

# Dismantling Predictive Policing in Los Angeles

May 8th 2018

Predictive policing refers to a range of policing practices that claim to use pre-existing demographic, environmental, and historic crime data to predict future patterns of crime as well as presuming “where crime will occur,” and “who” will commit crime. Predictive policing can be best understood within the broader creep of data-intensive surveillance on the part of law enforcement.



Stop LAPD Spying Coalition is a grassroots community organization calling for the dismantling of predictive policing tactics as a harm reduction strategy on the road toward abolition.

# Table of Contents

<b>White Gaze and the Stalker State</b> .....	3
<b>Predictive Policing and the Larger Architecture of Surveillance</b> .....	4
<b>Predictive Policing in Los Angeles</b> .....	6
PredPol .....	6
Operation LASER.....	8
<b>Crime Data: A Biased and Racist Social Construct</b> .....	13
<b>LASER’s Racist Feedback Loop</b> .....	18
<b>The Blind Spots of Predpol</b> .....	19
<b>The Irrationality of “Blended Theory”</b> .....	24
<b>The Continued Militarization of Policing</b> .....	27
<b>Legal Implications</b> .....	29
<b>Market-Based Solutions</b> .....	32
<b>Community Voices: The People of L.A. Speak Out</b> .....	34
How often do you see police officers in your neighborhood?.....	34
Do you think police are present and stop people based on where they live?.....	35
How many times have you been stopped by police in your neighborhood? How many times have you seen someone stopped by police in your neighborhood? How does it make you feel?.....	36
Do you feel you or your community are profiled, abused, targeted or stalked by police?.....	37
Have you heard of Predictive Policing?.....	38
Do you believe LAPD can predict where crime will occur or who will commit crime? If yes, what do you think the predictions are based on?.....	38
What does community wellbeing and safety mean to you? What does community wellbeing look like?.....	39
How familiar are you with predicative policing? .....	41
Do you believe the LAPD can predict where crime will occur or who will commit a crime? .....	41
Do you think police are present and stop people based on where they live?.....	42
How often are you stopped by police in your neighborhood a week? .....	42
Do you feel you or your community are profiled, abused, targeted, or stalked by police?.....	42
What is your general view of the LAPD? .....	43
How many times have you seen someone stopped by police in your neighborhood in a week?.....	43
<b>Demographic Information of People Surveyed</b> .....	44
<b>Conclusion</b> .....	47

## White Gaze and the Stalker State

“Surveillance is nothing new to Black folks. It is the fact of antiblackness.”

-Simone Browne<sup>1</sup>

The Stop LAPD Spying Coalition’s work offers a deeply enriching and provocative understanding and analysis that exposes multiple trajectories of the national security police state, including the development, legitimization, and operationalization of tools of social control. These tools are deployed through many sectors, including social services, health care, housing, and employment; in essence, this enables a constant surveilling and policing of our bodies in every aspect of our lives.

Communities of color, immigrants and the economically marginalized are the primary targets of these modes of surveillance.

This report does not take a top down policy reform or recommendation approach, nor does the report seek more “transparency” and “oversight” of policing, an institution that remains inherently violent and flawed by design. Instead this report, rooted in the community and our fight for abolition of policing, takes us on a journey exposing the

multiple tentacles of state violence including - the creation of the “other,” knowledge production and the deep complicity of academia, corporate profit, and the deadly impact and trauma of programs such as Predictive Policing on our communities. This Report is a Call to Action.

The Stop LAPD Spying Coalition is obligated and committed to lift, analyze, critique, and expose structures of power and their various ideologies, and policing practices. The criminal (in)justice system in the United States is racist because the notion of crime is a racist social construct. This report challenges the very premise of what is crime, who assigns criminality, who punishes, and who profits- therefore what is really the essence of historic crime data? It goes on to expose how anthropological and criminological theories are used to conveniently claim the universality and predictability of human behavior and the criminal intent of the “other,” the darker skinned, the inherently criminal. Theory is historically used to exclude folks most impacted by state violence, because it, as bell hooks states, “affords those in power access to modes of communication and enables them to project an interpretation, a definition, a description of their work and

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<sup>1</sup> <https://www.dukeupress.edu/dark-matters>

actions, that may not be accurate, that may obscure what is really taking place.”<sup>2</sup>

The story of surveillance in these United States needs to begin with the unpacking and debunking of the construction of the “New World” narrative. A world where everything “old” had to be demonized, criminalized, contained, invisibilized. Surveillance is integral to building systems of knowledge and structures of power that serve to preserve and sustain white supremacy and white privilege. Narratives centering the “invasion of privacy” and “violation of civil liberties” undermine a clear analysis that the police state is an ever-expanding endeavor that is fundamentally flawed by design, intended and organized to repress and control Black, Brown and poor communities, causing irreparable physical and emotional harm.

Predictive Policing is rooted in war and occupation. It is yet another tool, another practice built upon the long lineage including slave patrols, lantern laws, Jim Crow, Red Squads, war on drugs, war on crime, war on gangs, war on terror, Operation Hammer, SWAT, aerial patrols, Weed and Seed, stop and frisk, gang injunctions, broken windows, and Suspicious Activity Reporting (SAR).

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<sup>2</sup><https://academictrap.files.wordpress.com/2015/03/bell-hooks-teaching-to-transgress.pdf>

However, this time it’s the veneer of science and technology, algorithms and data processing, hot spots, and math that give the Stalker State the power, justification, and supposed right to predict, to pathologize, and to criminalize whole communities, and to trace, track, monitor, contain, and murder individuals. This is the trajectory before the bullet hits the body.

## **Predictive Policing and the Larger Architecture of Surveillance**

Since 9/11, the Los Angeles Police Department (LAPD), and local and regional law enforcement agencies across the United States have been increasing and expanding their efforts to incorporate counter-terrorism and counter-insurgency programs into domestic law enforcement.<sup>3</sup> Within these programs the incorporation of Intelligence-Led Policing<sup>4</sup> (ILP) has oriented law enforcement towards activities of data gathering, data analysis, and pre-emptive action against presumed criminal and terrorist activity. For example, the California Department of Justice “examines group characteristics, criminal predicates, target analyses, and intervention consequences to

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<sup>3</sup><http://www.smartpolicinginitiative.com/sites/all/files/ta/SmartPolicingFinal.pdf>

<sup>4</sup> <https://www.ncjrs.gov/pdffiles1/bja/210681.pdf>

determine which groups pose the greatest threat to the state.”<sup>5</sup> The growing use of ILP in conjunction with advancements in technology has facilitated law enforcement agencies to tremendously expand their capacity for data collection, storage, sharing, and analysis. LAPD has developed a massive Architecture of Surveillance which includes (but is not limited to) Stingrays, trapwires, HD cameras, body cameras, and Suspicious Activity Reports to accomplish its task of data collection to spy on Black, Brown, and poor communities.<sup>6</sup> Powerful analytical tools, such as Palantir,<sup>7</sup> aid in processing information while a growing network of fusion centers rapidly share information across departments at the local, state, and national levels.<sup>8</sup>

With the move toward pre-emptive policing, domestic law enforcement is criminalizing people and communities for behaviors that law enforcement claim are precursors to a criminal or terrorist activity. A counter-terrorism program called the National Suspicious Activity Reporting Initiative (SAR), known as LAPD’s Special Order 17,<sup>9</sup>

creates secret files based on common behaviors such as taking notes, videography, using binoculars, and drawing in public. These benign activities are seen as potential behaviors that will lead to a criminal or terrorist activity. Preventing Violent Extremism, a program launched by the Federal Bureau of Investigations (FBI) nationally in January 2016, intends to identify youth who have the potential to be “violent extremist” based on behavior and socio-demographics such as culture, religion, facial hair growth or lack thereof, class, school merit, and emotional state.<sup>10</sup>

Conceptually, attempting to pre-empt crime through behavioral surveillance and data mining is fundamentally flawed. According to the National Academy of Sciences:

even in well-managed programs such tools are likely to return significant rates of false positives, especially if the tools are highly automated. Because the data being analyzed are primarily about ordinary, law-abiding

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<sup>5</sup> <https://www.ncjrs.gov/pdffiles1/bja/210681.pdf>

<sup>6</sup> <https://stoplapdspying.org/policing-strategies-and-tactics/>

<sup>7</sup> <https://www.palantir.com/>

<sup>8</sup> <https://www.eff.org/deeplinks/2014/04/why-fusion-centers-matter-faq>

<sup>9</sup> 1 Department Special Order No. 17-2012, “Reporting Suspicious Activity Potentially

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Related to Foreign or Domestic Terrorism - Revised; and Suspicious Activity Report Notebook Divider, Form 18.30.03 - Revised” (Aug. 28, 2012), first published March 5, 2008, as Special Order No. 11, “Reporting Incidents Potentially Related to Foreign or Domestic Terrorism

<sup>10</sup> <http://stoplapdspying.org/wp-content/uploads/2016/05/FBI-Guidelines-PreventingExtremismSchools.pdf>

citizens and businesses, false positives can result in invasion of their privacy. Such intrusions raise valid concerns about the misuse and abuse of data, about the accuracy of data and the manner in which the data are aggregated, and about the possibility that the government could, through its collection and analysis of data, inappropriately influence individuals' conduct.<sup>11</sup>

Predictive policing is yet another tool in the LAPD's Architecture of Surveillance that continues this trend of claiming to better prescribe where a crime will occur or who will commit a crime. Predictive policing is a component of the Strategically Managed, Analysis and Research-driven Technology-based (SMART) Policing Initiative. The LAPD uses two SMART Policing Initiative (SPI) predictive policing programs, known as PredPol and Operation LASER (Los Angeles Strategic Extraction and Restoration).<sup>12</sup> SPI, sponsored by the Bureau of Justice Assistance (BJA), uses technology and analytics to "strengthen" policing power.<sup>13</sup> Branding itself as science, SMART policing

claims to be data-driven and evidence-based practices that are location- and offender-based in its distribution of police and police resources.

## Predictive Policing in Los Angeles

### PredPol

The predictive policing technology used by LAPD, produced by predictive policing vendor PredPol, attempts to predict crime patterns throughout Los Angeles using solely the time and location of historical crime data. In early studies in Los Angeles, PredPol focused on predicting property crimes like burglary, in-car theft, and car theft, but the scope of its current applications are unknown.<sup>14</sup>

PredPol's guesses about future crimes are driven by three elements of past reported crime data: crime type, crime location, and a crime timestamp. This reported crime data originates from community members' calls for police service and from patrol officers' crime reports.<sup>15</sup> Using these three measures,

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<sup>11</sup><https://stoplapdspying.org/wp-content/uploads/2013/03/Summary-National-Academy-of-Sciences-Report.pdf>

<sup>12</sup><http://assets.lapdonline.org/assets/pdf/LAPD%20Strategic%20Plan.pdf>

<sup>13</sup><https://www.bja.gov/programs/crppe/smartsuit.e.html>

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<sup>14</sup>[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2765525](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2765525)

<sup>15</sup>[https://www.washingtonpost.com/local/public-safety/police-are-using-software-to-predict-crime-is-it-a-holy-grail-or-biased-against-minorities/2016/11/17/525a6649-0472-440a-aae1-b283aa8e5de8\\_story.htm](https://www.washingtonpost.com/local/public-safety/police-are-using-software-to-predict-crime-is-it-a-holy-grail-or-biased-against-minorities/2016/11/17/525a6649-0472-440a-aae1-b283aa8e5de8_story.htm)

PredPol makes statistically-driven predictions as to which 500 x 500 square foot areas in Los Angeles, called “hot spots,”<sup>16</sup> have the highest expected crime rate within the city. The LAPD produces reports at the beginning of each shift highlighting which hotspots have been targeted by PredPol’s procedure; these reports are then distributed to officers as a guideline for their patrols.<sup>17</sup>

The statistical model<sup>18</sup> used by PredPol is characterized by its dual structure: it is composed of a long-term historical guess of what the average, underlying reported crime rate in a particular hotspot is - how much crime would be expected to be reported in a particular hotspot over the course of a year without an influence from recent trends in crime - and something called a “short-term triggering kernel,” which assumes that crimes cluster in time, so that more recent reports indicate a higher chance of a new crime

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<sup>16</sup> <http://www.predpol.com/how-predpol-works/>

<sup>17</sup> [https://www.washingtonpost.com/local/public-safety/police-are-using-software-to-predict-crime-is-it-a-holy-grail-or-biased-against-minorities/2016/11/17/525a6649-0472-440a-aae1-b283aa8e5de8\\_story.html?utm\\_term=.61f34e25fee7](https://www.washingtonpost.com/local/public-safety/police-are-using-software-to-predict-crime-is-it-a-holy-grail-or-biased-against-minorities/2016/11/17/525a6649-0472-440a-aae1-b283aa8e5de8_story.html?utm_term=.61f34e25fee7)

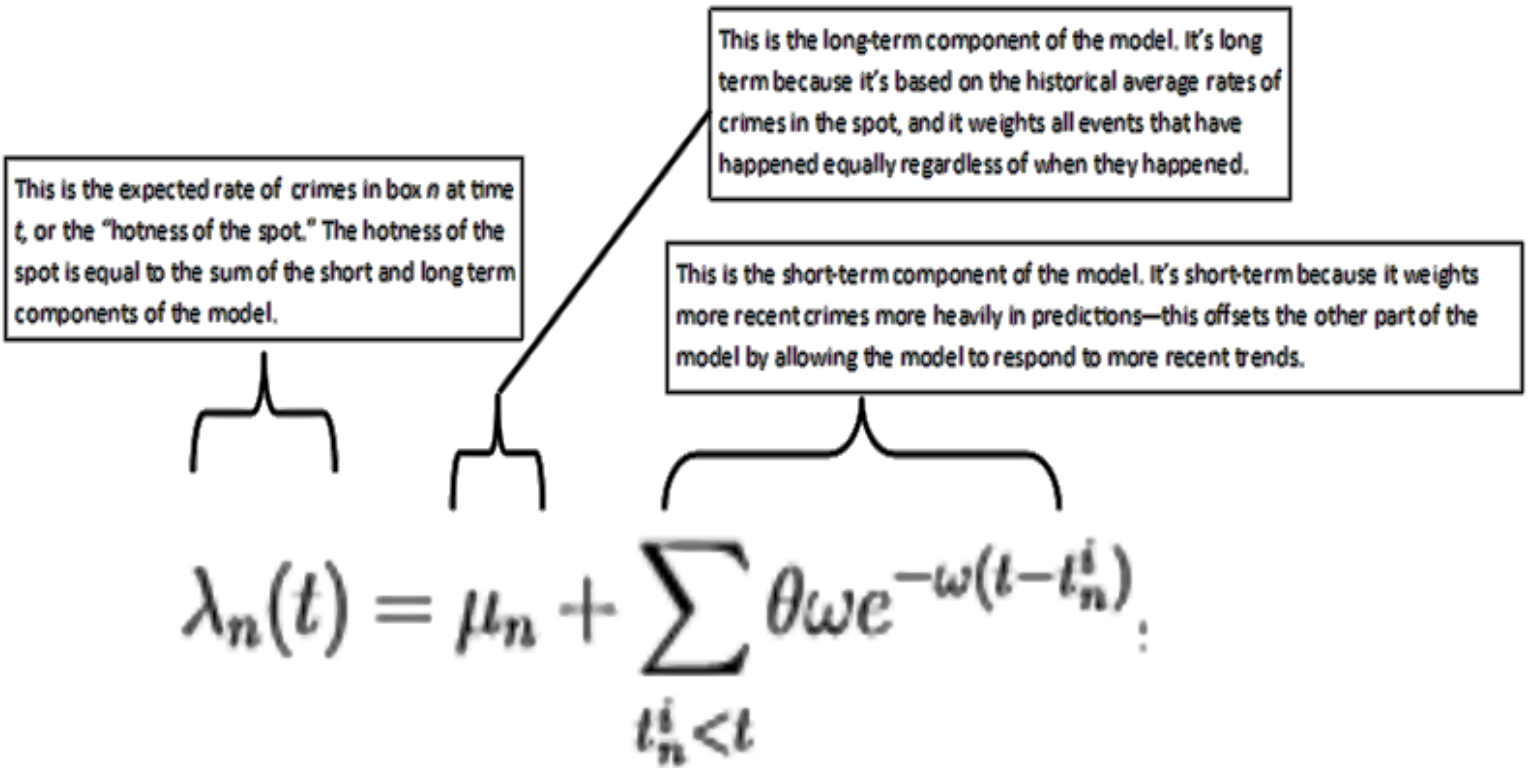
<sup>18</sup> A statistical model can be most simply understood as a mathematical equation that relates information gathered from the data - in this case, time and space patterns in crimes committed in Los Angeles - to some outcome - in this case, the likelihood of crime occurring in a given “hotspot” on a given day.

occurring soon in the same area.<sup>19</sup> While the long-term guess of the average treats every crime that occurred in the crime database as though it predicts future crimes equally strongly, the short-term component of the equation weighs more recent crimes the most strongly - and weighs less recent crimes less strongly (proportionally to how distantly in the past they occurred). By adding these two components together, the model seeks to blend underlying patterns of reported crime with responsiveness to recent trends.



