

## Communication from Public

**Name:** Elijah Montana

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**Council File No:** 20-0729

**Comments for Public Posting:** I would like to first state that the "Public Order Policing" report is exactly the opposite that thousands of Los Angelinos protested against in the aftermath of George Floyd. We are here to remind you once again to stop hoarding money from the city and from the hands of our communities so that they can fill your pockets and increase your power. If you are really concerned about the safety of Los Angeles, listen to it's citizens and the people who mobilized for the lives fallen due to police violence. The report itself misses a lot of information especially how unhoused people were unfairly treated during the curfew orders, how protestors were assaulted physically and sexually by police members. Not to mention the report applauds surveillance and "shadow teams", which directly inhibits our constitutional rights as citizens to protest. Council members, do the right thing and place the report where it belongs, in the shredder. We are not alone with this as other members of organizations like Stop LAPD spying are tired of the constant surveillance and police brutality practiced by police offers.



March 16, 2021

Hon. Monica Rodriguez, Chair, City Council Public Safety Committee  
Hon. Mitch O'Farrell, Vice Chair, City Council Public Safety Committee  
Hon. Joe Buscaino, City Council Public Safety Committee  
Hon. Kevin de León, City Council Public Safety Committee  
Hon. Marqueece Harris-Dawson, City Council Public Safety Committee

RE: Public Safety Committee Item # 20-0729 (on agenda for March 17, 2021)

BY EMAIL

Dear City Council Public Safety Committee:

We are community groups writing with grave concern about the “Independent Examination of the Los Angeles Police Department 2020 Protest Response” submitted to the City Council last week. Authored by Independent Counsel Gerald Chaleff, the report proposes to increase LAPD’s resources and surveillance powers, including through the creation of a new bureau permanently devoted to “Public Order Policing.”<sup>1</sup> This recommendation is a barely veiled effort to recreate the notorious Public Disorder Intelligence Division, which LAPD launched in reaction to the Watts Rebellion. Proposals like this are the exact opposite of what our communities took to the streets last summer to demand: defunding LAPD’s massive budget.

Mr. Chaleff’s report also contains significant omissions and factual inaccuracies, raising questions about what evidence his team reviewed and whose interests they are accountable to. The report ignores your motion’s specific instruction to “include information on how LAPD enforced curfews and dispersal orders on unhoused individuals.” The 101-page report never once uses the terms unhoused, houseless, homeless, house, or home. Your motion also instructed Mr. Chaleff to investigate LAPD “shooting an individual in a wheelchair who was not even part of the protests” and “an LAPD cruiser striking a protestor and then fleeing the scene in Pershing Square.” His report never mentions those incidents of violence, let alone attempts the “full investigation into these allegations” that you urged “must be conducted.” Indeed what *did* Mr. Chaleff’s team investigate? They state that they spoke with only 10 non-police, compared

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<sup>1</sup> “[An Independent Examination of the Los Angeles Police Department 2020 Protest Response: Report by Independent Counsel, GERALD CHALEFF](#)” (“Chaleff Report”) at 34, 60-61, 65.

to “over 100 members of the LAPD (more than 50 of whom were members of the leadership team).”<sup>2</sup> It is no surprise that this largely police-fed investigation, featuring almost zero effort to hear community perspectives, ends in calls to expand policing.

The first and most significant recommendation in Mr. Chaleff’s report is the funding and creation of a permanent new LAPD bureau devoted to “public order policing, incident command systems, [and] liaising with outside agencies.”<sup>3</sup> The report proposes for this Public Order Policing command to be named the Department Strategic Emergency Bureau and equipped with “skills necessary to perform the intelligence function,” including through internet surveillance, monitoring of political activity, and exchanging intelligence with other agencies.<sup>4</sup> “Accurate and timely intelligence is vital to public order policing,” the report explains, even referencing LAPD requests to purchase “software [] that would assist the Department in gathering open-source information on the internet, analyzing it and making it useful intelligence” as well as “software to assist in gathering and processing information.”<sup>5</sup>

Using this moment to enact an entire new surveillance and intelligence-gathering bureau permanently devoted to “public order policing” is an extremely dangerous proposal. A bureau like this will place LAPD on a permanent crisis footing, armed with specialized tools to proactively monitor and target threats to “public order.” This proposal is particularly shocking in light of the history of the similarly tasked Public Disorder Intelligence Division (PDID). Created in 1970, PDID infiltrated hundreds of community organizations, labor unions, and newspapers; monitored political dissent and kept secret dossiers on thousands of activists, organizers, and community members, as well as City Council members, judges, and Mayor Tom Bradley; instigated violence at political rallies to frame demonstrators; and supplied right-wing groups with information about both community groups and elected officials that was collected through police surveillance.<sup>6</sup> PDID was dismantled in 1983 after numerous lawsuits challenging its tactics, including a case that forced the city to pay \$1.8 million in compensation for LAPD’s repression.

