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13 LAWYERS' COMMITTEE FOR CIVIL RIGHTS  
14 OF THE SAN FRANCISCO BAY AREA

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
16 COUNTY OF SACRAMENTO

17 LAWYERS' COMMITTEE FOR CIVIL  
18 RIGHTS OF THE SAN FRANCISCO  
19 BAY AREA,

20 Petitioner,

21 v.

22 CITY OF SACRAMENTO; SACRAMENTO  
23 POLICE DEPARTMENT,

24 Respondents.

Case No.

**PETITION FOR DECLARATORY  
RELIEF AND WRIT OF MANDATE  
UNDER THE CALIFORNIA PUBLIC  
RECORDS ACT, GOVERNMENT  
CODE § 6250, ET SEQ.**

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**I. INTRODUCTION**

1. This Petition for Declaratory Relief and Writ of Mandate is an effort to enforce the right of access to public records that would enable the Lawyers’ Committee for Civil Rights of the San Francisco Bay Area (“LCCRSF” or “Petitioner”) to perform the vital public service of examining, evaluating, and publicizing the Sacramento Police Department’s policies and practices with respect to First Amendment protected protest activity—including recent protests in Sacramento that gripped the local community.

2. LCCRSF provides services across Northern California, but particularly and extensively in the community of Sacramento, by providing legal trainings related to the right to protest, advocating for persons whose rights have been violated, and offering institutional support for local grassroots organizations who serve and care for persons exercising their rights to free speech. Access to public records enables LCCRSF to provide these critical legal services to the public.

3. Neither the City of Sacramento nor the Sacramento Police Department (collectively, the “City”) has ever disputed LCCRSF’s right to obtain Sacramento Police Department records under the California Public Records Act, Government Code § 6250, *et seq.* Instead, the City adopted a policy of radio silence. For nearly 10 months, the City continually delayed disclosing these records without justification. This unexplained delay—during which *not a single document* has been produced by the City—plainly violates Government Code §§ 6253(b). The Court should grant this petition to ensure that all records requested by LCCRSF are disclosed promptly, consistent with the Public Records Act.

**II. PARTIES**

4. Petitioner LCCRSF was founded over 50 years ago, and is a well-respected nonprofit civil rights and legal services organization located in San Francisco, California.

5. Respondents City of Sacramento and Sacramento Police Department are local agencies as defined by Government Code § 6252(a). They are located in Sacramento County, and maintain the records that LCCRSF has requested in Sacramento County.

1 **III. FACTUAL BACKGROUND**

2 6. On February 26, 2021, after months of reports of police violence against protestors,  
3 particularly people of color, LCCRSF Attorney Tifanei Ressler-Moyer sent a Public Records Act  
4 Request to the City requesting “records regarding Sacramento City Police Department’s  
5 interactions with the public.” LCCRSF submitted its Public Records Act Request in order to obtain  
6 information regarding police treatment, policies, and records that address and explain the  
7 Sacramento Police Department’s interactions with the public prior to, during, and following the  
8 2020 protests against police violence in the wake of George Floyd’s murder, and the “Stop the  
9 Steal” protests and counter-protests at the California State Capitol in early 2021.<sup>1</sup> A true and  
10 correct copy of Ms. Ressler-Moyer’s request submitted for LCCRSF is attached hereto as Exhibit A.

11 7. That same day, the City responded via email and confirmed receipt of the Public  
12 Records Act Request. A true and correct copy of the City’s February 26, 2021 email is attached  
13 hereto as Exhibit B.

14 8. On March 8, 2021, the City again confirmed receipt of Ms. Ressler-Moyer’s request  
15 and stated that it would notify her “within fourteen (14) days as to whether the City is in possession  
16 of non-exempt records responsive to [her] request.” A true and correct copy of the City’s March  
17 8, 2021 email is attached hereto as Exhibit C.

18 9. Ten days later, on March 18, 2021, the City again emailed Ms. Ressler-Moyer that:  
19 “The Government Affairs Unit has identified records potentially responsive to your request and is  
20 continuing to compile additional records that may be responsive. We anticipate that any records  
21 identified will be made available to you by April 12, 2021.” A true and correct copy of the City’s  
22 March 18, 2021 email is attached hereto as Exhibit D.