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<sup>19</sup> [http://teamcore.usc.edu/projects/security/Muri\\_publications/Short\\_JASA\\_2015.pdf](http://teamcore.usc.edu/projects/security/Muri_publications/Short_JASA_2015.pdf)



PredPol’s model is adapted from a model used to predict clusters of earthquake aftershocks;<sup>20 21</sup> the creators of the technology allege that “crime is often generated by structures in the environment, like a high school, mall parking lot or bar;”<sup>22</sup> they compare these institutions to distressed fault lines in their effect on successive events.

### Operation LASER

In 2009 the Los Angeles Police Department (LAPD) started developing another

Intelligence-Led Policing (ILP) based strategy called the Los Angeles Strategic Extraction and Restoration (LASER) program. Analogous to medical surgery, the basic premise was “to target with laser like precision repeat offenders” in the community similar to how a “medical doctor uses modern technology to remove tumors.”<sup>23</sup>

LAPD and their research partners Justice Security and Strategies (JSS) drove through neighborhoods to assess the physical conditions and its residents by stalking “businesses, residences, empty lots, vacant

<sup>20</sup> Ibid.

<sup>21</sup> <http://wildfire.stat.ucla.edu/pdflibrary/marsan.pdf>

<sup>22</sup> See cit. 16.

<sup>23</sup> <http://newweb.jssinc.org/wp-content/uploads/2014/11/Spotlight-on-Operation-LASER.pdf>



buildings, trash, abandoned cars, and other signs of disorder.” They surveilled people in the neighborhood to see “What they were doing? Talking to neighbors? Walking? Driving down the streets slowly? Playing chess in the park? Or, are they dealing drugs on the street corner or just hanging out?”<sup>24</sup> From these behavior and location based surveillance tactics, in 2011 emerged the LASER program starting in Newton Division, a station carved in LA’s history with the recent murders of Ezell Ford<sup>25</sup> and Omar Abrego<sup>26</sup> by LAPD in 2014.

LAPD’s Operation LASER claims to be both a person-based and place-based predictive policing strategy responding to gun and gang violence.<sup>27</sup> In order to implement the LASER program divisions are required to develop a Crime Intelligence Detail (CID).<sup>28</sup> The CID is composed of three sworn officers and one crime analyst and is responsible for

overseeing the LASER program in their respective divisions.

Hot spots, also known as LASER Zones,<sup>29</sup> are created in targeted neighborhoods within a division. LASER Zones are different from PredPol’s “hot spots,” in that they are created by using a mapping system called ArcGIS that analyzes locations of reported crime, arrest data, and calls for service that correlate to gun violence or a violent crime.<sup>30</sup> LASER Zones are maintained for 9-12 months.<sup>31</sup>

Once a division creates a targeted area the CID develops what is called the Chronic Offender Bulletin (COB).<sup>32</sup> A COB is like a “Most Wanted” poster; however, unlike a “Most Wanted” poster in which a person is formally charged with a crime, a chronic offender is designated a “person of interest.”<sup>33</sup> The COB marks individuals for surveillance and a range of potential interventions. It is

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<sup>24</sup> <https://stoplapdspy.org/wp-content/uploads/2018/05/Attachment-2-Program-Narrative.pdf>

<sup>25</sup> [https://www.huffingtonpost.com/2014/12/01/prot-est-ezell-ford\\_n\\_6251044.html](https://www.huffingtonpost.com/2014/12/01/prot-est-ezell-ford_n_6251044.html)

<sup>26</sup> <http://www.latimes.com/local/lanow/la-me-lapd-abrego-settlement-20170809-story.html>

<sup>27</sup> <http://newweb.jssinc.org/smart-policing-in-la-targeting-gun-violence/>

<sup>28</sup> <http://newweb.jssinc.org/wp-content/uploads/2014/11/Spotlight-on-Operation-LASER.pdf>

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<sup>29</sup> <https://stoplapdspy.org/wp-content/uploads/2018/05/LASER.pdf>

<sup>30</sup> <http://newweb.jssinc.org/wp-content/uploads/2014/11/Spotlight-on-Operation-LASER.pdf>

<sup>31</sup> <https://stoplapdspy.org/wp-content/uploads/2018/05/LASER.pdf>

<sup>32</sup> <https://www.ojpdagnosticcenter.org/blog/reducing-gun-violence-laser-precision>

<sup>33</sup> [https://stoplapdspy.org/wp-content/uploads/2018/05/FINAL-Chronic-Offender-Purpose-and-Check-List\\_100417-003.pdf](https://stoplapdspy.org/wp-content/uploads/2018/05/FINAL-Chronic-Offender-Purpose-and-Check-List_100417-003.pdf)

unknown if there is an avenue to contest a bulletin's existence.

Divisions are directed to create a total of 12 COBs, with an additional 5-10 bulletins to serve as substitutes for offenders who are arrested, in custody, or have left the area. Reviewing the LAPD's October 2017 Checklist regarding COB creation,<sup>34</sup> it is still unclear how a chronic offender is chosen. According to the checklist, crime intelligence analysts are to review Field Interview (FI) Cards, which are reports filled out during stops. FI cards are collected by patrol officers, including bicycle units, foot patrol, and parole compliance units. The analysts also reviews release from custody reports, crime reports, and arrest reports.<sup>35</sup> Next the analyst decides which FI cards are related to violent activity, and "considers the individual's characteristics" before setting aside the FI cards "most relevant for a work-up." Arrest reports deemed "most relevant" are also set aside. How analysts are to quantify what makes a report or FI card more or less relevant when compared to others has never been disclosed. This initial screening stage determines which members of the

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<sup>34</sup>Ibid  
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<https://www.ojpdagnosticcenter.org/blog/reducing-gun-violence-laser-precision>

community will get passed on to the "work up" stage.

The "workup" stage utilizes Palantir, a powerful commercial search platform that accesses multiple databases at one time, to track and trace any activity related to that person over the previous two years.<sup>36</sup>

With the use of Palantir, a person's criminal history, gang affiliation, previous detentions, and associations are made across divisions.<sup>37</sup>

Palantir is also used to "track vehicles using data from the Automated License Plate Reader, to examine social networks, and for other investigative purposes."<sup>38</sup> Analysts conduct "work ups" of chronic offenders by reviewing this information, as well as an individual's physical characteristics, parole or probation status, and locations where the individual has been previously stopped.

Once "worked up" in Palantir, individuals are assigned points based on five weighted risk factors:

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<sup>36</sup>[https://stoplapdspying.org/wp-content/uploads/2018/05/FINAL-Chronic-Offender-Purpose-and-Check-List\\_100417-003.pdf](https://stoplapdspying.org/wp-content/uploads/2018/05/FINAL-Chronic-Offender-Purpose-and-Check-List_100417-003.pdf)

<sup>37</sup>

<https://www.ojpdagnosticcenter.org/blog/reducing-gun-violence-laser-precision>

<sup>38</sup> <https://stoplapdspying.org/wp-content/uploads/2018/05/June-2013-No-Cost-Extension.pdf>

- 5 points if the individual is a gang member
- 5 points if the individual is on parole or probation
- 5 points for each incident "involving a gun" over the previous two years
- 5 points for each violent crime arrest over the previous two years
- 1 point for every "quality" police contact over the last two years, based on FIs, arrests, and other reports<sup>39</sup>

Individuals' points are then tallied to give each a Chronic Offender Score. Analysts use this method to create the requisite minimum 12 Chronic Offender Bulletins, then rank-order the bulletins based on points. Individuals with the most points become the primary targets of patrol and special units. Bulletins are entered into a Chronic Violent Offender Database for tracking and monitoring,<sup>40</sup> while enhanced surveillance equipment such as automatic license plate readers, close circuit television, and cell

phone catchers are used to track and trace targeted people.<sup>41</sup>

The Chronic Offender Bulletins are disseminated to officers and briefings are given at roll call. Patrol officers are given "missions" to work areas, watching for "criminal activity" at specific times and in specific locations. Officers are given six suggestions for engaging with Chronic Offenders, noting that "some or all might apply."

Suggestions from the LAPD's Chronic Offender Checklist<sup>42</sup> include:

- Sending letters to offenders, letting them know the police "are aware of them and they do not want them to engage in criminal activity."
- Door knocks conducted by "special units," such a gang or narcotics units. In door knocks, units go to households and tell whoever is there that the police are aware of them.
- At weekly crime control meetings, provide updates about Chronic

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<sup>39</sup>[https://stoplapdspying.org/wp-content/uploads/2018/05/FINAL-Chronic-Offender-Purpose-and-Check-List\\_100417-003.pdf](https://stoplapdspying.org/wp-content/uploads/2018/05/FINAL-Chronic-Offender-Purpose-and-Check-List_100417-003.pdf)<https://stoplapdspying.org/wp-content/uploads/2018/05/LASER.pdf>

<sup>40</sup>Ibid

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<sup>41</sup>

<https://www.ojpdagnosticcenter.org/blog/reducin-g-gun-violence-laser-precision>

<sup>42</sup>[https://stoplapdspying.org/wp-content/uploads/2018/05/FINAL-Chronic-Offender-Purpose-and-Check-List\\_100417-003.pdf](https://stoplapdspying.org/wp-content/uploads/2018/05/FINAL-Chronic-Offender-Purpose-and-Check-List_100417-003.pdf)

Offenders. Special units can report on their engagement activities.

- Attend roll call meetings and inform patrol officers of Chronic Offenders. Encourage officers to look out for COBs and stop them for Field Interviews or arrests, if they are out on a warrant.
- Conduct warrant checks, serve warrants, conduct Armed Prohibited Possessor (APP) checks.

Beyond these interventions, an LAPD presentation on LASER<sup>43</sup> indicates that area officers were being asked to identify “Anchor Points” within LASER Zones. An “anchor point” is a location officers identify as being “possibly responsible for the crime.” It might be a business, residence, or gathering place. After naming their Top Five Anchor Points, LAPD areas were asked to prepare “strategies to address the issues.” Suggested strategies include abatements or evictions, licensing or conditional use permits, or “changes to environmental design.”

In an effort to technologically enhance the impact of LASER funding was requested by LAPD as of July 2014 to support technologies that will allow officers in the

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<sup>43</sup> <https://stoplapdspying.org/wp-content/uploads/2018/05/LASER.pdf>

field to access information readily from CID and Palantir.<sup>44</sup> Both forms of technology make use of PDAs and tablets. “As an officer drives, walks, or bikes through neighborhoods, the phone or tablet transmits its GPS location and receives information that displays hot spots, chronic offender addresses, and other relevant data within a specified proximity of the current location.” Palantir is also developing a mobile device that can be used in the field by supervisors and patrol officers. Palantir *Mobile* will “push” specific information to officers based on their request about a vehicle, driver, passengers, or other information. Analysts at Palantir workstations conduct a query and push the information back to the officer via text or email.<sup>45</sup>

In efforts to further institutionalize LASER, in 2016 the Community Safety Operations Center (CSOC) was established in response to claims of rising violence in 77th, Newton, Southeast and Southwest divisions.<sup>46</sup> CSOC acts as the LAPD’s extension of the LASER program as it involves the use of data and analytics on a daily basis. LASER Zones and

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<sup>44</sup> <https://stoplapdspying.org/wp-content/uploads/2018/05/Program-Narrative.pdf>

<sup>45</sup> <https://stoplapdspying.org/wp-content/uploads/2018/05/Program-Narrative.pdf>

<sup>46</sup> <https://stoplapdspying.org/wp-content/uploads/2018/05/No-Cost-Extension-for-Smart-Policing-June-2018.pdf>

Chronic Offenders are monitored daily by a team of analyst, detectives, and supervisors who review and analyze violent crimes that occur within the divisions.<sup>47</sup> All four bureaus are expected to have a CSOC overseeing the LASER program within their respective divisions. The first CSOC was documented to be located at LAPD police headquarters with plans to move it to the South Bureau at 7600 Broadway Ave.<sup>48</sup>

To date, Operation LASER is confirmed to be in at least fourteen<sup>49</sup> of the twenty-one divisions, though all divisions are expected to have implemented the program by 2019. LASER first began at the Newton Division in September 2011.<sup>50</sup> In 2015, 77th Street, Southeast, and Southwest divisions were incorporated into LASER, and at least by March 2016, Operation LASER had been expanded to include Metropolitan and Air Support Divisions, along with the real-time crime center.<sup>51</sup> By October 2016, LAPD incorporated four additional divisions into

the program including Harbor, Hollenbeck, Northeast, and Rampart.<sup>52</sup> Thus, by 2016, LASER had been implemented into all divisions in south and central bureaus, with the exception of central division itself. In 2017, Olympic, Hollywood, Foothill, and Devonshire implemented the LASER program,<sup>53</sup> and in 2018, LAPD incorporated Central and Wilshire divisions as well.<sup>54</sup> Two additional divisions are also expected to implement the program in 2018, and the remaining five divisions are expected to be incorporated into LASER by 2019.<sup>55</sup>

## Crime Data: A Biased and Racist Social Construct

LASER and PredPol rely on crime data, which is a necessary element of every predictive policing program. Arguments centering around “crime data” being biased or unbiased, however, overlook that the collection of data, of any type, can never escape bias. The collection of data carries an

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<sup>47</sup> <https://stoplapdspying.org/wp-content/uploads/2018/05/No-Cost-Extension-for-Smart-Policing-June-2018.pdf>

<sup>48</sup> <https://stoplapdspying.org/wp-content/uploads/2018/05/No-Cost-Extension-for-Smart-Policing-June-2018.pdf>

<sup>49</sup> <https://stoplapdspying.org/wp-content/uploads/2018/05/Khan-Hamid-C17-0500027-Operation-LASER-1.pdf>

<sup>50</sup> Uchida, C.D., & Swatt, M.L. Operation LASER and the Effectiveness of Hotspot Patrol: A Panel Analysis. P. 294.

<sup>51</sup> <https://stoplapdspying.org/wp-content/uploads/2018/05/No-cost-extension-til-03-31-17.pdf>

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<sup>52</sup> <https://stoplapdspying.org/wp-content/uploads/2018/05/Justification-for-no-cost-extension-until-December-31-2017.pdf>

<sup>53</sup> <https://stoplapdspying.org/wp-content/uploads/2018/05/Khan-Hamid-C17-0500027-Operation-LASER-1.pdf>; <https://stoplapdspying.org/wp-content/uploads/2018/05/Justification-for-no-cost-extension-until-December-31-2017.pdf>

<sup>54</sup> <https://stoplapdspying.org/wp-content/uploads/2018/05/No-Cost-Extension-for-Smart-Policing-June-2018.pdf>; <https://stoplapdspying.org/wp-content/uploads/2018/05/Khan-Hamid-C17-0500027-Operation-LASER-1.pdf>

<sup>55</sup> <https://stoplapdspying.org/wp-content/uploads/2018/05/No-Cost-Extension-for-Smart-Policing-June-2018.pdf>

inherent purpose and intention. Historically and currently there exist an intention and purpose of categorizing and documenting acts as criminal. That is, crime is created and enacted into law by those in power in order to serve the interests of the powerful, and as a result, crime data is a reflection of law enforcement's responses to particular kinds of behaviors committed by certain subsets of the population. From slavery to sharecropping to the current prison industrial complex, crime has been constructed to criminalize Black, Brown and poor people in order to generate revenue for the state and private entities.

