



Stop LAPD Spying Coalition

June 21, 2021

Inspector General Mark P. Smith
Office of the Inspector General
250 S. Figueroa St., Ste. 102
Los Angeles, CA 90071

Dear Inspector General Mark Smith:

This letter is on behalf of the Stop LAPD Spying Coalition, a grassroots community group working to expose and organize against LAPD's harmful surveillance, infiltration, and profiling practices. We write to you with deep concern regarding the Los Angeles Police Department's (LAPD) Suspicious Activity Reporting (SAR) program and your office's ongoing failure to fulfill your responsibility to perform audits of the program.

The last audit your office conducted for the SAR program covered the years 2016 to 2017. As you wrote in your report from that audit, "[t]he Office of the Inspector General (OIG) is responsible for conducting annual reviews of the Department's SAR program."¹ No annual review has been published of the SAR program for the years 2018, 2019, 2020, or 2021. This month marks the end of four financial years (FY 2017-18, FY 2018-19, FY 2019-20, and FY 2020-21) without an annual audit.

Your ongoing failure to audit the SAR program is especially alarming given the patterns of racial profiling and baseless surveillance that the last audit exposed. That audit showed that LAPD is weaponizing the iWATCH - See Something, Say Something programs to target Black, Brown, and immigrant communities, with a majority of these discriminatory reports originating in neighborhoods with majority white populations. Out of a total of 348 SARs, the audit determined that:

1. 293 (84%) were filed by community informants through the iWATCH - See Something, Say Something program;
2. 206 (59%) were filed in majority white communities in the LAPD West and Valley Bureaus;
3. Race was identified in 164 SARs. Of this race data 22% are Black (almost two and half times greater than LA's 9.4% Black population) and 30% Latinx. Race data listed in the IG audit as "Other" shows 26% Middle Eastern, South Asians and several other immigrant communities;
4. 176 (51%) of SARs didn't even meet basic standards and were deemed unfounded;

¹ Officer of the Inspector General, Review Of Suspicious Activity Reports 2016-2017 (July 11, 2019) at 1, https://a27e0481-a3d0-44b8-8142-1376cfbb6e32.filesusr.com/ugd/b2dd23_badabe408e9943e4840b1eb1cbeec1f7.pdf.

The previous three audits also exposed overwhelming racial profiling and disparate impact on LA's Black community and other non-white communities. For example, the 2014 audit showed that, of the SARs sent to the federal Joint Regional Intelligence Center by LAPD, 31% were targeting Black people. Again, this is a disparate impact of over 300% in a city with 9.4% Black population. The same audit also showed that, in reports where gender was listed, 50% were identified as Black women.

The past audits also exposed how majority white communities in LAPD's West and Valley Bureaus continually weaponize the SAR iWATCH - See Something, Say Something program to profile non-white people in their neighborhoods:

1. 2013 Audit: 49% of the total SARs were reported on the West Bureau;
2. 2015 Audit: 81% of the total SARs were reported by community informants, and the majority of these reports came from LAPD West and Valley Bureaus;
3. 2016 Audit: 68% of the total SARs were reported by community informants from LAPD West and Valley Bureaus

In light of this history, the choice to stop auditing the SAR program seems akin to deliberately covering up ongoing patterns of profiling and discrimination.

The SAR program is unacceptably dangerous and must be abolished. Recent events have only increased the importance of exposing and confronting the program's harm. The SAR program allows the routine use of innocent activity, like taking pictures or using binoculars in public, to serve as a basis for formal police investigations without one's knowledge. These can easily be used by police to target people for completely innocuous activity, including at protests. At a time of widespread popular criticism of police along with protests calling for alternative visions of safety and care, programs like SAR and iWATCH legitimize the "othering," criminalization, and alienation of community members. SAR also allows further police infiltration of communities, increasing the proximity of the community to police and the threat of police violence, especially to those communities already targeted by police and presumed to be criminal, including Black, immigrant, trans and queer, and poor communities.

Further, LAPD continues to invest in the SAR program amid national conversations around defunding the police and investing in community, underscoring the need to continue documenting the SAR program's harms and waste. Demands to defund and dismantle LAPD are extremely popular: a recent study commissioned by the city showed that 62.4% of Angelenos support proposals to "redirect some money currently going to the police budget to local programs" and 36.7% support proposals to "completely dismantle police departments and give more financial support to local programs."²

The federal programs that SAR is part of have long been condemned as a waste of resources. In 2012, the U.S. Senate Permanent Subcommittee on Investigations, Committee on Homeland Security and Governmental Affairs, released an extremely critical report on federal fusion centers like the Joint Regional Intelligence Center in Norwalk, condemning a "Waste at State and Local Intelligence Fusion Centers."³ The report described intelligence gathering at Fusion Centers as:

² Loyola Marymount University, Police Data Brief: 2020 Police and Community Relations Survey at 8, <https://lmu.app.box.com/s/ty0uisxda3rah5bhrowv9c46lj06zyok>.

³ U.S. Senate Permanent Subcommittee on Investigations, Committee on Homeland Security and Governmental Affairs, Federal Support for and Involvement in State and Local Fusion Centers (October 3, 2012), <https://www.hsgac.senate.gov/imo/media/doc/10-3-2012%20PSI%20STAFF%20REPORT%20re%20FUSION%20CENTERS.2.pdf>.

1. Flawed, irrelevant, useless, and inappropriate or unrelated to terrorism;
2. Containing nothing of value though costing almost \$1.4 billion in federal spending;
3. Possibly violating privacy act protections and not subject to adequate financial oversight;
4. Failing to hold officials accountable who reportedly violated guidelines.

When asked by the L.A. Times about this report, then LAPD deputy chief and head of counter-terrorism Michael Downing stated: “There’s a lot of white noise, but there are occasionally gold nuggets.”⁴ Yet, as the L.A. Times reported, not one of these “gold nuggets” appears to have led to a conviction.

Due to the harmful impact that the SAR program has had on our communities, coupled with the increased urgency due to the pandemic and recent uprisings against police violence, we are calling on the Office of Inspector General to audit the SAR program. We are asking for you to respond to this request by July 12, 2021.

Sincerely,



Hamid Khan
Stop LAPD Spying Coalition

Cc:

Michel Moore, Chief of Police, Los Angeles Police Department
Richard Tefank, Executive Director, Los Angeles Police Commission
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Steve Soboroff, Commissioner, Los Angeles Police Commission

⁴ Brain Bennett, “Anti-terror data centers criticized,” L.A. Times (Oct. 3, 2012), <https://www.latimes.com/archives/la-xpm-2012-oct-03-la-na-fusion-centers-20121003-story.html>.