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12 Los Angeles Police Protective League

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 IN AND FOR THE COUNTY OF LOS ANGELES

15 LOS ANGELES POLICE PROTECTIVE
16 LEAGUE;

17 Plaintiff/Petitioner,

18 v.

19 CITY OF LOS ANGELES; MICHEL MOORE,
20 CHIEF OF POLICE OF THE CITY OF LOS
21 ANGELES, and Does 1 through 25, inclusive

22 Defendants/Respondents.

23 CASE NO. 23STCP00980

24 **VERIFIED PETITION FOR WRIT OF
25 TRADITIONAL MANDATE;
26 COMPLAINT FOR DECLARATORY
27 AND INJUNCTIVE RELIEF**

28 **INTRODUCTION**

The City of Los Angeles perpetrated one of the worst security breaches in recent memory, releasing service photographs of undercover officers pursuant to a California Public Records Act request; all without notifying any of the affected officers or even informing their union, the Los Angeles Police Protective League, of the pending request. This lawsuit seeks to compel the City to take all necessary actions, including legal action, to prevent further harm and to protect the safety of those undercover officers who now face potentially grave risks as a

1 direct result of the City's actions.

2 **PARTIES**

3 1. At all times mentioned herein, Petitioner/Plaintiff Los Angeles Police Protective
4 League (also referred herein as "LAPPL") was and is a recognized employee organization
5 within the meaning of Government Code section 3501(b) for all employees in the
6 classifications of Police Officer, Police Detective, Police Sergeant and Police Lieutenant
7 employed by the Los Angeles Police Department ("LAPD" or "Department") within
8 Respondent/Defendant City of Los Angeles ("City") with regard to all matters concerning
9 wages, hours and working conditions. LAPPL brings this action on behalf of its represented
10 employees affected by the City's conduct described herein.

11 2. The City at all times mentioned herein was a municipal corporation operating
12 under the laws of the State of California and a "public agency" within the meaning of
13 Government Code section 7920.525, and a "local agency" within the meaning of Government
14 Code section 7920.510 of the California Public Records Act ("CPRA").

15 3. Respondent/Defendant Michel Moore at all times mentioned herein was the
16 Chief of Police of LAPD and was charged with the general supervision, administration and
17 management of LAPD.

18 4. Petitioner/Plaintiff LAPPL is ignorant of the true names and capacities of
19 Respondents/Defendants sued herein as Does 1 through 25, inclusive and therefore sues these
20 Respondents/Defendant by such fictitious names. LAPPL will amend this Petition/Complaint to
21 allege the true names and capacities of Does 1 through 25, inclusive when ascertained.

22 **FACTS**

23 5. On or about October 21, 2021, an individual named Ben Camacho filed a CPRA
24 request with LAPD seeking production of a roster of all LAPD sworn officers together with
25 Department headshots of those officers.

26 6. On or about January 25, 2022, the LAPD notified Camacho in writing that the
27 LAPD was providing Camacho the requested roster for the sworn personnel but was denying
28 his request for the Department headshot photographs of such personnel based, *inter alia*, upon

1 Government Code section 6255 which exempts the disclosure of records where the public
2 interest by not disclosing the record clearly outweighs the public interest served by disclosure.

3 7. On May 27, 2022, Camacho filed a Petition for Writ of Mandate and Complaint
4 for Injunctive and Declaratory Relief against the City for declining to produce the Department
5 headshot photographs, *Ben Camacho v. City of Los Angeles*, Case No. 22 STCP02029
6 (“Camacho Lawsuit”).

7 8. On or about September 16, 2022, the Los Angeles City Attorney’s Office
8 produced to Camacho’s attorneys a flash drive containing pictures of all full-time, active duty,
9 sworn police officers as of July 3, 2022. Significantly, the accompanying letter from the City’s
10 Attorney’s Office noted “As discussed and agreed upon by all counsel, images of officers
11 working in an undercover capacity as of the time the pictures were downloaded (end of July
12 2022) are not included.” (Emphasis added.) A true and correct copy of the City Attorney’s
13 Office’s September 16, 2022 letter is attached hereto as **Exhibit A** as is incorporated herein as
14 though fully set forth.