To ensure PDID would not be rebuilt, your predecessors enacted a law clearing public access both to PPID’s files as well as “any other such unit of the Police Department which pertain to

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<sup>2</sup> *Id.* at 79.

<sup>3</sup> *Id.* at 65.

<sup>4</sup> *Id.* at 28.

<sup>5</sup> *Id.*

<sup>6</sup> In 2012, the Stop LAPD Spying Coalition published a timeline documenting PDID’s history. *See* Stop LAPD Spying Coalition, “[Timeline of LAPD Spying and Surveillance](#)” (2012). The timeline details how PDID agents were found to have infiltrated and spied on hundreds of groups including the United Farm Workers union, the Congress of Mexican Unity, the Black Congress, the National Organization for Women, the American Indian Movement, and student groups at UCLA and CSU Northridge. PDID agents also infiltrated the Brown Berets to set fires in a police-sealed portion of a hotel where Ronald Reagan was giving a speech, helped instigate a riot at a Revolutionary Communist Party rally, and shared information collected through LAPD surveillance with the Western Goals Foundation, which was linked to the ultra-right John Birch Society and published this intelligence in its Information Digest periodical. The Stop LAPD Spying Coalition has also written on PPID’s evolution from the LAPD Red Squads that infiltrated and repressed labor organizing in the 1930s. *See* Stop LAPD Spying Coalition, “[Red Squads](#)” (2014).

any of the functions of the Public Disorder Intelligence Division as comprised on January 1, 1983, and subsequently transferred to such division, office, section, or other such unit.”<sup>7</sup> Despite that ordinance, the Police Commission has over the years eased limits that were placed on LAPD’s spy powers after the PDID scandals, including by watering down LAPD’s Intelligence Gathering Guidelines in 2012. This move led to widespread racial profiling and targeting of communities through the Suspicious Activity Reporting (SAR) system, which LAPD created when Mr. Chaleff was serving as Special Assistant for Constitutional Policing. Audits by both LAPD’s Inspector General and the Stop LAPD Spying Coalition revealed that SAR disproportionately targeted Black and brown people on behalf of white informants.<sup>8</sup>

LAPD’s infiltration of groups critical of white supremacy has also continued over the years. As recently as 2019, LAPD informants infiltrated multiple meetings of Refuse Fascism, a group organizing rallies against the Trump administration’s policies. Informants working for LAPD’s Major Crimes Division secretly recorded the group’s meetings at the Echo Park United Methodist Church, and this evidence was used to prosecute the group’s members for criminal trespassing based on the charge that they blocked part of the 101 Freeway during two entirely peaceful anti-Trump demonstrations. The L.A. Times editorial board warned that this “infiltration of an anti-Trump activist group is deeply troubling and brings to mind a long history of improper LAPD spying.”<sup>9</sup> Mr. Chaleff’s proposals would institutionalize these tactics.

The bottom line here is that LAPD has always used its spy powers to target Black and brown communities and to repress those who criticize its tactics. Indeed what makes PDID’s history so alarming in the context of Mr. Chaleff’s proposal is that police nowadays no longer need to physically infiltrate community groups in order to monitor political activity. Instead they can accomplish much the same if not worse through mass internet surveillance, especially when supercharged by the data-mining and analytical software Mr. Chaleff proposes this new LAPD bureau acquire.

Police might claim that this new bureau will limit its surveillance to “open-source” data. But modern technologies allow for police to use mass analysis of “open-source” data to piece together detailed mosaics of our movements, associations, communications, and views, often far more invasive than what an informant could gather from attending meetings. We also know that LAPD capabilities always expand through “mission creep,” as seen over the years with LAPD’s use of SWAT teams, helicopters, the SAR program, and drones. Likewise, Mr. Chaleff’s proposal might be framed as preparation for “emergency” events, but we know from history that LAPD creating an entire bureau tasked with awaiting threats to “public order” while armed with tools to surveil and infiltrate political groups is a danger that will quickly grow.

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<sup>7</sup> Los Angeles Admin. Code Sec. 12.21(f)(1).

