



CITY OF RICHMOND
OFFICE OF THE CITY ATTORNEY
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RICHMOND, VIRGINIA 23219

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January 4, 2011

ALLEN L. JACKSON
CITY ATTORNEY

BRIAN K. TELFAIR
DEPUTY CITY ATTORNEY

DELIVERED BY HAND

Mr. Bevill M. Dean, Clerk
Circuit Court of the City of Richmond
John Marshall Courts Building
400 N. Ninth Street
Richmond, Virginia 23219

RE: Chief of Police Bryan Norwood and The City of Richmond v. Mo Karn
Case No.

Dear Mr. Dean:

I enclose for filing an original and copy of a Complaint in the referenced case.
Please file the original and have the copy prepared for service on the following
defendant:

Mo Karn
2005 Barton Avenue
Richmond, Virginia 23218

It is my understanding that there is no filing fee for the City of Richmond.

We will serve the Defendant via private process server. **PLEASE CONTACT
MS. VALERIE VICE AT 646-7944 WHEN IT IS READY TO BE PICKED UP.**

Thank you for your assistance in this matter.

Sincerely yours,

Brian K. Telfair
Deputy City Attorney

BKT/vjv

Enclosure

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND
JOHN MARSHALL COURTS BUILDING

| | | |
|--------------------------------|---|----------|
| CHIEF OF POLICE BRYAN NORWOOD, |) | |
| |) | |
| and |) | |
| |) | |
| THE CITY OF RICHMOND, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Case No. |
| |) | |
| MO KARN, |) | |
| |) | |
| Defendant. |) | |

COMPLAINT

CITY OF RICHMOND POLICE CHIEF BRYAN NORWOOD (“Chief Norwood”) and the CITY OF RICHMOND, VIRGINIA (“Richmond”) state the following for their Complaint against the Defendant:

1. Plaintiff Chief Norwood is the Police Chief for Richmond. At all times mentioned herein, he was serving in his capacity as the Chief of Police.
2. Plaintiff Richmond is a municipality as defined and created by the laws of the Commonwealth of Virginia.
3. This Court has jurisdiction over this matter as the issues are ripe for adjudication and venue is proper in this Court.
4. Defendant Mo Karn is a known and admitted anarchist. See generally <http://anarchymo.wordpress.com/2010/12/21/foia-rocks>.

5. On September 15, 2010, the Defendant served via e-mail a Freedom of Information Act stating: "Hello I am requesting, through Virginia Freedom of Information Act, a copy of the protocol/rules manual and roster for the Richmond Police Department." (See Exhibit A)

6. On or about September 16, 2010, Angela Harrison, who is a Program Manager at the Richmond City Police Department, received and began preparing the Department's response to this request.

7. Specifically, on September 15, 2010, Ms. Harrison advised the Defendant that she needed to provide her physical address in order for the Police Department to comply with her request. (See Exhibit B).

8. In addition, on or about October 1, 2010, Ms Harrison telephoned and wrote the Defendant requesting clarification about the scope and breadth of the Defendant's request. (See Exhibit C).

9. On or about November 1, 2010, Ms. Harrison wrote the Defendant advising her that "... some of these documents may include tactical plans and therefore are not subject to FOIA." (See Exhibit D).

10. On or about November 3, 2010, the Defendant stated her understanding that "... tactical plans may not be subject to FOIA." (See Exhibit E). She further conceded that she was not entitled to any of this information. *Id.*

11. On December 16, 2010, Ms. Harrison advised the Defendant that she could come to police headquarters and pick up the responsive documents.

12. In relevant part, Va. Code Sect. 2.2-3705.2 states: "The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law."

13. In his capacity as Police Chief, Chief Norwood is the custodian of the requested documents.

14. Although Ms. Harrison had the authority to prepare the Department's response to the Defendant's request, Ms. Harrison did not have the authority to produce any document to the Defendant without first obtaining permission to do so from Chief Norwood.

15. Chief Norwood never gave his permission to Ms. Harrison to produce these documents.

16. As such, Ms. Harrison's production of these documents exceeded the authority granted to her by Chief Norwood and Richmond.

17. Although Chief Norwood does not object to the production of most of these documents to the Defendant, Ms. Harrison produced certain documents that are exempt from FOIA by Va. Code Sect. 2.2-3705.2(3, 4, 6 and 14). (See Exhibit F).

