from possessing,
26 using, posting, or further distributing all inadvertently produced photographs, requiring immediate
27 return and/or destruction of all pictures on the Watch the Watchers website, and ordering the return of
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1 the flash drive and return of all photographs and destruction of all electronic and physical copies in
2 Defendants' possession, custody or control;

3 5. Litigation costs and attorneys' fees as permitted by Government Code § 6204.4; and

4 6. For such other and further relief as the Court may deem just and proper.
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6 DATED: April 5, 2023

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