

OFFICIAL CORRESPONDENCE REVIEW

INITIATED BY: (Name, Bureau or Division, etc.)		DATE:	
SHARON SARGENT POLICE ADMINISTRATOR I COMMANDING OFFICER, AUDIT DIVISION		DECEMBER 3, 2024	
STAFF OFFICER ASSIGNED: (Name, Bureau or Division, Phone Extension, etc.)			
Police Performance Auditor IV Sergio Sais, Audit Division, (213) 486-8386			
SUBJECT: 2024 CALIFORNIA PUBLIC RECORDS ACT INSPECTION (AD NO. 24-003)			
ATTN	REVIEWED BY:	ATTN	REVIEWED BY:
1/8	Audit Division <i>SS</i>		
2	Assistant to the Director, Office of Constitutional Policing and Policy		
3	Office of Constitutional Policing and Policy		
4	Office of Chief of Police, Administrative Section	<i>12/9/24</i>	
5	Office of the Chief of Staff		
6	Office of the Chief of Police		
7	Board of Police Commissioners		

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OFFICE OF THE CHIEF OF POLICE

Office of Constitutional Policing and Policy

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Chief of Staff

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INTRADEPARTMENTAL CORRESPONDENCE

December 17, 2024
14.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: CALIFORNIA PUBLIC RECORDS ACT INSPECTION (AD NO. 24-003)

RECOMMENDED ACTION

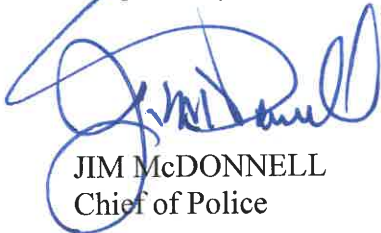
It is recommended that the Board of Police Commissioners REVIEW and APPROVE the attached California Public Records Act Inspection.

DISCUSSION

Audit Division conducted a California Public Records Act Inspection to evaluate the Los Angeles Police Department's adherence to a settlement agreement between the American Civil Liberties Union and the City of Los Angeles.

If additional information is required, please contact Police Administrator Sharon Sargent, Commanding Officer, Audit Division, at (213) 486-8480.

Respectfully,



JIM McDONNELL
Chief of Police

Attachments

CALIFORNIA PUBLIC RECORDS ACT INSPECTION
Conducted by Audit Division
2024

OVERVIEW

Audit Division (AD) evaluated the Los Angeles Police Department's (LAPD or Department) adherence to a settlement agreement (Agreement) entered into between the American Civil Liberties Union (ACLU) and the City of Los Angeles (City) in 2019. The objective of this inspection was to determine the Department's compliance with the Agreement and the California Public Records Act (CPRA).

In assessing a random sample of 96 Department CPRA requests received and closed for the twelve months between July 1, 2023, through June 30, 2024, AD found that:

- Timely Initial Notice to Requestor.¹ The Department provided a timely initial response to the requestor 100 percent of the time (Objective No. 1);
- Justification of Additional 14-Day Extensions. Additional 14 calendar-day extensions due to "unusual circumstances" were justified 86 percent of the time (Objective No. 2);
- Fulfilled Record Request Provided to Requestor and Unfulfilled Record Request Justified. Fulfilled record requests were provided to the requestor and unfulfilled record requests were justified 100 percent of the time [Objective Nos. 3(a-b)]; and,
- Reasonable Effort to Locate Records. Reasonable efforts were made to locate records 100 percent of the time (Objective No. 4).

BACKGROUND

The CPRA was enacted in 1968 to:²

- (1) Safeguard the accountability of government to the public;
- (2) Promote maximum disclosure of the conduct of governmental operations; and,
- (3) Explicitly acknowledge the principle that secrecy is antithetical to a democratic system of "government of the people, by the people, and for the people."³

In 2019, for the settlement of a CPRA litigation matter, the City and the Department entered into an Agreement with the ACLU to adopt, maintain, and enforce an administrative policy, procedure, and protocol regarding the Department's compliance with the CPRA. The Agreement provides, among other requirements, that the Department will create and maintain a public

¹ The timely initial notice encompassed all 96 sampled record requests, including instances where the Department appropriately asserted a 14-day extension.

² See League of California Cities, *The People's Business, A Guide to the California Public Records Act*, Revised September 2022, Chap. 1, *Introduction and Overview, Origins of the Public Records Act*, p. 7.