15 9. On March 16, 2023, LAPPL first discovered from a Los Angeles Times
16 reporter that all LAPD officers’ photographs, names and serial numbers had been publicly
17 released by the LAPD in response to a CPRA request and that all such information was to be
18 posted on a publicly accessible website the next morning. Thereafter, LAPPL discovered that
19 photographs of its represented employees, including peace officers working in undercover or
20 sensitive law enforcement assignments (“undercover officers”), had been produced by the City
21 Attorney’s Office in response to Camacho’s CPRA request.

22 10. On March 17, 2023, the Stop LAPD Spying Coalition (represented by one of the
23 attorneys representing Camacho in the Camacho Lawsuit) launched a website entitled, “Watch
24 the Watchers.” That website contains a database that permits an individual to search for any
25 LAPD officer, including all undercover LAPD officers, by either the officer’s name or serial
26 number. The website then produces a picture of the officer in question, including the
27 undercover officers. LAPPL is informed and believes that the database used in the “Watch the
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1 Watchers” website was created by Camacho using the information and photographs received in
2 response to his CPRA request and lawsuit.

3 11. On March 18, 2023, Respondent/Defendant Chief Moore, in an email to all
4 LAPD personnel, apologized to members of the LAPD impacted by the release of officers’
5 photographs, stating “once the decision was made to release the information ... appropriate
6 safeguards were not put in place to ensure those assigned to sensitive investigations were not
7 included,” nor were “steps [] taken to alert our membership of the required release.” Chief
8 Moore also advised LAPD personnel in that communication of his directive for an immediate
9 investigation into the circumstances of the release of the information. A true and correct copy
10 of Chief Moore’s March 18, 2023 email is attached hereto as **Exhibit B** and incorporated
11 herein as though fully set forth.

12 12. On March 21, 2023, during a regular meeting of the Los Angeles Police
13 Commission, Chief Moore again apologized for the disclosure of the officers’ photographs and
14 expressed his concern for the safety of the undercover officers’ whose photos had been
15 released.

16 **FIRST CAUSE OF ACTION**

17 **Traditional Mandamus**

18 **Against All Respondents**

19 **(CCP § 1085)**

20 13. LAPPL realleges paragraphs 1-12 hereinabove as though fully set forth herein.

21 14. At all times mentioned herein, the CPRA contained a number of exemptions
22 permitting public agencies to refuse to disclose public records. In addition to specific
23 exemptions, the CPRA provides a “catchall” provision under Government Code section
24 6255(a) (renumbered as Section 7922.000 effective January 1, 2023) which requires an agency
25 to withhold records where the public interest in nondisclosure outweighs the public interest in
26 disclosure.

27 15. In *Commission on Peace Officer Standards & Training* (2007) 42 Cal.4th 278,
28 the California Supreme Court held that a public agency’s withholding of information

1 identifying officers under Government Code section 6255(a) would be justified in those
2 circumstances where the duties of the officer demand anonymity:

3 We readily acknowledge that throughout the state there are some
4 officers working in agencies who, because of their particular
5 responsibilities, require anonymity in order to perform their
6 duties effectively or to protect their own safety. (See *People v.*
7 *Kunkin* (1973) 9 Cal.3d 245, 256, fn. 14 [107 Cal. Rptr. 184, 507
8 P.2d 1392] [recognizing that disclosure of a roster of undercover
9 narcotics agents could subject the officers and their families to
10 the possibility of danger].) **If the duties of a particular officer,**
11 **such as one who is operating undercover, demand anonymity,**
12 **the need to protect the officer's safety and effectiveness**
13 **certainly would justify the Commission in withholding**
14 **information identifying him or her under Government Code**
15 **section 6255, subdivision (a),** which permits records to be
16 withheld if “on the facts of the particular case the public interest
17 served by not disclosing the record clearly outweighs the public
18 interest served by disclosure of the record.” **The public has a**
19 **strong interest in maintaining the safety and efficacy of its**
20 **law enforcement agencies.**

21 (Emphasis added.)

