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JUDICIAL WATCH, INC.

CONFIRMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

MAR 15 2006

John A. Clarke, Executive Officer/Clerk
By D. GILES, Deputy

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 FOR THE COUNTY OF LOS ANGELES,
9 CENTRAL DISTRICT

10 JUDICIAL WATCH, INC.,

12 Plaintiff,

13 vs.

15 LOS ANGELES POLICE
DEPARTMENT; WILLIAM J.
16 BRATTON, in his official capacity as
Chief of Police for Los Angeles Police
17 Department; STUART A. MAISLIN, in
his official capacity as Commanding
18 Officer, Risk Management Group, Los
Angeles Police Department; KATHY
19 SHEETS, in her official capacity as
Management Analyst, Discovery Section,
20 Los Angeles Police Department; and
DOES 1 through 10, inclusive,

22 Defendants.

Case No:

BC349040

VERIFIED COMPLAINT FOR
INJUNCTION (Violation of Cal. Gov.
Code § 6250 et seq.)

BY FAX

24 **GENERAL ALLEGATIONS**

25 1. Plaintiff JUDICIAL WATCH, INC. is a non-profit organization with a principal
26 place of business in Washington, D.C., and a Regional Headquarters located in Los Angeles
27 County, California.
28

1 2. Defendant LOS ANGELES POLICE DEPARTMENT ("LAPD") is, and at all
 2 relevant times has been, an agency of the City of Los Angeles, County of Los Angeles, State of
 3 California, and is a law enforcement agency charged with enforcement of law and order. On
 4 information and belief, Defendant LAPD maintains the records described below in Los Angeles
 5 County.

6 3. Defendant WILLIAM J. BRATTON ("BRATTON") is, and at all relevant times
 7 has been, the Chief of Police of LAPD.

8 4. Defendant STUART A. MAISLIN ("MAISLIN") is, and at all relevant times has
 9 been, the Commanding Officer of the Risk Management Group of LAPD.
 10

11 5. Defendant KATHY SHEETS ("SHEETS") is, and at all relevant times has been,
 12 the Management Analyst of the Discovery Section of LAPD.
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14 6. Plaintiff is ignorant of the true names and capacities of defendants sued herein as
 15 Does 1 through 10, inclusive, and therefore sues these defendants by such fictitious names.
 16 Plaintiff will amend this Complaint to allege their true names and capacities when these are
 17 ascertained. Plaintiff is informed and believes and thereon alleges that each of the fictitiously
 18 named defendants is responsible in some manner for the occurrences herein alleged, and that
 19 Plaintiff's damages as herein alleged were proximately caused by the conduct of such fictitiously
 20 named defendants.
 21

22 7. Defendant LAPD maintains the following records (the "REQUESTED
 23 RECORDS"):

24 (a) LAPD policies, practices, or procedures regarding contact between LAPD
 25 officers and known or suspected undocumented aliens.
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1 (b) LAPD policies, practices, or procedures regarding contact between LAPD
2 officers and federal immigration officials.

3 (c) Instruction or training provided to LAPD officers (including instruction or
4 training provided at the Los Angeles Policy Academy) regarding contact between LAPD officers
5 and known or suspected undocumented aliens.

6 (d) Instruction or training provided to LAPD officers (including instruction or
7 training provided at the Los Angeles Policy Academy) regarding contact between LAPD officers
8 and federal immigration officials.

9 (e) Enforcement of LAPD policies, practices, or procedures regarding contact
10 between LAPD officers and known or suspected undocumented aliens (including any
11 punishment of or disciplinary action taken against LAPD officers for violating such policies,
12 practices, or procedures).

13 (f) Enforcement of LAPD policies, practices, or procedures regarding contact
14 between LAPD officers and federal immigration officials (including any punishment of or
15 disciplinary action taken against LAPD officers for violating such policies, practices, or
16 procedures).

17 (g) Any and all statements or interviews given by LAPD officials to the
18 Rampart Independent Review Panel during the course of the Rampart Independent Review
19 Panel's 2000-01 evaluation of Special Order 40. *See* "A Report to the Los Angeles Board of
20 Police Commissioners Concerning Special Order 40," February 1, 2001.

21 8. At all relevant times, Defendants have been responsible for maintaining the
22 REQUESTED RECORDS and have been responsible for disclosing the REQUESTED
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1 RECORDS pursuant to lawful requests under the California Public Records Act (Cal. Gov. Code
2 § 6250 et seq.) (the "ACT").

3 9. On information and belief, the information contained in the REQUESTED
4 RECORDS is subject to disclosure under the ACT and is not subject to the exemptions to
5 disclosure provided for in the ACT.

6
7 **CAUSE OF ACTION FOR INJUNCTIVE RELIEF**
8 **(Against All Defendants)**

9 10. Plaintiff incorporates Paragraphs 1-9 above as though fully set forth herein.