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25 <sup>1</sup> See e.g., Sarah Mizes-Tran, *Sacramento Police Say They’ve Treated Capitol Demonstrators Equally, But Activists*  
26 *Disagree*, CAPRADIO (Jan. 20, 2021), [https://www.capradio.org/articles/2021/01/20/sacramento-police-say-both-protesters-counter-protesters-have-caused-violence-activists-disagree/?\\_cf\\_chl\\_jschl\\_tk\\_\\_=J2wa7IIlgqkXzRhB0Fs80PBVR\\_sXuAIDiD3KvGw8nWo-1638836285-0-gaNycGzNCf0](https://www.capradio.org/articles/2021/01/20/sacramento-police-say-both-protesters-counter-protesters-have-caused-violence-activists-disagree/?_cf_chl_jschl_tk__=J2wa7IIlgqkXzRhB0Fs80PBVR_sXuAIDiD3KvGw8nWo-1638836285-0-gaNycGzNCf0); Jessica Mensch, *Who Polices the Police? Legal Observer Says Sacramento Police Fired Projectile At His Face During Protest*, FOX40 (Jun. 02, 2020), <https://fox40.com/news/local-news/who-polices-the-police-legal-observer-says-sacramento-police-fired-projectile-at-his-face-during-protest/>.

1           10.     On April 12, 2021, the City emailed Ms. Ressler-Moyer for a second time regarding  
2 her request and further extended the deadline upon which Ms. Ressler-Moyer could expect a response  
3 to her request—without explanation: “We anticipate that any records identified will be made  
4 available to you by May 06, 2021.” A true and correct copy of the City’s April 12, 2021 email is  
5 attached hereto as Exhibit E.

6           11.     On May 6, 2021, Ms. Ressler-Moyer received another email from the City, this time  
7 assuring that the City would respond to Ms. Ressler-Moyer’s request by June 1, 2021. A true and  
8 correct copy of the City’s May 6, 2021 email is attached hereto as Exhibit F.

9           12.     Instead of responding to the request as assured on June 1, 2021, the City’s next email  
10 promised that the City would respond to Ms. Ressler-Moyer’s request by July 1, 2021. A true and  
11 correct copy of the City’s June 1, 2021 email is attached hereto as Exhibit G.

12           13.     The City emailed Ms. Ressler-Moyer yet again on June 29, 2021—for the sixth time  
13 and without explanation—that it would not be producing any responsive records until July 27, 2021.  
14 A true and correct copy of the City’s June 29, 2021 email is attached hereto as Exhibit H.

15           14.     On July 27, 2021, the City emailed Ms. Ressler-Moyer again, now for the seventh  
16 time, this time stating that the City would provide documents responsive to Ms. Ressler-Moyer’s  
17 request by August 27, 2021.

18           15.     Two days later, on July 29, 2021, Ms. Ressler-Moyer responded to the City as follows:

19           This is the seventh time that the department has, without explanation, unilaterally  
20 extended its deadline for compliance. And the department has been withholding  
21 potentially responsive records it identified since no later than May 18, 2021.

22           We are concerned that the department is not taking its statutory obligations  
23 seriously, especially with respect to such critical issues.

24           We write to request: (1) that the department provide a response as to its position on  
25 the records requested; and (2) that whatever responsive records have already been  
26 identified be made available now, and that additional responsive records continue  
27 to be made available on a rolling basis up to and until August 27.

28           Please let us know by this Monday, August 2, 2021, whether you are amenable to  
our proposal above.

1 A true and correct copy of the City’s July 27, 2021 email and Ms. Ressler-Moyer’s July 29, 2021  
2 response is attached hereto as Exhibit I.

3 16. Regrettably, Ms. Ressler-Moyer received no response from the City by August 2,  
4 2021. In addition, Ms. Ressler-Moyer called the City on or around August 4, 2021 and left a  
5 voicemail to confirm whether the City received her July 29, 2021 email and intended to respond.  
6 Ms. Ressler-Moyer never received a call back from the City.

