

Federal Bureau of Investigation Color of Law - Civil Application

Request for Investigation and Remedies for Violations of Title 42, U.S.C., Section 14141 (Police Misconduct Statute)

This application is a formal request for the Department of Justice to seek civil remedies due to policies and practices that foster a pattern of misconduct by employees of the Los Angeles Police Department's Central Division.

The Los Angeles Community Action Network submits this civil application with the intent to initiate an investigation of color of law abuses by the Los Angeles Police Department and, specifically, its Safer Cities Initiative in Downtown Los Angeles/Skid Row. Patterns and practices that deprive persons residing in the Skid Row community of their rights are outlined in this application, and supporting evidence is included. We believe that the policies and practices intentionally instituted as part of the Safer Cities Initiative, as well as illegal policies and practices that have become commonly acceptable, have created and fostered a pattern of misconduct by Los Angeles Police Department officers working in the Central Division.

The Los Angeles Community Action Network (LA CAN) works in the Skid Row community, primarily engaged in community organizing and advocacy on issues of housing, women's rights, health, and just policing. We have more than 450 members, all of whom are low-income residents of downtown Los Angeles. For the past two and a half years, we have employed multiple strategies to ensure that the Los Angeles Police Department stopped illegal and/or unfair practices in our community, including filing misconduct complaints, giving testimony to the LA Police Commission, litigating, meeting with the Mayor's staff, and others. Yet, there has been no concrete response from any decision-makers and the majority of violations have continued. Therefore, we now request that the Federal Bureau of Investigation intervene.

Background

In September 2006, the Los Angeles Police Department (LAPD), Mayor Antonio Villaraigosa, and City Attorney Rocky Delgadillo launched the Safer Cities Initiative (SCI) in the Skid Row community of Downtown Los Angeles. At the SCI launch, 50 additional uniformed officers were deployed to the 50-square block area (0.85 square miles) of Skid Row -- the equivalent of adding 470 new officers to LAPD's Rampart Division or 700 officers to the 77th Street Division in South Los Angeles¹. In addition, dozens of undercover narcotics officers were deployed to the same area, resulting in an unprecedented concentration of police resources in a neighborhood with relatively low rates of serious and violent crime².

¹ Blasi, Gary and the UCLA Fact Investigation Clinic. *"Policing Our Way Out of Homelessness? The First Year of the Safer Cities Initiative on Skid Row"* September 2007. (pg. 50)
<http://www.law.ucla.edu/docs/policingourwayoutofhomelessness.pdf>

² Id. (p. 41)

Skid Row is home to between 13,000 and 15,000 residents, about 75% of whom are African American. Additionally, about 95% of residents are extremely low-income and approximately one-third are currently homeless. For decades, Skid Row has seen the most extreme and concentrated poverty and racial segregation in Los Angeles. Yet, instead of instituting policies and programs to address racism, poverty and homelessness, a law enforcement strategy to attack the symptoms of extreme poverty was developed and implemented. This expensive and ineffective response to homelessness and poverty has resulted in massive civil and human rights violations against poor and mostly Black people.

A thorough evaluation of the first year of the Safer Cities Initiative was done by Gary Blasi of the UCLA School of Law (Attachment A). Among many other findings, the report shows that in the first year of SCI, approximately 9,000 arrests were made in the Skid Row target area, or about 64 arrests per 100 residents. Additionally, in the first 10 months of SCI, 10,342 citations were issued, of which about 90% were written by the 50-officer SCI task force. This reflects a rate of citation issuance that is between 48 and 69 times greater in Skid Row than the rest of the City³.

Summary of Patterns and Practices that Foster Misconduct

The stated purpose of SCI was to increase law enforcement resources in order to target serious crime. However, the implementation has resulted in six core patterns and practices that demand investigation:

- 1) Citizen complaint processes that treat complainants as adversaries;
- 2) Lack of justification by officers on incidents involving the use of force;
- 3) Racial profiling;
- 4) Lack of training of officers;
- 5) Discrimination against people with disabilities; and
- 6) Unequal protection in enforcement against drug and alcohol possession.