18. Although Ms. Harrison redacted certain information contained in these documents, none of this information should have been produced to the Defendant.

19. In the present circumstance, the dissemination of these documents in any form to the public jeopardizes and endangers Richmond's Police Officers and citizens. Specifically, this information includes tactical plans for what the police force would do in emergency situations.

20. Moreover, the production of this information also gives tactical information about how the department responds to certain situations, including emergency situations.

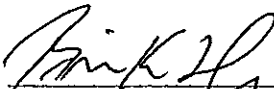
21. Clearly, the dissemination of this information puts the public at risk, and in harm's way, in the event of emergency situations requiring a police response, because the dissemination of this information would advise the reader what the response would be in these situations.

WHEREFORE the Richmond City Police Chief Bryan Norwood and the City of Richmond, Virginia respectfully request the entry of an Order: (a) compelling the return of certain exempt information; (b) preventing the disclosure of this information to the general public; (c) enjoining the defendant from publicizing this information; and (d) granting such other relief as the Court deems appropriate

Respectfully submitted,

CITY OF RICHMOND and CITY OF RICHMOND
POLICE CHIEF BRYAN NORWOOD

By Counsel



Brian K. Telfair, Esquire

VSB No. 40516

Deputy City Attorney

City Hall, Suite 300

900 East Broad Street

Richmond, Virginia 23219

Telephone No. (804) 646-7953

Facsimile No. (804) 646-7939

Counsel for Plaintiffs Chief of Police Bryan Norwood and City of Richmond, Virginia

CERTIFICATE OF SERVICE

I, Brian K. Telfair, hereby certify that on the 4th day of January 2011, a true copy of the foregoing Complaint was hand-delivered to the Defendant Mo Karn, 2005 Barton Avenue, Richmond, Virginia 23222.

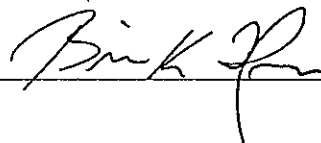


Exhibit A

From: Richmondgov Contact Us [mailto:RichmondGovWebSite@richmondgov.com]
Sent: Wednesday, September 15, 2010 10:38 AM
To: Police-Media Relations Information; CityWebManager
Subject: FOIA Request Phone:N/A

From: Mo Karn

Email Address: gomoriahmo@aol.com

Message:

Hello I am requesting, through Virginia Freedom of Information Act, a copy of the protocol/rules manual and roster for the Richmond Police Department. You can send copies of these documents to PO Box 6025 Richmond, Virginia 23222. Thank you Mo Karn

For DIT Use Only:

Client IP Address: 24.125.134.42

Client Operating System: UNIX

Client Browser Name: Firefox

Client Browser Version: 2.0.0.16

12/28/2010

Exhibit B



CITY OF RICHMOND
POLICE DEPARTMENT
BRYAN T. NORWOOD
CHIEF OF POLICE

September 15, 2010

Mo Karn
P.O. Box 6025
Richmond, VA 23222

RE: FOIA Request: Copy of the protocol rules manual and roster for the
Richmond Police Department

Dear Mr. Karn:

We are in receipt of your Virginia Freedom of Information Act request which is referenced above. It was received on or about September 15, 2010 by the Office of General Counsel. The Virginia Freedom of Information Act allows the requirement of a legal physical address before processing a request. Please forward your legal physical address. Once your legal physical address has been received, we will begin processing your request.

Please be advised that the Department is in the process of researching and reviewing this request; however in accordance with Virginia Code Section 2.2-3704(B) (4), and in order to completely and properly respond without negatively impacting public safety and our intense operational responsibilities, the Department is entitled to and elects to utilize seven additional work-days to respond. Please remember that neither weekends nor holidays are included in this time period.

If the file involved a criminal complaint, it would be exempt from disclosure pursuant to Virginia Code Section 2.2-3706 (F) (1), and it is the Department's policy not to release criminal investigative files.

Please be advised, you may have to pay for the records that you requested. The Freedom of Information Act (FOIA) allows us to charge for the actual costs of responding to FOIA request. If we estimate that it will cost more than \$200 to respond to your request, we may require you to pay a deposit.

Should you have questions, please contact the Office of General Counsel at (804) 646-5528.

Sincerely,

Angela C. Harrison, Esq.
Associate General Counsel

ACH/gnm

Exhibit C

To: Harrison, Angela C.- Police
Subject: Re: FOIA request

Hello

It has been more than 10 business days since my FOIA request, even accounting for the alterations. Please update me as to the status.

