



Stop LAPD Spying Coalition

February 24, 2015

Commissioner President Steve Soboroff
 Commissioner Vice President Paula Madison
 Commissioner Sandra Figueroa-Villa
 Commissioner Kathleen Kim
 Commissioner Robert M. Saltzman

Los Angeles Board of Police Commissioners
 100 West First Street, Suite 134
 Los Angeles, California 90012

Dear Commissioners:

On behalf of the Stop LAPD Spying Coalition (“coalition”) we write to you with deep concern on the failure of the Los Angeles Board of Police Commissioners (“commission”) to meaningfully respond to community concerns regarding the Los Angeles Police Department (LAPD).

The function and role of the Board of Police Commissioners officially states: *“The Commissioners’ concerns are reflective of the community-at-large, and their priorities include implementing recommended reforms, improving service to the public by the Department, reducing crime and the fear of crime, and initiating, implementing and supporting community policing programs.”*¹

Yet on several occasions when communities across Los Angeles have brought to the commission’s attention LAPD programs, policies, and enforcement practices that continue to violate human and civil rights of residents of Los Angeles, the commission has repeatedly dismissed these concerns and failed to act upon communities’ requests to investigate and take corrective action. Following are some of the recent examples of the commission’s failure to act upon Los Angeles communities’ concerns:

Racial Profiling

On January 27, 2015 the Office of Inspector General (OIG) released the audit of LAPD Suspicious Activity Reporting (SAR) program for the fiscal year 2013-2014.² The audit revealed disproportionately high numbers of SARs filed on Los Angeles’ Black communities – 30% of total SARs sent to Fusion centers were on blacks while the city’s black population is just under 10%. That puts black communities racially profiled by the SAR program at a rate 3 times higher than other communities. In the gender data black women accounted for 50% of SARs filed on women.

¹http://www.lapdonline.org/police_commission/content_basic_view/900

²http://www.lapdpolicecom.lacity.org/012715/BPC_15-0014.pdf

The previous LAPD Office of Inspector General audit³ released in March 2013 of LAPD Suspicious Activity Reporting program had revealed that out of a four month sample of race/descent data, over 82% of SARs were filed on individuals identified as non-white. The largest number of SARs were filed on Blacks.

Upon release of the recent OIG audit, several community members commented and expressed concerns highlighting the two back to back SAR audits from March 2013 and January 2015 that clearly show pattern of racial profiling. In response, the Inspector General insisted that there was “zero evidence of racial profiling” and in order to examine concerns regarding racial profiling “rigorous investigation” would be needed. The commission completely dismissed community concerns about racial profiling revealed by the latest IG audit and failed to take any action.

It seems that the framework of the OIG report is centered around “intent” to discriminate or breaches of procedure, which require individuals with bad motives to act in a discriminatory way (by, for example, singling out African Americans for greater scrutiny or by skipping steps in the procedure of suspicious activity reporting that deny African Americans due process). By that metric, the OIG can claim that there is no evidence of racial profiling, because they found that procedures were followed correctly.

However, what the SAR audit makes clear is that without malicious actors or breaches in process, discriminatory results still happen. We can tell this by looking at the IMPACT of the policy (that 30% of SARs were filed against African Americans, though they only make up less than 10% of the population). Looking at the impact, we can see that the SAR program relies on an intuitive understanding of who is "suspicious" that feeds into, and reinforces, structural racism in this country: Black people are "suspicious by default." So even well intentioned public employees and community members, if they are not sufficiently reflective about what makes someone "suspicious," can reinforce racist norms about who has a right to be in public space and what kinds of behaviors are "appropriate" in that space.

Additionally the facts - 81% of total SARs in the January 27, 2015 audit were reported by private individuals through the iWATCH – *See Something, Say Something* program disproportionately impacting African Americans, not only highlight once again, deeply embedded racial bias but also demand thorough examination of underlying fear and suspicion these programs propagate. An example is the coalition’s research⁴ based on LAPD’s documents obtained in May 2012 through Public Records Act Request showing extreme risks involved in asking community members to assess someone’s suspiciousness – of the 152 iWATCH reports, 108 (71%) did not even meet basic standards.