1. Citizen complaint processes that treat complainants as adversaries

The Los Angeles Police Department has a long and well-documented history of systemic misconduct, especially in communities of color. Yet, the misconduct complaint process is seriously flawed. Pursuant to the Federal Consent Decree, the Office of the Inspector General performs annual audits of the LAPD misconduct complaint process. For three years in a row, these audits have identified widespread problems with LAPD's investigations.

One of the most recent reports (*OIG Complaint Investigations Audit FY 2007/2008*) includes troubling findings, such as: 1) Nearly half (29 of 60) of the sampled complaints had one or more quality concerns, such as not completing an investigative step; and 2) In many descriptions of individual complaints in the report, investigators' summaries

³ Blasi, Gary and the UCLA Fact Investigation Clinic. "Policing Our Way Out of Homelessness? The First Year of the Safer Cities Initiative on Skid Row" September 2007.
<http://www.law.ucla.edu/docs/policingourwayoutofhomelessness.pdf>

include statements exonerating officers that do not appear in taped statements or are directly contrary to the testimony purportedly summarized.

Based on the long-standing problems with the complaint process as well as other reasons, communities of color in Los Angeles have often implemented monitoring processes to prevent, or document, civil rights abuses by LAPD officers. In LAPD's Central Division, LA CAN's Community Watch program monitors police activity; team members wear shirts with LA CAN's name and logo on them and at least one team member carries a camera. The CommunityWatch team, as well as other residents they encounter, often file LAPD Misconduct Complaints and/or raise ongoing complaints to the Police Commission based on their documentation. In response, LAPD has created a hostile environment for those who file complaints against officers implementing the Safer Cities Initiative, especially those who exercise their right to monitor police (Attachment B-1 includes sample video clips of the hostile environment).

The Senior Lead Officer for the Skid Row community has been especially adversarial toward LA CAN monitors and complainants. Senior Lead Officer Deon Joseph has posted many entries on LAPD's blog, as well as handed out printed materials on the street, targeting LA CAN complainants and CommunityWatch participants (Attachment B-2). These written documents include many hostile statements, including the following statements about the complaint process:

"Most activists today believe that their agenda is far more important than the individual human being affected by the situation they claim to be trying to improve. By this I mean that they do not care how many people get stabbed, overdose, or robbed on skid row. It doesn't matter how many officers' good names they smear, or how long they stymie the system, as long as in the end they get what they want." (March 2, 2007 entry)

"They have been allowed to tell lies, and use racial and homophobic language against officers and myself that patrol the skid row area. But when we respond to them even in a respectful manner, they run down to Central Station, and encourage others to follow suit in filing false complaints. Yet instead of being honest about these positive changes, they purposely seek out ways to (in their minds) catch police officers with their pants down." (Undated entry titled, ARE THEY REALLY FOR YOU?)

Hostile and adversarial responses to complaints have come from higher ranking LAPD officers as well. For example, in an October 5, 2007 radio interview (Attachment B-3), Chief Bratton responded to LA CAN protesting the first year of the Safer Cities Initiative by saying, "Let me make something perfectly clear as you go out and listen to the rants and raves of that group of characters. We are engaged in the same effort - to save lives. I think what I'm doing, what the city government of Los Angeles is doing, is much more effective than what they are doing with all of their ranting and raving."

In a television interview, Chief Bratton disregarded complaints filed about a June 2007 police abuse incident by framing LA CAN as a non-credible source (Attachment B-4 includes numerous news clips). In response to questions about police brutality against an African American woman, Chief Bratton states, ".....I'm sorry, it is none of those

things. Brutality is only after we find out what happened. So, let's take a step back. You have a group, LA CAN, that's constantly alleging that the department is engaged in improprieties in Skid Row.....Skid Row has the lowest rate of complaints of use of force against our officers....."

In addition to the above public statements and street interactions that treat complainants as adversaries, the most blatant targeting of complainants has been the arrest and incarceration of three LA CAN staff working on a CommunityWatch team within an eight-month period. None were convicted of any type of crime or offense.

- A. On February 1, 2008, Darren "Pete" White was arrested near 5th and Towne Streets, while photographing a large-scale LAPD raid on a residential building. The original charge was pedestrian in the roadway. Two CommunityWatch members were present at the scene and in the crosswalk while the light was green, but only Mr. White, who had the camera, was arrested. The later charge was failure to sign a citation, which was not presented for his signature until he was transported to Central Station. He was held in 77th Street jail for one day. This charge was dismissed by the court on February 29, 2008 "in the interest of justice."

