Complaint to the Administrative Investigation Division of the LAPD Internal Affairs Group about Martin Bland, Officer in Charge of the LAPD Discovery Section and Dominic Choi, Commanding Officer of the Risk Management Division

October 16, 2016

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<sup>&</sup>lt;sup>1</sup>Note that blue text indicates clickable links internal to this document whereas magenta text indicates clickable links to resources on the Internet.

### 1 Synopsis

1. In February 2015 and April 2016 I made two requests to LAPD Discovery to inspect public records. After more than 20 months LAPD has not yet made the records available and has thus violated a number of state and local laws and policies, including the Public Records Act, of the California Constitution, and of the LAPD Code of Ethics. Ultimately responsibility for these failures may lie with the Officer in Charge of the LAPD Discovery Section and the Commanding Officer of the Risk Management Division.

### 2 Laws and policies

2. The California Public Records Act ("CPRA") is found at Government Code §6250 et seq. It states in part at §6253(c) that:

Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available.

3. CPRA also states, at 6253(d) that

Nothing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of public records.

- 4. According to the California Constitution at Article 1, Section 3(b), one of the fundamental rights of citizens of California is "the right of access to information concerning the conduct of the people's business." This right is implemented by an explicit Constitutional requirement that local agencies comply with CPRA:
  - (b)(1) The people have the right of access to information concerning the conduct of the people's business, and, therefore, the ... writings of public officials and agencies shall be open to public scrutiny.
  - (b)(7) In order to ensure public access to the ... writings of public officials and agencies, as specified in paragraph (1), each local agency is hereby required to comply with the California Public Records Act ...

5. The Los Angeles City Charter at §213 states:

In addition to the powers and duties prescribed by the Charter, the officers, employees, and boards of the City shall have such other powers and perform such other duties as may be prescribed by the laws of the State of California, or by ordinance, not in conflict with the Charter, or by resolution adopted by the Council, not in conflict with the provisions of the Charter or ordinance.

6. The LAPD Code of Ethics at Paragraph XIII states:

Persons in the public service shall uphold the Federal and California State Constitutions, laws and legal regulations of the United States, the State of California, the City of Los Angeles, and all other applicable governmental entities therein.

7. The LAPD Manual at Vol. 1 Section 610 states that:

Commanding officers have responsibility and accountability for every aspect of their command. Commensurately, within policy guidelines and legal constraints they have the authority to coordinate and direct assigned personnel and other allocated resources in achieving their organizational objectives. In so doing, they must perform the full range of administrative functions, relying upon policy, direction, training, and personal initiative to guide them and their command in achieving the highest level of performance possible.

### 3 Facts

- 8. On February 10, 2015, I sent a CPRA request to LAPD Discovery asking for all active stay-away orders in the Hollywood Entertainment District ("HED") as well as communications related to stay-away orders. See Exhibit 1 (page 8).
- 9. On October 10, 2015, I emailed LAPD Discovery asking for the status of my request, which was eight months old at that point. See Exhibit 2 (page 10). Later that day LAPD Discovery wrote back to me claiming that they were working on a response to my request. See Exhibit 3 (page 12). On December 21, 2015, still having received no response, I emailed LAPD Discovery with another status request. See Exhibit 4 (page 14). On January 25, 2016, still having received no response, I sent another status inquiry. See Exhibit 5 (page 16).
- 10. On April 20, 2016 I sent an updated request for (again) all active stay-away orders in the HED as well as communications regarding them through the date of the request. I also included a request for the status of my previous, still-pending and unresponded-to, request. See Exhibit 6 (page 18).
- 11. Over the next three months I sent five more status requests about these two pending CPRA requests, all of which went unanswered by LAPD Discovery. The last of these, on July 13, 2016, I sent directly to Martin Bland. See Exhibit 7 (page 20).

- 12. Finally, on August 8, 2016, I sent a slightly more exasperated request for information on my two outstanding requests to Martin Bland and Dominic Choi (Exhibit 8, page 26) and Officer Bland finally responded (Exhibit 9, page 28). In his response he apologized for the delay and told me that LAPD Discovery had sent "a rush request" to Hollywood station.
- 13. On September 21, 2016, LAPD Discovery Analyst Mary Ann Taylor told me that she hoped to have responsive materials ready that week. See Exhibit 10 (page 30). I have heard nothing further about either of these CPRA requests.