<sup>8</sup> Office of the Inspector General, L.A. Police Commission, “[Suspicious Activity Reporting System Audit](#)” (March 12, 2013); Stop LAPD Spying Coalition, “[To Observe and to Suspect: A People’s Audit of the Los Angeles Police Department’s Special Order 1](#)” (April 12, 2013).

<sup>9</sup> “[Editorial: LAPD spied on anti-Trump activists](#),” L.A. Times (July 27, 2019).

Any expansion of LAPD's spy powers – including tools to harvest “open-source” data – must also be understood in relation to the broader architecture of surveillance that LAPD uses to track, contain, and criminalize our communities every day. Indeed these programs will build on the mass surveillance programs launched while Mr. Chaleff was LAPD's Special Assistant for Constitutional Policing, including the SAR intelligence-gathering program and the Operation LASER (Los Angeles Strategic Extraction and Restoration) algorithmic policing program, which was dismantled after community pressure and Inspector General audits exposed its violent toll. Those and other LAPD mass surveillance initiatives both generate and harvest data using a wide range of tools. This includes the face recognition system LAPD used on images and footage from the George Floyd protests last summer and 30,000 times over the past decade, despite years of telling the public it had no access to this technology.<sup>10</sup> These developments call for the City Council to work on dismantling the surveillance architecture Mr. Chaleff helped oversee during his time in LAPD, not expand it.

You also must factor in the broader political context here. Just as PPID grew out of the Watts Rebellion, Mr. Chaleff's proposal to create a new “public order policing” bureau is particularly alarming as a response to protests criticizing police. LAPD knows that demands to defund the police are extremely popular, with over 62.4% of Angelenos supporting proposals to “redirect some money currently going to the police budget to local programs” and 36.7% supporting proposals to “completely dismantle police departments and give more financial support to local programs.”<sup>11</sup> With this sentiment growing, LAPD may well be eager to monitor those who are questioning its violence and power, including many of our groups.

Mr. Chaleff's report also reveals that LAPD “shadow teams” infiltrated the protests. The community had suspected this to be true. But the official confirmation requires answers about what these LAPD agents did within protests, including whether any officers instigated or entrapped members of the community, as LAPD's “public disorder” officers have a long history of doing. Not only does Mr. Chaleff's report fail to ask let alone answer these questions, it says nothing critical about this infiltration. Instead the report proposes better coordination of agents infiltrating protests, presumably directed by the new Public Order Policing command. This is unacceptably dangerous, again a barely masked effort to revive PDID's repression.

Mr. Chaleff's proposals must also be understood as part of a familiar historical cycle in which (1) LAPD brutally attacks Black communities protesting police violence, (2) LAPD insiders recommend expanding police resources rather than listening to community demands, and (3) LAPD repeats its brutality the next time the community protests police violence. This cycle of harm is what followed the Watts Rebellion, what followed the Rodney King uprising, and what followed the Ferguson uprising. Mr. Chaleff has personally been at the center of that cycle for years,<sup>12</sup> and the entire rest of his team are former LAPD officials, including three LAPD chiefs.

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<sup>10</sup> See [“Open Letter: Reject LAPD Face Recognition,”](#) KNOCK-LA (Dec. 14, 2020).

<sup>11</sup> Loyola Marymount University Center for the Study of Los Angeles, [“Police Data Brief: 2020 Police and Community Relations Survey”](#) at 8.

<sup>12</sup> Three decades ago Mr. Chaleff served as Deputy Counsel to the Webster Commission convened to examine police violence during the 1992 uprising. He was later appointed to the Police Commission and

Their report even criticizes the failure of “reforms” after the Democratic National Convention protests, MacArthur Park May Day demonstrations, and Occupy LA demonstrations. Those were reforms Mr. Chaleff was himself responsible for. It is remarkable that Mr. Chaleff is now being asked for proposals that would add to his record of failure. But more importantly, it is telling that his primary proposals are increased LAPD resources and surveillance powers.

Perhaps indicative of the commitments of Mr. Chaleff’s team, the report contains significant inaccuracies and mischaracterizations. For example, the report claims that neither LAPD nor Sheriff Deputies deployed with LAPD ever used “tear gas within the City.” Hundreds of people either witnessed or photographed police fire tear gas – which is banned for use in warfare by the Geneva Convention and ought to be banned in Los Angeles too – in the Fairfax area on May 30.<sup>13</sup> This is no small inaccuracy. The fact that Mr. Chaleff’s team claims this never happened suggests broader failings in the investigation, as well perhaps as a highly selective fixation on the aspects of LAPD’s response that the team uses to support its calls for increased surveillance powers and police resources.