LA City Councilmember Bernard Parks made a written request to the Police Commission for an investigation of this incident, based in part in response to a letter from LA CAN's Board of Directors (Attachment B-5). The Police Commission did not investigate or contact LA CAN.

- B. On April 10, 2008, Steve Richardson was arrested on Winston and Los Angeles Streets, held in Men's Central jail overnight, and released with a \$25,000 bond. He clearly identified himself as an LA CAN member performing Community Watch duties while he was detained on the scene, and also was wearing an LA CAN teeshirt. He was charged with a felony assault on an officer, for which he faced a third strike, after officers claimed he twisted a finger of an officer while in handcuffs. On November 26, 2008, the case was dismissed.
- C. On September 9, 2008, Deborah Burton was arrested on 6th and Maple Streets for interfering. She was asked to move from a public sidewalk while documenting an LAPD enforcement action on a clipboard. There were dozens of other residents on this sidewalk, yet she, in her Community Watch uniform, was the only one targeted by LAPD officers. Within minutes she was handcuffed and transported to Central Division. After being held, questioned and searched at Central, she was released without any charges.

LAPD must improve their complaint investigation process but, more importantly, must have policies to ensure the protection of complainants of any kind against retaliation, harassment, and adversarial statements. This type of behavior erodes trust and leads to further violations of civil rights.

2. Lack of Justification for Use of Force

Under SCI, the use of force against poor people, African Americans, women, people with disabilities, and community organizers has been widespread, including numerous incidences of police abuse and violence. One component contributing to this problem is the extremely high number of officers at each incident (pictures in Attachment C-1), creating tension and increasing the risk of force and violence. There has been no response to community calls for accountability and the justifications for these incidents have either been non-existent, incomplete, and/or based on factual errors. Below are descriptions of a variety of use of force incidents over the SCI period and LAPD's response, if available.

A. On June 3, 2007, Faith Hernandez, a black female Skid Row resident, was beaten severely by 4 officers on 6th St in front of dozens of witnesses. Hernandez, a 90-pound, mentally ill woman, was beaten bloody and then arrested for resisting arrest and battery on an officer. The alleged assault against an officer happened with an ink pen. Misconduct complaints were filed by witnesses on June 5 and June 13, 2007. Only one witness, O.C. Hasson, reported being contacted by LAPD, when officers came to his apartment soon after the incident. Mr. Hasson informed the officers that he would like to cooperate, but was not comfortable talking to them at his residence. He gave officers his cell phone number and was never contacted again.

Because of the severe nature of the use of force, several non-profit organizations submitted a letter to Councilmember Huizar, requesting his involvement (Attachment C-2). Amy Yeager, from the Councilmember's office, responded with a two-sentence email that she would look into it; there was no further response. Torie Osborn, special advisor to Mayor Villaraigosa, was also contacted for assistance. There was no response.

LAPD offered no reasonable justification for this incidence of violence. The only public version of the incident was described during Ms. Hernandez's trial (transcript in Attachment C-3). In the transcript, during cross-examination, a substantial amount of force is described but many discrepancies are discovered. In fact, Officer Kevin Royce states that he punched Ms. Hernandez twice with a closed fist, near her armpit. When asked whether this was part of his training, he replied, "No. I just wanted to cause some pain to her to let go of my wrist."

Although there were numerous witnesses describing abuse of force, and the officers themselves offered questionable justification, neither LAPD officials nor the Police Commission (who heard testimony from witnesses on June 12, 2007 and subsequent dates) ever released the results of any investigation. There was no attempt to explain the situation to the public or re-establish confidence.

B. On July 24, 2008, James Foster, a black male Skid Row resident, was standing on 6th and San Julian Streets when officers jumped out on him and demanded that he open his mouth. Seconds later, two officers slammed Mr. Foster's face into the concrete wall and started punching him in the face and ribs. When many more officers arrived he was thrown to the ground with a pile of officers on top of him (video in Attachment C-4). Mr. Foster was removed from the scene in an ambulance and later, at his arraignment,

was deemed mentally unable to stand trial and the arraignment was postponed until mental health assessment and care was provided. He is currently on trial for resisting arrest and drug possession. A misconduct complaint was filed by Herman Jones, who was never contacted for investigation.