## 4 Conclusions

- 14. The facts enumerated in Section 3 show repeated violations of the 24 day response deadline imposed by CPRA (paragraph 2). They show ongoing violations of the LAPD's CPRA-imposed duty not to "delay or obstruct" my inspection of these records (paragraph 3).
- 15. Because the Constitution of California requires local agencies such as the LAPD to comply with CPRA (paragraph 4), these violations on the part of LAPD's Discovery Section are violations of a right guaranteed by the Constitution of California.
- 16. Because the Los Angeles City Charter requires City employees to "perform such... duties as may be prescribed by the laws of the State of California," (paragraph 5) these violations of CPRA and of a right guaranteed by the state Constitution are a violation of the Los Angeles City Charter.
- 17. Because the LAPD Code of Ethics (paragraph 6) requires LAPD officers to uphold the California Constitution, other state laws (such as CPRA), and City laws (such as the Charter), these violations of CPRA are also a violation of the LAPD Code of Ethics.
- 18. Because Martin Bland is the Officer in Charge of the LAPD Discovery Section he is responsible for these violations, which it is his duty to avoid. Because Dominic Choi is the Commanding Officer of the Risk Management Division, which includes the Discovery Section under its authority, he is ultimately responsible (paragraph 7) for these violations of the law and of the LAPD Code of Ethics.

### 5 Requested action

- 19. Because everyone at LAPD must be aware of these lapses, it's possible that there isn't any point in punishing anyone individually for them. On the other hand, it may be that by LAPD standards, Officers Bland and Choi are individually responsible for these violations. Thus I'm asking IAG to determine if this is the case and, if it is, to take appropriate action.
- 20. Most importantly, though, I would like the LAPD to recognize the gravity of this situation and take rapid, affirmative action to come into compliance with the requirements

imposed on it by CPRA, the California Constitution, the Los Angeles City Charter, and the LAPD Code of Ethics.

### 6 Other considerations

- 21. The case described here is not isolated. LAPD Discovery routinely violates the requirements of CPRA. While they have fulfilled many, although by no means all, of my other requests, in no cases have they complied with statutory requirements. They routinely take more than a year to gather and prepare materials. And it's not just my requests, either. The City is presently being sued by at least one person over LAPD Discovery's neglect of their duty to comply with CPRA. Many other people have had experiences similar to those I describe here. This is a pervasive and may well be a structural problem with this Section. The LAPD's unwillingness to comply with the law in this case may well diminish its credibility as an agency whose duty is to uphold the law.
- 22. CPRA is not an unimportant or minor law. Adherence to it by local agencies such as the LAPD is mandated in the same Article of the California Constitution as are many other fundamental rights, e.g. the right to be secure against unreasonable searches and seizures, the right to a speedy public trial, the right to a jury trial, the right to bail, and so on. These, especially the first, are rights which it is universally agreed that a police agency such as the LAPD must respect, regardless of the resources that might be required to do so. The will of the people of California as embodied in our constitution, seems to place compliance with CPRA on a par with these other essential rights. This fact suggests that the City ought to be willing to commit sufficient resources to allow LAPD to comply with this essential obligation.
- 23. LAPD's compliance with this particular request is not so important as the structural problems that the mishandling of this request exposes. Thus even if LAPD does supply this particular set of records while your investigation is ongoing, I don't think that that will be sufficient to address the problem.

# 7 Exhibits

# 7.1 Exhibit 1 – February 10, 2015 CPRA request to LAPD

#### Public Records Act request (LAPD.2015.02.10)

From:	
To:	discovery@lapd.lacity.org
Bcc:	
Subject:	Public Records Act request (LAPD.2015.02.10)
Date:	Tuesday, February 10, 2015 10:55 AM
Size:	1 KB

Dear LAPD discovery office,

I'd like to request a list of all active stay-away orders for the Hollywood Entertainment District or maybe you could suggest documents I could

request that would allow me to assemble such a list myself? I'm interested in how many there are and what crimes were committed by the people subject to them.

Mike Dundas of the LA City Attorney suggested to me that Hollywood Station might keep such a list. If they do and if it's stored in electronic

form, naturally I'd like it in whatever format it's stored in.

