



The People's Response to OIG Audit of Data-Driven Policing

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In May 2018, the Stop LAPD Spying Coalition released its community-based report, “Before The Bullet Hits The Body: Dismantling Predictive Policing in Los Angeles,”¹ triggering a series of events that included the Los Angeles Police Commission public hearings on July 2018. In August 2018, the commission passed a motion instructing the Office of the Inspector General (OIG) to conduct an audit on LAPD Data Driven Policing programs including PredPol, Operation LASER (Los Angeles Strategic Extraction and Restoration), and the Suspicious Activity Reporting (SAR) program. Additionally as a result of the coalition’s and the community’s efforts LAPD suspended its Chronic Offender program and its tracking database in August 2018 but kept it secret.

The OIG publicly released its audit on March 8, 2019 and will present it to the Police Commission on March 12, 2019. However, while the OIG audit reveals significant flaws in these programs, it nevertheless fails to name the human and civil rights violations inherent in the programs and their impacts. Furthermore, a number of key components were missing from the OIG audit, including appraisal of the critical SAR program, which has a history of intense racial profiling and disparately impacts Los Angeles’s Black community.

■ OTHER CONCERNS AND HIGHLIGHTS INCLUDE:

- The OIG looked at less than 10% of LAPD’s Chronic Offender Bulletins
- “Chronic offender” status is purportedly determined by a point system based on encounters with law enforcement, however, 100 individuals listed as Chronic Offenders had zero points.
- The audit exposes tremendous inconsistencies in data collection, record keeping, and procedures by LAPD
- Failure of command staff supervision
- In auditing Predpol, the OIG paints a picture that place-based policing is inherently benign. However, hotspot data obtained by the coalition exposes how communities like Skid Row are being quarantined in de facto containment zones.

The OIG audit further illustrates that the story of data-driven policing is not just a story about the emergence of an ostensibly new mode of practice, nor is it simply a story about the collusion among police, academia, and profit-driven private enterprises. It is also a story about who has the power to produce knowledge; a story about how the racialized other is created and then targeted for dispossession and death and a story about colonization, exclusion, and access to space. It is also a story about how policing has become even deadlier, its power and control further intensified, its practices even more invasive. It is a story about the further sanitization of racism, the deepening of cumulative disadvantages, and the increased masking of state-organized racial violence.

Data-driven policing programs deconstruct Black bodies and their spatial movements into data points to be harvested and indeterminately stored. At any future time, these data may then be extracted, expropriated, queried, cross-referenced, rearranged, edited, and fused—abstracted entirely from their original contexts—in order to retroactively construct a coherent and detailed narrative regarding which persons, populations, behaviors, and spaces are criminal, threatening, and require policing. Beyond just describing and labeling, these constructed narratives actively create and propel individuals along a predetermined path—piecing together disparate behaviors and thoughts to give the appearance of criminal wrongdoing as inevitable. These narratives are presented as fact and said to suggest a longstanding record of suspicious activity—that is, a predisposition to criminal activity—even where no crime has occurred and even where there is no intent or willingness to engage in criminal activity, and in this way, police are creating the very signs of criminal behavior that are being analyzed. While police have always played an active role in creating and perpetuating this narrative that reinforces Blackness as criminal and the inferior “other” worthy of ostracism, data-driven programs greatly expand the pool of available “evidence” for constructing such a story. For example, police use software to locate individuals within a larger social network that then allows them to tie individuals to others that are of interest to police, such that one’s own purported criminal disposition is then strengthened by these connections, irrespective of whether they have ever actually met or even know of the individuals with whom they have been linked. Not only then is there an increase in the innocuous

factors that are alleged to warrant police attention, but these programs then work to fast track individuals into increased police scrutiny and surveillance and broaden the pool of potential individuals and locations to be targeted—all of which now occurs at even earlier stages than ever before.

Because these constructed narratives are marshalled as evidence that particular persons and places are in need of increased police attention, they also rationalize further diffusion of crime-suppression tactics and technologies, such that the program continually expands itself as more data are collected and fed into the program. This fuels another core function of data-driven policing programs: to reconfigure the removal and eradication of people, and the seizure of property and land, as a rational and logical response to the constructed threat posed by the populations that inhabit those spaces. Abatement actions and evictions issued through the collaboration between LASER and the Los Angeles Citywide Nuisance Abatement Program, ostensibly as a response to alleged crime or a perceived criminal propensity, are granted a renewed air of legitimacy by buzzwords like “technology,” “data,” and “algorithms,” which work to mask the human agency and subjectivity inherent in these decisions. Data-driven policing programs do not use data simply to inform the policing of behavior defined as criminal or threatening, but also to police the boundaries between colonizer and colonized, between property ownership and people as property, and between life and death.