7 17. Even five months after LCCRSF submitted its Public Records Act Request,  
8 LCCRSF did not receive a single responsive document or any explanation for the delay in the City’s  
9 response.

10 18. On August 4, 2021, the City attempted a response to Ms. Ressler-Moyer’s July 29,  
11 2021 message. The message provided no records nor an explanation for the delay:

12 We want to acknowledge your message has been received. Your request is being  
13 processed. Responsive records have been identified. They are under review and  
14 remaining records are being compiled. We hope to give an updated message with  
15 responsive records by early next week.

16 A true and correct copy of the City’s August 4, 2021 email is attached hereto as Exhibit J.

17 19. The City neglected to follow up as it promised the following week. Instead, the City  
18 emailed Ms. Ressler-Moyer on August 26, 2021 and stated that it anticipated producing responsive  
19 documents by September 6, 2021. A true and correct copy of the City’s August 26, 2021 email is  
20 attached hereto as Exhibit K.

21 20. On September 30, 2021, now six months after Ms. Ressler-Moyer submitted her  
22 request to the City, the City again emailed Ms. Ressler-Moyer and stated that: “We anticipate that  
23 any records identified will be made available to you by October 11, 2021.” A true and correct copy  
24 of the City’s September 30, 2021 email is attached hereto as Exhibit L.

25 21. Ms. Ressler-Moyer emailed the City on October 1, 2021, renewing her request that  
26 the City comply with its obligation to respond to LCCRSF’s public records request:

27 This is now the tenth time that the department has, without explanation, unilaterally  
28 extended its deadline for compliance. The department continues to withhold  
potentially responsive records it identified sine no later than March 18, 2021.

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I am writing again to request: (1) that the department provide a response as to its position on the records requested; and (2) that whatever responsive records have already been identified be made available now, and that additional responsive records continue to be made available on a rolling basis up to and until October 11.

Please let me know by this Monday, October 4, 2021, whether your department will oblige our proposal.

A true and correct copy of Ms. Ressler-Moyer’s October 1, 2021 email is attached hereto as Exhibit M.

22. On October 5, 2021, LCCRSF’s Racial Justice Program Coordinator, Neda Shahram, followed up with the City on the phone to confirm that it received Ms. Ressler-Moyer’s October 1, 2021 email. The City communicated that it already compiled and reviewed thirty-two records, however, it had not completed any of its review process as to these documents in the six months that passed since LCCRSF initially submitted its request.

23. Two days later, LCCRSF’s Equal Justice Works Fellow, Lauren Carbajal, again followed up with the City via phone on October 7, 2021. Ms. Carbajal spoke to a City employee, Tammy Jones. Tammy Jones expressed that the City had responsive records and would provide such records by October 11, 2021. No such records were ever produced.

24. On October 13, 2021, Ms. Jones emailed Ms. Carbajal:

Just wanted to let you know we were unable to provide the update on 10/11. We are still working with our attorneys and need to provide some clarification to their questions for their review. Tomorrow I should be able to provide a better eta for the update.

A true and correct copy of the October 13, 2021 email is attached hereto as Exhibit N. Ms. Jones failed to follow up as she indicated she would in her October 13, 2021 email.

25. Nearly a month later, on November 4, 2021, the City emailed Ms. Ressler-Moyer extending the date that it would provide responsive records to December 3, 2021—now for the twelfth time and without explanation. A true and correct copy of the November 4, 2021 email is attached hereto as Exhibit O.

26. Unsurprisingly, the City emailed Ms. Ressler-Moyer on December 3, 2021 and extended the date that it would provide responsive records to December 30, 2021—for the

1 thirteenth time in 10 months. A true and correct copy of the December 3, 2021 email is attached  
2 hereto as Exhibit P.

3 27. At no point has the City indicated that any aspect of LCCRSF’s public records  
4 request is objectionable. Rather, the City repeatedly promised the records and then simply did not  
5 produce them.

6 28. At no point has the City asked that LCCRSF pay any costs associated with its  
7 records request. LCCRSF stands ready to pay reasonable costs.