A burgeoning culture of suspicion and fear is permeating our society by encouraging the public to *See Something, Say Something* if someone appears “suspicious.” Such assumed legitimacy leads to *Do Something*. Trayvon Martin and Tamir Rice, two young African American men were murdered because they appeared “suspicious.” Following are some other recent examples which fortunately did not result in murders of individuals by law enforcement but led to serious injuries and emotional trauma:

- On February 17 2015, Sureshbhai Patel, a 59 year old man from India was assaulted by police officers in Madison, Alabama. Patel was walking through the neighborhood in Madison when two officers answered a call about a suspicious man. The assault by these officers caused Mr. Patel partial paralysis.⁵

³ <http://stoplapdspying.org/wp-content/uploads/2013/03/IG-audit.pdf>

⁴ <http://stoplapdspying.org/wp-content/uploads/2013/04/PEOPLES-AUDIT-UPDATED-APRIL-2-2013-A.pdf> page 11/26

⁵ <http://www.cnn.com/2015/02/17/us/alabama-police-assault-case/>

- On November 27 2014, an African American man was stopped by the police in Pontiac Michigan for making people nervous walking in the cold with hands in his pocket.⁶ The experience left the person angry and frustrated.

This is state sanctioned racism! Suspicious Activity Reporting (SAR) program promotes racial profiling, invades privacy, creates a culture of suspicion and fear, is not evidence based, and is a waste of resources.

- **We demand that LAPD rescind the SAR program with immediate effect including terminating the iWATCH – *See Something, Say Something* program.**
- **We further demand that the commission launch full investigative hearings and fact finding on the violation of human and civil rights of people of Los Angeles resulting from these programs.**

Community Meetings on Body Cameras

In 2014, body-worn cameras for police became the subject of much public discussion within the political and media landscape following the non-indictment verdicts handed down to the officers involved in the killings of Ezell Ford, Tamir Rice, Michael Brown, Eric Garner, and countless other people of color. With conflicting narratives surrounding these high profile cases of African American males as well as mentally ill, transient, and homeless individuals being murdered at the hands of law enforcement, body worn cameras have been advocated as one technological remedy toward fostering greater police accountability and transparency by providing what proponents hold is objective documentation of community-police interactions.

The LAPD started a trial program of body cameras worn by 30 officers in skid row in January 2014.

On January 14 and 15, 2015 the commission held two community meetings on the use of body cameras by LAPD. In his opening comments at the January 14th community meeting, Commission President Steve Soboroff stated “*As background on how we got to where we are this evening in August 2013 when appointed to the Police Commission by Mayor Garcetti I surveyed dozens of folks knowledgeable about law enforcement including Councilmember Englander, the Los Angeles Police Protective League, the ACLU, etc. and was surprised to hear how virtually everyone wanted on-officer cameras (even for different reasons)...*”⁷

The reality is much different than what commission President Soboroff would like Angelenos to believe. Firstly in his opening statement there is no mention or record provided of Steve Soboroff surveying the most impacted communities whose knowledge about law enforcement comes from their everyday lived experience in interactions with LAPD and secondly when he did have a chance to seek community feedback, the question to the community in attendance was not whether people in Los Angeles agree or disagree on the use of body cameras by LAPD, instead what became very apparent was **the use of body cameras by LAPD was a foregone conclusion**. Steve Soboroff repeatedly asserted during these “community meetings” that the commission was not there to discuss whether LAPD should or should not use body cameras, rather the commission was there to seek community input on policies regarding the use of body cameras. The community meetings turned out to be a sham.

During the course of the two community meetings, majority of testimonies by community members questioned and rejected the use of body cameras by LAPD. The Stop LAPD Spying Coalition members presented a four page report citing community and academic research, and law enforcement incidents showing the futility of body cameras as a panacea for much deeper institutional issues endemic to law enforcement such as structural racism,

⁶ https://www.youtube.com/watch?v=ie_TQJoiUv8

⁷ http://www.lapdonline.org/police_commission/content_basic_view/56816

distrust of police, conspiracies to frame innocent individuals, and excessive use of force. Reasons given by community members in support of rejecting body cameras by LAPD included:

- Body-camera footage has not and will not put an end to the impunity of law enforcement;
- Manipulation of videos and ability of officers to turn cameras on/off;
- Digital evidence lies outside community control and release is dictated by police and their legal departments;
- Little existing trust the LAPD will not tamper with body-cameras;
- Body-worn cameras will only increase surveillance of community members;
- Body-cameras only capture police's line of view; and
- Manipulation of videos and/or failing to record use of force incidents;
- Expensive use of public resources;
- Conflict of interest;
- No competitive bidding process.