C. Later in the day on July 24, 2008, a young black male and his mother, Greta Hunter, were resting on a bench in San Julian Park. Two LAPD officers rode up to them on horses and woke up the young man. The young man answered their questions and put his hands up when told, yet the officers picked him up off his feet, slammed his head first into the concrete and punched him several times. When his mother tried to intervene to protect her son she was swung around like a rag doll, and both mother and son were arrested (video in Attachment C-4). The charges against Greta Hunter were dropped on January 14, 2009. Her son was encouraged to take a plea deal resulting in a conviction for assault on an officer. A misconduct complaint, with five witnesses and partial video coverage, was filed on July 30, 2008. Letters were sent to complainants stating their complaints had been received, but no public justification resulted.

D. On October 28, 2008, Benny Allen, an African American male Skid Row resident, was shot by an LAPD bicycle officer. According to eyewitnesses, he was following instructions by officers to get off his own bike and put his hands up when the officer shot him (photos in Attachment C-5). There was no investigation at the scene; in fact, witnesses and especially those with cameras were moved away from the scene immediately and none were later interviewed. There was no reassurance to the public that LAPD would be conducting a later investigation to ensure accountability in this incident. Instead, within 15 minutes of the shooting, witnesses heard LAPD Officer Vernon tell the news media that Mr. Allen had rushed officers with a knife (counter to other eye-witness statements), and then he credited Central Division officers for not using lethal force more often. No results of an investigation into the shooting have been released. No witnesses have been contacted by LAPD to this date; witnesses have been contacted by Mr. Allen's public defender as he faces a trial for two counts of assault on an officer, as well as a possession with intent to sell charge.

The Benny Allen shooting, as well as a shooting a couple of months earlier, was justified in later media statements by claiming that assaults on officers in Central Division were on the rise and officers had to protect themselves (Attachment C-6). LAPD acknowledges that four of those charged with assault were hospitalized after their arrest, yet most LAPD injuries were reported as minor. This discrepancy between force used by officers versus force used by those arrested raises serious concerns and should be investigated.

E. On November 21, 2006, Cheryl Willard, a white female Skid Row resident, was dragged from her home on 6th Street by two central division officers. She was handcuffed, assaulted (photos in Attachment C-7), then transported to Central Division. She was not charged with any crime, but was transported to the UCLA psychiatric ward against her will for a 72-hour hold and released within 24 hours. A misconduct complaint was filed on December 13, 2006. Ms. Willard was never contacted about this complaint and never received notification of the outcome of the investigation.

F. On December 5, 2006, Russell Reynolds, a black male Skid Row resident was standing outside his hotel on San Julian Street when he was handcuffed and put up against the wall. While he was handcuffed, two officers beat him - grabbed him by the neck, slammed his face into a gated door way, twisted his arms to take him to the ground where a knee was placed on his neck to hold him down. Afterward, the two officers threw his arms up high behind his back, and they walked him in this position from 5th & San Julian Street to Central Division. When he was transported to Parker Center, the desk sergeant refused to book him. He was released without any charges. His arm was in a sling for 2 weeks. A misconduct complaint was filed on December 21, 2006. Mr. Reynolds was never contacted about this complaint and never received notification of the outcome of the investigation.

These examples of use of force under the Safer Cities Initiative in Central Division, all of which are documented by video, photos and/or witnesses, indicate a problematic level of force and violence present in Skid Row policing and a lack of sufficient response by LAPD. In not one instance did LAPD officers or their Commission discuss an investigation, give a comprehensive justification, respond appropriately to misconduct complaints, or make any attempts at community dialogue to ease fears. It is not surprising that the community experiences fear and distrust of officers and proactive steps must be taken to repair and earn the trust of poor and homeless residents. There must be concrete assurances provided that use of force will be employed only when appropriate, that the process for explanation and justification will be open and comprehensive, and LAPD will be accountable to the community when force is misused.