Thanks,

# 7.2 Exhibit 2 – October 10, 2015 Status request to LAPD

#### Fwd: Public Records Act request (LAPD.2015.02.10)

From:	
To:	discovery@lapd.lacity.org
Subject:	Fwd: Public Records Act request (LAPD.2015.02.10)
Date:	Saturday, October 10, 2015 7:57 PM
Size:	2 KB

Dear LAPD,

I sent this public records request to you all eight months ago. No one has responded to date. Please let me know what is going on over there, if anything

Thankyou,

----- Original message -----From:

To: discovery@lapd.lacity.org Subject: Public Records Act request (LAPD.2015.02.10) Date: Tue, 10 Feb 2015 10:55:06 -0800

Dear LAPD discovery office,

I'd like to request a list of all active stay-away orders for the Hollywood Entertainment District or maybe you could suggest documents I could request that would allow me to assemble such a list myself? I'm

interested in how many there are and what crimes were committed by the people subject to them.

Mike Dundas of the LA City Attorney suggested to me that Hollywood Station might keep such a list. If they do and if it's stored in electronic

form, naturally I'd like it in whatever format it's stored in.

Thanks,

## 7.3 Exhibit 3 – October 10, 2015 LAPD response to status request

Re: Fwd: Public Records Act request (LAPD.2015.02.10) (Request for records)

From:	DISCOVERY DISCOVERY@lapd.lacity.org>	
To:		
Subject:	Re: Fwd: Public Records Act request (LAPD.2015.02.10) (Request for records)	
Date:	Saturday, October 10, 2015 8:04 PM	
X-Delivered-To:		
Size:	4 KB	

Your request has been received by the Discovery Section and will be assigned to a staff member for a response. If you have any questions, please call (213) 978-2100 for assistance.

Thankyou.

Los Angeles Police Department Legal Affairs Division Discovery Section

> 10/10/15 19:57 >>> >>>

Dear LAPD,

I sent this public records request to you all eight months ago. No one has responded to date. Please let me know what is going on over there, if anything,

Thankyou,



----- Original message -----From: a To: discovery@lapd.lac.rty.org

Subject: Public Records Act request (LAPD.2015.02.10) Date: Tue, 10 Feb 2015 10:55:06 -0800

Dear LAPD discovery office,

I'd like to request a list of all active stay-away orders for the Hollywood Entertainment District or maybe you could suggest documents I could

request that would allow me to assemble such a list myself? I'm interested in how many there are and what crimes were committed by the people subject to them.

Mike Dundas of the LA City Attorney suggested to me that Hollywood Station might keep such a list. If they do and if it's stored in electronic

form, naturally I'd like it in whatever format it's stored in.

Thanks,



## 7.4 Exhibit 4 – December 21, 2015 Status request to LAPD

#### Status Request: Public Records Act request (LAPD.2015.02.10) (Request for records)

From:	
To:	discovery@lapd.lacity.org
Subject:	Status Request: Public Records Act request (LAPD.2015.02.10) (Request for records)
Date:	Monday, December 21, 2015 12:27 PM
Size:	2 KB

Dear LAPD Discovery,

It's been about 10 weeks now since you finally responded to this 10 month old request. Is there any news yet?

Thanks!



----- Original message -----From: DISCOVERY DISCOVERY <<u>DISCOVERY@lapd.lacity.org</u>> To: Subject: Re: Fwd: Public Records Act request (LAPD.2015.02.10) (Request for records)

Date: Sat, 10 Oct 2015 19:58:08 -0700

Your request has been received by the Discovery Section and will be assigned to a staff member for a response. If you have any questions, please call (213) 978-2100 for assistance.

Thankyou.

Los Angeles Police Department Legal Affairs Division Discovery Section

>>> <		10/10/15	19:57	>>>

Dear LAPD,

I sent this public records request to you all eight months ago. No one has responded to date. Please let me know what is going on over there, if anything,

Thankyou,

----- Original message ----

From: To: <u>discovery@lapd.lacity.org</u> Subject: Public Records Act request (LAPD.2015.02.10) Date: Tue, 10 Feb 2015 10:55:06 -0800

Dear LAPD discovery office,

I'd like to request a list of all active stay-away orders for the Hollywood Entertainment District or maybe you could suggest documents I could request that would allow me to assemble such a list myself? I'm

interested in how many there are and what crimes were committed by the people subject to them.