As Sociologists Paddy Hillyard and Steve Tombs assert, crime and criminality are fictive in nature, as there is nothing intrinsic to any act that defines it as a crime. Crime and criminality, rather, must be constructed before they can exist.<sup>56</sup> So although any act then is subject to the legal classification of crime, a selection process occurs where certain acts and not others are chosen for control by criminal justice agencies. In a politically organized society, it is authorized agents that are responsible for the formulation and administration of criminal law, and it is through this process that people

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<sup>56</sup> Hillyard P., & Tombs, S. (2014). *Beyond Criminology?*

and behavior become criminal.<sup>57</sup> Because those in power have control over lawmakers and the state's law enforcement apparatus, the acts that get defined as criminal, are the behaviors that conflict with the interests of those with the power to inform public policy.<sup>58</sup> This in turn explains at least in part why behaviors such as lead poisoning and pollution are not criminal, though they are nevertheless harmful. As Sociologist Richard Quinney asserts, "Although law is supposed to protect all [residents], it starts as a tool of the dominant class and ends by maintaining the dominance of that class. Law serves the powerful over the weak...Yet we are all bound by that law, and we are indoctrinated with the myth that it is our law."<sup>59</sup> Crime specifically and laws generally are created then to serve the interests of the powerful, and the mechanisms used to enforce it, namely the police, are employed by those in power within a society in order to reduce threats to the existing order.<sup>60</sup> Police, acting as agents of social control, are subsequently not only interested in crime but they are also

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<sup>57</sup> Quinney, R. (1970). *The social reality of crime*. Boston, MA: Little, Brown.

<sup>58</sup> Spitzer, S. (1975). Toward a Marxian theory of deviance. *Social problems*, 22(5), 638-651.  
<https://doi.org/10.2307/799696>

<sup>59</sup> Quinney, R. (1970). *The social reality of crime*. Boston, MA: Little, Brown.

<sup>60</sup> Kubrin, C. E., Stucky, T. D., & Krohn, M. D. (2009). *Researching theories of crime and deviance*. New York, NY: Oxford University Press.

concerned with surveilling, manipulating, and coercing subordinated groups.<sup>61</sup> As a result, the legal system is biased and the law is not impartially applied with regard to social class, race, and occupation.<sup>62</sup>

Dating back to the 19<sup>th</sup> century, in response to the “economic devastation” caused by the passage of the 13<sup>th</sup> amendment, the legal system became the primary means through which whites could continue profiting from the forced labor of Black people. This was made possible through the implementation of myriads of discriminatory crime policies that criminalized behaviors such as speaking loudly towards a white woman, selling the products of one’s farm after nightfall, and failing to provide proof of employment at any given moment. Such laws specifically targeted Black folks and were created solely for the purpose of ensuring the arrest and imprisonment of large numbers of previously enslaved people, whose labor states then leased out to private employers and corporations in exchange for a rental fee, through what became known as the convict leasing system. Consequently, not only were

Black folks forced back into conditions that approximated slavery, but an economic system also developed that was highly dependent on the criminalization of Black folks, which generated nearly 75% of some states’ entire revenue.<sup>63</sup>

The legal system subsequently began seeing an overrepresentation of Black folks by 1890, and incarceration rates grew to up to ten times that of the general population.<sup>64</sup> This was further exacerbated through the system of peonage, sharecropping, and chain gangs, and it is estimated that during the eighty year period between the Civil War and World War II, tens of millions of Black folks were systematically forced to work against their will through these systems of forced labor that were predicated on the criminalization of Black people.<sup>65</sup> Then, during the latter half of the 20th century, the tough-on-crime rhetoric and the war on drugs emerged largely in response to the gains made by the civil rights movement and less so as a response to actual

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<sup>61</sup> Fielding, N. G. (1991), *The police and social conflict*. London: Althone Press.

<sup>62</sup> Lizotte, A. J. (1978). Extra-legal factors in Chicago's criminal courts: Testing the conflict model of criminal justice. *Social Problems*, 25(5), 564-580. doi: 10.2307/800105

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<sup>63</sup> Blackmon, D. A. (2008). *Slavery by another name: The re-enslavement of Black people in America from the Civil War to World War II*. New York, NY: Doubleday.

<sup>64</sup> Oshinsky, D. M. (1997). *Worse Than Slavery*. Simon and Schuster.

<sup>65</sup> Blackmon, D. A. (2008). *Slavery by another name..*

crime rates.<sup>66</sup> For example, in 1980, whites were roughly 45% more likely to sell drugs, but Black folks were actually more likely to be arrested for the offense.<sup>67</sup>

This use of prison labor to generate revenue has steadily increased over the last 150 years or so with the rising number of corporations that have turned to prison labor in the production of their goods, paying prisoners pennies on the dollar in order to manufacture goods at a price that significantly undercuts wages in the conventional labor market.<sup>68</sup> American corporations are increasingly turning to prisons as a cheaper alternative to relocating overseas, and in fact, some corporations have even relocated their production from overseas to inside American prisons. Prisons that contract with these corporations are then given a share of the profit, and as a result, a system has been institutionalized that is highly invested in the

quantity of prisoners (the more prisoners, the more cheap labor).<sup>69</sup> The state now, more than ever, determines the size of the worker pool through the legal system, and relatedly, the legal system has become the largest employment sector in the conventional labor market in America.<sup>70</sup> The vested interest in defining events as crime then has not only steadily increased since the Emancipation Proclamation but has also been further institutionalized, and not surprisingly, the sheer number of acts considered a criminal offense has steadily increased as well.<sup>71</sup>

As a result, between 75% to 95% of Americans now self-report having committed some criminal act serious enough to warrant them at least a year in prison had they been caught.<sup>72</sup> However, decades of criminological research has concluded that official crime databases do not capture this totality of criminal offenses primarily because there is a fundamental bias in how crime is reported by

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<sup>66</sup> Alexander, M. (2012). *The new Jim Crow: Mass incarceration in the age of colorblindness*. New York, NY: The New Press.

<sup>67</sup> Ingraham, C. (2014, September 30). White people are more likely to deal drugs, but black people are more likely to get arrested for it. *Washington Post*. Retrieved from [https://www.washingtonpost.com/news/wonk/wp/2014/09/30/white-people-are-more-likely-to-deal-drugs-but-black-people-are-more-likely-to-get-arrested-for-it/?utm\\_term=.a7249294a1d2](https://www.washingtonpost.com/news/wonk/wp/2014/09/30/white-people-are-more-likely-to-deal-drugs-but-black-people-are-more-likely-to-get-arrested-for-it/?utm_term=.a7249294a1d2)

<sup>68</sup> Sawyer, W. (2017, April 10). How much do incarcerated people earn in each state? Retrieved from <https://www.prisonpolicy.org/blog/2017/04/10/wages>

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<sup>69</sup> Ventura, J., & Russell, D. (2012). *DemoCrips and ReBloodlicans: No More Gangs in Government*. New York, NY: Skyhorse Publishing Inc.

<sup>70</sup> Hernández, K. L., Muhammad, K. G., & Ann Thompson, H. (2015). Introduction: constructing the carceral state. *The Journal of American History*, 102(1), 18-24.

<sup>71</sup> Home Office, 2003a  
Shahidullah, Shahid M. (2008). *Crime Policy in America: Laws, Institutions, and Programs*.

<sup>72</sup><http://www.people.vcu.edu/~jmahoney/deviance.htm>



communities and recorded by police.<sup>73</sup> Looking at hate crimes as just one example, the Bureau of Justice Statistics details that crimes of this nature are reported to police approximately half the time that they occur,<sup>74</sup> while police in turn record those hate crimes in ways that are inconsistent, incorrect, and fail to meet the standards of what is formally required.<sup>75</sup> In fact, less than half of *all* crime committed is actually known to police. For example, between 2006 and 2010 alone, 52% of violent crime and 60% of property crime went unreported to police.<sup>76</sup>

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<sup>73</sup> S. D. Levitt, “The relationship between crime reporting and police: Implications for the use of Uniform Crime Reports,” *Journal of Quantitative Criminology*, Vol. 14, No. 1 (1998), 61–81; William Douglas Morrison, “The Interpretation of Criminal Statistics,” *Journal of the Royal Statistical Society*, Vol. 60, No. 1 (Mar. 1897), 1-32; Lynn Langton, Marcus Berzofsky, Christopher Krebs, and Hope Smiley-McDonald, “Victimizations Not Reported to the Police,” 2006-2010, *U.S. Department of Justice National Crime Victimization Survey*, (August 2012).

<sup>74</sup> Lynn Langton, Ph. D. and Madeline Masucci, Hate Crime Victimization, 2004-2015, *Bureau of Justice Statistics*, <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=5967>, (Jun. 29, 2017).

<sup>75</sup> Ken Schwencke, “Why American Fails at Gathering Hate Crime Statistics,” *ProPublica*, [https://www.propublica.org/article/why-america-fails-at-gathering-hate-crime-statistics?utm\\_campaign=sprout&utm\\_medium=social&utm\\_source=facebook&utm\\_content=1512771007](https://www.propublica.org/article/why-america-fails-at-gathering-hate-crime-statistics?utm_campaign=sprout&utm_medium=social&utm_source=facebook&utm_content=1512771007), (Dec. 4, 2017).

<sup>76</sup> Langton, L., Berzofsky, M., Krebs, C. P., & Smiley-McDonald, H. (2012). *Victimizations not reported to the police, 2006-2010*. Washington, DC: US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

Studies also indicate that Black people and whites commit crime at similar rates but police are more likely to intervene with Black people. For example, “police arrest Black Americans for drug crimes at twice the rate of whites, according to federal data, despite the fact that whites use drugs at similar rates and sell drugs at similar or even higher rates.”<sup>77</sup> Moreover, compared to whites, Black and Latinx individuals are roughly 75% more likely to be stopped by police,<sup>78</sup> up to 127% more likely to be frisked, and up to 76% more likely to have their vehicle searched, although police are 24% less likely to find illegal drugs and 37% less likely to find weapons if the driver is a person of color than if the individual is white.<sup>79</sup> People of color are also up to 41% more likely than whites to be ticketed<sup>80</sup> and are more likely to be arrested for low-level offenses such as

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<sup>77</sup> [http://www.slate.com/articles/news\\_and\\_politics/crime/2015/08/racial\\_disparities\\_in\\_the\\_criminal\\_justice\\_system\\_eight\\_charts\\_illustrating.html](http://www.slate.com/articles/news_and_politics/crime/2015/08/racial_disparities_in_the_criminal_justice_system_eight_charts_illustrating.html)

<sup>78</sup> Pierson, E., Simoiu, C., Overgoor, J., Corbett-Davies, S., Ramachandran, V., Phillips, C., & Goel, S. (2017). A large-scale analysis of racial disparities in police stops across the United States. *arXiv preprint arXiv:1706.05678*.

<sup>79</sup> Ayres, I., & Borowsky, J. (2008). *A study of racially disparate outcomes in the Los Angeles Police Department*. Los Angeles, CA: ACLU of Southern California.

<sup>80</sup> Soffen, K. (2016, July 8). The big question about why police pull over so many black drivers. *Washington Post*. Retrieved from [https://www.washingtonpost.com/news/wonk/wp/2016/07/08/the-big-question-about-why-police-pull-over-so-many-black-drivers/?utm\\_term=.fed24f3f6b7b](https://www.washingtonpost.com/news/wonk/wp/2016/07/08/the-big-question-about-why-police-pull-over-so-many-black-drivers/?utm_term=.fed24f3f6b7b)

driving on a suspended license, loitering, and disorderly conduct.<sup>81</sup> Data collected by police is biased data based on biased policing, and no algorithm can remove that bias.

## LASER's Racist Feedback Loop

Historical crime data is thus a reflection of law enforcement's responses to particular kinds of behaviors committed by certain subsets of the population, rather than a reflection of actual criminality; and as a result of LASER's reliance on racialized historical crime data, a feedback loop is created where an increasingly disproportionate amount of police resources are allocated to historically hyper-policed communities. As has always occurred, this targeting is by design, and the politicization of crime and the ever-present necessity for those in power to promote a racialized narrative regarding who is a criminal and whose property is worth protecting requires a muddling of these facts. This in turn fosters and feeds programs such as LASER that intentionally criminalize communities of color, while pretending that arrests and charging decisions are objective indicators of deviance.

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<sup>81</sup> <https://www.aclu.org/news/study-documents-extreme-racial-disparity-arrests-low-level-offenses>

The omission of the factors leading up to an individual's arrest suspends knowledge of how amplification effects and other legal variables may distort reality.<sup>82</sup> The program not only reinforces systemic biases that people have been working decades to dismantle but also reproduces and exacerbates the very biases the program purports to avoid. LASER thus exemplifies the central function of law in the production of racialized systems of social control that in turn reifies racial stratification, espousing one of the myriads of mechanisms through which "historically persistent racialized effects of state and corporate (in) actions have yet again produced disproportionate dislocation, suffering, and death."<sup>83</sup>

It is a legalistic fallacy to frame the issue exclusively or even predominantly as a constitutional one, and doing so assumes that violations of one's rights occurs as a result of the constitution being applied incorrectly and thus, that achieving redress is therefore possible within the current legal framework.<sup>84</sup>

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<sup>82</sup> Ward, G. (2015). The slow violence of state organized race crime. *Theoretical Criminology*, 19(3), 299-314. doi:10.1177/1362480614550119

<sup>83</sup> Vargas, J (2008). The liberation imperative of black genocide: Blueprints from the African diaspora in the Americas. *Souls*, 10(3), 256-78. doi:10.1080/10999940802347756

<sup>84</sup> Crenshaw, K. (1991). Mapping the margins: Intersectionality, identity politics, and violence

Expanding beyond the liberal critique that centers on the preservation of human dignity and individuality, critical race theorists contend that it is whole systems by which racism is sustained and perpetuated, further espousing that the complete dismantling of racism in one context necessitates concomitant consideration of other forms of oppression in other contexts. A more equitable application of the LASER program, if it were even possible, should not be the goal then. Such colorblind policies are not sufficient to adequately address institutionalized racism, which the LASER program is but one manifestation of. As Sociologist Matthew Desmond notes, “equal justice in an unequal society” fosters inequalities.<sup>85</sup>

## The Blind Spots of Predpol

In Los Angeles work between anthropologist Jeff Brantingham (University of California Los Angeles- UCLA), Andrea Bertozzi (UCLA), Sean Malinoswki (LAPD), George

Mohler (Santa Clara University), Martin Short (Georgia Tech), and George Tita (UC Irvine) explores the connection between mathematical methods for predicting crime and tools for crime prevention.<sup>86</sup> Jeff Brantingham, focuses on human behavior and evolution, especially foraging and the question of why humans have particular behavioral adaptations. Expanding on his anthropology specialty, Brantingham, also co-founder of PredPol, Inc., asserted that “criminals are effectively foragers...choosing what car to steal is like choosing which animal to hunt. The same decision-making processes go into both of these choices.”<sup>87</sup> The guise that Brantingham’s theories and models can be utilized through “objective” means that are “blind” to practices such as racial profiling should be heeded with extreme caution.

In “Measuring Forager Mobility,” Brantingham<sup>88</sup> attempts to predict behavioral patterns animating both the selection and exchange of raw stone materials. Brantingham explicitly states that:

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against women of color. *Stanford law review*, 1241-1299.

Gómez, L. E. (2010). Understanding law and race as mutually constitutive: an invitation to explore an emerging field. *Annual Review of Law and Social Science*, 6, 487-505. doi: 10.1146/annurev.lawsocsci.093008.131508

<sup>85</sup> Desmond, M. (2016). *Evicted: Poverty and profit in the American city*. Broadway Books.