³ Gov. Code, § 7920.000 et seq.; Stats 1968, Ch. 1473.

records access policy; a dedicated unit, the CPRA Unit within Risk Management and Legal Affairs Division (RMLAD) to process requests; and an online public records portal that allows the public to make, view, and access CPRA requests made to the Department, as well as records released by the Department in response thereto. All required a one-time assessment and were closed as the conditions of the Agreement were met in 2020. The Agreement also provides that the Department is to conduct an annual CPRA inspection for five consecutive years to monitor the Department's compliance with the CPRA and the Agreement.⁴

Furthermore, the Agreement requires the Department to institute and maintain processes for routine proactive disclosure of records and information and make all reasonable efforts to preserve as "historical" both existing and future documents in certain categories. Both are reviewed annually based on their need for continued updates. See "Other Related Matters."

PRIOR INSPECTION

This is AD's fifth and last required inspection. The first inspection was conducted in 2020.

SCOPE AND METHODOLOGY

The Department has established the CPRA Unit, which has the primary responsibility for accepting, processing, and responding to CPRA requests. The CPRA Unit shall log, process, and respond to every public record request it receives in accordance with the CPRA.⁵

Therefore, this inspection focused on RMLAD and its role in the Agreement regarding the intake and handling of requests for public records.

To determine the population for the inspection, AD used data from the online records portal, NextRequest, which tracks all record requests, related activities, and actions taken. All requests made by mail, email, phone, online or in person are entered into NextRequest, which multiple City agencies use. Access to NextRequest is publicly available at <https://lacity.nextrequest.com>, where the public can submit a public record request to the desired agency in the City and view the request status.

Auditors identified a total of 4,390 public records requests that were received and closed by the Department from July 1, 2023, through June 30, 2024;⁶ from which, a statistically valid random sample was selected, resulting in a sample of 96 requests.⁷

⁴ See Settlement Agreement, 8, *Monitoring*.

⁵ The CPRA Unit will hereinafter be referred to as RMLAD to distinguish between the CPRA and the CPRA Unit.

⁶ Auditors obtained the population from NextRequest on August 9, 2024.

⁷ For the sample size, auditors used a one-tailed test with a 95 percent confidence level, 90 percent proportion of success, and a five percent error rate.

SUMMARY OF FINDINGS

Table No. 1 summarizes the findings by objective.

Table No. 1 – Findings by Objective

Obj. No.	Description of Objectives	2023 ⁸		2024	
		Number Meeting Standard/ Evaluated	Percent Meeting Standard	Number Meeting Standard/ Evaluated	Percent Meeting Standard
1	Timely Initial Notice to Requestor	94/95	99%	96/96	100%
2	Justification of Additional 14-Day Extensions	20/22	91%	12/14	86%
3	Fulfilled Record Request Provided to Requestor and Unfulfilled Record Request Justified				
3(a)	Fulfilled Record Request Provided to Requestor	32/32	100%	30/30	100%
3(b)	Unfulfilled Record Request Justified	63/63	100%	66/66	100%
4	Reasonable Effort to Locate Records	95/95	100%	96/96	100%

DETAILED FINDINGS

Objective No. 1 – Timely Initial Notice to Requestor

Criteria

The Department California Public Records Act Unit Manual, Section 4.1, *Responding to Requests for Records, Procedures*, dated June 2023, states:

“The Department is obligated by the CPRA to respond in writing to CPRA requests within 10 days ... with the following information:

- *Whether the requested records exist;*
- *Whether the Department will release any of the requested records, and if so, when and how; and,*
- *The statutory and legal reasons for withholding any requested records or portions thereof;*

***Note:** When the required response date for the CPRA request falls upon a weekend or holiday, the required response date may be moved to the next business day.*

⁸ The audit period was from July 1, 2022, through June 30, 2023.

A. Extending the Response Time for Responding to a Request

If the Department exercises its right to extend the response time beyond the 10-day period, it must communicate this to the requester in writing, stating the reason or reasons for the extension and the anticipated date of the response within the 14-day extension period.”

Inspection Procedures

Auditors reviewed all 96 sample requests within NextRequest to determine whether RMLAD provided a response to the requestor within 10 calendar days of receiving a request or extended the time to respond by an additional 14 calendar days when “unusual circumstances” existed.