Mike Dundas of the LA City Attorney suggested to me that Hollywood Station might keep such a list. If they do and if it's stored in electronic

form, naturally I'd like it in whatever format it's stored in.

Thanks,



# 7.5 Exhibit 5 – January 25, 2016 Status request to LAPD

#### Status Request 2: Public Records Act request (LAPD.2015.02.10) (Request for records)

From:	
To:	discovery@lapd.lacity.org
Subject:	Status Request 2: Public Records Act request (LAPD.2015.02.10) (Request for records)
Date:	Monday, January 25, 2016 7:16 AM
Size:	3 KB

Dear LAPD,

It's been almost a year since I sent this request and you still haven't responded to it properly. Please let me know what's going on with it.

Thankyou,



Dear LAPD Discovery,

It's been about 10 weeks now since you finally responded to this 10 month old request. Is there any news yet?

Thanks!

----- Original message ----

From: DISCOVERY <u>DISCOVERY <DISCOVERY@lapd.lacity.org</u>> To: Subject: Ke: HWd: Public Records Act request (LAPD.2015.02.10) (Request for records) Date: Sat, 10 Oct 2015 19:58:08 -0700

Your request has been received by the Discovery Section and will be assigned to a staff member for a response. If you have any questions, please call (213) 978-2100 for assistance.

Thankyou.

Los Angeles Police Department Legal Affairs Division Discovery Section



Dear LAPD,

I sent this public records request to you all eight months ago. No one has responded to date. Please let me know what is going on over there, if anything

Thankyou,

Dear LAPD discovery office,

I'd like to request a list of all active stay-away orders for the

# 7.6 Exhibit 6 – April 20, 2016 CPRA request to LAPD

#### CPRA request (LAPD.2016.04.20)

From:	
To:	discovery@lapd.lacity.org
Subject:	CPRA request (LAPD.2016.04.20)
Date:	Wednesday, April 20, 2016 9:34 AM
Size:	1 KB

Dear LAPD discovery,

I'd like to inspect records regarding stay-away orders in the Hollywood Division, specifically the Hollywood Entertainment District. In particular:

1. Active stay-away orders

2. Communications involving stay-a way orders from between February 2015 and April 20, 2016

3. Policies regarding stay-away orders, both obtaining them and enforcing them.

I have a request in to you all for something similar from February 2015 which no one there has responded to yet, although Debra Green told me informally that it was in process. This is meant partly to bring that request up to date through the present. I need this information for time-sensitive research projects, and I hope you'll be able to meet your statutory deadlines regarding this request and also fulfill my (now 14 month old) pending request.

Thanks for your help,



7.7 Exhibit 7 – May through July 2016 status requests to LAPD

#### Re: Fwd: Public Records Act request (LAPD.2015.02.10) (Request for records)

From:	
To:	DISCOVERY DISCOVERY < DISCOVERY@lapd.lacity.org>
Subject:	Re: Fwd: Public Records Act request (LAPD.2015.02.10) (Request for records)
Date:	Monday, May 23, 2016 10:58 AM
Size:	2 KB

Dear LAPD Discovery,

what in the world is going on with this request? It's been more than 7 months now since you said it was going to be assigned for a response. The request itself is more than 15 months old.

Please let me know what's going on,



#### Re: CPRA request (LAPD.2016.04.20)

From:	
To:	discovery@lapd.lacity.org
Subject:	Re: CPRA request (LAPD.2016.04.20)
Date:	Monday, May 23, 2016 11:02 AM
Size:	2 KB

Dear LAPD Discovery,

 $l^\prime m$  just wondering what's up with this request. No one has responded to it and it's been over a month.

thanks,



vrote:

I'd like to inspect records regarding stay-away orders in the Hollywood Division, specifically the Hollywood Entertainment District. In particular:

1. Active stay-away orders

Dear LAPD discovery,

2. Communications involving stay-away orders from between February 2015 and April 20, 2016

Policies regarding stay-away orders, both obtaining them and enforcing them.