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<sup>86</sup> <http://paleo.sscnet.ucla.edu/>

<sup>87</sup> <http://www.predpol.com/dr-jeff-brantingham-featured-in-ucla-article-on-predpol/>

<sup>88</sup> Jefferey Branhtingham, Measuring Forager Mobility, *Current Anthropology* Volume 47 Number 3, June 2006

a number of different probabilistic models may adequately describe the stochastic process underlying the procurement and transport of stone, though all should take a fundamental form giving the probability that a forager has moved (and transported stone) a total distance after a certain number of moves. It is the aim of this paper to develop fully one such model and to show how specific properties of forager mobility strategies may be recovered from observed stone raw- material transport distance.<sup>89</sup>

Brantingham's frameworks draws from a number of different disciplines, including archaeology, physics, and biology. A few things should be brought to the reader's attention here. This article was published in the journal *Current Anthropology*, and by tracing the genealogy of Brantingham's theorizations and frameworks, one can see the ways in which the archaeologist developed his predictive policing methods.

While universal models, complete with frameworks that can be "transferred" and "applied" to social context outside of their original domains of research, are highly

appealing in terms of understanding human behavior, they in fact come with several major constraints and blind spots. Most importantly, predictive modeling is based on assumptions, and if those assumptions are not universally true, the models are erroneous. Brantingham argues that his modeling is objective and therefore immune to profiling of humans based on race, ethnicity, nationality, sexuality, gender, income level, and more. In fact, Brantingham<sup>90</sup> goes so far as to state that "this paper has attempted to tease apart some of these complex interactions through a controlled examination of the effects of mobility on stone usage, holding other behaviors constant." In other words, Brantingham's predictive modeling assumes that cultural factors are basically "noise" and that human behavior can be operationalized. Yet predicting human behavior with any real certainty is impossible for a multitude of reasons (the base rationale here being that there are numerous factors contributing to human reaction and no algorithm can measure and account for all of them), and for this reason has absolutely no place in creating public policies related to policing practices. Indeed statistics have been important in

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<sup>89</sup> Ibid.

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<sup>90</sup>Jeffrey Brantingham, *Measuring Forager Mobility*, *Current Anthropology* Volume 47 Number 3, pg 447 June 2006

domains such as public health by predicting which populations may be susceptible to disease. However, there are major differences in how statistics may be used to formulate public policy versus policing strategies. Policies aimed at preventing disease and preventing crime are both executed in the name of “care” and “protection” which most people would agree is part and parcel to good governance. Targeting populations vulnerable to disease may materialize in the provision of vaccinations while predictive policing seeks out individuals. There is a palpable difference in these two approaches: the first aims to protect a group of people and uses data that predicts which *populations* might be at most risk while the second specifically focuses on *individuals as the risk factors*. And, as we all know, statistical modeling is imperfect in making medical predictions as well. The most obvious example is the heavy smoker who never contracts cancer, emphysema, cardiovascular disease, or other commonly known related diseases but instead lives a long, healthy life. In contrast, we have all heard of the healthy, non-smoker who dies of lung cancer. Treating *individuals as the risk factors*, pre-identifying the “menaces to society” through the use of supposedly infallible statistical models

severely compromises Constitutional rights.<sup>91</sup> Moreover, as several scholars working in Brantingham’s specialized subfield, point out, his models are far from perfect and fail to take several factors into consideration.

The following responses, reactions, and critiques are published in the same paper as “Measuring Forager Mobility,” published in *Current Anthropology Vol. 47 No. 3 in June 2006*. A crucial part of scholarly discussions and research is to critique one another’s methodologies, approaches, underlying assumptions, and models in the interest of producing new knowledge by pushing current boundaries. The following critiques from Brantingham’s colleagues are in direct response to the journal publication, “Measuring Forager Mobility” and can be found in the same publication. Regarding Brantingham’s models in assessing forager mobility, the following scholars raise a

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<sup>91</sup> Reverting back to the discussions at the beginning of this report historically analyzing the social construction of crime, using statistics to auger who- as an individual- may or may not engage in illegal behavior is a severely limited modeling technique. It then becomes important to consider the parameters under which individuals become considered risk factors, and most saliently, *to whom*.

number of important issues and blindspots that act as the foundation for predictive policing.

Take, for example, Professor Jelmer Eerkens (Department of Anthropology, University of California, Davis), critiques of Brantingham's<sup>92</sup> models, where he states (emphasis ours):

I am worried that, combine with archaeological biases (due, for example, to incomplete survey coverage and focus on cave sites), difficulty in delineating the remains of discrete entities of foragers (be they “groups” or individuals), and the complications of trade and exchange, the use of such proxy measures *will compound errors and eventually outweigh the value of using a formal and quantitatively based model for understanding behavior.*<sup>93</sup>

Professor Jonathan Haws (Department of Anthropology, University of Louisville) also states (emphasis ours):

In the end, the archaeological application of the reductionist *model fails because of the complexities of human behavior and/or the*

*incompleteness of the archaeological record...*Despite the claims made by proponents of human behavioral ecology, *human behavior is not best understood through a reductionist approach.*

Professor Peter Turchin (Department of Ecology and Evolutionary Biology, University of Connecticut) emphatically points out (emphasis ours):

A cautionary note, however, is that the ability of simple models to describe empirical patterns has an obverse side. As is well known, the mapping of theoretical mechanisms to empirical patterns is many-to-one. *In other words, any specific pattern in data can be generated by a potentially infinite number of mechanistic models. This means that when we estimate some parameter from data we usually cannot infer the action of a specific process.*

Professor Eerkens' and Haws' concern that Brantingham's models are based on limited, biased data alone should be enough to prevent the formation of any public policy that dictates life and death decisions of an individual. However, a common thread

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<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

between these three critiques of Brantingham's models is that it is nearly impossible to claim that predictions can be made on human behaviour. They are too simple and assume universal behaviours from all individuals who are in fact, extremely diverse in decision making, behaviors, and individual actions.

In "Crime Diversity,"<sup>94</sup> published in 2016 in the *Journal American Society of Criminology*, Brantingham draws from ecological literature in attempts to draft a "neutral model from the crime-type area relationship called the passive sampling model [that] treats each crime type as an arbitrary label and posits that crimes are placed randomly and independently in space." The fact that Brantingham continues on with this type of predictive modeling outside of archaeological theory to shape public policy should be of significant alarm. The implementation of universalized models that are premised on ahistorical factors should be of concern to those both implementing these policies and those who are subjected to them.

The guise that Brantingham's theories and models will somehow bypass social-political

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<sup>94</sup> Jeffrey Brantingham, *Crime Diversity*, *Criminology*, Vol. 54 No. 4, 2016.

concerns and that policing can now be conducted through objective means that are blind to practices such as racial profiling should be heeded with extreme caution. Contrary to how algorithms and modeling are being marketed in Brantingham's research, these approaches should not be treated as strategies to overcome already existent policing practices. Predictive policing is nothing more than racial profiling hidden behind the veil of infallible "scientific" and "mathematical" modeling. These two approaches are often treated as objective strategies, fail-proof strategies, whereas in fact, Brantingham's colleagues explicitly show the ways in which they are not. Moreover, we know that scientific knowledge changes over time. At one point humans thought the world was flat while we now (mostly) know it is not. It was also "scientific fact" and "common knowledge" at one point in history that individuals of African descent were "inferior." In 2018, we shudder and can be embarrassed at those past "scientific beliefs," and it is why we need to continue to approach these matters with humility-- accepting that we in fact do not know everything and that our knowledge base will undoubtedly dramatically shift over time. Thus, these models should be understood as a means of embedding structural racism

through the employment of quantitative methodologies. As things stand right now, Brantingham's models become circular arguments that ultimately will predict criminals from the day they are born- the bedrock of eugenics that historically have been at the root of the greatest human atrocities and genocide.

## The Irrationality of “Blended Theory”

An understanding of criminological and theoretical frameworks supporting predictive policing - *rational choice*, *routine activities*, and *crime pattern theory* referred to collectively as *blended theory*<sup>95</sup> - is key point of entry through which to expose the internal mechanics of a purportedly unbiased, empirically sound, politically neutral form of policing.

**Rational choice** theory is a central component of predictive policing and was developed with the writings of 17th and 18th century Enlightenment thinkers and classical criminologists such as Thomas Hobbes and Cesare Beccaria during an era that marked the end of the transition from feudalism to

capitalism. As criminologist Gary Potter argues, rational choice rests upon a “theoretically-naive” foundation and, given its historical context, operates at the individual level as a “crude form of ‘cost/benefit’ analysis, where the task of criminal justice system agencies is to make crime too risky for the potential criminal,” although studies supporting deterrence theory are weak.<sup>96</sup>

Ironically, rational choice offers a more apt explanation of the motivations behind white collar, corporate crime rather than street level crime, referred to by conservative criminologists James Q. Wilson and George L. Kelling as “quality of life” offenses.<sup>97</sup> Corporate crime abides by its own legally-sanctioned “rationality,” one that rarely spurs the interest of law enforcement as it is executed by monied interests with ample resources, power and knowledge at their command. Differently put, the nature of white collar crime can never be anything but calculated, deliberate, and *rational* and, though its impacts are systemic and global in character, rational choice was never designed with these particular “crimes” in mind. Most evidently, the “hotspot” is never situated

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<sup>95</sup><http://www.theiacp.org/Portals/0/pdfs/LEIM/2012Presentations/OPS-PredictivePolicing.pdf>

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<sup>96</sup> <http://imaginingjustice.org/essays/wilson-van-den-haag-conservative-theories-crime-control-3/>

<sup>97</sup> <http://uprootingcriminology.org/essays/wilson-van-den-haag-conservative-theories-crime-control-3/>



within the financial districts of major cities<sup>98</sup> as predictive policing is not a “reform” of police power nor a fundamental divergence from it, so much as an expansion of its ambit through advanced data collection methods that widen the net of criminalized behaviors, ideas, beliefs, movements and furtive glances. As David Correia and Tyler Wall write in *Police - A Field Guide*, “the order that police impose on the poor - how to behave, how to punish, who belongs and who must be banished- is always also a racial order.”<sup>99</sup> Thus, the rationality that comes under question and suspicion through predictive policing is that of the surplus populations whose place must be kept within the “natural” order of racial capitalism.

**Routine activities theory** is similarly based upon spurious notions of “free will” and “rational” choice. Potter summarizes routine activities theory as consisting of “patterns of crime and victimization,” which stem from “the everyday interactions in geographical space and in time of likely offenders, suitable targets, and guardians.” By engaging in “routine activities” that meet certain conditions an individual is more likely to

offend or be victimized, “regardless of their biological or cultural background.”

According to a formula devised by conservative criminologist Marcus Felson as quoted by Potter, there exist three criteria for routine activities to occur: a “target of crime” must be present, the target’s guardian or protector must be able to be overtaken, and “an offender who has consciously planned to commit the crime” must exist. When these conditions are met, the possibilities for crime and victimization occurring are expanded.<sup>100</sup>

As Potter explains, the two main flaws of the routine activities theory are first, that it does not specify what specific *types* of routine activities are likely to be criminogenic,<sup>101</sup> which is highly problematic given that the quality of life policing initiatives informed by broken windows theory have shown to do little more than scapegoat those on the margins of society, most often poor minorities, engaging in certain “routine activities” for their very survival.<sup>102</sup> One can become criminalized, a moving target, merely by living within a “high risk” area or “hotspot.” This is the logical outcome of routine

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<sup>98</sup><https://www.radicalphilosophyarchive.com/commentary/the-eu-hotspot>

<sup>99</sup> *Police - A Field Guide*, David Correia and Tyler Wall

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<sup>100</sup> <http://criminology/essays/Wilson-van-den-haag-conservative-theories-crime-control-3/>

<sup>101</sup> *Ibid*

<sup>102</sup> <https://www.salon.com/2016/08/15/there-are-systemic-failures-broken-windows-policing-and-racial-discrimination-in-baltimore-and-beyond/>

activities as “problem oriented policing” is used in support of this theory in order to “help understand and interrupt the opportunity structures that produce specific crime problems.”<sup>103</sup> The goal is for police to penetrate communities by supplanting the role of social service provisions or, in other words, for police to compound to the problems that exist in disadvantaged communities by trying to fulfill roles they are fundamentally incompetent in handling.<sup>104</sup> The second problem underlying routine activities theory is that it functions more as “a theory of victimization than crime causation.” The offender's historical background, socioeconomic status, mental development, and other pertinent factors are not even considered under this model as it fails “to provide much or any of the contexts of criminogenic situations, such as how and why crime is related to class, gender, race, and age.”<sup>105</sup>

**Crime pattern theory** aids in creating an explanatory model of how offenders seek out or stumble upon “suitable targets.” Here, environmental criminologists look at the

“cultural, legal, economic, political, temporal, and spatial characteristics” of an area, collectively referred to as the “environmental backcloth,” which is used to gauge whether a location is conducive for crime to occur and with minimal risk. By maintaining a recollection of the various environmental backcloths of different communities, “offenders will form templates of these cues on which they will rely to interpret the environment during target selection.”<sup>106</sup> Crime patterns are held to change over time - day/night cycles, weekend vs. weekday, time of year, and so forth- thus, the focus of police intervention is a constantly shifting target that must be isolated to 500’x500’ “hotspots” that signify sites of active hostility.<sup>107</sup>

Crime pattern theory suffers from the same explanatory deficiencies of routine activities theory; namely, that it offers a more effective explanation of crime victimization while failing to adequately account for the myriad factors that motivate an offender.<sup>108</sup>

Furthermore, crime patterns are determined by historical crime data which, as this report thoroughly points out, is inherently racist,

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<sup>103</sup> <http://criminal-justice.iresearchnet.com/criminology/theories/routine-activities-theory/4/>

<sup>104</sup> The End of Policing, Alex Vitale

<sup>105</sup> <http://criminology/essays/Wilson-van-den-haag-conservative-theories-crime-control-3/>

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<sup>106</sup> <http://criminal-justice.iresearchnet.com/criminology/theories/routine-activities-theory/4/>

<sup>107</sup> <https://www.radicalphilosophy.com/commentary/the-eu-hotspot>

<sup>108</sup> <http://imaginingjustice.org/essays/wilson-van-den-haag-conservative-theories-crime-control-3/>

classist and gendered in its outcomes and maintains a perpetual cycle of over-policing, criminalization, and incarceration. Again, the behavior being policed and the crime patterns established reside solely within poor and working class communities of color.

The reader should notice several intrinsically-conservative assumptions woven into the fabric of *blended theory*: crime is empirically derived *not* socially constructed; rationality is relegated to the crimes of the underclass; deterrence through punishment is the only effective way to mitigate crime and contain complete social anarchy; and police are the primary mechanism through which to address “crime.” These theories are not only fundamentally reactive in their worldview, but maintain various, interlocked systems of oppression and provide an empirical gloss to the same racist, classist and gendered police practices. That theories such as rational choice emerged during the advent of private property is hardly surprising given predictive policing initiatives often facilitate gentrification efforts and other forms of dispossession and upward wealth redistribution. In order to combat predictive policing, the very notion of crime should be called into question and contested without discounting the multiple ways racial

capitalism is criminogenic by design.

## The Continued Militarization of Policing

Predictive policing must also be understood as related to the increased militarization of domestic law enforcement within the U.S. Just as police units adopt weapons designed for war (submachine guns, grenade launchers, sniper rifles, SWAT teams, and more), their intelligence-gathering and data-driven policing tactics increasingly come from federal intelligence agencies’ approaches to the foreign and domestic war on terror.

In the case of PredPol, the technology is a direct descendent of military-funded university research based on statistics from the Iraq insurgency. As discussed, Brantingham began researching criminal modeling in the mid-2000s after turning his academic focus from Tibetan hunter-gatherers to present-day crime patterns; he began drawing a connection between hunter-gatherers looking for food and criminals that “forage for opportunities to commit crimes.”<sup>109</sup> In 2006 Brantingham and his colleagues, including a mathematician named

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<sup>109</sup> <http://newsroom.ucla.edu/releases/can-math-and-science-help-solve-153986>

Andrea Bertozzi and a postdoctoral fellow named Greg Mohler, extended the foraging analogy to insurgents in Iraq. That year the researchers obtained the first of multiple U.S. Army Research Office grants to develop algorithms to predict insurgent activity on Middle East battlefields. The results influenced the algorithm used by PredPol six years later.

PredPol's technology was designed to predict strikes by enemy combatants in the theater of the Middle East; today PredPol targets citizens in the streets of Los Angeles.