The Department met the standard if RMLAD provided a response to the requestor within the ten calendar days with the required information or within the additional 14-day extension period for extensions.

Findings

Each (100 percent) of the 96 record requests met the standard for this objective.

Objective No. 2 – Justification of Additional 14-Day Extensions

Criteria

California Government Code, Title 1, *General*, Division 10, *Access to Public Records*, Part 3, *Procedures and Related Matters*, Chap. 1, *Request for a Public Record*, Article 2, *Procedural Requirements Generally*, Section 7922.535 (c), states:

“... ‘Unusual circumstances’ means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

- (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.*
- (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.*
- (3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.*
- (4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.”*

Inspection Procedures

Auditors found that out of 96 record requests, 14 were extended beyond the initial ten-day period following receipt of the request. Each of these requests was reviewed to determine whether

“unusual circumstances,” as permitted under the CPRA, were present and cited in the extension notifications.

The Department met the standard for this objective if each request involved “unusual circumstances” and included a 14-day extension notification to the requestor, with an explanation referencing the applicable “unusual circumstances” as defined by CPRA provisions.

Findings

Auditors determined that twelve (86 percent) of the 14 record requests met the standard for this objective.

Of the two 2023 requests that did not meet the standard, both had valid “unusual circumstances” justifications for the extension. However, the Department failed to send a 14-day extension notification to one requestor and sent a notification to the other requestor without referencing the “unusual circumstances.”

Objective No. 3 – Fulfilled Record Request Provided to Requestor and Unfulfilled Record Request Justified

Criteria

The Department California Public Records Act Unit Manual, Section 1.1, *Overview*, dated June 2023, states:

“The fundamental precept of the CPRA is that governmental records shall be disclosed to the public, upon request, unless there is a specific reason not to do so.”⁹

League of California Cities, *The People’s Business, A Guide to the California Public Records Act*, dated September 2022, states:

“The right of access to public records under the Public Records Act (PRA) is not unlimited; it does not extend to records that are exempt from disclosure ... The PRA itself contains numerous exemptions from disclosure.⁹ ... Despite the California Legislature’s goal of accumulating all of the exemptions from disclosure in one place, there are also numerous laws outside the PRA that create exemptions from disclosure.”¹⁰

These exemptions, which are codified in the CPRA, are referenced in the California Public Records Act Unit Manual and include the following categories of records or information:

- Exemptions for Personnel, Medical, or Similar Records;
- Exemptions for Preliminary Notes, Drafts, and Memoranda;

⁹ See Gov. Code, § 7921.000 *et. seq.*

¹⁰ Gov. Code, § 7930.000 *et. seq.*

- Exemptions for Investigative Records and Intelligence Information;
- Exemptions for Litigation and Attorney Records;
- Other Exemptions; and,
- Public Interest Exemptions.¹¹

California Government Code, Title 1, *General*, Division 10, *Access to Public Records*, Part 3, *Procedures and Related Matters*, Chap. 1, *Request for a Public Records*, Article 2, *Procedural Requirements Generally*, Section 7922.530 (a), states:

“Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person ... Upon request, an exact copy shall be provided unless impracticable to do so.”

Objective No. 3(a) – Fulfilled Record Request Provided to Requestor

Inspection Procedures

The Department provided responsive records to 30 of the 96 requests received. A total of 66 requests were not fulfilled for various reasons [assessed in Objective No. 3(b)]. The 30 fulfilled record requests were assessed to verify that the records were in fact provided to the requestor as indicated.

Auditors reviewed each of the 30 fulfilled record requests to determine whether each responsive and non-exempt record was provided by uploading the record onto NextRequest, where it was made available to the requestor, and an exact copy (e.g., scan, photocopy) of the record was provided to the requestor via the requestor’s preferred method of communication (e.g., United States Postal Service mail), if necessary.

The Department met the standard if the record(s) permitted to be disclosed pursuant to the CPRA was made available to access and an exact copy provided to the requestor, if necessary.

Findings

Each (100 percent) of the 30 record requests met the standard for this objective.

¹¹ See Los Angeles Police Department webpage, *California Public Records Act*, at [CPRA-Unit-Manual-v11-6-22-2023.pdf \(usgovcloudapi.net\)](https://www.usgovcloudapi.net) for categories of records exempt from disclosure.