I have a request in to you all for something similar from February 2015 which no one there has responded to yet, although Debra Green told me informally that it was in process. This is meant partly to bring that request up to date through the present. I need this information for time-sensitive research projects, and I hope you'll be able to meet your statutory deadlines regarding this request and also fulfill my (now 14 month old) pending request.

Thanks for your help,



#### Re: CPRA request (LAPD.2016.04.20)

From:			
To:	discovery@lapd.lacity.org		
Subject:			
Date:	Tuesday, June 21, 2016 6:54 AM		
Size:	2 KB		
Dear LAP	D Discovery,		
	ondering what's going on with this request? No one has made nitial response.		
Thanks,			
On Mon, I	May 23, 2016, at 11:02 AM, a work and a work and a wrote:		
Dear LA	PD Discovery,		
	wondering what's up with this request. No one has responded to 's been over a month.		
thanks,			
	-		
On Wed	, Apr 20, 2016, at 09:34 AM, wrote:		
Dear	Dear LAPD discovery,		
	e to inspect records regarding stay-away orders in the Hollywood on, specifically the Hollywood Entertainment District. In cular:		
1.Act	ive stay-away orders		
	n munications involving stay-away orders from between February 2015 pril 20, 2016		
	icies regarding stay-away orders, both obtaining them and cing them.		
which inform reque time- statu	e a request in to you all for something similar from February 2015 in no one there has responded to yet, although Debra Green told me mally that it was in process. This is meant partly to bring that est up to date through the present. I need this information for sensitive research projects, and I hope you'll be able to meet your tory deadlines regarding this request and also fulfill my (now 14 h old) pending request.		
Than	ks for your help,		

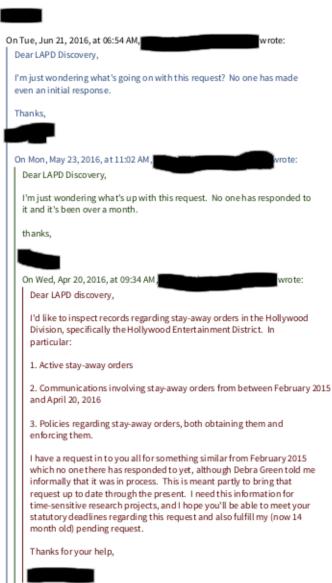
#### Re: CPRA request (LAPD.2016.04.20)

From:	
To:	discovery@lapd.lacity.org
Subject:	Re: CPRA request (LAPD.2016.04.20)
Date:	Friday, July 08, 2016 6:17 AM
Size:	3 KB

Dear LAPD Discovery,

I've been making requests about stay-away orders in Hollywood since February 2015 and no one has yet to even respond to a single one. Meanwhile, you've fulfilled a number of my requests for emails, but for some reason you're completely ignoring all my requests for stay-away orders. Please comply with the law and let me look at this material promptly.





#### Fwd: Public Records Act request (LAPD.2015.02.10)

From:	
To:	martin.bland@lapd.lacity.org
Subject:	Fwd: Public Records Act request (LAPD.2015.02.10)
Date:	Wednesday, July 13, 2016 5:35 PM
Size:	2 KB

Dear Officer Bland,

I wonder if you could tell me what the status of this 17 month old request is? Debra Green told me a few months ago that it was in process, but there's been no response at all with respect to the records involved.

thanks,

----- Original m pssage From To: discovery@lapd.lacity.org Subject: Public Records Act request (LAPD.2015.02.10) Date: Tue, 10 Feb 2015 10:55:06 -0800

Dear LAPD discovery office,

I'd like to request a list of all active stay-away orders for the Hollywood Entertainment District or maybe you could suggest documents I could

request that would allow me to assemble such a list myself? I'm interested in how many there are and what crimes were committed by the people subject to them.

Mike Dundas of the LA City Attorney suggested to me that Hollywood Station might keep such a list. If they do and if it's stored in electronic

form, naturally I'd like it in whatever format it's stored in.