3. Racial profiling

Central Division, the main target of this complaint, has by far the worst record within LAPD of racial profiling, particularly against African Americans. In October 2008, the ACLU of Southern California released an in-depth report about the prevalence of racial profiling within LAPD (<http://www.aclu-sc.org/documents/view/47>). The report finds “prima facie evidence that African Americans and Hispanics are over-stopped, over-frisked, over-searched, and over-arrested.” Although the results are primarily focused Citywide, the report analyzes data by LAPD precinct as well. Key findings include:

A. Stop rates:

- Per 10,000 residents Citywide, the Black stop rate is 3,400 stops higher than the White stop rate, and the Hispanic stop rate is almost 360 stops higher.
- Per 10,000 residents in Central Division, the Black stop rate is **16,455** stops higher than the White stop rate, and the Hispanic stop rate is almost 5,186 stops higher.
- The Black stop rate per 10,000 residents in Central Division is 21,447; more than 2 stops per Black resident and more than 4 ½ times the already disparate Black stop rate Citywide.

B. Citation rates:

- Per 10,000 residents Citywide, the Black citation rate is 893 citations higher than the White citation rate; the Hispanic citation rate is actually 255 citations lower.

- Per 10,000 residents in Central Division, the Black citation rate is **5,053** citations higher than the White citation rate, and the Hispanic citation rate is almost 3,306 citations higher.
- The Black citation rate per 10,000 residents in Central Division is 8,783; close to 9 citations per 10 Black residents and almost 4 times the already disparate Black citation rate Citywide.

C. Arrest rates:

- Per 10,000 residents Citywide, the Black arrest rate is 685 arrests higher than the White arrest rate; the Hispanic arrest rate is 118 arrests higher.
- Per 10,000 residents in Central Division, the Black arrest rate is **6,651** arrests higher than the White arrest rate, and the Hispanic arrest rate is 1,000 arrests higher.
- The Black citation rate per 10,000 residents in Central Division is 7,165; or **7 arrests per 10 Black residents and almost 8 ½ times the already disparate Black arrest rate Citywide.**

A Police Commission hearing was held on racial profiling and the ACLU report on January 13, 2009. The report was primarily refuted by LAPD and no changes were recommended. In fact, the LAPD said that one reason they could or should not respond was that this was a problem that affected police departments nationwide. This is likely true, but not a reasonable justification for not addressing this problem. The Commission also provided no direction to address this systemic problem Citywide or in Central Division, where the problem is disturbingly concentrated. The only clear direction by one Commissioner, Andrea Ordin, was that she thought the report was useful and the Department should utilize it; Chief Bratton told the Commissioner LAPD would not use the report.

4. Lack of Training of Officers

A. Policing of People with Mental Illness:

In other parts of the city, the LAPD uses “SMART teams” consisting of two non-uniformed officers to respond to situations involving people with severe mental illness. These teams were created because the department found officers in uniform were especial threatening to people suffering from illnesses such as paranoid schizophrenia. One of the stated goals of the SMART teams, as reported on LAPD’s official website, is to prevent unnecessary incarceration and/or hospitalization of mentally ill individuals. But instead of avoiding arrests in Central Division through the SMART team, people with mental illnesses are arrested and incarcerated at alarming rates.

On Skid Row, where at least one-half of the population has a mental illness, officers often respond to a single, nonviolent incident with 10-15 uniformed officers instead of employing the SMART team. Community residents living with severe mental illness have been particularly negatively affected by the Safer Cities Initiative, because they are more likely to be excluded from housing and shelter programs. Therefore, with no place to go, they become more vulnerable to frequent and intense police interaction and jail stays. SCI policing has made it more difficult for housing and service providers to serve this population, who are already the most underserved. As a result of arrest and

incarceration for petty crimes, dozens of mentally ill homeless people whom service providers had worked with for years lost their housing and went back to the streets.

Central Division officers are not sufficiently trained in dealing with people with mental illnesses, as evidenced, among other things, by the over-concentration of uniformed officers responding to minor incidents. Former Central Division Captain Rick Wall publicly acknowledged this problem at a 2008 community mental health meeting almost immediately upon his arrival in the Division, yet no resolution followed.

Additionally, since LAPD has developed a fairly successful SMART team model, it is unacceptable that specially-trained SMART officers are not regularly present or accessible within Central Division. Protocol states that SMART officers are to be called whenever an apparently mentally ill person is taken into custody. This simply is not happening in Central Division, where about half of those arrested are persons with a mental illness.

