



June 27, 2022

Los Angeles Board of Police Commissioners
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Eric Garcetti, Mayor of Los Angeles

SENT BY EMAIL

RE: BPC 22-086: LAPD After-Action Implementation Plan's Proposal for
"Community-Police Advisory Board for Technology"

Police Commissioners:

We are writing with alarm about Chief Moore's recent report to the Board of Police Commissioners that LAPD's "Information Technology Bureau is working with Brian Hofer from Secure Justice to develop a Community Police Advisory Board for Technology that will review new technology for the Department and make recommendations." Chief Moore further reports that "ITB is working with several community members recommended by the BOPC, to include Brian Hofer and Mary Genow," on this proposal.

The undersigned community groups and advocacy organizations all work to confront the intersections of racial justice, state violence, and police violence. Together our

membership represents a broad array of the communities in Los Angeles who each day face the most danger from police use of surveillance technology. Yet Chief Moore's announcements to the Police Commission are the first time we are hearing anything about a "Community Police Advisory Board" for use of police technology or any work regarding these issues in Los Angeles by either Brian Hofer or Mary Genow.

We oppose these proposals in their entirety. We are aware of no community groups or advocacy organizations based in Los Angeles that have ever demanded these proposals, which LAPD is trying to claim are community-generated. The fact that none of our groups ever asked for these proposals – or were even asked *about* them – at the same time that we are working in different capacities to address the harms that these proposals claim to address is a testament to their absolute sham nature. That fact is as clear confirmation as possible that LAPD's true, barely masked purpose is to secure impunity and political cover for police deployment of technologies that the community has carefully and stridently been mobilizing to oppose.

It is extremely telling that this proposal is being pushed not by local groups but instead through the Police Commission's handpicked selection of Brian Hofer, a police consultant based in Oakland with no relationship to anyone impacted by LAPD surveillance, and Mary Genow, a former federal prosecutor who worked for several years at "the most prominent firm representing President Trump and the Republican Party as they prepare to wage a legal war challenging the results of the election"¹ as well as Kroll, a private security and police consulting firm once chaired by former LAPD Chief Bill Bratton.²

The significant role of Hofer and Genow in this proposal – they are the only people outside of LAPD who appear to be involved – helps confirm the proposal's true purpose: generating political cover for surveillance technologies that the community has adamantly rejected. Perhaps more alarming, Mr. Hofer has publicly criticized his earlier embrace of the City of Oakland's deployment of the same proposals that LAPD has now hired him to push in Los Angeles. In September 2021, the BOPC hosted a presentation by Hofer that served as the public's first hint of these proposals. Perhaps due to Hofer's lack of ties to Los Angeles and accountability to the community here, the BOPC introduced him as "a source of expertise that we've been able to turn to."

¹ Jessica Silver-Greenberg, Rachel Abrams and David Enrich, [Growing Discomfort at Law Firms Representing Trump in Election Lawsuits](https://www.nytimes.com/2020/11/09/business/jones-day-trump-election-lawsuits.html), N.Y. Times, (Nov. 9, 2020), <https://www.nytimes.com/2020/11/09/business/jones-day-trump-election-lawsuits.html>.

² J. David Goodman, [Bratton Gives Revolving Door One More Spin](https://www.nytimes.com/2013/12/24/nyregion/bratton-tries-to-untangle-his-corporate-ties.html), N.Y. Times, (Dec. 23, 2013), <https://www.nytimes.com/2013/12/24/nyregion/bratton-tries-to-untangle-his-corporate-ties.html>.

Hofer used his September 2021 presentation to introduce the “Community Control of Police Surveillance” (CCOPS) legislative model that had been adopted in Oakland and other cities. Hofer is known as “one of the architects” of the Oakland model, which has been called the “gold standard in community control of police surveillance.”³ But just the week before his BOPC appearance in Los Angeles promoting this proposal, Hofer announced that this gold-standard Oakland model was “not working” and filed a lawsuit against the City of Oakland challenging the law’s application.⁴ A few weeks before that, Hofer had written that the Oakland model is “the most robust and transparent of the 19 jurisdictions” yet “is failing to work in Oakland.”⁵

Hofer mentioned none of these concerns, criticisms, or shortcomings in his presentation to BOPC. Instead, he asserted that his model helps “vet technology ahead of time to avoid harms.” This was Hofer’s public testimony, claiming that his model reduces the harms of police surveillance. In private comments to BOPC, his tune was different. Emails obtained through the Public Records Act show that Hofer previously pitched this model to the Police Commission by asserting that “no surveillance proposal has been permanently rejected” and “no directive to cease use of existing equipment has been issued” under his legislative model. This is what the surveillance oversight model that Hofer has been promoting helps generate: rubber stamping, legal impunity, and political cover for police surveillance.

Hofer’s public presentation to BOPC even emphasized the early role of the ACLU in helping develop this surveillance oversight model. But make no mistake: the ACLU of Southern California, which understands the history of LAPD surveillance and LAPD’s repeated use of surveillance tools to wrongly target communities of color and progressive activists, stands with communities in opposing any deployment of this model in Los Angeles. In a November 2021 letter to the BOPC, the ACLU of Southern California noted that Hofer’s September 2021 presentation does not reflect the views of their organization, which “opposes any effort to exploit the CCOPS model to sanction the adoption of new surveillance technologies by LAPD.”⁶ The letter chronicles in detail the danger of these proposals when considered within the history of LAPD surveillance and rejects the “assert[ion] that better outcomes will result from community participation

³ Sidney Fussell, *It’s Not Easy to Control Police Use of Tech—Even With a Law*, Wired, (Sep. 24, 2021), <https://www.wired.com/story/hard-control-police-tech-law/>.

⁴ *Id.*

⁵ Secure Justice, *Why you should care about our lawsuit against the City of Oakland*, (Sep. 2, 2021), <https://secure-justice.org/blog/why-should-you-care-about-our-lawsuit-against-the-city-of-oakland>.

⁶ ACLU of Southern California, *Letter to LAPD Board of Police Commissioners RE: LAPD Acquisition of Surveillance Technology*, (Nov. 18, 2021), <https://stoplapdspying.org/wp-content/uploads/2022/05/2021-11-18-ACLU-SoCal-Letter-re-LAPD-surveillance-acquisition.pdf>.

in the creation of policies, ‘guardrails’ on the use of surveillance, and regular reporting on LAPD’s use of these technologies.”⁷

Again, the membership of our groups knows firsthand the harm of police technology, and we have been on the frontlines of confronting those harms for decades. This proposal has no basis in any needs or demands from anyone in the community. No constituency in Los Angeles that has faced harm from LAPD surveillance has mobilized any kind of demand for the “Community-Police Advisory Board for Technology” that LAPD is developing. That tells you all you need to know about what this proposal is: a sham intended to override our communities’ deep, innate expertise on the harms of police surveillance and create new political cover to expand policing.

We urge you to reject this proposal.

Sincerely,

Stop LAPD Spying Coalition
Los Angeles Community Action Network
Black Lives Matter LA
American Civil Liberties Union of Southern California
South Asian Network
White People for Black Lives
Ground Game LA
Western Regional Advocacy Project
The Sidewalk Project
American Indian Movement Southern California
Media Justice
Youth Justice Coalition
Strategic Actions for a Just Economy
Children’s Defense Fund - California
Clergy and Laity United for Economic Justice
Street Watch LA
Jewish Voice for Peace LA
Black Alliance for Just Immigration
National Lawyers Guild of Los Angeles
Centro CSO
Dignity and Power Now
Justice LA
Community Coalition
Reimagine Public Safety USC

⁷ Id.