10 11. On or about December 19, 2005, Plaintiff submitted to Defendants a written
11 request that Defendants provide Plaintiff with copies of the aforementioned REQUESTED
12 RECORDS. Plaintiff's request reasonably described the REQUESTED RECORDS and was
13 made in accordance with Defendant LAPD's rules stating the time, place, and procedures for
14 obtaining copies of records under the ACT. A true and correct copy of Plaintiff's December 19,
15 2005, written request is attached hereto as Exhibit 1 and is incorporated by reference as though
16 fully set forth herein.

17
18 12. Plaintiff's December 19, 2005 written request for records also requested a waiver
19 of fees for copies of the REQUESTED RECORDS, but Plaintiff is ready and willing to tender
20 reasonable fees to cover Defendants' costs in providing copies to the REQUESTED RECORDS
21 if Plaintiff's request for waiver of fees is reasonably denied.

22
23 13. On or about December 28, 2005, Defendants submitted to Plaintiff a written
24 invocation of the maximum 14-day extension of time for response provided for in Section
25 6253(c) of the ACT. A true and correct copy of Defendants' December 28, 2005, letter to
26 Plaintiff is attached hereto as Exhibit 2 and is incorporated by reference as though fully set forth
27 herein.
28

1 14. On or about January 27, 2006, Plaintiff sent to Defendants a letter memorializing
2 a telephone conversation that occurred between an employee of Plaintiff and Defendant SHEETS
3 confirming that Defendants requested an additional two weeks to process Plaintiff's request for
4 copies of the REQUESTED RECORDS. A true and correct copy of the January 27, 2006, letter
5 from Plaintiff to Defendants is attached hereto as Exhibit 3 and is incorporated by reference as
6 though fully set forth herein.
7

8 15. To date, Defendants have refused to provide Plaintiff with copies of the
9 REQUESTED RECORDS.

10 16. Plaintiff has exhausted all administrative remedies provided by Defendant LAPD
11 in that Plaintiff has complied with the proper procedure for requesting records under the ACT.
12

13 17. Plaintiff has no adequate remedies at law in that monetary damages will not
14 compensate Plaintiff for deprivation of access to the information which Plaintiff is seeking, and
15 the REQUESTED RECORDS are vital to the mission of Plaintiff as a non-profit organization
16 dedicated to increasing public understanding of the operations of government and the importance
17 of ethics and the rule of law.
18

19 18. Plaintiff has incurred costs and reasonable attorneys' fees in maintaining this
20 action in an amount to be determined according to proof.
21

22 WHEREFORE, Plaintiff prays judgment against Defendants as follows:
23

24 (1) For a permanent injunction enjoining Defendants, and each of them, and their
25 agents, servants, and employees, and persons acting under, in concert with, or for Defendants, to
26 provide Plaintiff with copies of the REQUESTED RECORDS forthwith;
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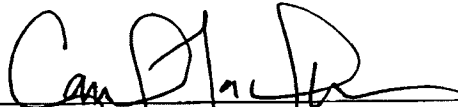
(2) In the alternative, if portions of the REQUESTED RECORDS are found to be subject to nondisclosure under the ACT, for a permanent injunction enjoining Defendants, and each of them, and their agents, servants, and employees, and persons acting under, in concert with, or for Defendants, to provide Plaintiff with copies of all portions of the REQUESTED RECORDS which are not subject to nondisclosure under the ACT;

(3) For reasonable attorneys' fees as determined by the Court and as authorized by Cal. Gov. Code § 6259(d);

(4) For costs of suit incurred herein; and

(5) For such other relief as the Court may deem proper.

DATED: March 14, 2006


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Attorney for Plaintiff
JUDICIAL WATCH, INC.

EXHIBIT 1



Judicial Watch

Because no one is above the law!

VIA CERTIFIED MAIL, RETURN
RECEIPT REQUESTED (7001 2510
0009 4606 6706)

December 19, 2005

Discovery Unit
Los Angeles Police Department
CPRA Section
201 North Los Angeles Street, Space 301
Los Angeles, CA 90012

Re: California Public Records Act Request

Dear Sir/Madam:

Judicial Watch, Inc. hereby requests that the Los Angeles Police Department ("LAPD") make any and all public records or writings concerning or relating to the following subjects available for inspection and/or duplication pursuant to the California Public Records Act, Cal. Gov't Code §§ 6250 *et seq.*:

1. LAPD policies, practices, or procedures regarding contact between LAPD officers and known or suspected undocumented aliens.
2. LAPD policies, practices, or procedures regarding contact between LAPD officers and federal immigration officials.
3. Instruction or training provided to LAPD officers (including instruction or training provided at the Los Angeles Police Academy) regarding contact between LAPD officers and known or suspected undocumented aliens.
4. Instruction or training provided to LAPD officers (including instruction or training provided at the Los Angeles Police Academy) regarding contact between LAPD officer and federal immigration officials
5. Enforcement of LAPD policies, practices, or procedures regarding contact between LAPD officers and known or suspected undocumented aliens (including

CPRA Section, LAPD Discovery Unit
December 19, 2005
Page 2

any punishment of or disciplinary action taken against LAPD officers for violating such policies, practices, or procedures).