■ CHRONIC OFFENDER BULLETINS

The Chronic Offender Program shares in the long history of actuarial profiling in criminology, alongside now debunked categories of “a criminal class,” “career criminals,” and “super-predators.” As the latest incarnation of this discourse, “chronic offender” status is ever-changing, discretionary, self-reinforcing, and varies—even amongst LAPD divisions. This experimental mode of policing is by definition conjectural and speculative; its harms, however, are actual. Police encounters, at the scale of person-to-person contact, are structured by the range of actions available to officers by law, policy, and departmental norms, and by the knowledge and information that shape how they choose to exercise their discretion and adhere to these constraints. Chronic Offender Bulletins are a mode of institutional knowledge and a structuring condition of police encounters. As disseminated to line officers, they are scaffolded by the authority of “science” as well as “expert” vetting by commanding officers and Crime Intelligence Detail (CID). How an officer is preconditioned to perceive individuals is of fundamental concern for procedural justice, and in an encounter with individuals so convincingly branded as “chronic offenders,” officers are bound to begin with a heightened sense of threat—substantially increasing the likelihood of violence and harm.

The OIG’s review of the Chronic Offender program, however, was unconcerned with this structural threat. Framed almost entirely around questions of design and implementation, the audit attempted to understand the program solely through the documentation and informatic practices enacted by the LAPD, rather than by its material impact on the community. Unsurprisingly, this approach revealed inconsistencies in both policy and practice at all levels of the program. This lack of rigor allows LAPD to use the existence of a policy as a shield against what would otherwise be recognized as racist behavior, while simultaneously taking advantage of policy gaps to enact that behavior; the OIG even notes that officers in some divisions were instructed to manufacture (“develop”) reasonable suspicion to justify stopping persons listed on the bulletin. When it came to the program’s “effectiveness,” the OIG claimed that a lack of reliable data precluded any meaningful conclusions. When it came to community impact, the OIG baselessly speculated that the program was harmless.

Given their focus and priority, the OIG’s recommendations are similarly procedural; the collateral effects of this include:

- **In wrongly assuming that better documentation implies better policy, the OIG has deferred the question of impact assessment and surrendered it to the police themselves—the very body it has criticized for producing incomplete, compromised, and institutionally biased data.²**
- **The LAPD, now accountable to itself for program assessment, will continue to translate their ad hoc informatic practices into OIG-sanctioned protocols, removing any community recourse for police abuse.**
- **The OIG legitimates and naturalizes the category of Chronic Offender, casually suggesting that it could be operationalized as “high-risk parolees or probationers with search conditions.”³ That this is a poorly defined, loosely designated category is no accident; it has been and continues to be a discursive strategy used to validate what the OIG itself reveals to be highly discretionary, often violent encounters with historically and structurally marginalized people.**
- **The centralized, uniform, presumably interoperable data protocols the OIG recommends will allow the LAPD to freely circulate the stigmatized status of Chronic Offender—a category we reject wholesale for its pseudoscientific and racially fraught connotations—throughout the information-sharing environment, ossifying this classification with no due process. These harms are compounded by the LAPD’s records modernization initiative and ambitions to make individuals’ data widely available to various state actors.**