Similarly, regarding the use of batons the report concludes: “The Review Team was not able to determine if the baton use was appropriate.”<sup>14</sup> Hundreds of videos analyzed in detail for separate investigative features by the Los Angeles Times and ProPublica very clearly show aggressive, unprovoked, and brutal baton assaults by LAPD officers.<sup>15</sup> This evidence has been plain to see before the community’s eyes. Indeed, these videos show LAPD violating precisely what Mr. Chaleff’s report notes that a 2009 legal settlement requires: “Batons are not to be used against dispersing individuals or crowds who are unable to move or pose no imminent threat.”<sup>16</sup> Mr. Chaleff was in charge of implementing that settlement. His choice to ignore this violence and offer no assessment of it again raises questions about his team’s commitments.

Finally, we end with a note about the report’s fixation on “looting” as a central basis for recommending expansion of LAPD surveillance. Black communities in our city have long been looted by policing. This is what people rose up against last summer. And the youth who led the street protests are in particular watching their futures being looted by white supremacy and capitalism. Police responded to those protests by shooting us with munitions, searing our lungs with tear gas, and arresting thousands of peaceful demonstrators. And now LAPD veterans are telling you to reward police with more resources for their violence.

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made its president, followed by Chief Bratton appointing him Commanding Officer of the consent decree bureau and Chief Beck appointing him Special Assistant for Constitutional Policing.

<sup>13</sup> For example, the Stop LAPD Spying Coalition’s Watch the Watchers efforts documented use of tear gas in the Fairfax area on May 30, including photographs of grenades labelled CS, the chemical name of tear gas. See Stop LAPD Spying Coalition (@stoplapdspying), [“Here’s two grenades labelled CS.”](#); see also, e.g., [“KPCC/LAist Reporters Tear-Gassed, Shot With Rubber Bullet,”](#) LAist (May 31, 2020).

<sup>14</sup> Chaleff Report, at 45.

<sup>15</sup> See Kevin Rector, Soumya Karlamangla, and Richard Winton, [“LAPD’s use of batons, other weapons appears to violate rules, significantly injuring protesters, Times review finds,”](#) L.A. Times (June 11, 2020); Talia Buford, Lucas Waldron, Moiz Syed, and Al Shaw, [“We Reviewed Police Tactics Seen in Nearly 400 Protest Videos. Here’s What We Found,”](#) ProPublica (July 16, 2020).

<sup>16</sup> Chaleff Report, at 86.

Throughout history, politicians have responded to LAPD's violent suppression of critics with expansions of police resources rather than addressing the roots of the criticism. You now face an opportunity to break from that pattern, to learn from this history and do something different. Now is the time to reduce LAPD's power and resources, not increase them.

Sincerely,

Stop LAPD Spying Coalition

Los Angeles Community Action Network

Black Lives Matter LA

American Indian Movement So Cal

Anti-Racist Action LA

Black Alliance for Just Immigration

California Cops Off Campus

Color Coded

Chinatown Community for Equitable Development

Critical Resistance LA

CURE California

Dignity and Power Now

Divest/Invest Student Collective

Fight for the Future

Free Radicals

FTP Fund

Ground Game LA

ImaginX en Movimiento

Jewish Voice for Peace LA

Jewish Voice for Peace UCLA

Justice Strategies

Ktown for All

La Defensa

Me Too Survivors' March International

MLK Coalition of Greater Los Angeles

National Lawyers Guild of Los Angeles

NOlympics LA

Reimagine Public Safety USC

Reimagining Social Welfare Collective

Restore the Fourth

Strategic Actions for a Just Economy (SAJE)

Secure Justice

Tiny Tech Zines

UC Cops Off Campus Statewide Faculty Coalition

UCLA Cops Off Campus Faculty and Student Coalition

UCLA Luskin Institute on Inequality and Democracy

UCLA/Charles Drew University COVID-19 Task Force on Racism and Equity

Veterans For Peace LA

Western Regional Advocacy Project

White People for Black Lives

Union de Vecinos



Youth Justice Coalition

Hannah Appel, Professor of Anthropology, UCLA

Chandra Ford, Professor and Founding Director, Center for the Study of Racism, Social Justice and Health, UCLA

Shana L. Redmond, Professor of African American Studies and Global Jazz Studies, UCLA

Amy E. Ritterbusch, Professor of Social Welfare, UCLA

Ananya Roy, Professor of Urban Planning, Social Welfare, and Geography, Director of Luskin Institute on Inequality and Democracy, UCLA

SA Smythe, Professor of Gender Studies and African American Studies, UCLA

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