Brantingham claims that “the mathematics underlying the insurgent activity and the criminal activity is very much the same.”<sup>110</sup>

According to a *Truth-Out* article,

Brantingham markets PredPol by comparing Middle East insurgents to Los Angeles youth; in a powerpoint delivered to the Air Force Research Laboratory, he drives this comparison home through imagery that shows both Arab men in headscarves wielding automatic rifles and Latino youth from LA.<sup>111</sup>

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<sup>110</sup> Ibid.

<sup>111</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-america-streets>

Predictive policing is part of the “war on people” in other ways as well. To form its Chronic Offender Bulletins, Operation LASER draws on technology provided by Palantir, a big data company that mines government and corporate databases for signs of international and domestic terrorist activity. Palantir provides a platform and search engine for multiple databases, such as the FBI's and CIA's, that were formerly siloed, creating one all-powerful, panoptic profiling system. The company doesn't disclose the full variety of data that go into the system, nor the algorithms used to create and track individual profiles. Palantir has more recently become part of the U.S. Customs Border Protection's risk-scores for would-be immigrants. The system creates profiles of individuals by combining several federal databases with personal information, then it uses a secret algorithm to make predictions about immigrant networks.<sup>112</sup> In 2014 Immigrations and Customs Enforcement (ICE) entered into a contract with Palantir for \$41.6 million dollars.<sup>113</sup> ICE's controversial Office of Homeland Security Investigations, a wing that has carried

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<sup>112</sup><https://www.theverge.com/2016/12/21/14012534/palantir-peter-thiel-trump-immigrant-extreme-vetting>

<sup>113</sup>[https://www.fbo.gov/index?s=opportunity&mode=form&id=36fb3b697a2ccb4ec7084b4e0ec6c6db9&tab=core&\\_cvview=1](https://www.fbo.gov/index?s=opportunity&mode=form&id=36fb3b697a2ccb4ec7084b4e0ec6c6db9&tab=core&_cvview=1)

out surprise raids on U.S. Mexican restaurants, also uses the technology.<sup>114</sup>

Like PredPol, Palantir launched with defense funding; its earliest investors were the CIA's venture capital fund, In-Q-Tel.<sup>115</sup> The CIA became one of the company's first clients; other defense-related federal agencies that use Palantir's software include the Department of Defense (DoD), the FBI, and the NSA. The intelligence community has also supplied the company with a revolving door of employees, with at least one employee from the DoD. Palantir's founder and largest shareholder, Peter Thiel, is a prominent advisor to and supporter of Donald Trump, a position that will profit him enormously thanks to Trump's interest in increased homeland security and border patrol.<sup>116</sup> The administration's aggressive stance towards undocumented immigrants could also mean that the data-driven tactics used for the broader war on terror will increasingly drive Los Angeles' approach to law enforcement.

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<sup>114</sup><https://www.theverge.com/2016/12/21/14012534/palantir-peter-thiel-trump-immigrant-extreme-vetting>

<sup>115</sup> <http://www.socialcalculations.com/2015/08/a-pretty-complete-history-of-palantir.html>

<sup>116</sup> Thiel started Paypal and is an early investor, and now on the board, of Facebook among several other Silicon Valley firms.

## Legal Implications

Predictive policing programs enable the continuation of decades of discriminatory and racist policing under the apparent neutrality of objective data. Technically, the Fourth Amendment of the U.S. Constitution requires either "reasonable suspicion" or "probable cause" before the police may lawfully stop, arrest, or search a suspect.<sup>117</sup> The required suspicion must be something more than a mere hunch, and it must be individualized and specific information that leads police to believe that someone has committed or is committing a crime, or that they will find evidence of a crime.

The crime hot spots generated by PredPol and Chronic Offender Bulletins generated by the LASER program make people and their behaviors in any location more suspicious in the eyes of the police. When an algorithm identifies the block or street corner where the person is hanging out as a hotspot for crime,

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<sup>117</sup> See U.S. Const'n, 4<sup>th</sup> Am. ("The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated"); Terry v. Ohio, 392 U.S. 1 (1968) (holding that police may stop people on reasonable suspicion that a crime has been or is being committed, and frisk them on reasonable suspicion that a person is armed and dangerous); Arizona v. Hicks, 480 U.S. 321 (1987) (observing that probable cause is the traditional standard for Fourth Amendment searches and seizures).

the police are more likely to suspect a person on that corner of committing a crime.

Because the Supreme Court has recognized that characterizing a location as a “high-crime area” counts toward the suspicion necessary to justify a stop, search, or arrest, predictive policing makes it easier for police to justify stopping and searching that person hanging out at that corner.<sup>118</sup> It is not surprising, then, that data from New York City shows that 73% of the time, police officers indicated that “high crime location” formed at least part of the basis for a stop.<sup>119</sup> Similarly, when a predictive policing program identifies a particular person as a likely offender, the police may interpret that individual’s behavior differently and stop him when they otherwise would not. Without the police observing anything differently about a person’s actions in a particular place, predictive policing’s hotspots and Chronic Offender Bulletins mean that police are more likely to believe that a person is a criminal, more likely to stop that individual,

and a court is more likely to find the police behavior constitutional.<sup>120</sup>

Predictive policing might also lead to more uses of deadly force by police. Police often justify their use of deadly force by emphasizing the threat they reasonably felt to their own safety during a street encounter.<sup>121</sup> Because the police will interpret behavior and view individuals more suspiciously when the algorithm predicts that the person, or the location, is crime prone, they may react more aggressively and use deadly force sooner than they might otherwise have done so. After the fact, the police are likely to argue that the predictive policing tools justified their fear and actions, and courts are likely to credit the fears of officer safety when finding that the police behaved lawfully.

Beyond discrimination, predictive policing also raises question about due process of the law—the idea that fair procedures are supposed to be one of the fundamental

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<sup>118</sup> *Illinois v. Wardlow*, 528 U.S. 119 (2000) (holding that the characteristics of an area, such as whether it is known for crime, can contribute to the reasonable suspicion necessary to stop an individual found in that area).

<sup>119</sup> Jeffrey Fagan and Amanda Geller, *Following the Script: Narratives of Suspicion in Terry Stops in Street Policing*, 82 U. Chi. L. Rev. 51, 71 (2015). This was true whether the stop occurred in a part of the city with high reported crime rates or low reported crime rates. *Id.*, at 79.

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<sup>120</sup> See Andrew Guthrie Ferguson, *Predictive Policing and Reasonable Suspicion*, 62 Emory L. J. 259 (2012) (arguing that predictive policing will impact reasonable suspicion and probable cause analysis in favor of finding reasonable suspicion and probable cause).

<sup>121</sup> *Tennessee v. Garner*, 471 U.S. 1 (1985) (holding that deadly force is constitutional when a police officer reasonably believes that the suspect poses an immediate threat either to the officer's safety or to the safety of others).

protections guaranteed by Constitution.<sup>122</sup> Predictive policing would further amplify disproportionate stops, searches, and arrests of people. The covert characteristics of predictive policing—algorithms that use unknown data to generate predictions about crime, Chronic Offender Bulletins/heat lists that turn individuals into prime suspects before they have committed a crime, the inability of a person to know, much less challenge, their designation as a likely offender—all threaten due process.

It is well-known that crime data and law enforcement databases that drive predictive policing are riddled with errors.<sup>123</sup> One recent study found that fifty percent of FBI rap sheets are incomplete or inaccurate.<sup>124</sup> Some records contain multiple entries for the same arrest or conviction, giving an exaggerated

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<sup>122</sup> See U.S. Const’n, 5<sup>th</sup> and 14<sup>th</sup> Amendments (prohibiting the government from depriving “any person of life, liberty, or property, without due process of law”); *Wolf v. Colorado*, 338 U.S. 25 (1949) (the Fourth Amendment’s ban on unreasonable searches and seizures applies to the states through the Due Process Clause); Ronald J. Allen, et. al., *Comprehensive Criminal Procedure* 81 (3<sup>rd</sup> ed., 2011) (“When the state uses its coercive machinery to catch and punish criminals, it must treat people fairly”).

<sup>123</sup> James B. Jacobs, *The Eternal Criminal Record* 133-57 (2015).

<sup>124</sup> Madeline Nieghly & Maurice Emsellem, THE NAT’L EMP. LAW PROJECT, *Wanted: Accurate FBI Background Checks for Employment* (July 2013), <http://www.nelp.org/content/uploads/2015/03/Report-Wanted-Accurate-FBI-BackgroundChecks-Employment.pdf>

impression of criminality. Others attribute criminal history information to the wrong people. Many do not include updated arrest and court dispositions, and records that were supposed to be sealed or expunged remain fully accessible. Each kind of error produces outcomes at odds with the goals of public criminal records, such as wrongly denied jobs and education, and unwarranted stops and arrests.<sup>125</sup>

Much of our lives is conducted over the internet and through smartphones, and government agencies have computerized their records and organized them in searchable databases. This means that there is more information about us than there ever has been, and it is easier to find and share that information. Law enforcement craves data, compiling whatever information it gets its hands on to manage, solve, and deter criminal behavior. Technological and scientific advances in recent decades have enabled an unprecedented level of surveillance and permitted the storage and easy retrieval of enormous amounts of data. From computerized rap sheets, biometric databases collecting things like fingerprints,

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<sup>125</sup> See, e.g., *Herring v. United States*, 555 U.S. 135 (2009) (upholding admission of evidence recovered pursuant to search based on erroneous entry about an outstanding arrest warrant in law enforcement database).

iris scans, and DNA, to tattoo databases and sex offender and other registries, records of a person's contacts with the criminal justice system no longer rest in a file folder or card catalog in a local precinct. Instead, they reside indefinitely on law enforcement servers and, in many cases, the publicly searchable Internet.<sup>126</sup> The information collected by law enforcement is not limited to contact with the police: they gather personal information from businesses, and commercial information vendors market and sell lucrative criminal background check services, populating their databases with information downloaded from publicly accessible sources and purchased from state and local governments.<sup>127</sup>

Many laws that purport to protect privacy, however, have exceptions for law enforcement, allowing police to access data that companies have collected about us. Even when there aren't exceptions written into the law, something called the "third-party doctrine" says that any information one voluntarily discloses to someone else (like an

internet and cell phone service providers) is not protected from the police by the Fourth Amendment.<sup>128</sup> This means that police can obtain call records, text messages, bank transactions and other information just by asking the business who provides the service to give it to them. Most who hold these records cooperate with law enforcement requests.<sup>129</sup> Even when they don't, police can get warrants that order companies to turn over a person's records to the police.

## Market-Based Solutions

Predictive policing is less a "solution" than a for-profit commodity that comes at the expense of poor and minority communities through the misuse of public monies. It is crucial we understand that there are economic interests driving the creation and spread of this technology.

PredPol is among one of the first companies to commercialize the idea of predictive policing. The company is based in Santa

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<sup>126</sup> See Simson Garfinkel, *Database Nation: The Death of Privacy in the 21st Century* (Deborah Russell ed., 2000); Erin Murphy, *Databases, Doctrine and Constitutional Criminal Procedure*, 37 *Fordham Urb. L.J.* 803, 805–10 (2010) (recounting the rise of databases in criminal justice).

<sup>127</sup> James B. Jacobs, *The Eternal Criminal Record* 58 (2015).

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<sup>128</sup> *Smith v. Maryland*, 442 U.S. 735 (1979) (holding that a person has no legitimate expectation of privacy in information he voluntarily turns over to third parties).

<sup>129</sup> See, e.g., Julia Angwin, et. al., *AT&T Helped U.S. Spy on Internet on Vast Scale*, *N.Y. Times* (Aug. 15, 2015) (noting that "In 2011, AT&T began handing over 1.1 billion domestic cellphone calling records a day to the N.S.A.").



Cruz, near Silicon Valley, and its contracts with municipalities go for around \$30,000 to \$100,000 apiece.<sup>130</sup> To attract clients, founders Brantingham and Mohler tout their own academic research to demonstrate the success and empirical soundness of the program. In effect, PredPol draws a dangerous link between the economic interests of private security firms and public university research.

Much of the company's success rides on the current appeal and supposed authoritativeness of big data technologies. This argument might be lucrative for PredPol shareholders and appealing to law enforcement, but there is not yet significant proof that predictive policing works effectively. As mentioned, so far there are few rigorous analyses of predictive policing technology that exist independent of the police or research by the firms that own the technology. An independent, controlled experiment by RAND corporation found no significant change in property crimes in the districts that used the predictive technology.<sup>131</sup> Darwin Bond-Graham and Ali Winston, two journalists with *SF Weekly News*, also point

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<sup>130</sup><https://www.forbes.com/sites/ellenhuet/2015/02/11/predpol-predictive-policing/#557fe3e94f9b>

<sup>131</sup>[http://www.rand.org/pubs/research\\_reports/R531.html](http://www.rand.org/pubs/research_reports/R531.html)

out the difficulty of testing for PredPol's effectiveness by comparing year-to-year declines in criminal activity, given that crime rates always fluctuate year to year.<sup>132</sup>

Furthermore, even if the algorithm does pinpoint place-based crime, the argument that it will prevent crime, rather than push it to other, less-patrolled areas, remains controversial. Yet this lack of evidence hasn't stopped municipalities and countries around the world from buying the technology and, as a result, normalizing the marketization of public safety and policing.

In regard to LASER, Justice Security Strategies (JSS), a private corporation, was able to secure a business arrangement with the LAPD wherein which JSS would be monetarily compensated to analyze department records in order to make predictions about future criminals that then would inform the allocation of enforcement efforts. It is also worth noting that assessments of LASER's success in reducing crime are conducted by JSS, the company that developed the program.<sup>133</sup>

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<sup>132</sup><https://archives.sfweekly.com/sanfrancisco/all-tomorrows-crimes-the-future-of-policing-looks-a-lot-like-good-branding/Content?oid=2827968&storyPage=2>

<sup>133</sup> Uchida, C. D., & Swatt, M. L. (2013). Operation LASER and the effectiveness of hotspot patrol: A panel analysis. *Police Quarterly*, 16(3), 287-304.

The only two known empirical studies assessing predictive policing, wherein which the researcher was not invested in a particular outcome of the study, found that predictive policing programs increased enforcement but had little impact on the reduction of crime.<sup>134</sup> These relationship seemingly elucidates a common and potentially unethical practice among predictive policing program developers: That is, the majority of studies assessing the effectiveness of predictive policing programs that have purportedly found a reduction in crime attributable to the program were actually conducted by the very developers of the programs themselves.

## Community Voices: The People of L.A. Speak Out

The state has not just purposefully positioned law enforcement within some of the most intimate places of our lives, our cities, and our streets, but our very neighborhoods and even our homes. Because of these forced relationships, the Stop LAPD Spying Coalition initiated a series of twelve focus groups and gathered a total of 300 surveys

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<sup>134</sup> Saunders, J., Hunt, P., & Hollywood, J. S. (2016). Predictions put into practice: a quasi- experimental evaluation of Chicago's predictive policing pilot. *Journal of Experimental Criminology*, 12(3), 347-371.

from the time period from February 2017 to August of 2017 to bring to light the stories and experiences of the community with police and policing.

Seeing that this paper is about two predictive policing programs, a person- and place-based program, the questions focused not only on how individuals feel they are being policed but also on how they feel their communities are being policed. The following sections will go into qualitative detail regarding each question asked with the attempt to reflect what the community expressed in these focus groups. A quantitative analysis is represented in graphs and charts created from the 300 surveys gathered below.

### How often do you see police officers in your neighborhood?

**Member of Focus Group 1:** I live in I guess you would call it the Willowbrook area, near 120<sup>th</sup> and Avalon. I grew up in this area. I, how often do I see police in my area is like asking me how many times do I see a bird in the day?

When asked how often they saw the police in their area, responses seemed to form a pattern based on the area in which the person being surveyed lived. In the following

chart, we've laid out the most common responses by area the respondents self-reported that they lived in. South Central and South L.A. include areas like The Jungles, Crenshaw, Watts, and 42nd and Central while the East Side is considered areas like Alhambra, South Gate, and Commerce. Skid Row, while the borders fluctuate, is generally considered to be between Downtown and Little Tokyo. While this survey had very few

participants that identified as being from the more affluent parts of Los Angeles like West L.A., we did count their responses in the graph below as well.