Objective No. 3(b) – Unfulfilled Record Request Justified

Inspection Procedures

Of the 96 record requests reviewed, 66 were not fulfilled due to a variety of reasons and were assessed for this objective. Auditors reviewed each of the 66 record requests to determine the following:

- Whether a reason (e.g., the Department asserted an exemption or explained that no responsive records were located) was documented for not providing the requested record; and,
- Whether the reason for not providing the requested record was in accordance with the CPRA.

The Department met the standard if the Department documented the reason for not providing the request and it was in accordance with the CPRA.

Findings

Each (100 percent) of the 66 unfulfilled record requests reviewed met the standard for this objective with a justification in accordance with the CPRA.

Objective No. 4 – Reasonable Effort to Locate Records

Criteria

The Department California Public Records Act Unit Manual, Section 4.1, *Responding to Requests for Records, Procedures*, Subsection C, *Locating Records*, dated June 2023, states:

“The Department must make a reasonable effort to search for and locate requested records, including by asking probing questions of Department staff. No bright-line test exists to determine whether an effort is reasonable. That determination will depend on the facts and circumstances surrounding each request. In general, upon the Department’s receipt of a CPRA request, all persons or offices that would most likely be in possession of responsive records should be consulted in an effort to locate the records.”

Assessment Procedures

Auditors reviewed each of the 96 record requests to determine if any activity was documented to find the records, attempts were made to locate the records, and Department resources were used to enhance these efforts. The Department met the standard if reasonable efforts were made to locate the requested records.

Results

Each (100 percent) of the 96 record requests met the standard for this objective and contained documentation that indicated reasonable efforts were made to locate the requested records.

Additional Assessment

The Agreement further requires the CPRA Inspection to evaluate and report on the responsiveness of record-holding divisions to requests for records from the CPRA Unit.

Often RMLAD requests assistance from Department entities to fulfill record requests. During this inspection period, of the 96 record requests, RMLAD was able to complete 88 requests independently and required other Department entities to assist with the remaining eight requests.

Table No. 2 provides a breakdown of the Department entities’ responses to RMLAD’s requests for assistance. This breakdown offers insight into the Department entities’ ability to locate and identify the requested records within the required timeframe.

Table No. 2 – Response Time by Other Department Entities

Entity Fulfilling the CPRA Requests	No. of CPRA Requests	No. of CPRA Requests by Response Time	Response Time to the CPRA Requests
Other Department Entities	8	1	Within 10 days
		6	Within 11-24 days
		1	24+ days

Performance Assessment – Time Periods for Closed Record Requests

Assessment Procedures

The CPRA does not specify an exact deadline for providing the records, stating only that the agency shall make the records “promptly available.” However, to provide additional insight into the Department’s performance in closing record requests, AD analyzed the time periods used to close all 4,390 record requests received during the audit period.

Results

Table No. 3 on the following page presents a breakdown of the 4,390 record requests closed within the timeframes of 10 days, 11-24 days, and over 24 days.

Table No. 3 – Time Periods for Closed Record Requests

Time Periods	No. of Requests Closed within Time Period	Percent
Closed in 1-10 Days	2,915	67%
Closed in 11-24 Days	930	21%
Closed Beyond 24 Days	545	12%
TOTAL RECEIVED AND CLOSED	4,390	100%

OTHER RELATED MATTERS

The following two requirements for the City and Department’s public-facing websites, specifically Proactive Disclosure and Historical Data Preservation, are reviewed annually due to the need for ongoing updates:

A. Proactive Disclosure

The Agreement states:

“The City will institute and maintain processes for routine proactive disclosure of LAPD records and information in the public interest and will make such documents available to download. The City will:

- a. Post online LAPD’s current Special Orders and entire policy manual;*
- b. Indicate online the date it last confirmed that the Special Orders and policy manual available online reflect the most updated versions;*
- c. Make available to the public online all statistical data that LAPD reports to the California Department of Justice or the Bureau of Justice Statistics;*
- d. Continue to publish online, archive, and keep current the arrest incident data, crime incident data, drug possession arrest incident data, and vehicle and pedestrian stop data it currently maintains on the Los Angeles Open Data website; and,*
- e. Publish online, archive, and keep current LAPD’s jail booking data.”*

Results

The Department met the conditions of the above requirements by posting all the above required documents in a timely manner on <https://www.lapdonline.org>, except for the Department Manual. Specifically, the most recent quarterly update of the Department Manual was not uploaded during the inspection period. Upon notification, Media Relations Division promptly uploaded the latest version. Media Relations Division has implemented monthly supervisory reviews to ensure all uploads are completed and updated in a timely manner.