Additionally the following statements by a criminology professor and a police chief illustrate the futility behind the rush to seek superficial remedies for problems such as police violence and brutality that have deep structural and institutional roots:

1. Michael D. White, an Arizona State University criminology professor, in writing for the Department of Justice stated "There's been absolutely no research done" to support the claim that body cameras would foster greater trust between communities and police.⁸
2. Salt Lake City Police Chief Chris Burbank stated "[Body cameras] don't prevent police misconduct or use of force, they are just an avenue to document officer encounters with citizens and in most cases capture the good work of police officers."⁹

The sham "community meetings" on January 14 and 15, 2015 once again exemplified the dismissal and whitewashing of community concerns. Concerns that were thoroughly substantiated by research and facts, and statements from "experts" in the field – academic and law enforcement officials.

- **We demand an immediate halt of the launching of the body camera use by LAPD.**
- **We demand a thorough investigation into the decision making process on the acquisition and financial transactions involved in this program.**
- **We demand real public hearings with full participation for community members to present their research, analysis, and perspectives against the use of body cameras by LAPD.**

Militarization

In May, 2014 the Los Angeles Police Department announced it had acquired 2 DraganFlyer X6 Drones as "gifts" from the Seattle Police Department. On June 19, 2014 the LA Weekly reported, "It had been almost a year since the two 3.5-pound Draganflyer X6 drones caused a huge public uproar in Seattle over privacy rights and police snooping, forcing the mayor to permanently ground the mini spy drones before they took their first official flights. They'd been sitting on a shelf ever since the Canadian manufacturer refused to take them back. Now LAPD has taken possession of these drones and promises to hold public hearings."¹⁰

⁸ <http://www.theguardian.com/us-news/2014/dec/04/body-cameras-police-eric-garner>

⁹ <http://fusion.net/story/31986/investigation-of-5-cities-finds-body-cameras-usually-help-police/>

¹⁰ <http://www.laweekly.com/news/game-of-drones-how-lapd-quietly-acquired-the-spy-birds-shunned-by-seattle-4794894>

The desire to acquire drones by LAPD was not new information for the coalition – LAPD had already been to Israel in February 2014 “shopping” for drones and other crowd control and surveillance technology.¹¹

At the time of the “gifting” of drones from Seattle Police Department to LAPD, Chief Beck made public declaration about seeking community input and working with the ACLU in developing policy. Not only did the ACLU deny any participation, there's is no record of LAPD seeking community input.

On September 15, the Commission issued a media statement that the LAPD Inspector General had taken possession of the drones and LAPD is meeting with the community to develop policy on drone usage to be considered by the commission. These actions clearly indicated that earlier statements by the Mayor and Chief Beck were pretty much "smoke and mirror" since as of September 15th, institutionally, LAPD was in possession of the drones and their usage was a foregone conclusion regardless of any claims of seeking community input.

On November 16th, Chief Beck was again quoted in an LA Times Op-Ed¹² that his "staff was meeting with the ACLU to develop policy." The ACLU once again vehemently denied this claim and even issued a press statement.¹³

From the vantage point of many communities in Los Angeles, LAPD is one the most militarized police departments in the world using massive amount of tactical weapons, and human and electronic surveillance technology. Tanks, helicopters, armored vehicles, assault guns, stun grenades, tear gas, rubber bullets, tasers, trapwire, stingray, high definition cameras, automatic license plate readers, suspicious activity reporting programs, intelligence gathering guidelines, joint terrorism task force, fusion center -- signify the structural and operational formation of LAPD as an occupying force that operates as a counterinsurgency agency rather than the much touted “community policing” model. The acquisition of drones was a very alarming development.

In July 2014, the Stop LAPD Spying Coalition and its community partners in the Drone-Free LAPD, No Drones LA! Campaign launched a massive community outreach and education effort to raise public awareness about LAPD’s acquisition of drones.