**Do you think police are present and stop people based on where they live?**

**Member of Focus Group 1:** I remember growing up, being told that “oh yeah, police are always here, you live in a Black community, get used to it.”

**Member of Focus Group 12:** Sure cause you can, I mean you can kinda guess where they come from based on their looks.

West L.A.	South Central/ South L.A./East	Skid Row
Never	Everyday	Every 30 Seconds
Rarely	Daily	Every 1 to 5 Minutes
	Often	Every 10 to 15 Minutes
	Every Street 24/7	Frequent
	Once a Day	All the Time
	Quite Often	
	All the Time	

This was a location-specific question attempting to see if the experience of policing changed based solely on location. Many folks answered in the affirmative but most people offered stories of hyper police presence in certain communities, segregated communities, and profiling. As observed by a member in Focus Group 12, often the poorer communities of color get the brunt of policing like in Skid Row and through the Safer Cities Initiative (SCI) program. In its initial run, the SCI program added fifty additional uniformed officers to the 50-square block area of Skid Row. It was also noted by participants that urban areas experience a higher number of law

enforcement officers than other areas, i.e. Beverly Hills or Pacific Palisades. The understanding that communities are segregated was raised multiple times. There were frequent claims that law enforcement profile people before stopping them. Racial profiling was specifically mentioned many times but other forms of profiling, such as a person's attire, gender, and economic status, were also mentioned; all of these experiences cumulate to one overarching idea that many of our participants felt: if you did not "look" like you belonged in a certain area, you would be stopped by police.

**How many times have you been stopped by police in your neighborhood? How many times have you seen someone stopped by police in your neighborhood? How does it make you feel?**

**Member of Focus Group 6:** And I get really, really angry. And that's how I feel if that's what you're asking. I feel angry and helpless, and it takes a lot to not get into it because I feel that it's wrong and I feel that I need to step in. But then I resist because I feel that I'll make the situation really worse or I just have a feeling that I can't really do anything.

**Member of Focus Group 5:** My sixteen year old is 6'5" and 320 lbs...he has a baby face and I worry about him everyday...he says you shouldn't stop me, ask me where I am from,

they wouldn't stop me because I don't look horrible, but I tell him you look intimidating to police and that scares me.

**Member of Focus Group 5.1:** Who is your duty officer? So right there he is kinda like 'ah'-so we go through this whole thing so immediately he says 'just go ahead and have a good day.'

**Member of Focus Group 3.1:** It didn't bother us we just thought it was funny...they're racially profiling...and...its fine...we own the car, we really don't care.. we just find it funny...it's kinda understandable some officers are like that and that's how it always will be.

The idea that the individual and the community are being profiled surfaced yet again with this question. Participants brought up issues of poverty (such as living in motels), race (being Black or Brown), age (being young), and locale (specifically mentioning Skid Row, Crenshaw District, Venice, and Torrance), all dictating the probability of a person or themselves being stopped by police.

It was continually mentioned that police will respond to a stop how they choose. One focus group member mentioned that if police know a person they may be easier on them than if they don't know them. Words like

“power trip,” “they are the law,” and “they are god” were used to describe the ways police acted at stops.

People did however state that knowing your rights and asserting your knowledge about a situation changed the power dynamic, such as the participant from focus group 5.1. The group member in 3.1 pointed out the constant contradiction of police in communities: the community can see police as a means of protection while also recognizing their biased, racist actions.

**Do you feel you or your community are profiled, abused, targeted or stalked by police?**

**Member of Focus Group 1:** I’ve grown up in LA, I was born and raised in LA, I’m 70 years old. I’ve seen... I don’t get stopped anymore, but my children, grandchildren, they still get that talk, how to carry yourself when you are dealing with police.

**Member of Focus Group 4:** I feel like they already know who you are by the time they stop you or give you a citation. They already know your name and who you are hanging out with.

**Member of Focus Group 5.1:** I’ve actually noticed a police officer on a motorcycle will hide between a street. He just waits for the littlest thing for you to do.

**Member of Focus Group 12:** The LAPD seem to have a mindset that goes beyond profiling or targeting, it's the mindset of trying to make us disappear... this is directly connected to the powers that be in the city that use police as a tool for gentrification.

**Member of Focus Group 8:** I find myself being relieved when it's just the regular type of harassment like the regular kind of Black people harassment rather than the harassment of me as an activist.

**Member of Focus Group 2:** I have never experienced police brutality or racism or anything against them. So my community feels it’s kinda safe ‘cause they are always around but they’re like nice cops.

Participants had strong reactions to this question. Some conversations started with what it was like to even attempt to engage police for assistance. Some folks described their experience with police as one of neglect. They described it as “it like they have their blinders on,” “as if you’re annoying them,” or “they’re doing you some kind of favor.” It was claimed that they don’t show up when they are called and if they do show up, it is too late. It was claimed that police don’t allow ambulance through to help dying victims. It was repeatedly mentioned that they don’t care about property theft. Stalking was

described and affirmed many times as can be seen in some responses from focus group 4 and 5.1.

Gentrification was repeatedly mentioned in regard to why police were targeting a neighborhood (the member of focus group 12), as was being a political activist (the member of focus group 8). Our participants outside of the gentrification zones in Los Angeles and those not involved politically had little to fear from police and policing as can be seen from our member in Focus Group 2.

### **Have you heard of Predictive Policing?**

**Member of Focus Group 6:** being African American Black, you are kinda hear this growing up, knowing that this is happening. So, it's kinda that you know what's going on even if you don't really know the term that they're using. We grow up knowing what's going on how the police are following those things in the different areas where we grow up.

**Member of Focus Group 2.1:** They go off of stereotypes? Their past experiences...what they are used to already.

**Member of Focus Group 6:** Clearly racialized steeped in [the] history of segregation.

Some participants stated they were aware of predictive policing, however many participants were not aware of its growing use by law enforcement. Despite this, many participants offered their opinions on what they thought were the operations and purpose of the program.

The majority of participants assumed that predictive policing is based on racial profiling and stereotyping, using keywords like "racial profiling," "stereotypes," "past experiences," and "segregation."

Some community members identified that past crime history was used to determine who or where police target while other folks went further and explained that criminal history is biased data, such as with the participant from focus group 6. Discussions regarding data collection and the use of algorithms to process this data surfaced as well. Participants identified University of California Los Angeles as being an academic institution complicit in development of predictive policing technology.

### **Do you believe LAPD can predict where crime will occur or who will commit crime? If yes, what do you think the predictions are based on?**

**Member of Focus Group 8:** Because they over-patrol certain areas- if you're only

looking on Crenshaw and you only pulling Black people over then it's only gonna make it look like, you know, whoever you pulled over or whoever you searched or whoever you criminalized that's gonna be where you found something.

Many people answered this question by describing what they thought caused crime. For example, people talked about the various socio-economic conditions they felt caused crime:

“existence of drugs in a community would cause crime”

“poverty breeds crime”

“when you make them desperate they going to attack”

“inequality breeds crime”

Some participants stated that police would bias a group as criminals:

“[The police] will probably predict that...a Mexican or someone Black will commit a crime”

“I know they [police] plant evidence”

“[The police] set the tone for the arrest to occur”

“[The police] go further to find it.”

Many people simply responded with stating that “behavior is too complex and unpredictable” to be predicted by police or policing software.

There were those that believed that the LAPD could potentially predict crime:

“that's their job”

“as soon as you see a customer and you know this person is going to give me a hard time”

“[It's]like people's body language”

“when the jail system gets too packed and they throw people out, so they predict where crimes are going to be by letting the people out”

Participants also stated that predictions were based on crime statistics and that the technology does exist to predict crimes:

“they do base where they patrol on statistics”

“Maybe [predictive policing is] based on the history of a community's crimes”

**What does community wellbeing and safety mean to you? What does community wellbeing look like?**

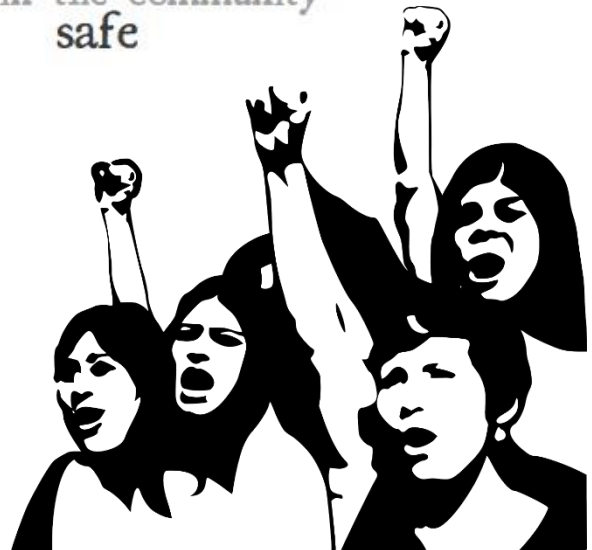
**Member of Focus Group 10:** Community wellbeing and safety- it is a huge question, but

I think we can't start to answer that question without addressing deep systemic transformation and I think everything sprouts from there because wellbeing is like this holistic living thing.

Responses from the community members surveyed varied but some key ideas emerged. These ideas are represented in the graphic below:



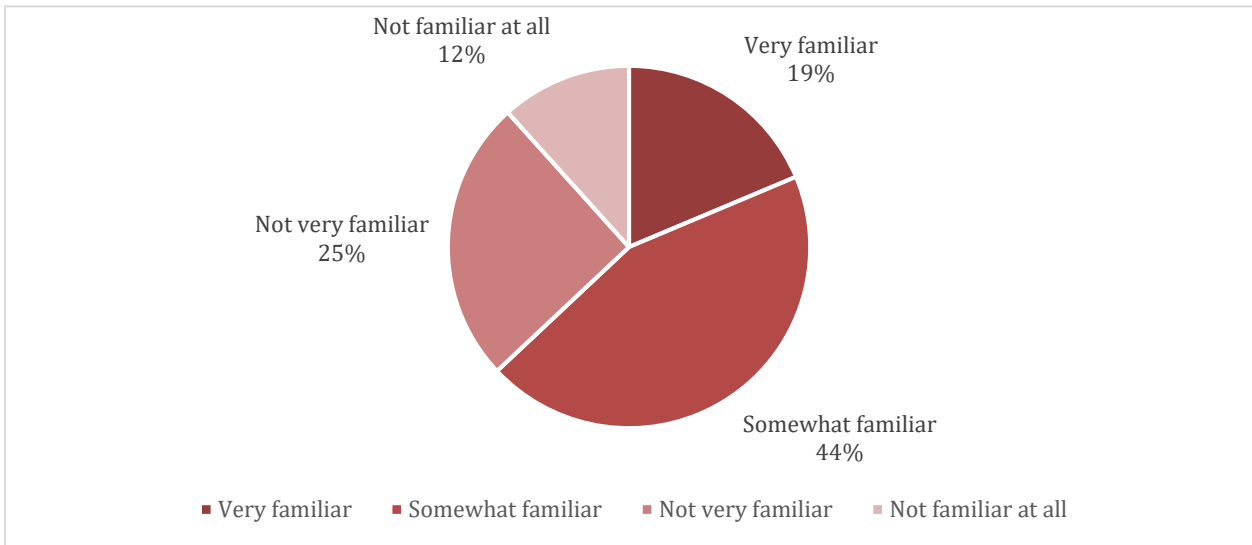
speaking to each other demilitarization of police  
protect the children more  
everyone is a potential friend abolish the police state  
living wage education treated with dignity  
places to go to the bathroom  
more cultural spaces no police no gangs  
more resources  
more community spaces no drugs serenity clothing  
no crime shelter respect food safe while walking around  
community working together support one another  
a place to play for kids  
not to condemn but uplift less police police without guns  
less tagging protection  
feeling comfortable in the community  
happiness safe



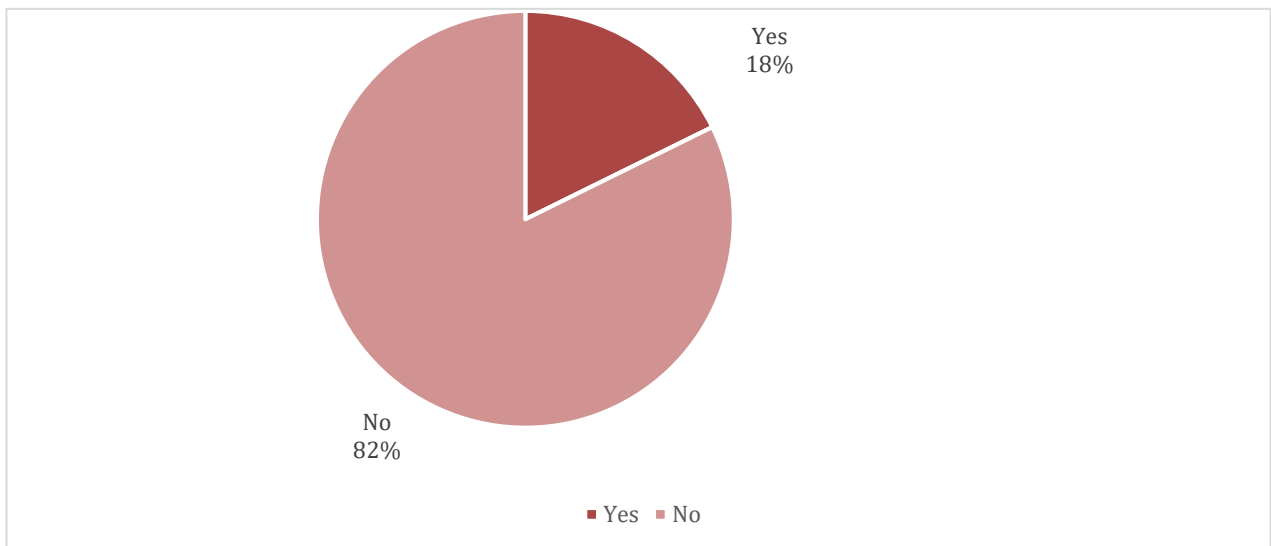


We conducted 300 community surveys to address the community's feelings towards predictive policing. The following are graphic representations of the participants answers.