B. Illegal Detentions and Searches:

In 2003, Skid Row residents represented by the ACLU of Southern California and others filed an action to prohibit the LAPD from a policy and practice of stops and searches that violated their rights under the Fourth Amendment and California law (*Fitzgerald v. City of LA*). Plaintiffs entered a settlement agreement in December 2003 providing for a stipulated permanent injunction prohibiting a variety of practices that violated the Fourth Amendment.

In late 2006, soon after the launch of the Safer Cities Initiative, dozens of downtown residents reported violations of the *Fitzgerald* injunction. As one example, SCI officers illegally utilized the issuance of citations as a tool to cuff and search residents of Skid Row. A crosswalk violation was deemed a sufficient reason to cuff someone, place them up against the wall, search their person and run a warrant check. Because of the overwhelming number of officers, it became almost impossible for Skid Row residents to avoid being a victim to illegal searches and/or witness to this public humiliation. LAPD misconduct complaints were filed and public testimony on this issue was provided to the Police Commission, yet the practices continued.

The ACLU of Southern California presented this evidence to the Court and moved for an order extending the injunction (Attachment D-1). In April 2007, the preliminary injunction was extended, based on evidence that LAPD was not obeying the injunction. In granting the extension, the U.S. District Court ruling stated:

This is a direct admission, from the Officer in Charge of the Safer Cities Initiative, that Defendants have a policy of searching Skid Row residents solely on the basis of the resident's parolee or probationer status without knowledge of any search conditions imposed. The law does not allow such searches. Accordingly, the Court finds that, even viewing the evidence in the light most favorable to Defendants, they have admitted to an unconstitutional policy.

In January 2009, plaintiffs and the City entered into a final settlement agreement (Attachment D-2). The settlement agreement clearly outlines agreement between the parties on the laws that govern searches, detentions, handcuffing and frisking, as well as the training deficiencies that led to the prolonged practice of illegal detentions and searches. LAPD agrees to develop and implement new training materials and protocols as part of this settlement, explicitly acknowledging the lack of training for Skid Row officers and, particularly, Safer Cities Initiative Task Force officers.

This recent Fitzgerald settlement agreement may begin to address the lack of training of officers. However, this case highlights the lack of training issue in Central Division and the lack of response to community complaints. The community does not have the resources to file lawsuits for every training and implementation issue. This training deficiency could and should have been identified through misconduct complaints and public testimony, yet those complainants were summarily dismissed. There must be a full review of training needs and gaps, as well as a clear means for the community to recommend training needs based on documented problems. Additionally, there must be oversight to ensure new training is comprehensive and effective.

5. Discrimination against people with disabilities

Approximately 12,000 citations were issued in Skid Row during the first year of the Safer Cities Initiative. As reported in the LA Daily Journal (Attachment E-1), these citations total 14 percent of all pedestrian citations citywide, although Skid Row residents comprise less than 1 percent of the population of Los Angeles. LA CAN operates a citation defense clinic, in which more than 90 percent of the citations are for crosswalk violations and more than 95 percent of participants have disabilities and/or are African American.

The discriminatory policies and practices associated with the issuance of citations have dire impacts. Citations for infractions have fines between \$117 and \$270, making payment for homeless and other extremely low-income people almost impossible. When the fines are not paid, warrants are issued and people are arrested. LAPD citation and arrest policies under the Safer Cities Initiative have effectively created a “debtor’s prison” for low-income people with disabilities.

In November 2007, an amended complaint in Quarles et al v. City of Los Angeles was filed in federal court (Attachment E-2). Among other unlawful police practices, the complaint alleges LAPD is, “citing the visually, physically and mentally impaired homeless residents of Skid Row for ‘quality of life’ violations with full knowledge that well more than 60% of the homeless population of skid Row suffers from some form of disability.” The complaint also articulates the basic civil rights of Skid Row residents to be free from unequal enforcement of pedestrian laws and to be free from targeted enforcement based on disability.