Thanks,



7.8 Exhibit 8 – August 9, 2016 status request to LAPD Officers Choi and Bland

#### Re: Fwd: Public Records Act request (LAPD.2015.02.10)

From:	
To:	dominic.choi@lapd.lacity.org
Cc:	martin.bland@lapd.lacity.org
Subject:	Re: Fwd: Public Records Act request (LAPD .2015.02.10)
Date:	Tuesday, August 09, 2016 7:36 AM
Size:	2 KB

Dear Officers Choi and Bland,

I'm hoping that you can tell me the status of this Public Records Act request, which has now gone 18 months without the statutorily required response from your Discovery Unit. Also, I submitted a companion request in April of this year for stayaway orders for 2015, which nobody has responded to either.

It's really disconcerting that the LAPD feels free to ignore its statutory obligations by completely ignoring my requests. I hope you will do something to resolve this situation as soon as possible.

Thanks,

On Wed, Jul 13, 2016, at 05:35 PM,

Dear Officer Bland,

I wonder if you could tell me what the status of this 17 month old request is? Debra Green told me a few months ago that it was in process, but there's been no response at all with respect to the records involved.

wrote:

thanks,

----- Origin<u>al messa g</u>e ------

From: To: discovery@lapd.lacity.org Subject: Public Records Act request (LAPD.2015.02.10) Date: Tue, 10 Feb 2015 10:55:06 -0800

Dear LAPD discovery office,

I'd like to request a list of all active stay-away orders for the Hollywood Entertainment District or maybe you could suggest documents I could request that would allow me to assemble such a list myself? I'm

interested in how many there are and what crimes were committed by the people subject to them.

Mike Dundas of the LA City Attorney suggested to me that Hollywood Station might keep such a list. If they do and if it's stored in electronic

form, naturally I'd like it in whatever form at it's stored in.

Thanks,



7.9 Exhibit 9 – August 9, 2016 Martin Bland's response to status request

### LOS ANGELES POLICE DEPARTMENT



P. O. Box 30158 Los Angeles, California 90030 Telephone: (213) 978-2100 TDD: (877) 275-5273 Reference Number: 14.4

CHARLIE BECK Chief of Police

> ERIC GARCETTI Mayor

August 9, 2016



This correspondence is in response to your August 9, 2016 email regarding your California Public Records Request pertaining to "stay-away orders in the Hollywood Division". Let me begin by extending an apology for the delay in providing you with a written response to your records request. A request for records was believed to have been forward to the Hollywood Area station; however no response or follow-up correspondence to that request can be located. Discovery has prepared a rush request to the Hollywood Area station.

If you have any questions regarding this correspondence, please contact Management Analyst Mary Taylor of the Discovery Section at (213) 978-2112.

Very truly yours,

CHARLIE BECK Chief of Police

Mart Bland

Martin Bland, Senior Management Analyst Officer-in-Charge, Discovery Section Legal Affairs Division

7.10 Exhibit 10 – September 21, 2016 Mary Ann Taylor's email

#### Re: CPPA Request (LAPD 2016 08 20 a)

Re. CPr	(A Request (LAPD.2016.08.20.a)		
From:	MARY ANN TAYLOR <n5098@lapd.lacity.org></n5098@lapd.lacity.org>		
To: Subject:	Re: CPRA Request (LAPD.2016.08.20.a)		
Date:	Wednesday, September 21, 20167:10 AM		
X-Delivered	I-To:		
Size:	7 KB		
Good Mo	rning		
	noping to have this request completed by next week. However, it's your older request pertaining to "Stay Away" od) that I'm trying to complete this week.		
Los Ange LAD - Dis Office: (	lor nent Analyst II iles Police Department scovery Section 213) 978-2112 3) 978-2080		
>>> Good mo	9/21/2016 6:29 AM >>> ming Officer Taylor.		
I wonder	if there's any news here?		
Thanks,			
> Thank	Aug 25, 2016, at 02:50 PM, wrote: s for getting back to me.		
>			
> >	ı, Aug 25, 2016, at 02:43 PM, MARY ANN TAYLOR wrote:		
> > the a	email is in response to your request for public records. Please see attachment.		
> > > > Thai	ak you		
> >	in jour		
> >			
> > Mar	y Taylor		
	> > Management Analyst II		
	Angeles Police Department - Discovery Section		
> > Office	xe: (213) 978-2112		
	> > Fax: (213) 978-2080 > > Email had 1 attachment:		
> >			
>> 62	x (application/pdf)		