22 16. In *Ibarra v. Superior Court* (2013) 217 Cal.App.4th 695, the Court of Appeal
23 found that it was an abuse of discretion for the trial court to compel the Los Angeles County
24 Sheriff's Department to produce, without the imposition of limitations, the official service
25 photographs of certain peace officer guards working in the Men's Central Jail under
26 circumstances which would pose an unreasonable risk of harm to those guards.

27 17. Consistent with established precedential case law, the California Supreme Court
28 in *Ardon v. City of Los Angeles* (2016) 62 Cal.4th 1176, approved of the City's filing of a
motion for an order compelling the return of privileged documents inadvertently produced by
the City in response to a CPRA request:

Plaintiff argues, and the Court of Appeal stressed, that his attorney acted properly in requesting documents under the Public Records Act. This may be so, but it is irrelevant. The question is not whether counsel should have used the Public Records Act in this way; the question is what she should have done after receiving what appeared to be privileged documents.

1 (*Id.* at 1189.)

2 18. Camacho’s attorneys here were clearly advised that “[a]s discussed and agreed
3 upon by all counsel, images of officers working in an undercover capacity as of the time the
4 pictures were downloaded (end of July 2022) are not included.” (See Exhibit A.)

5 19. On or about March 21, 2023, LAPPL demanded that the City take necessary
6 legal action to prevent further public disclosure of the undercover officers’ photographs. The
7 City refused to take any legal action to prevent further public disclosure of the undercover
8 officers’ photographs.

9 20. Respondents have a clear, present, and ministerial duty to undertake any and all
10 necessary legal action to prevent further public disclosure of the undercover officers’
11 photographs. Respondents have failed and refused to perform its ministerial duty to undertake
12 such action.

13 21. In the alternative, the Respondents have abused their discretion in refusing
14 LAPPL’s demand for to undertake any and all necessary legal and/or equitable action to
15 prevent further public disclosure of the undercover officers’ photographs.

16 22. On behalf of its represented undercover officers, LAPPL has a beneficial interest
17 in the issuance of a Writ of Mandate commanding Respondents to undertake any and all
18 necessary legal and/or equitable action to prevent further public disclosure of the undercover
19 photographs.

20 23. LAPPL has no plain, speedy or adequate remedy in the ordinary course of law,
21 other than the relief sought herein.

22 24. There are no applicable and/or effective administrative remedies to compel the
23 relief sought herein against Respondents.

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1 **SECOND CAUSE OF ACTION**

2 **Declaratory Relief**

3 **Against All Defendants**

4 **(CCP § 1060)**

5 25. LAPPL realleges paragraphs 1-24 as hereinabove as though fully set forth
6 herein.

7 26. An actual and justiciable controversy has arisen and now exists between LAPPL
8 and Defendants as to whether Defendants must undertake any and all necessary legal and/or
9 equitable action to prevent further public disclosure of the undercover officers' photographs.

10 27. Pursuant to Code of Civil Procedure section 1060, LAPPL seeks a declaration
11 that, as the result of Defendants' unlawful production of the undercover officers' photographs,
12 Defendants must undertake any and all necessary legal and/or equitable action to prevent
13 further public disclosure of such photographs, including but not limited to securing the
14 unlawfully disclosed photographs from the CPRA recipient, and ensuring such photographs are
15 never publicly disclosed in the future.

16 28. Such judicial determination is necessary and appropriate in order that the parties
17 may ascertain their respective legal rights and duties.

18 29. Unless and until Defendants are required to undertake any and all necessary
19 legal and/or equitable action to prevent further public disclosure of the undercover officers'
20 photographs, the physical safety of those undercover officers will continue be in peril due to
21 their loss of anonymity.

22 30. LAPPL's represented undercover officers will suffer irreparable injury unless
23 injunctive relief is issued by this Court in that the personal safety and professional effectiveness
24 of those individuals will be jeopardized.