These efforts include:

1. Community town hall - over 160 people attended and a radio station¹⁴ with thousands of listening audience played 2 hours coverage
2. Focus groups, Surveys,
3. Presentations at high schools and colleges,
4. Presentations to community groups,
5. Petition drive - over 2,500 signatures to date,
6. Neighborhood Councils - 2 NCs have already passed resolutions against drone usage by LAPD,
7. Several times attending police commission meeting with public testimonies against drone usage,
8. 3 press conferences to date with extensive media coverage

These efforts have clearly informed us that Angelenos’ are deeply concerned and reject the proposed use of drones by LAPD. Repeatedly communities all across Los Angeles shared these concerns arising from LAPD’s extensive history of community distrust, various examples of “mission creep,” blatant disregard for privacy rights, and high potential for false identification.

- **We reject the proposed use of Drones by LAPD.**

¹¹ <http://electronicintifada.net/blogs/rania-khalek/lapd-goes-israel-falls-love-drones-and-mass-surveillance>

¹² <http://www.latimes.com/opinion/op-ed/la-oe-newton-column-lapd-drones-20141117-column.html>

¹³ <http://www.latimes.com/opinion/readersreact/la-le-1122-saturday-aclu-drones-20141122-story.html>

¹⁴ http://archive.kpfc.org/mp3/kpfc_141120_140015special.MP3

- We demand that LAPD destroy the drones or give them back to the manufacturer.
- We demand full public hearings on the militarization of LAPD and relinquish the control of such public hearings to the community.

Sabotaging Consent Decree

On June 15, 2001 United States District Court Judge Gary Feess signed into law a federal consent decree¹⁵ between the United States Department of Justice (DOJ) and the City of Los Angeles, the Los Angeles Board of Police Commissioners, and the Los Angeles Police Department (LAPD) including the approval of Kroll Inc. as Independent Monitor. The Consent Decree was formally lifted by Judge Feess on May 15, 2013 after “city and police leaders made assurances that LAPD had adequate safeguards, such as the cameras {In-car video cameras}, in place to monitor itself.”¹⁶

The consent decree, a legally binding document, resulted from a complaint from the United States government “plaintiffs” alleging that the city, the commission, and the LAPD “collectively the city defendants” were violating the United States Constitution “by engaging in a pattern or practice of unconstitutional or otherwise unlawful conduct that has been possible by the failure of the City defendants to adopt proper management practices and procedures.”¹⁷

LAPD, in its own “Consent Decree Overview”¹⁸ document acknowledged that following the “discovery and disclosure of the Rampart Area Corruption Incident by the Los Angeles Police Department, the United States Department of Justice (DOJ) notified the City of Los Angeles that it intended to file a civil law suit alleging that the Department was engaging in a pattern or practice of excessive force, false arrests and unreasonable searches and seizures.”¹⁹ The Consent Decree placed emphasis on several areas including management and supervision, documentation, investigation, and integrity audits.

In 2006 the city council agreed to a plan to install digital video cameras on LAPD patrol cars. The city council gave its “final approval of a \$5 million contract with IBM to install Digital In-Car Video System (DICVS) on LAPD patrol cars in 2008.”²⁰

The history of support for the installation of In-Car video cameras dates back to the Christopher Commission recommendations in the aftermath of the Rodney King beating in 1991.²¹ With the city council’s final approval in 2008 and amidst much fanfare “former LAPD Chief William Bratton and former Mayor Antonio Villaraigosa hailed the decision, unveiling the complex digital system before a bank of television cameras.”²² In July 2010 LAPD announced “under Phase 1 of the project 300 patrol cars will be equipped with Digital In-Car Video System.”²³ The launching of this project was to be in LAPD’s South Bureau.

On April 7, 2014 the Los Angeles Times reported that LAPD officers “tampered with voice recording equipment in dozens of patrol cars to avoid being monitored while on duty.”²⁴ The article further stated that “LAPD Chief Charlie

¹⁵ http://assets.lapdonline.org/assets/pdf/final_consent_decree.pdf

¹⁶ <http://articles.latimes.com/2014/apr/07/local/la-me-lapd-tamper-20140408>

¹⁷ http://assets.lapdonline.org/assets/pdf/final_consent_decree.pdf intro section page 1

¹⁸ http://www.lapdonline.org/search_results/content_basic_view/928

¹⁹ http://www.lapdonline.org/search_results/content_basic_view/928

²⁰ <http://articles.latimes.com/2010/jan/23/local/la-me-lapdvideo23-2010jan23>

²¹ <http://articles.latimes.com/2010/jan/23/local/la-me-lapdvideo23-2010jan23>

²² <http://articles.latimes.com/2010/jan/23/local/la-me-lapdvideo23-2010jan23>

²³ <http://www.dailynews.com/20100713/lapd-to-install-video-cameras-in-patrol-cars>