The Quarles lawsuit sheds critical light on the targeted enforcement on crosswalk violations and the impacts on people with disabilities. The amended complaint says, “In the Skid Row area, the traffic lights are timed in favor of vehicles and against pedestrians crossing the street. Generally, the amount of time before the crosswalk light

starts flashing red is much shorter than in other areas of the City with high pedestrian traffic. The City has known about these short-timed signals since the *Justin* litigation in 2000, but has done nothing to lengthen the time to cross the streets.....”

The discriminatory policies and practices of citation issuance in Skid Row must be investigated and corrected.

6. Unequal protection in enforcement against illegal drug and alcohol possession

In the first two years of the initiative, officers made 19,000 arrests in the area, the large majority of which were drug related. One tool used to ensure longer sentences for addicts arrested for possessing narcotics was to escalate the charges. Of the first 1,400 arrests made by SCI officers, 1,093 were categorized as “possession with intent to sell” (Attachment F-1). LAPD also deployed undercover buy-bust teams in order to generate drug sales charges. During the first year of SCI, the average amount of drugs confiscated in each of these cases amounted to about \$20 worth of crack cocaine.

Just months into the initiative, public defenders saw their caseloads double with homeless drug addicts, many of them disabled, arrested for selling small amounts of crack cocaine to undercover officers, thereby converting simple possession to the much more serious charge of drug sales. This program began at the same time the District Attorney adopted a “no plea” policy solely for drug sales in Skid Row. The result was hundreds, and possibly thousands of ordinary addicts, most of them mentally disabled and/or African American, entering the state prison system, where they face a health and mental health system already found to be unconstitutionally inadequate. These charges are not commensurate to the actual crimes; they are based solely on the neighborhood of arrest.

The intentional practice of escalating charges results in incarceration of those struggling with the disease of addiction, instead of the treatment required by Proposition 36 and supported by 61% of California voters. When people return from jail, their drug sales record makes them ineligible for federally-funded housing and food programs and they are forced to live on the street, where they cost taxpayers at least \$40,000 each year as they continue to circulate through shelters, emergency rooms and jails.

Enforcement against alcohol offenses has also disparately impacted poor, mostly African American residents of Skid Row under the Safer Cities Initiative. The most blatant example of unequal enforcement has regularly occurred during downtown’s Art Walk, which targets the area’s newer, wealthier residents for gallery viewing and other activities (Attachment F-2). LA CAN organizers documented numerous incidents of LAPD officers chatting and socializing with Art Walk attendees, who are mostly White, while they drink alcohol on the public sidewalks and streets. On those same dates, LAPD officers cite and arrest poor, mostly Black residents for public alcohol consumption (video in Attachment F-3). The video clearly demonstrates the double standard in LAPD’s practices that result in two sets of enforcement policies based on race and perceived income or homelessness status.

As with the citation policies, the unequal treatment and enforcement for drug and/or alcohol possession against low-income African Americans based on race and simply the community in which they reside are issues that must be investigated and addressed. Basic civil rights are at stake and law enforcement must be held accountable for equal protection under the law for every citizen. LAPD's Safer Cities Initiative must stop all policies and practices that promote unequal protection, especially in drug and alcohol possession offenses.

Conclusion

After two and a half years of the Safer Cities Initiative and its illegal and unfair patterns and practices, the Los Angeles Community Action Network calls on the Federal government to investigate LAPD's Central Division based on the information in this complaint. LA CAN has additional written and video records for review in almost every section of this complaint. Along with more than 35 organizations opposing the Safer Cities Initiative, LA CAN has organized hundreds of residents to raise their complaints in various public settings. There has been almost no response by LAPD, the Police Commission or elected leaders with LAPD oversight.

The only concrete response to community outrage was a public hearing held by the Police Commission, purportedly to evaluate the Safer Cities Initiative and its impacts. This hearing was held on November 18, 2008. During the hearing, the Commission heard formal testimony from organizations and individuals who both opposed and supported SCI. They also heard general public testimony, in which about 90% of the individuals who testified raised serious concerns about SCI. The Commissioners also received a packet of written materials (Attachment G) outlining the major problems and violations occurring in Central Division under Safer Cities. At the end of the hearing, they thanked participants and left the room. There has been no further discussion or direction by the Commission.

Again, the community has acted upon every local opportunity for intervention, to no avail. We urge you to thoroughly investigate this complaint.