■ LASER ZONES

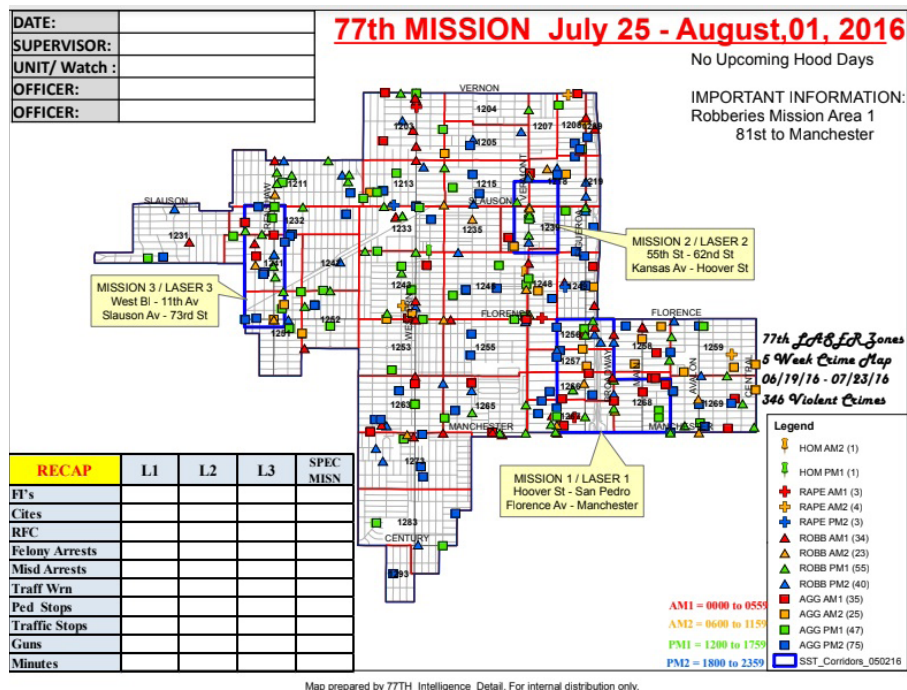
In its examination of LASER Zones, the OIG compares changes in “dosage” (police time spent in the area) and reported violent crime over time. Besides reinforcing the false notion that police activity and predictive policing programs’ “effectiveness” can be measured by short-term observation of reported crime rates, this comparison is completely useless to the community because it is based on a set of assumptions and definitions regarding “crime” and “safety” that the community does not accept. Moreover, the LAPD and the OIG both present increased police visibility as a fundamentally harmless method of deterring crime, when it in fact functions to displace residents from their communities and create cycles of trauma.

Directed by LAPD supervisors, officers are assigned “missions” of spending time in LASER Zones and other areas with “recent crime activity.” Officers are instructed to record the number of Field Interviews (FIs), Citations, RFC, Arrests, Traffic Warnings, and Pedestrian Stops conducted per shift. Recently obtained LASER Patrol Mission⁴ sheets from 77th Street Division demonstrate how mission sheets also make note of “Hood Days,” which District Attorney Jackie Lacey describes as a day that “generates an increase in gang and criminal activity in the affected area.”⁵

Other patrol missions detail assignments of “robbery suppression” within and around LASER Zones, for example 77th Street Division. Patrol mission sheets describe the “suspect” as simply M/B, for Male/Black.⁶ Separate documents recording the activity of Metro Police patrols note missions from CSOC and Commander Dennis Kato as simply, “Crime suppression in 77th Division.”⁷

In LASER Zones and other “high crime” or “known gang areas,” officers surveil the community and profile people that are there. Some known police activity:

- **June 10, 2016: Gang Enforcement Division (GED) Officer Kumlander stopped a car in a 77th Street area LASER Zone as a person in the car was wearing a white Black Sox baseball cap on what the DA’s report⁸ describes as a “Hood Day.” During the stop Kumlander killed Keith Bursey, a 31-year-old Black man, shooting him once in the chest and twice in the back.**
- **October 16, 2016: Metro Officer Guillen was “conducting pedestrian and vehicular code**



enforcement in high-crime areas,” per “crime suppression” assignment in 77th Street area. Officers passed a car containing 18-year-old Black youth Carnell Snell Jr. and initiated a chase after he looked in their direction, “appeared startled, then leaned forward towards the front passenger seat.” Guillen killed Snell by shooting him in the back.⁹

- **December 18, 2016: Metro Officer Ruiz was patrolling a “known gang-area” in an unmarked car, “assigned to a crime suppression detail in 77th Street area.” Officers passed Ryan Joseph, a 20-year-old Black man, and initiated a stop that ended when Ruiz killed Joseph by shooting him twice in the middle of his back.¹⁰**

These are but a few of the lives stolen by police who have been empowered and instructed to “suppress crime” in areas LAPD and their research partners deem “high crime” and/or a “known gang area.” Be it through the constant, oppressive surveillance of communities and patrols that view even the act of turning away (of not wanting to be surveilled) as an act of suspicion that demands pursuit,¹¹ or through the rigid expectation of stops, citations, and arrests that structure police encounters and confrontations, or through the dehumanization of people and entire social groups by references to community members in official documents as “tumors”¹² or “the worst of the worst,”¹³ LASER Zones empower officers to regard everyone within them as suspicious, and to take whatever actions they deem necessary to “restore safety” and eliminate the threat.

PEOPLE, PROPERTY, AND PREDPOL

The OIG audit continues its trend of rationalizing and justifying LAPD ineptitude and harm through the analysis of Predpol's operationalization and its subsequent impact. Its emphasis on "person/offender-based" strategies as the practices requiring oversight implies that "place-based" strategies, by contrast, are benign.