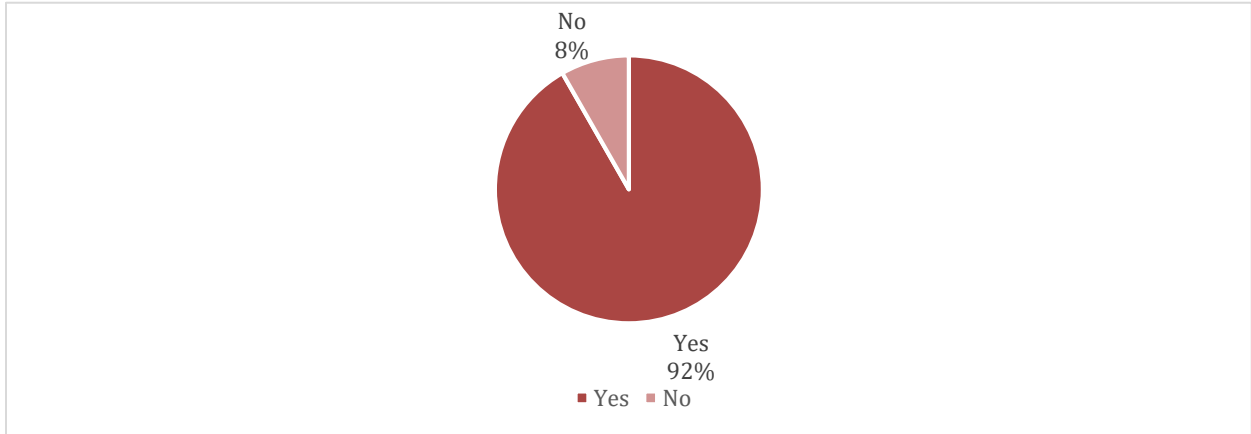
**How familiar are you with predicative policing?**



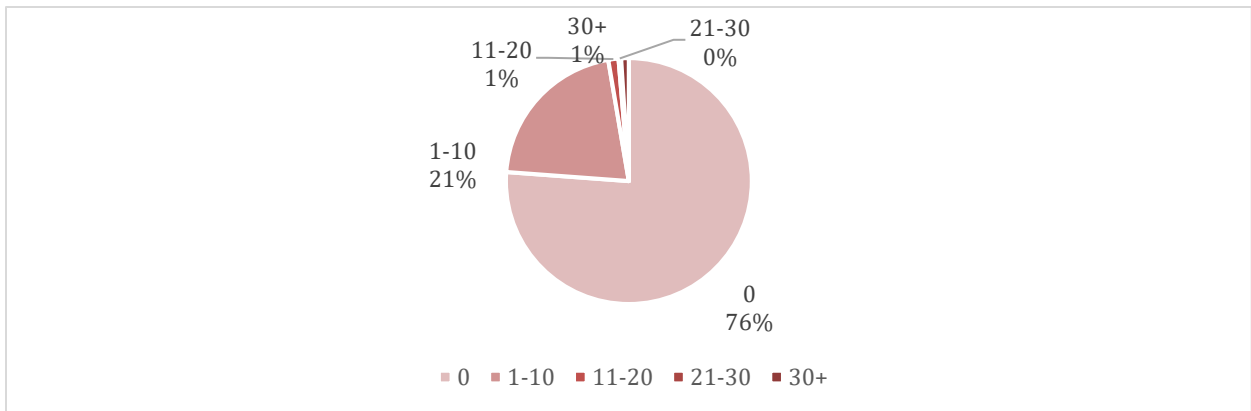
**Do you believe the LAPD can predict where crime will occur or who will commit a crime?**



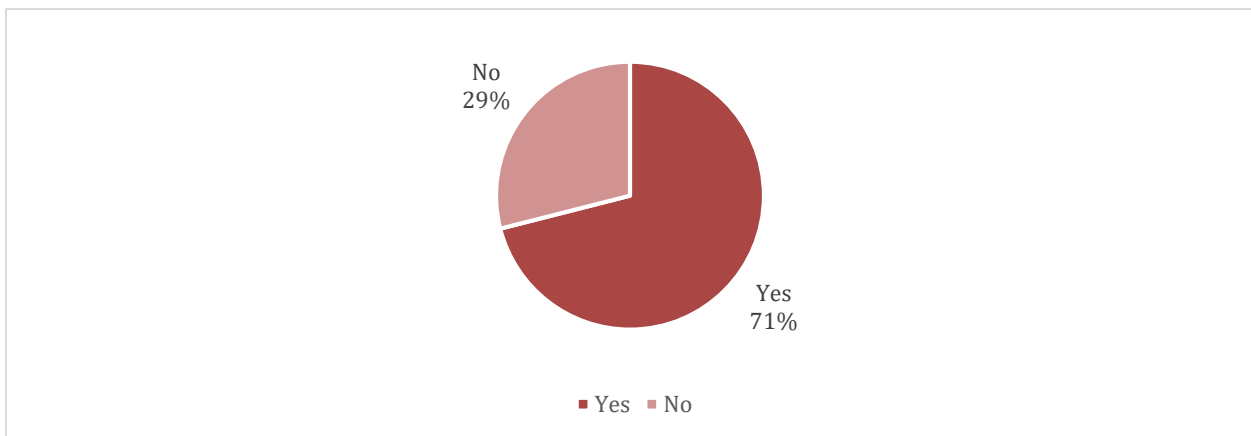
**Do you think police are present and stop people based on where they live?**



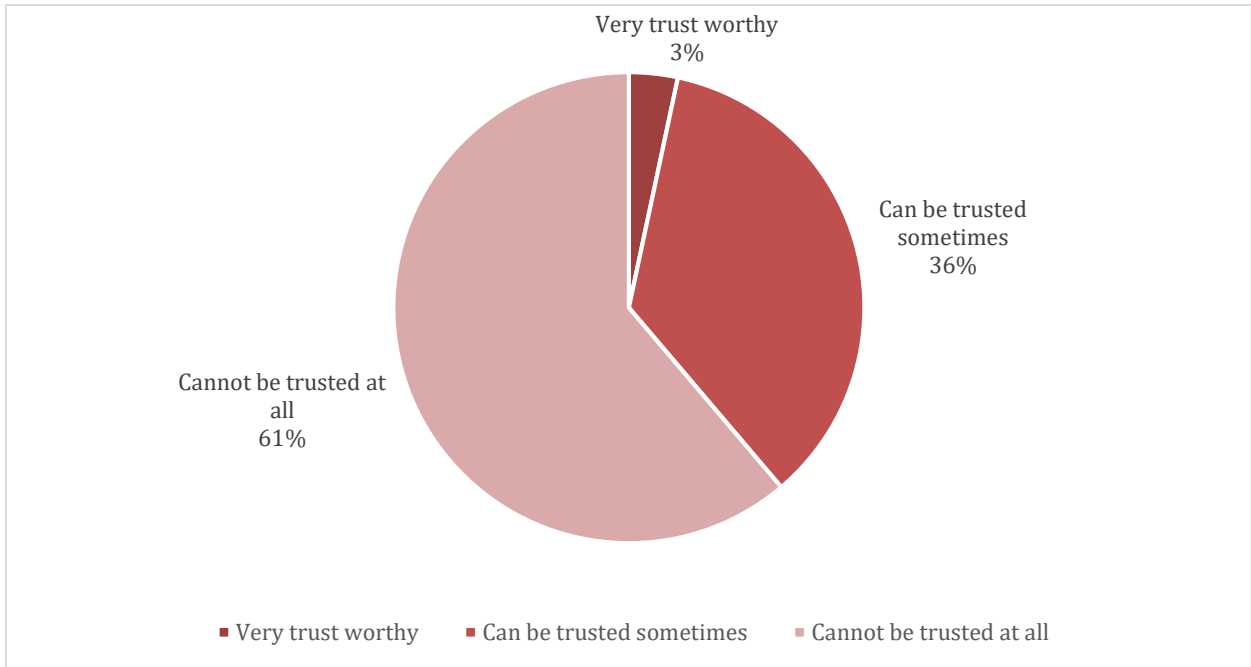
**How often are you stopped by police in your neighborhood a week?**



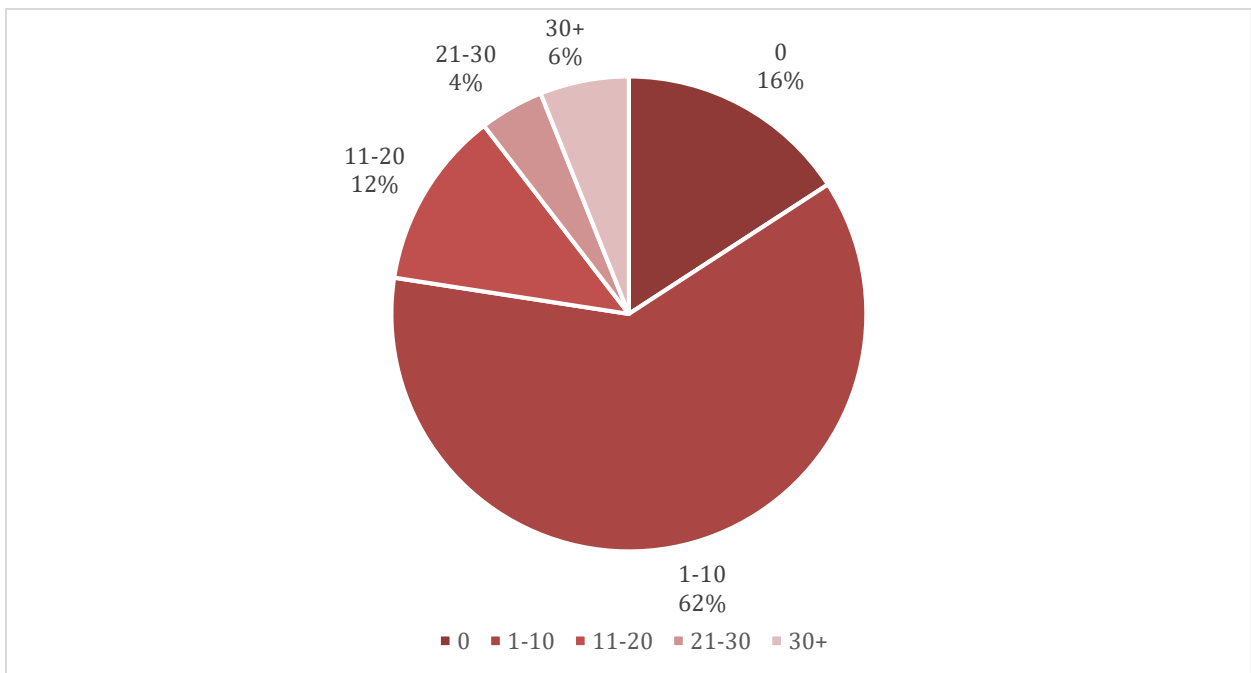
**Do you feel you or your community are profiled, abused, targeted, or stalked by police?**



