



# Stop LAPD Spying Coalition

December 7, 2016

## Predictive Policing: Profit Driven Racist Policing

It is the duty of social justice organizations to use their people-power and resources to analyze, knowledge-share, and organize regarding issues that will impact their lives and the lives of fellow community members. Due to the already deadly impact that predictive policing is having on our communities, the Stop LAPD Spying Coalition felt it necessary to respond to the Upturn report “Stuck in a Pattern.”<sup>1</sup> While Upturn, a Washington D.C. based advocacy organization, presents information on predictive policing practices, a thorough investigation and analysis is not conducted and the report moves prematurely into recommendations to “reform.” Predictive policing presents many problems and the Stop LAPD Spying Coalition wants to take this opportunity to recommend some areas that need further research.

The historic crime data being used in predictive policing programs is biased and racist, presenting significant racial justice issues that should not be overlooked because they call into question the very notion and practice of law enforcement. It is necessary to thoroughly analyze the origins and theories that predictive policing is founded on that bring into question not only the function police play in our communities but how communities are perceived by law enforcement. There are a multitude of issues being raised around data collection at the moment; therefore, it is imperative that police are not granted further access to data. Rather, a movement that exposes domestic law enforcements burgeoning architectures of surveillance that trace, track, and monitor our persons, families, and communities should be prioritized. And, most notably, there is an absence of community input which begs the question: where does this recommendation for “reform” originate from?

This statement is meant to challenge social justice and advocacy organizations to move beyond the fixation of policy and oversight and implore them to use their resources to expose predictive policing and its larger connection to the national security police state.

### A Market-Based Solution

Upturn’s “Stuck in a Pattern” takes for granted that PredPol and other predictive policing technologies are sold as market-based solutions to social, political, and economic problems facing U.S. cities. The report begins with recognizing that “predictive policing” is a marketing term, but fails to recognize that beyond a marketing term, predictive policing is a commodity whose profits come at the expense of poor and racially oppressed communities through new technologies of repression and misuse of public monies. It states that these systems are sold to police departments by arguing that they provide greater efficiency and safety. Although the report states this, efficiency and safety remains largely unproven and can create new risks; further, it neglects to address who profits from this new technology and at whose expense. The report also fails to explicate what this greater efficiency is meant to do and whose safety is being protected.

<sup>1</sup><https://www.teamupturn.com/reports/2016/stuck-in-a-pattern>

While the report provides a useful survey of vendors of predictive policing systems, it does not encourage us to see the economic interests behind these vendors in selling technologies that cause harm in our communities by exacerbating racialized oppression. It glosses over a dangerous link between the economic interests of private security firms and university research. For example, cofounders of PredPol are University of California Los Angeles and Santa Clara professors while the inventors of Risk Terrain Modeling are Rutgers University professors. The report cites their research and admits to their interests in the “success of the tool or method.” The focus here is misleading: the report should have addressed the economic interests in producing tools and methods that surveil and control our communities. Those who profit off the racialized oppression emerging from policing and the federal and state grants being used to purchase these “predictive policing” technologies must have their interests investigated thoroughly. “Stuck in a Pattern” provides important information on “predictive policing,” but chooses to normalize market based solutions for a policing institution founded on racialized oppression and social control of poor communities. We must not normalize the marketization of public safety or the institution of policing.

### **Historic Crime Data and Structural Racism**

Predictive policing is based on a computer model that uses historic crime data to predict when, where, and who will potentially commit a criminal act. It is widely known and well documented that police stop, detain, frisk, and arrest Black and Brown people overwhelmingly;<sup>2</sup> therefore, the Black and Brown community will have a greater appearance in this historic crime data. This fact alone should put the validity of historic crime data into question. Because historic crime data is biased through the practice of racialized enforcement of law, predictive policing will inherently reinforce and perpetuate this structural racism. The issue at hand is not the data itself, but it is the structural racism inherent in law enforcement.<sup>3</sup> Predictive policing only amplifies this problem by creating a feedback loop of injustice for already over policed communities. The report’s recommendations do little to address this point and greatly reduces the depth and severity of this issue. The heightened national dialogue around police brutality and Black and Brown<sup>4</sup> lives requires not only grass root organizers but also larger national organizations to address the issue of race and its historic and current cultural, economic, political, and structural impact on Black and Brown communities as well as other impacted communities.

### **Creating a Critical Understanding**

The origins of Predpol, a predictive policing program used in Los Angeles, are grounded in counter-insurgency programs used in Iraq and Afghanistan to track and trace insurgent activity.<sup>5</sup> The expansion of police powers and the growth of the police mandate are consistently rationalized as a necessary response to the supposed security threat posed by external and domestic terrorism. The program’s origination on the battlefields of Iraq and Afghanistan illustrates the boomerang effect of technology and tactics that result when police come to resemble the military. Predpol and the theories it’s based on only fortify this securitized form of policing whereby officers are re-envisioned as the front line against domestic extremists.