6. Enforcement of LAPD policies, practices, or procedures regarding contact between LAPD officers and federal immigration officials (including any punishment of or disciplinary action taken against LAPD officers for violating such policies, practices, or procedures).
7. Any and all statements or interviews given by LAPD officials to the Rampart Independent Review Panel during the course of the Rampart Independent Review Panel's 2000-01 evaluation of Special Order 40. *See* "A Report to the Los Angeles Board of Police Commissioners Concerning Special Order 40," February 1, 2001.

For purposes of this request, the term "public records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the LAPD, regardless of physical form or characteristics. Cal. Gov't Code § 6252(e).

Also for purposes of this request, the term "writing" means 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. Gov't Code § 6252(e).

Within ten (10) days of receipt of this request, you are required to determine whether the request, in whole or in part, seeks copies of disclosable public records in your possession and to notify us promptly of your determination and the reasons therefor. Cal. Gov't Code § 6253(c).

Except with respect to records exempt from disclosure by express provision of law, you also are required to make the requested records promptly available upon payment of any fees covering direct costs of duplication or any applicable statutory fees. Cal. Gov't Code § 6253(b).

Any reasonably segregable portion of a record otherwise exempt from disclosure is required to be made available after deletion of the portions that are exempted by law. Cal. Gov't Code § 6253(a).

Finally, Judicial Watch, Inc. requests a waiver of any direct costs of duplication or statutory fees pursuant to Cal. Gov't Code § 6253(e). Judicial Watch, Inc. is a non-profit, tax-exempt 501(c)(3) educational organization dedicated to increasing public understanding of the operations of government as well as the importance of ethics and the rule of law. Judicial Watch,

Exh. 1, p. 2

CPRA Section, LAPD Discovery Unit
December 19, 2005
Page 3


Inc. regularly requests information from public agencies about their operations and activities and disseminates this information to the public in furtherance of its educational mission.

If you do not understand this request or any portion thereof, or if you feel you require clarification of this request, or any portion thereof, please do not hesitate to contact us in our California office, 2540 Huntington Drive, Suite 201, San Marino, CA 91108; Tel.: (626) 287-4540.

Thank you for your attention to this matter.

Sincerely,

JUDICIAL WATCH, INC.



Paul J. Orfanedes

EXHIBIT 2

LOS ANGELES POLICE DEPARTMENT



WILLIAM J. BRATTON
Chief of Police

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

ANTONIO R. VILLARAIGOSA
Mayor

December 28, 2005

Mr. Paul J. Orfanedes
Judicial Watch, Inc.
501 School Street, SW, Suite 725
Washington D.C., 20024

Dear Mr. Orfanedes:

California Public Records Act Request

This correspondence is prepared in response to your letter to the Los Angeles Police Department (the Department) received December 23, 2005, requesting information pertaining to Department contact with undocumented aliens and with federal immigration officials. Your request was made pursuant to the California Public Records Act (the Act).

Please be advised that, pursuant to California Government Code Section 6253(c), the Department finds that "unusual circumstances" exist with respect to the request due to the need to consult with several entities of the Department. Therefore, the Department will require the statutory fourteen (14) day extension of time in which to respond. We will make a determination concerning your request as soon as possible.

We greatly appreciate your patience and cooperation. If you have any questions regarding this matter, please contact Management Analyst Kathy Sheets of the Discovery Section at (213) 978-2145.

Very truly yours,

WILLIAM J. BRATTON
Chief of Police

STUART A. MAISLIN, Commander
Commanding Officer
Risk Management Group

AN EQUAL EMPLOYMENT OPPORTUNITY-AFFIRMATIVE ACTION EMPLOYER
www.LAPDOnline.org

Exhibit 2

EXHIBIT 3



Judicial Watch

Because no one is above the law!

January 27, 2006

Ms. Kathy Sheets
Management Analyst
Discovery Section
Los Angeles Police Department
201 North Los Angeles Street, Space 301
Los Angeles, CA 90012

Re: California Public Records Act Request

Dear Ms. Sheets:

This is to memorialize the discussion we had on the phone last night regarding the status of Judicial Watch, Inc.'s request for information pursuant to the California Public Records Act.

You informed me that you were not able to process the request in the statutory extension time, fourteen (14) days, due to the need to consult with several entities in the Department. As such, this is the same reason for the delay expressed by Mr. Bratton, Chief of Police, in his letter of December 28, 2005.

I asked you how much longer you would need to process the request. You answered two weeks.

Sincerely,

JUDICIAL WATCH, INC.

Cristina Rotaru

Exhibit 3

VERIFICATION

I, the undersigned, certify and declare that I have read the foregoing document entitled VERIFIED COMPLAINT FOR INJUNCTION (Violation of Cal. Gov. Code § 6250 et seq.), and know its contents. I am the Director of Litigation for Judicial Watch, Inc., the Plaintiff in this action. The matters stated in the document described above are true of my own knowledge and belief, except as to those matters stated on information and belief, and as to those matters I believe them to be true.

Executed on March 14, 2006, at Washington, D.C.

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



PAUL J. SORFANEDES