8 29. As of the time of this filing, the City has not produced any records that are responsive  
9 to the February 26, 2021 request. Nor has the City given any justification for its egregious delay  
10 in producing these responsive documents.

11 **IV. FIRST CAUSE OF ACTION**

12 **(Violation of the California Public Records Act, Gov. Code § 6250, *et seq.*)**

13 30. Petitioner incorporates Paragraphs 1 through 29 above as though fully set forth  
14 herein.

15 31. The Public Records Act, Government Code § 6250, *et seq.*, provides that “access to  
16 information concerning the conduct of the public’s business is a fundamental and necessary right  
17 of every person in this state.” The records requested in LCCRSF’s request, Exhibit A, enable  
18 LCCRSF to assess the performance, policies, and practices of the Sacramento Police Department  
19 as it relates to recent protest activity.

20 32. The City has provided no reasonable excuse for its delayed disclosure. The Public  
21 Records Act requires that state and local agencies provide a lawful determination on a Public  
22 Records Act Request within ten (10) days or, when stated procedural and substantive prerequisites  
23 are met, twenty-four (24) days, and that responsive records be disclosed promptly and on a rolling  
24 basis. *See* Gov. Code §§ 6253(b) and (c).

25 33. It has now been nearly ten months since LCCRSF and Ms. Ressler-Moyer requested  
26 records from the City. The City’s continued and unjustified delay in disclosing responsive records  
27 appears to be based on the City’s errant position that it can continue to withhold responsive records  
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1 indefinitely without being held to account. This does not comply with Government Code §  
2 6253(c)'s determination requirement or Government Code § 6253(b)'s prompt disclosure  
3 requirement. Nor is it justified by any other exemption or law. LCCRSF is entitled to all of the  
4 records it has asked for, and the City is required to disclose them immediately.

5 34. Other than this Petition, LCCRSF has no plain, speedy, and adequate remedy to  
6 obtain the records it seeks. The City's actions demonstrate that it will not produce documents  
7 responsive to LCCRSF's records request without a court order; and therefore, LCCRSF will be  
8 unable to obtain these documents without the Court's intervention. The City's failure to disclose  
9 the requested records is in contravention to Government Code § 6250, *et seq.*, and the compelling  
10 public interest in access to the records sought.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Petitioner prays as follows:

13 1. That this Court grant this Petition for Writ of Mandate and order the prompt  
14 disclosure of all of the records requested by LCCRSF in its February 26, 2021 Public Records Act  
15 Request, Exhibit A hereto;

16 2. That this Court grant declaratory relief holding that the Public Records Act applies  
17 to and mandates disclosure of all of the records requested by LCCRSF in its February 26, 2021  
18 Public Records Act Request, Exhibit A hereto, and that the City has violated the Public Records  
19 Act by failing to disclose said records to LCCRSF;

20 3. That LCCRSF be awarded attorneys' fees and costs against the City, Sacramento  
21 Police Department, and/or any individual in the City's or Sacramento Police's employ or control  
22 for its refusal to produce the records requested, pursuant to Government Code § 6259(d); and

23 4. For such other and further relief as the Court may deem just and proper.  
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Dated: December 7, 2021

Squire Patton Boggs (US) LLP

By:  \_\_\_\_\_  
Rafael Langer-Osuna  
Katie Sharpless

Attorney for Petitioner  
LAWYERS' COMMITTEE FOR CIVIL  
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**VERIFICATION**

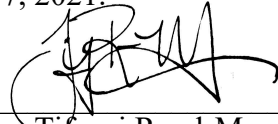
I, TIFANEI RESSL-MOYER, declare:

1. I am an Attorney and Thurgood Marshall Civil Rights Fellow for the Lawyers' Committee for Civil Rights of the San Francisco Bay Area, the petitioner in this action, and I am authorized to make this verification on its behalf.

2. I have read the foregoing Petition for Declaratory Relief and Writ of Mandate. The same is true of my own knowledge.

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

Executed in San Francisco, California, on December 7, 2021.



Tifanei Ressler-Moyer