B. Historical Data Preservation

The Agreement requires the City to make all reasonable efforts to preserve as “historical” both existing and future documents in certain categories, including Statistical Digests, all LAPD Annual Use of Force Reports, COMPSTAT (short for “computer statistics”) profiles, Reporting District Maps, Geographic Area Maps, Organizational Charts, Office of the Chief of Police Notices, Office of the Chief of Staff Notices, Administrative Orders, Operations Orders, Special Orders, certain Categorical Use of Force Investigation Records, Officer-Involved Shooting (OIS) Files, Board of Police Commission Agenda packages, meeting minutes, etc.

The Agreement further states:

“The City reserves the right to assert appropriate exemptions and/or privileges as to any documents it has designated ‘historical.’ The City also reserves the right, at its discretion, to identify and preserve as ‘historical’ other categories of documents not listed above.”

Results

Audit Division evaluated whether the Department has made reasonable efforts to post existing and historical documents in the specified categories. In all categories, except for OIS files, the Department posted the required documents in a timely manner. Since OIS files require extensive review and redaction before posting, AD assessed if the Department published the OIS records as they became available. The inspection found the Department has made progress in this area, posting OIS files from 1967 to 2023 as they were ready for public release.

The Department met the conditions of the requirements by making reasonable efforts to preserve historical data through timely posting of available documents on <https://www.lapdonline.org>.

ACTIONS TAKEN/MANAGEMENT RESPONSE

Auditors provided a draft report to the Commanding Officers, Risk Management and Legal Affairs Division, and Media Relations Division, who were in general agreement with the audit findings and provided responses, respectively (see attached).

INTRADEPARTMENTAL CORRESPONDENCE

November 14, 2024
14.4

TO: Commanding Officer, Audit Division

FROM: Commanding Officer, Risk Management and Legal Affairs Division

SUBJECT: RESPONSE TO CALIFORNIA PUBLIC RECORDS ACT INSPECTION
OF 2024

Risk Management and Legal Affairs Division (RMLAD) is generally in agreement with the results of the California Public Records Act (CPRA) inspection of 2024. The following are detailed responses to the component of the inspection in which the standard was met less than 100% of the time.

Objective No. 2 – Justification of Additional 14-Day Extensions

When unusual circumstances exist, as defined by CPRA, the Department may extend the time to respond by an additional 14 calendar days.

The inspection reviewed 96 record requests and found that 14 were extended beyond the initial 10-day response period. Of the 14 extensions, 12 of them met the standard for this objective. Of the two that did not meet the standard, an analysis revealed:

Sample X-93: The analyst did not notify requestor that unusual circumstances existed. Actions and additional policies have been implemented to ensure analysts notify requestors when unusual circumstances exist.

Sample X-96: The analyst did not notify requestor that unusual circumstances existed. Actions and additional policies have been implemented to ensure analysts notify requestors when unusual circumstances exist.

If you have any questions or concerns, please contact Detective Philip Orocio, at (213) 847-3575.



YASIR GILLANI, Captain
Commanding Officer
Risk Management and Legal Affairs Division

INTRADEPARTMENTAL CORRESPONDENCE

November 6, 2024
2.2.4

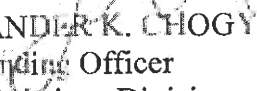
TO: Commanding Officer, Audit Division

FROM: Commanding Officer, Media Relations Division

SUBJECT: 2024 REVIEW OF CALIFORNIA PUBLIC RECORDS ACT
INSPECTION FINAL DRAFT REPORT

Media Relations Division (MRD) received the 2024 California Public Records Act test results conducted by Audit Division. MRD has completed the review process and provided responses to the concerns listed. MRD reviewed the audit report and is in general agreement with the audit findings depicted in the report.

Should you have any questions, please contact Lieutenant II Elpidio Orozco, Serial No. 31243, Media Relations Division, at (213) 486-5910.


ALEXANDER K. CHOGYOJI, Captain
Commanding Officer
Media Relations Division