25 WHEREFORE, LAPPL requests the following relief against Respondents/Defendants
26 and each of them as follows:

- 27 1. That this Court issue a Writ of Mandate commanding Respondents to undertake any
28 and all necessary legal and/or equitable action to prevent further public disclosure of

1 any LAPD undercover officers service photographs, including but not limited to
2 securing the unlawfully disclosed photographs from the CPRA recipient, and
3 ensuring such photographs are never publicly disclosed in the future;

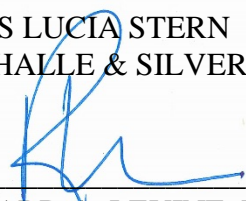
- 4 2. That this Court issue a declaratory adjudication that, as a result of Defendants'
5 unlawful public disclosure of undercover officer photographs, Defendants must
6 undertake any and all necessary legal and/or equitable action to prevent further
7 disclosure of such photographs, including but not limited to securing the unlawfully
8 disclosed photographs from the CPRA recipient, and ensuring such photographs are
9 never publicly disclosed in the future;
- 10 3. That this Court issue an order to show cause against Defendants why a preliminary
11 injunction should not issue to require Defendants to undertake any and all necessary
12 legal and/or equitable action to prevent further disclosure of undercover officer
13 photographs, including but not limited to securing the unlawfully disclosed
14 photographs from the CPRA recipient, and ensuring such photographs are never
15 publicly disclosed in the future;
- 16 4. That pending a hearing on the order to show cause, and until this Court otherwise
17 directs, the Court issue a temporary restraining order requiring Defendants
18 undertake any and all necessary legal and/or equitable action to prevent further
19 disclosure of undercover officer photographs, including but not limited to securing
20 the unlawfully disclosed photographs from the CPRA recipient, and ensuring such
21 photographs are never publicly disclosed in the future;
- 22 5. That following a trial on the merits, the Court issue a Permanent Injunction
23 requiring Defendants undertake any and all necessary legal and/or equitable action
24 to prevent further disclosure of undercover officer photographs, including but not
25 limited to securing the unlawfully disclosed photographs from the CPRA recipient,
26 and ensuring such photographs are never publicly disclosed in the future;
- 27 6. For attorneys fees against the Respondent City pursuant to Code of Civil Procedure
28 section 1021.5, or as otherwise allowed by law;

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- 7. For costs of suit herein incurred; and
- 8. For such other and further relief as the Court deems necessary and proper.

RAINS LUCIA STERN
ST. PHALLE & SILVER, PC

Dated: March 28, 2023

By: 
RICHARD A. LEVINE, Esq.
Attorneys for Plaintiff Los Angeles Police
Protective League

1 **VERIFICATION**

2
3 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES,

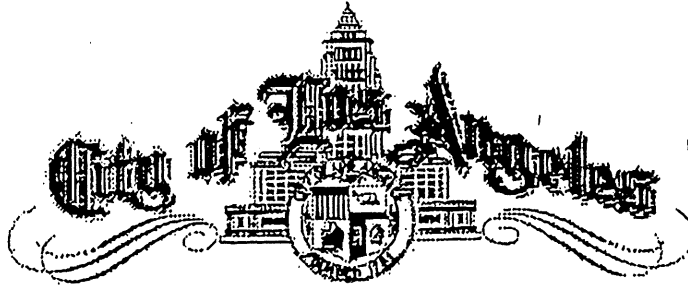
4 I have read the foregoing: VERIFIED PETITION FOR WRIT OF TRADITIONAL
5 MANDATE; COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF.

6 I am an Officer of LOS ANGELES POLICE PROTECTIVE LEAGUE, a party to this action, and
7 am authorized to make this verification for and on its behalf, and I make this verification for that
8 reason. I am informed and believe and on that ground allege that the matters Stated in the foregoing
document are true.

9 Executed on March 27, 2023, in Los Angeles, California.

10
11 I declare under penalty of perjury under the laws of the State of California that the foregoing is
true and correct.