<sup>2</sup><https://www.aclusocal.org/wp-content/uploads/2015/09/99227648-Racial-Profiling-the-LAPD.pdf>

<sup>3</sup><https://www.impactfund.org/social-justice-blog/structural-racism>

<sup>4</sup><http://www.nytimes.com/roomfordebate/2014/11/25/does-ferguson-show-that-cops-who-kill-get-off-too-easily/structural-and-institutional-racism-exists-within-police-forces>

<sup>5</sup><http://www.truth-out.org/news/item/22357-predictive-policing-from-fallujah-to-the-san-fernando-valley-military-grade-software-used-to-wage-wars-abroad-is-making-its-impact-on-americas-streets>

There are three (of many) theories that either predictive policing is based<sup>6</sup> on or are implied that we would like to call into question using Dr. Gary Potter's report *Wilson and van den Haag: Conservative Theories of Crime Control*.<sup>7</sup> The first is the routine activities theory which holds that crime and victimization occur due to everyday interactions within a certain vicinity to the offender. But this theory fails to provide any context for criminogenic behavior, deflecting consideration of "how and why crime is related to class, gender, race, and age" rather than asking why these crimes occur. The next theory is the rational choice theory that assumes that humans, as rational, self-interested creatures, take into consideration all the "risks and rewards" when committing a crime. This type of analysis is shortsighted and ahistorical in that it focuses on the individual while sidelining structural, ideological, and legal factors that are conducive to criminogenic behavior. Finally, control theory contends that, in order to prevent crime, "people have to be made to adhere to certain moral imperatives governing various forms of acceptable or unacceptable behavior" and that "the state has its basic task to ensure that, in any potentially criminal act, the cost to the criminal outweighs any likely benefits." Control theory fails to address how informal controls can be effective if those supposedly doing the controlling are themselves criminals. Not only is control theory and its emphasis upon "self-regulation" risible when considering the severity and ubiquity of corporate crime but it also fails to convincingly defend "a concept of morality that clearly favors the rich and powerful at the expense of the poor and powerless."

### **A Community Silenced**

To create a report that fairly assess the impact of a particular program on our communities, the community voice and opinion must be the central focus. In "Stuck in a Pattern," there hardly appears any community involvement or engagement around the issue of predictive policing. Mainly, the report is grounded in a variety of resources ranging from daily investigative news outlets to reports from the Department of Justice and the RAND Corporation.

Instead of seeking out community input, the report seeks out police input on predictive policing. The report references the Police Executive Research Forum (PERF) and the magazine "The Police Chief" in addition to surveying multiple police departments on their usages of predictive policing programs. While minutes from the City Council of Fresno and City Council of Bellingham are cited, this comes short of what real community input should look like.

To understand what predictive policing does to communities, focus groups, surveys, and first-hand stories from the community help to frame the issue. We must challenge ourselves to get out into the streets and knowledge share about these programs while gathering information about how these policing programs are truly affecting the community.

### **The Danger of Data**

Data collection, in its multiple forms, is a concept that cannot be taken lightly. The domestic law enforcement's architecture of surveillance exists in our daily lives collecting information on people through automatic license plate readers, stingray, close circuit television, biometrics, Suspicious Activity Reporting (SAR),<sup>8</sup> social media and so much more. Records from programs like the Suspicious Activity Reporting (SAR) Initiative show overwhelming targeting of Black and Brown communities. In 2015, an audit by the Inspector General of the Los Angeles Police Department

<sup>6</sup> <http://newweb.jssinc.org/wp-content/uploads/2012/01/Predictive-Policing-in-Los-Angeles.pdf>

<sup>7</sup> <http://uprootingcriminology.org/essays/wilson-van-den-haag-conservative-theories-crime-control-3/>

<sup>8</sup> <https://stoplapdspying.org/policing-strategies-and-tactics/>

showed that of all the SARs sent to the Fusion center over 30% were collected on the Black community while 50% of SARs opened on women were collected on Black women.<sup>9</sup>

To propose that police need access to public health information and victimization surveys in order to see the full range of problems in the community raises not only privacy issues but also issues of access. Do we really want law enforcement to have further access to information that could be potentially and has been historically used to criminalize communities? Police officers are not trained nor equipped to handle public health needs, nor should they have access to personal information that survivors choose not to turn over to law enforcement.

### **Stop LAPD Spying Coalition Concludes**

Reports like “Stuck in a Pattern” from Upturn do little other than justifying the expansion of the police state. Without a direct challenge, domestic law enforcement will continue to expand its powers and infiltration into every aspect of our lived experience. Predictive policing is another tool within law enforcement’s ever-expanding architecture of surveillance used against ourselves, our families, and our communities. Steps to “reform” new surveillance technologies only legitimize rather than resist this expansion.

The Stop LAPD Spying Coalition was founded five years ago to dismantle the Los Angeles Police Department’s (LAPD) use of surveillance, spying, and infiltration technologies and tactics targeting marginalized communities, and social movements. The Coalition analyzes and organizes from a position of abolition with community input and participation. Instead of supporting and justifying the expansion of the police state, we invite advocates seeking to reduce the reach of state surveillance programs and others organizing against the national security police state to join in our efforts to demand:

1. Total prohibition on the acquisition of any new surveillance technology or development of surveillance programs;
2. Immediate abolition of any and all current use of surveillance technology and programs;
3. Full disclosure on the use of surveillance technology and programs since their inception including informing individuals and organizations who have been targeted;
4. Full reparations for individuals and organizations whose civil and constitutional rights have been violated;
5. Immediately cease all funding for state surveillance programs and divert those resources to invest in the health and well being of our communities. We urgently need more investments in public housing, education, health centers, youth development programs, healthy food, and steady employment – factors that promote real public safety.

The Stop LAPD Spying Coalition joins communities across the United States in organizing against racist police brutality and systems of oppression that foster state violence, and the continuing marginalization and murders of Black and Brown people. Reforms will not radically change institutions, such as jails or police departments, whose flaws are built-in by design; these institutions are rooted in the use of violence to preserve a social order based upon exploitation and conquest. Change and transformation can only happen through sustained grassroots efforts to dismantle and abolish systems of oppression.

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<sup>9</sup> [http://www.lapdpolicecom.lacity.org/012715/BPC\\_15-0014.pdf](http://www.lapdpolicecom.lacity.org/012715/BPC_15-0014.pdf)