²⁴ <http://articles.latimes.com/2014/apr/07/local/la-me-lapd-tamper-20140408>

Beck and top officials learnt of the problem last summer {2013} but chose not to investigate which officers were responsible.”²⁵

LAPD spokesperson Commander Andrew Smith admitted to the LA Times that an inspection was conducted of the entire fleet in the South East division and other divisions of the South Bureau. The inspection revealed “with a total of 160 antennas installed in the South East division, 72 had been removed” and “twenty antennas from cars in other divisions were missing as well.”²⁶ In essence **92** out of **300** patrol cars had been sabotaged! LAPD South Bureau covers Watts, Jordan Downs, Imperial Courts, Nickerson Gardens, and other areas where overwhelming population is poor and working class people of color.

Such blatant disregard and conspiracies like sabotaging antennas on patrol cars were primarily “*pattern or practice of unconstitutional or otherwise unlawful conduct, and allegations that the LAPD was engaging in a pattern or practice of excessive force, false arrests and unreasonable searches and seizures*” that led to complaints by United States DOJ in 2000 in the first place resulting in the consent decree which took over a dozen years to finally lift. Commission President Soboroff admitted to LA Times that “Chief Beck had briefed him about the problem in September”²⁷- Eight months prior to Soboroff’s acknowledgement of such gross violation of public trust. Adding insult to injury Soboroff not only failed to bring this to the public’s attention in a timely manner but in the meantime launched an aggressive campaign to raise “private money” to equip LAPD officers with body cameras- *yet another tool sold to Angelenos to monitor officer conduct*. Furthermore when this issue was made public at the April 15, 2014 Police Commission meeting, Steve Soboroff was conveniently absent from the meeting.

But as LAPD’s history has shown- **old habits die hard**.

- **We demand full investigative public hearings of LAPD conspiracy and officer violation of department policies.**
- **We demand the commission to immediately send a detailed report to the Department of Justice and US District Court Judge Gary Feess informing them of violations of conditions and intent of the federal consent decree.**

Conclusion

The Stop LAPD Spying Coalition joins communities across the United States against racist police brutality and systems of oppression that foster state violence, and the continuing marginalization and murders of black and brown people. The country and the city of Los Angeles are at a critical juncture in history. Increasingly people are feeling frustrated, angry, and disillusioned by the façade of civilian oversight and bodies such as the Los Angeles Board of Police Commissioners.

Federal Consent Decrees are imposed on institutions such as the Los Angeles Police Department after they are deemed incapable of self-governance. In the case of LAPD, beside the city, the LA Board of Police Commissioners was also deemed incapable of providing oversight, maintaining transparency, and holding the department accountable.

The choice is for this commission to make:

²⁵ <http://articles.latimes.com/2014/apr/07/local/la-me-lapd-tamper-20140408>

²⁶ <http://articles.latimes.com/2014/apr/07/local/la-me-lapd-tamper-20140408>

²⁷ <http://articles.latimes.com/2014/apr/07/local/la-me-lapd-tamper-20140408/2>

1. Stay on its current course of total disregard for community concerns and dismissal of concrete data and evidence repeatedly presented by the community, OR
2. Engage as true custodians of public trust that requires fundamental paradigm shift by which the community and NOT the LAPD is granted deference.

Superficial reforms such as body cameras, training, and diversity will not radically change an institution whose flaws are built in by design; institutions rooted in the use of violence to preserve a social order based upon exploitation and conquest. Los Angeles' communities must determine how they will be "*protected and served.*"

We look forward to hearing back from you within two weeks with a clear action plan that addresses the demands outlined in this letter. Should you have any questions please feel free to email at stoplapdspying@gmail.com or call at (562) 230-4578.

Sincerely,



Hamid Khan

Stop LAPD Spying Coalition

Cc:

Charlie Beck – Chief Los Angeles Police Department

Richard Tefank – Executive Director, Los Angeles Board of Police Commissioners

Alex Bustamante – Inspector General, Los Angeles Police Department

Eric Garcetti – Mayor, City of Los Angeles

Ana Guerrero – Chief of Staff, Mayor of Los Angeles