12 
13 _____
Craig Lally



Hermik Bastian Collins
Tel (213) 978-8397
Hermik.Collins@cityofla.org

MICHAEL N. FEUER
CITY ATTORNEY

September 16, 2022

Shakeer Rahman, Esq.
LAW OFFICE OF SHAKEER RAHMAN
838 East 6th Street
Los Angeles, CA 90021

Via messenger pick-up

Colleen Flynn, Esq.
LAW OFFICE OF COLLEEN FLYNN
3435 Wilshire Boulevard, Suite 2910
Los Angeles, CA 90010

Dear Ms. Flynn and Mr. Rahman,

As discussed and agreed upon by counsel, I am enclosing documents responsive to your client's California Public Records Act (CPRA) request (Request #21-8914).

Included in this envelope is a roster of all active duty officers as of July 3, 2022. This is the roster LAPD used in pulling pictures of officers as described below.

Also enclosed in the envelope is a black flash drive. The enclosed flash drive includes pictures of all full-time, active duty, sworn police officers as of July 3, 2022 that were available in our system.

As discussed and agreed upon by all counsel, images of officers working in an undercover capacity as of the time the pictures were downloaded (end of July 2022) are not included. Additionally, there is a small number of individuals (less than approximately 100) who did not have photographs in the system based on when their last ID badge picture was taken.

City Hall East 200 N. Main Street Room 800 Los Angeles, CA 90012 (213) 978-8100 Fax (213) 978-8912

Ms. Flynn and Mr. Rahman
Page 2
September 16, 2022

I believe this completely and accurately describes the scope of the parameters used in producing pictures responsive to the CPRA request that the parties agreed to. Please let me know if I am missing something. It is my understanding that this production fulfills the CPRA request at issue in the writ entitled *Ben Camacho v. City of Los Angeles* (22STCP02029). I further understand that all that remains after your client's review of the production is the issue of Attorney's fees and a full settlement of the action. I look forward to expeditiously resolving these issues with you both.

Sincerely,

MICHAEL N. FEUER, City Attorney

/s/ Hasmik Collins

By

Hasmik Badalian Collins
Deputy City Attorney

HC/lp

From: DOC Communications Division <doc@lapd.online>

Date: March 18, 2023 at 4:52:58 PM PDT

To: DOC Communications Division <doc@lapd.online>

Subject: Chief's Message

A Statement from Chief Michel Moore:

As you are all aware, on Friday, March 18th, a third party website posted the photographs and assignments of all active duty sworn members of the Department. I only learned of this posting after it had occurred and had in fact expressed my opposition to such a release in a media interview earlier that day, unless it was required by law. I apologize to each member of this Department impacted, and your families, for not having provided you with advance notice of this release. While I recognize that apology may be of little significance to you, each of you should be able to depend on me and this Department to demonstrate the appropriate sensitivity in these types of situations.

I've directed an immediate investigation into the circumstances of the release of this information, which actually occurred last September pursuant to a California Public Record Act request. This third party website apparently gained access to the release. The investigation will include the timeline of events, those involved, the underlying analysis and rationale in reaching the decision to release the information, and protocols employed. Additionally, it appears that once the decision was made to release the information, that appropriate safeguards were not put in place to ensure those assigned to sensitive investigations were not included, and that steps were taken to alert our membership of the required release. Those involved in the decisions and actions that occurred in this release are to be held accountable, just as you are when going about your work each day. This isn't meant to be a 'scape goat' investigation, but one that identifies how this occurred and those responsible.

Unfortunately, we cannot go back in time and take a different path. I have directed that the Department immediately do everything possible to identify what can be done for the safety and security of each of you and your families, which is my paramount concern. This will also include working with the Los Angeles Police Protective League and Command Officers Association.

Additionally, we have already initiated an ongoing awareness for the development of any threats stemming from those who attempt to use information garnered from the involved website for some nefarious purpose. Should such information develop, we will notify the involved member immediately and take immediate action. I've also directed the strengthening of the review process of such releases in the future to ensure such a mistake is not repeated.

As an individual who has faced the continual vitriol, hate speech, and credible threats to my personal safety and that of my family, I recognize how disturbing this circumstance is and how my words may do little to soothe your anger and frustration. Our work in the days and weeks ahead is to rebuild your confidence in me and the Department, which includes the first step of acknowledging our mistake and ensuring it is never repeated.

Respectfully
Michel R. Moore
Chief of Police