Mo Karn

On Sat, Oct 2, 2010 at 12:47 PM, MO xvz <xveganarchistrvax@gmail.com> wrote:

Hello Mrs. Harrison

Is it possible for you to send me the titles of the Operating Manuals and General Orders so I can then decide which ones are most relevant to my research?

I had also found the Employee Directory on the city website after making my request, so there is no need for you to supply that information

Thank you

Mo Karn

On Fri, Oct 1, 2010 at 1:06 PM, Harrison, Angela C.- Police <Angela.Harrison@richmondgov.com> wrote:

Mr. Karn,

I attempted to reach you by phone at the below listed number, (804) 300-0023, but the voicemail box was full. I am trying to clarify your request for information so that we can begin processing it. As I understand it, you are requesting a copy of the protocol/rules manual and roster for the Richmond Police Department. There are approximately 135 General Orders and 40 Operating Manuals that guide department employees. Some of these documents include tactical information, portions of which would be excluded from production. Also, please be advised that pursuant to the Freedom of Information Act, the Department charges for the actual costs of producing/copying documents. The costs to produce all the documents would be substantially over \$200 and would require a deposit from you before production begins.

Perhaps there are particular rules or protocols that you are interested in, i.e. Constitutional Rights, Stopping Motorists, etc. that could be readily copied and produced with very little cost. Additionally, may I refer you to the Department roster, or listing of Richmond Police Department employees, which is available free online at www.richmondgov.com under the "Residents" tab, then under "Employee Directory" and then ---Select Department--- and scroll down for "POLICE." Of course, I can print out and mail you a copy of this listing if you so wish.

Please advise me of your wishes by return email or feel free to call me at (804) 646-6116 to clarify, specify or modify your request.

Best regards,

Angela C. Harrison

Exhibit D

From: MO xvz [mailto:xveganarchistrvax@gmail.com]
Sent: Monday, November 01, 2010 10:50 AM

To: Harrison, Angela C.- Police
Subject: Re: FOIA request

Hello

It has been more than 10 business days since my FOIA request, even accounting for the alterations. Please update me as to the status.

Mo Karn

On Sat, Oct 2, 2010 at 12:47 PM, MO xvz <xveganarchistrvax@gmail.com> wrote:

Hello Mrs. Harrison

Is it possible for you to send me the titles of the Operating Manuals and General Orders so I can then decide which ones are most relevant to my research?

I had also found the Employee Directory on the city website after making my request, so there is no need for you to supply that information

Thank you

Mo Karn

Exhibit E

From: MO vxv [mailto:xveganarchistrvax@gmail.com]

Sent: Wednesday, November 03, 2010 2:22 PM

To: Harrison, Angela C.- Police

Subject: Re: FOIA request

Mrs. Harrison

I understand that tactical plans may not be subject to FOIA. However if any of the manuals and orders I have requested include tactical plans I would expect the tactical plans sections to be blacked out, but the non-tactical information surrounding them in the manual to still be included.

12/28/2010

I would like to FOIA the following manuals and orders, which I am identifying by the number they are marked with on the document you sent me:

- 1-01
- 1-02
- 1-03
- 1-04
- 1-05
- 1-06
- 1-07
- 1-13
- 1-16
- 1-17
- 1-18
- 6-03
- 6-06
- 6-07
- 6-08
- 6-09
- 6-10
- 6-11
- 6-14
- 6-15
- 6-16
- 6-17
- 6-21
- 6-22
- 6-27
- 6-28
- 7-04
- 7-05
- 7-06
- 7-07
- 7-08
- 7-10
- 7-20
- 7-25
- 8-05
- 9-01
- 9-02
- 9-03
- 9-04
- 9-05
- 9-06
- 9-07
- 10-01
- 11-03
- 11-08
- 11-14
- 11-17
- 11-22
- 11-23

11-33
11-35
11-36
11-39

Let me know how long it will be until I can expect this information, as well as a roster list of the RPD.

Thank you

Mo Karn

Exhibit F

| Exempt Tactical Information |
|---|
| Emergency Operations Plan |
| Canine Unit |
| Crowd Management Team |
| Focus Mission Team |
| Homeland Security and Criminal Intelligence |
| Mobile Command Center |
| Mounted Unit |
| Traffic Enforcement Unit |
| Police Cyclist |
| Police Segways |