**What is your general view of the LAPD?**

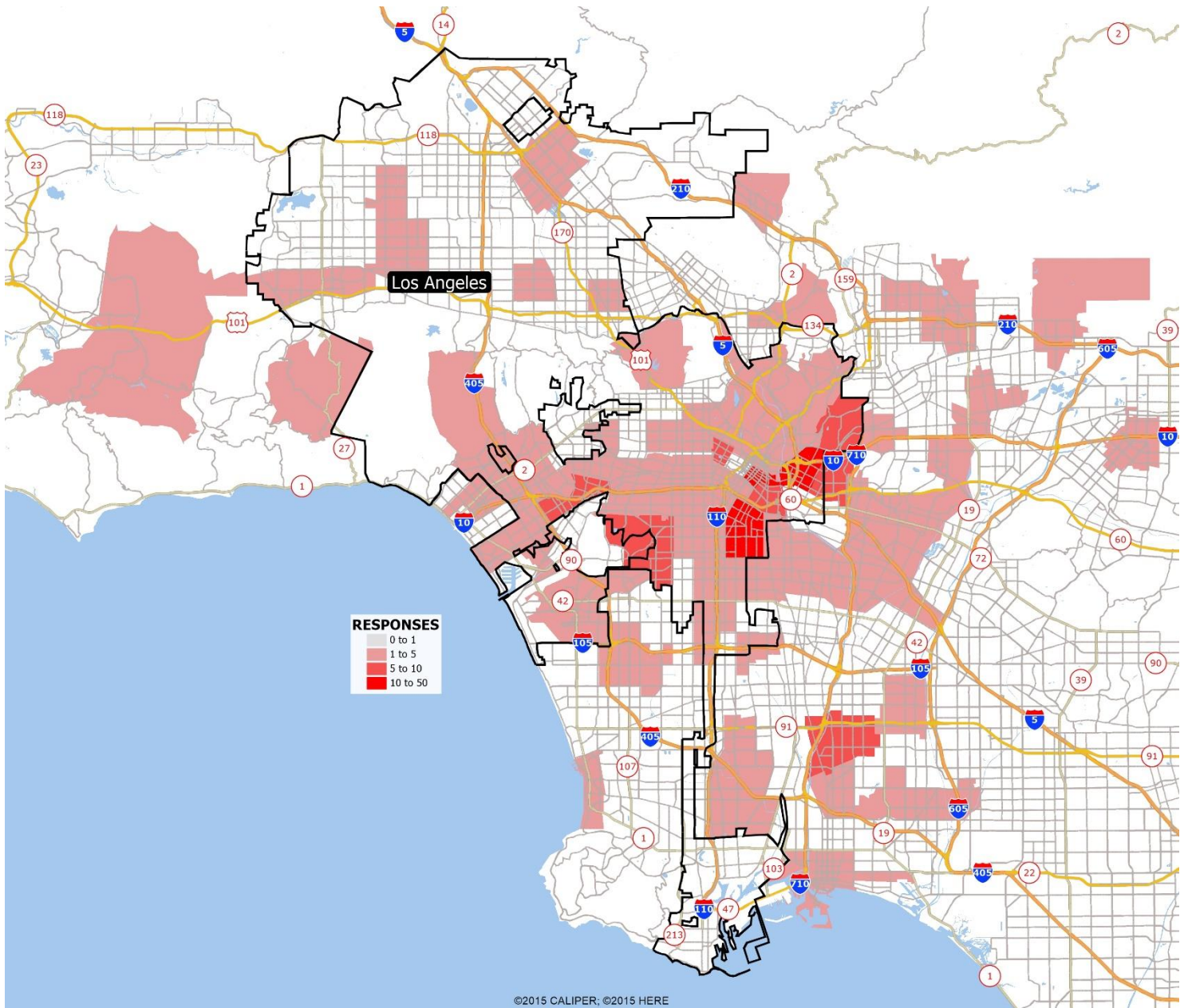


**How many times have you seen someone stopped by police in your neighborhood in a week?**

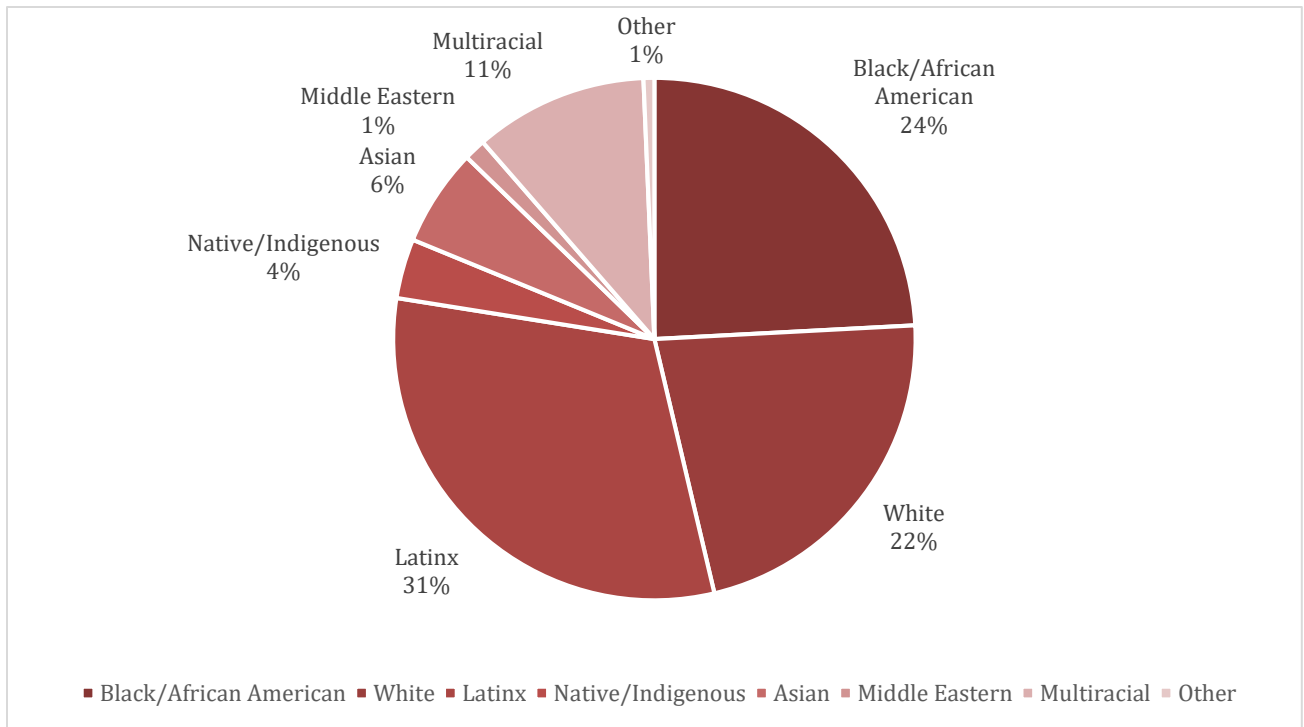


# Demographic Information of People Surveyed

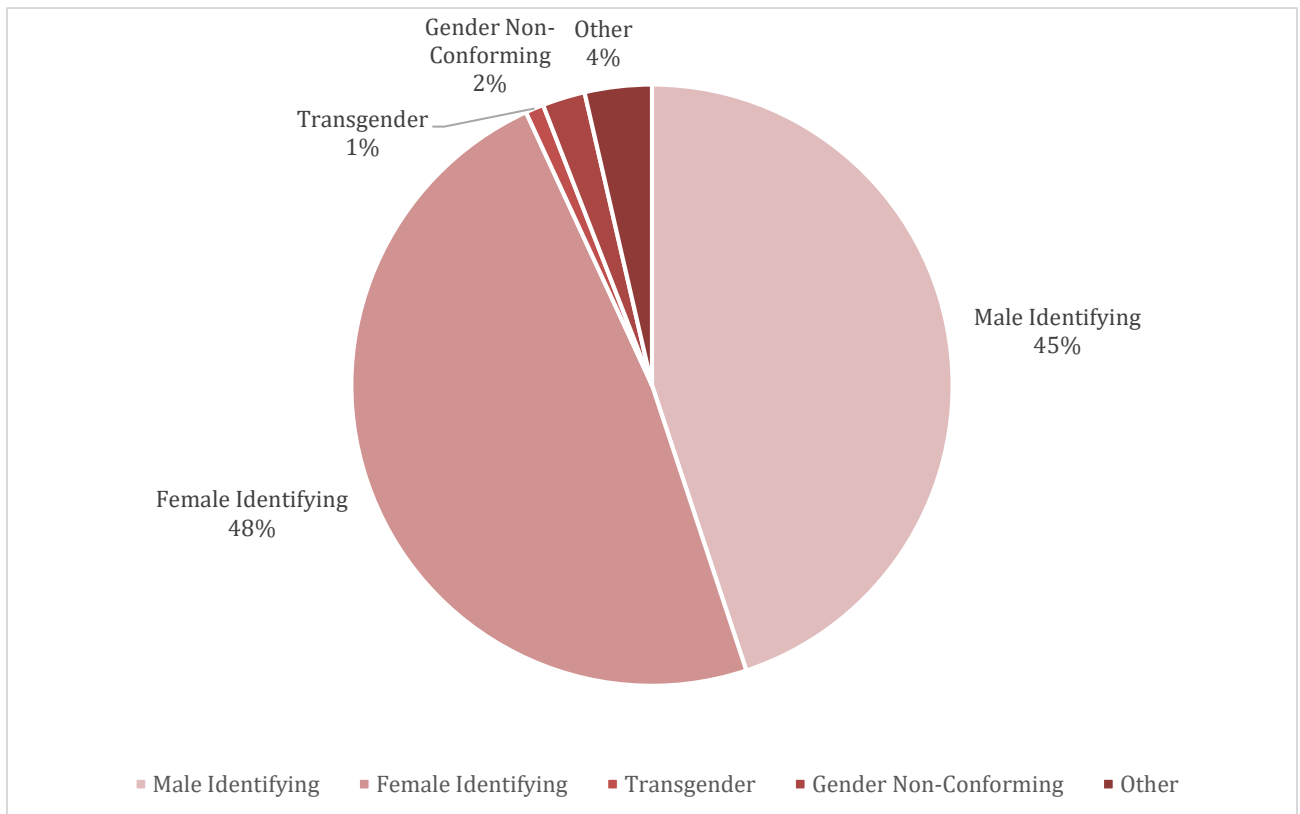
## Concentration of Participants by Zip Code



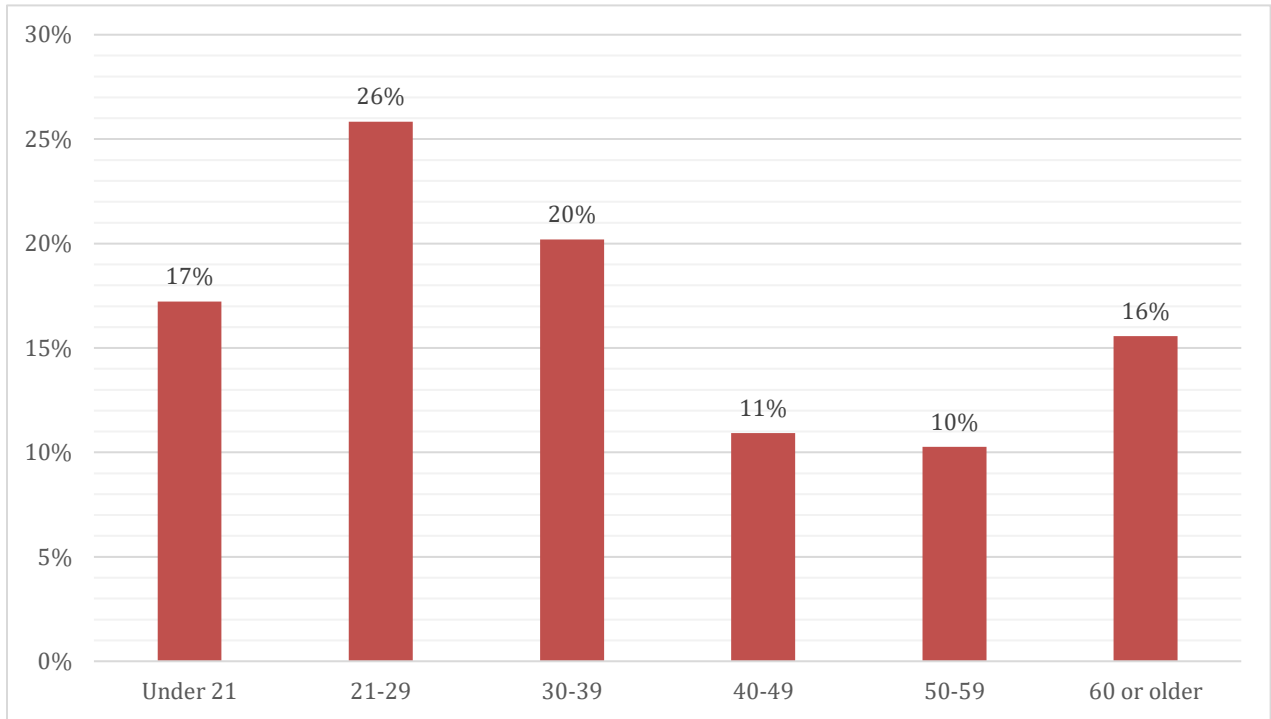
## Race of Participants



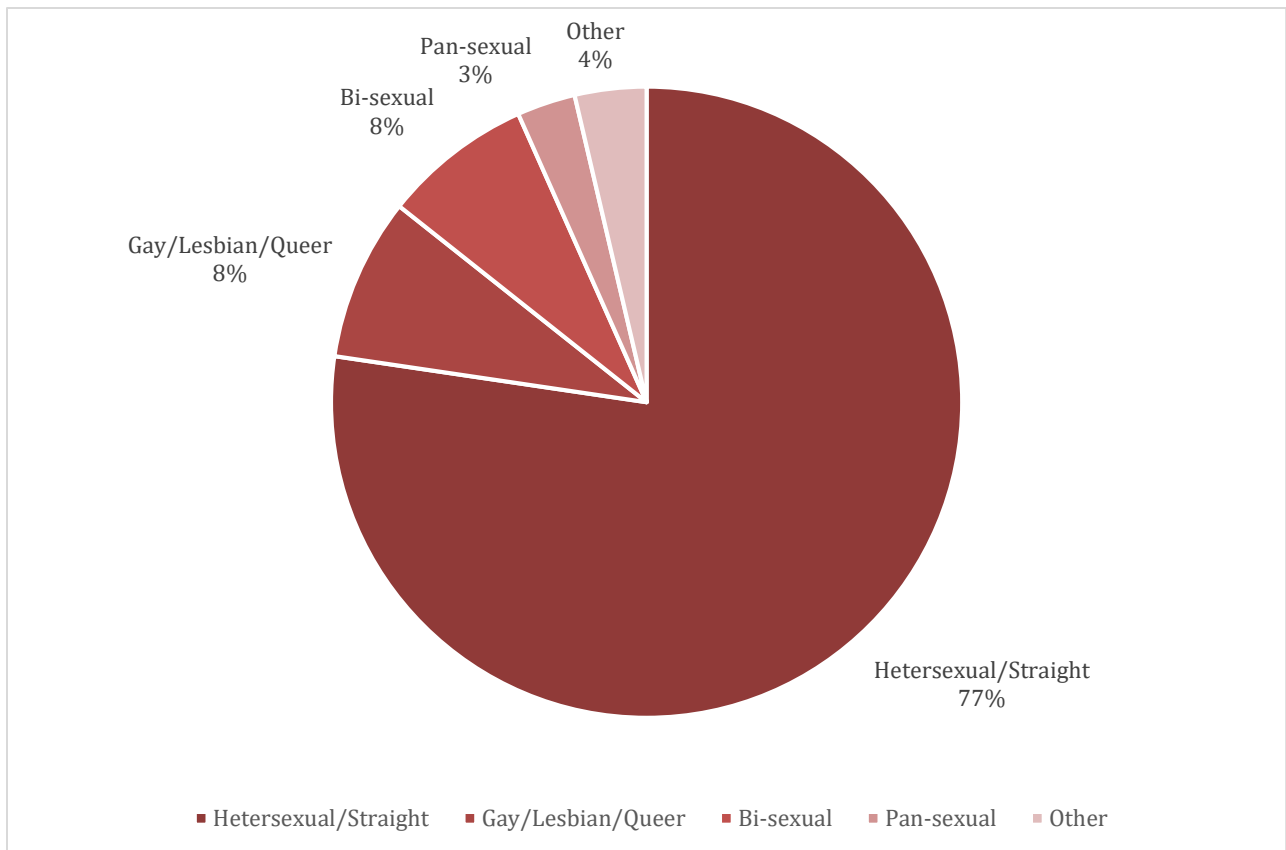
## Gender Identity of Participants



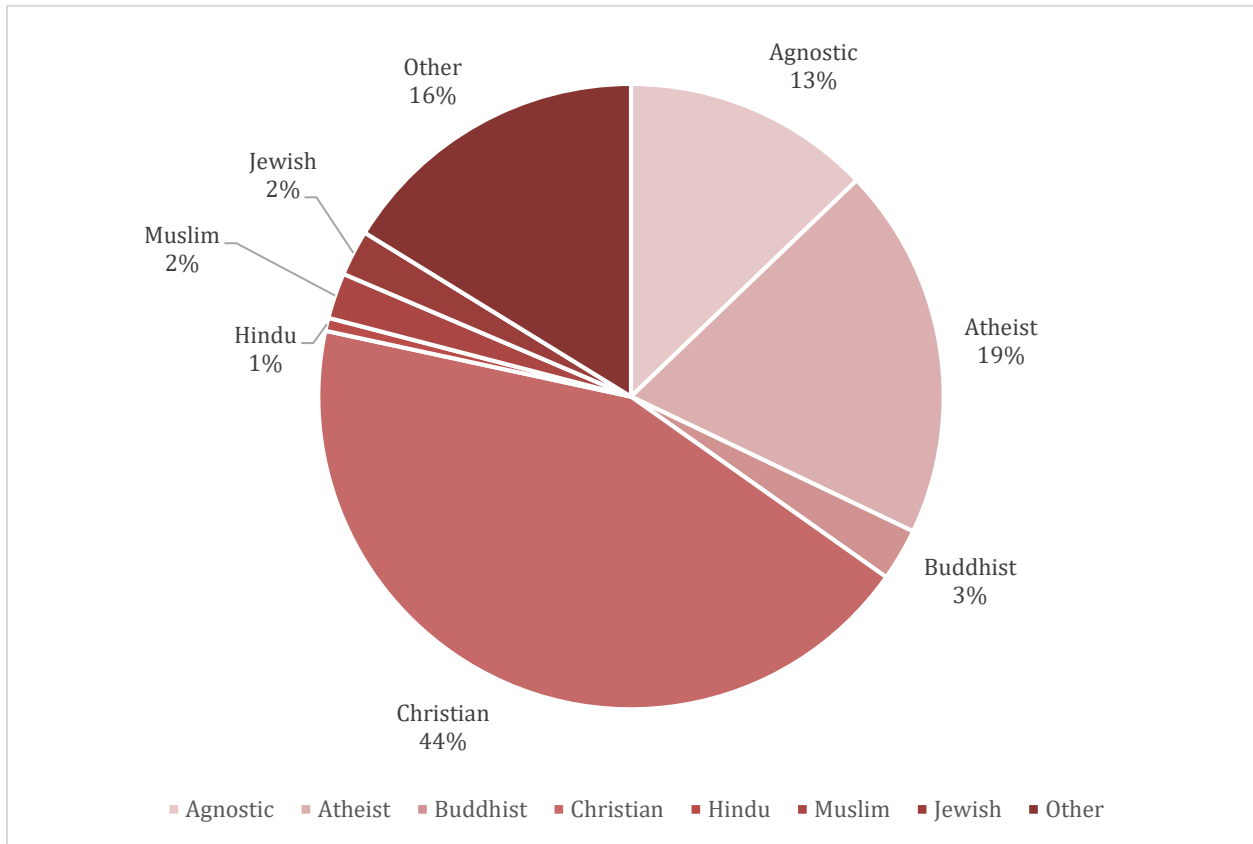
### Age of Participants



### Sexual Orientation of Participants



## Religious Affiliation of Participants



## Conclusion

The Stop LAPD Spying Coalition writes from a space of love and understanding. As a community-based organization, we understand the issues facing the areas we hail from. Among our populous, there are people who know police officers personally; they are mothers and fathers, sisters and brothers, neighbors and lovers. Thus, the personal connection the state has created results in a statement such as “not all cops are bad.” But we’re not focusing on individual police; rather, we’re looking at the culture of policing

and its effects. The state is violent towards Black, Brown, and poor bodies and the police are agents of the state; therefore, police reproduce state violence towards these communities even when they are from these very same communities.

To understand modern police, policing, and the effect on our communities, we must understand the history of policing. The knowledge we attain within the capitalist school system is policed to the point that some will hold the core belief of the state and not question the knowledge that is taught to

us. We must be critical of how history is taught; historically education was used as a tool to the advantage of those with power, being used as a form of social control. Frantz Fanon, in his book *Black Skin White Masks*, states there is identification with the white man, with the white man's attitude a way of thinking and seeing, that are essentially white.<sup>135</sup> This policing of thought and whitewashing of history has left few in the community with an understanding on the origins of policing.

Policing historically is a tool for social control, an instrument of oppression surveilling populations while at the same time using force and coercion and reproducing fear within communities. These same communities which fear the police must also deal with the contradiction of calling the police for help. Since its birth, American policing has been tied to mass incarceration and the policing of Black and Brown bodies. At this crucial point in time analyzing the police and the prison industrial complex is one we would like to stress. When it comes to our communities, police are there to continue systematic restraints and violence towards Black, Brown, and low-income

bodies even while they simultaneously fill the role of family, neighbor, or friend.

The Stop LAPD Spying Coalition was founded seven years ago to dismantle the Los Angeles Police Department's (LAPD) use of surveillance, spying, and infiltration technologies and tactics that stalk and target Black, Brown and poor communities, and social movements. The Coalition analyzes and organizes from a position of abolition with community input and participation. The Coalition believes and embraces abolition of policing as a multi-generational journey. Our effort at the moment is to constantly challenge ourselves to be bold and work toward eliminating white supremacy and the racial violence it both requires and produces. Instead of legitimizing and justifying the expansion of the police state through reform and ordinances, we invite advocates seeking to eliminate the reach of state surveillance programs and others organizing against the national security police state to join in our efforts toward:

1. **Immediate ban on deployment and use of policing tactics and programs such as Predictive Policing;**

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<sup>135</sup> Fanon Frantz. *Black Skin White Masks* 1952 translation 2008



2. Immediate abolition of any and all current use of surveillance technology and programs;
  3. Total prohibition on the acquisition of any new surveillance technology or development of surveillance programs;
  4. Full disclosure on the use of surveillance technology and policing programs since their inception including informing individuals and organizations who have been targeted;
  5. Full reparations for individuals and organizations whose human rights have been violated;
  6. Immediately cease all funding for surveillance programs and divert those resources to invest in the health and wellbeing 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.





## Before the Bullet Hits the Body: Dismantling Predictive Policing in Los Angeles



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