A few highlights the audit fails to expose:

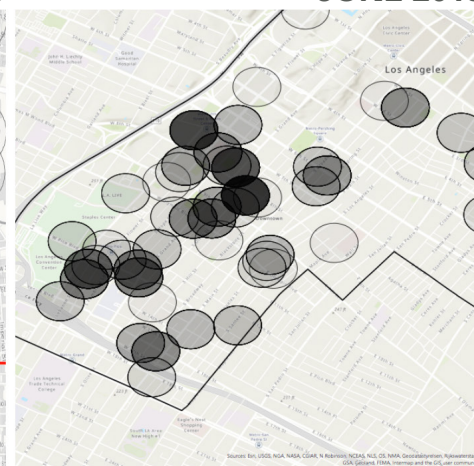
- The significant and continued relationships among LAPD, UCLA staff, and Predpol in which crime data is used as a form of currency for services: In exchange for providing proprietary technology to the LAPD free of charge, LAPD made data available to Predpol for research and product development purposes. The program is not free; we pay for it, unknowingly, with our data.
- The OIG cites only two reports that purportedly evaluate Predpol, but fails to disclose that these reports were authored by the co-creators and stockholders of the program.
- Just as with the dashboard cameras in 2014¹⁴, it appears that LAPD has sabotaged the dosage data of the 10-year-old Predpol program with impunity.

The audit claims that officer activity in hotspots consist only of one-minute drive-bys designed to increase visibility, therefore constituting "deterrence" strategies.¹⁵ We know that in fact, high police visibility is a tool of displacement as well as containment of Black, Brown, and poor communities. The Coalition received hotspot data from June 2015 through December of 2015, as well as June 2018, for LAPD's Central Area. Below are two density maps of Predpol hotspots from the Central Area with a focus on Skid Row. We know Skid Row to be the most highly policed area in the world¹⁶, so why is it not a hotspot? Why is there blank space? The distribution of hotspots around Skidrow, but nowhere within it, illustrate how the area is effectively quarantined: Police patrol the borders, making their presence known, signifying that they are watching the "other" to ensure that they don't cross the divide, but stay in their place and don't move. In the end, land and whiteness are what the Predpol program serves to hoard and protect. Like generations of policing strategies before it, it is a tool of banishment and apartheid for Black, Brown, and poor people.

JUNE 2015



JUNE 2018



DEMANDS

We demand that the LA Board of Police Commissioners stop legitimizing harmful predictive policing programs by attempting to "reform" them. We demand that the Commissioners heed the concerns and stories of the community and eliminate this arm of state surveillance. Remember, it is under your watch that these inherently dangerous predictive policing programs, made still more dangerous by incompetence, are running rampant in our city. We demand:

1. Immediate ban on deployment and use of predictive policing tactics and programs Operation LASER and Predpol;
2. Full reparations for individuals and organizations whose human and civil rights have been violated;

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. Change and transformation can only happen through sustained grassroots efforts to dismantle and abolish systems of oppression.

NOTES

- 1 [Before the Buller Hits the Body](#)
- 2 [Before the Bullet Hits the Body](#)
- 3 Audit Pg. 24
- 4 [77th MISSION June 27-July 4, 2016](#)
- 5 Officer Involved Shooting of Keith Bursey, Los Angeles Police Department
- 6 [Patrol Mission: Vice Robbery Mission from 2017-06-19 to 2017-06-22](#)
- 7 [Metropolitan Platoon Division Recap Sheet](#)
- 8 Officer Involved Shooting of Keith Bursey, Los Angeles Police Department
- 9 Officer Involved Shooting of Carnell Snell Jr., Los Angeles Police Department
- 10 Officer Involved Shooting of Ryan Joseph, Los Angeles Police Department
- 11 [Big Data on the Beat: Predictive Policing Has Arrived.' David Black, 2016](#)
- 12 Smart Policing in Los Angeles, Dr. Craig Uchida
- 13 [GMS Report Smart Policing Initiative \(SPI\) 2009-DG-BX-0118 Reporting Period: July 1 - December 31, 2011](#)
- 14 <http://articles.latimes.com/2014/apr/07/local/la-me-lapd-tamper-20140408>
- 15 This claim of 1 minute drive by is based on LAPD faulty dosage reporting statistics the OIG himself is unable to use to analyze the effectiveness of Predpol.
- 16 <http://peopletribune.org/pt-news/2015/09/safer-cities-initiative-creates-most-heavily-policed-area-in-world%E2%80%A8%E2%80%A8/>