

Annette Morasch

From: Annette Morasch
Sent: Wednesday, August 5, 2020 10:27 AM
To: Vidra, Lisa; city.council@culvercity.org
Subject: Meet and Confer Concerning Request for Body Camera Footage, etc.

Ms. Vidra,

As you know, I represent the 75 year old, Hispanic man, Lawrence Perez. Without any legitimate reason, CCPD stopped and handcuffed Mr. Perez for 30 minutes on his way home from the grocery store. In my Public Records Act (PRA) request, I asked for body camera footage, dash cam footage, radio broadcasts, and field investigation cards concerning Mr. Perez's arrest. You objected to everything, and refused to produce a single document or video, ostensibly because these documents are exempt from disclosure under Gov't Code Section 6254(f).

This email serves as a meet and confer effort to resolve this matter without resort to potentially lengthy and expensive litigation. If the City refuses to produce the requested documents, we will be filing a petition for writ of mandate to compel the City to produce the requested documents. We will be also be seeking attorneys' fees and costs.

The PRA was enacted for the purpose of increasing freedom of information by giving members of the public access to records in the possession of local agencies. The California Legislature found this right of access to be "a fundamental and necessary right of every person in this state." (Gov't Code section 6250.) This right was confirmed and expanded upon by the people of California when we passed an amendment to our Constitution, securing a "right of access to information concerning the conduct of the people's business." (Cal. Const., art. 1, Section 3, subd. (b)(1).)

As you very well know, 6254(f) has nothing to do with the requests here. Rather, 6254(f) concerns investigations conducted by, and complaints to, the Attorney General and the Department of Justice, and any state or local police agency. Be that as it may, assuming *in arguendo*, that 6254(f) applies, the Code actually requires the City to produce the documents to me. Recordings "shall be disclosed promptly, upon request, to any of the following: The subject of the recording whose privacy is to be protected, or their authorized representative." If we are pretending 6254 applies, the City must state, in writing, "the specific basis for" the failure to produce the requested information. Even if there is supposedly an ongoing investigation into the CCPD's abusive handling of Mr. Perez, the City must first show that releasing the footage would "substantially interfere with" the investigation, and the City must provide an estimated date for the disclosure of the video/audio recording. You have done neither. Mr. Perez has a right to see the body camera footage, the field investigation card, and dash cam footage, etc. This is clearly a matter of public interest. So please, state why the CCPD is not being transparent.

Also in my request, I asked for the same information concerning the CCPD's detention of two young African American males on July 7, 2020 at approximately 10:30 or 11:00 a.m. at the U.S. Bank on Sawtelle and Sepulveda. You made the same baseless objection. If these individuals are minors, CCPD has a right to redact identifiable information, but you cannot completely withhold it. See *National Lawyers Guild San Francisco Bay Area Chapter v. City of Hayward*, 9 Cal.5th 488 (May 28, 2020). If these individuals are not minors, release the footage.

Moreover, the City is acting in a hypocritical manner and arbitrarily determining which body worn and dash camera footage it wants to release, likely for political purposes due to Culver City residents placing the CCPD's

actions under a microscope. The City released the footage of LAPD Captain Darnell Davenport. The City released footage of the double choking of Terry Walton. Explain, in writing, why the City is not releasing the body camera footage of the 30 minute handcuffing of a little old man riding his bicycle, and the detention of two African-American males. The City will have to release the information to me anyway in response to the discovery requests I sent over, as I am defending Mr. Perez in the CCPD's sham citation for an infraction which you know will be dismissed.

I anticipate the City will make the same objections to my PRA requests for information on the harassing and illegal stop of De'Shaun Villalpando. Therefore, I encourage you to respond to my request for Mr. Villalpando's documents in compliance with the PRA.

If I do not receive the requested documents and recordings within 10 business days, I will assume the City is uninterested in resolving this matter without court intervention. I will then exercise all the rights afforded to the public through a writ of mandate, and seek attorneys' fees and costs.

Thank you.

Annette Morasch
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