

Response by Michel Moore:

Questions for Prospective LAPD Police Chief Candidates Regarding Immigration

In recognition for the need of transparency and public engagement for the hiring process the Los Angeles League of Women Voters asked three finalists in the search for a new LAPD Chief to complete the following survey. The names of the finalists are listed in no particular order; names were randomly drawn to determine placement of responses.

Regarding Immigration

1. Will you support LA Safe, a policy proposed by the City Council Immigrant Advocate to strictly limit LA's voluntary participation in immigration enforcement?

Michel Moore:

I am fully committed to protecting all communities, regardless of immigration status. Consistent with state law, I will NOT allow the use of the Department's personnel or resources to conduct immigration enforcement, as this is the responsibility of our Federal counterpart.

Robert Arcos:

Yes. I would support those areas identified in the Ordinance that are described as and consistent with the requirements of current federal law.

Families are being separated and torn apart from current immigration enforcement policies. I strongly believe in the tenets of the LA Safe proposal and have worked to protect and support our immigrant communities throughout my career in the LAPD.

As Chief of Police, I will continue to build trust and confidence in our immigrant communities. We need their trust to be effective as a law enforcement profession. Currently, I am the Department's Immigration Liaison, I have worked closely with a coalition of advocates, attorneys and social justice experts to examine Department policy and procedure. As a result, we have published a FAQ immigration brochure, and a Chief of Police notice restating current procedures. I am committed to going further via a special order.

Bill Scott:

I firmly believe it is the responsibility of local law enforcement agencies, including the Los Angeles Police Department, to assure the public they serve that they can report crimes and cooperate with the police without fear of being asked about his/her immigration status. Furthermore, local agencies should not assist with any agency's immigration enforcement efforts nor should any person be arrested or detained for an administrative warrant or civil warrant based on an immigration status.

In January 2017 when the current Administration targeted immigrants with threats of deportation, I co-signed a letter to the U.S. Secretary of Homeland Security John Kelly along with San Francisco Mayor Edwin Lee and Sheriff Vicki Hennessy declining to participate in any Federal agreements, including Enhancing the Public Safety in the Interior of the United States and the Border Security and Immigration Enforcement Improvement Executive Orders issued on January 25, 2017. Like Los Angeles, San Francisco is a sanctuary city. As the current Chief, I ensured all members of the SFPD were aware of and are held accountable for all policies relating to immigration enforcement – actions I would repeat in LA.

When Governor Brown signed Senate Bill 54, Law Enforcement Data Sharing, in October 2017, it codified the idea that all persons living and working in California regardless of their immigration status should feel safe within their communities. As sworn police officers, we must protect the rights of everyone within our jurisdiction as a means to foster respect and trust between law enforcement and our community. The very act of engaging in immigration enforcement at the local level betrays the trust of our community negatively impacting public safety for everyone.

Bottom line – Los Angeles is home to persons of diverse racial, ethnic, and national backgrounds, including a large immigrant population. The City respects, upholds, and values equal protection and equal treatment for all of its residents, regardless of immigration status. Everyone should feel safe in their communities – their homes. It is imperative that local law enforcement maintain trust with those we serve, especially victims of crimes, regardless of immigration status. Fostering a relationship of trust, respect, and open communication between local law enforcement and our communities is a priority – not the random enforcement of immigration laws.

2. Will you commit to proactively and publicly disclose quarterly data regarding LAPD engagement with immigration enforcement – including inquiries into information, requests for transfers, requests for participation in criminal immigration enforcement, and participation in joint task forces or operations with federal immigration authorities?

Michel Moore:

Yes. I will ensure that the Department provides the above data points, as currently required. If there is any question regarding any specific data point, I am fully committed to providing further information for greater clarity.

Robert Arcos:

Yes. To the extent that I can legally share data regarding the LAPD's engagement with immigration enforcement, and without compromising criminal investigations. I will be a champion for a transparent and accountable Department, and these statistics will be just one of the many reports we will share publicly when I am Chief.

Bill Scott:

Senate Bill 54, California Values Act, sets strict reporting guidelines relating to immigration enforcement. As such, the LAPD would be required to follow all requirements of this Act including engaging in task force operations in which immigration enforcement is the main focus.

If selected as Chief, I would have staff review current policies and procedures to ensure full compliance with this law.

3. Will you require LAPD to share information with federal immigration authorities only when required by law?

Michel Moore:

Yes. Although I believe that the Department must remain as responsive as the law requires, we will continue to ensure that information sharing protects each member of the community, regardless of status, from inadvertent disclosures that jeopardize their presence here.

Robert Arcos:

Yes. Only as required by law. Doing otherwise undermines our ability to work with our diverse immigrant communities, increases fear and makes it harder for us to do our job of protecting our neighborhoods and reducing crime.

Bill Scott:

Sharing information with other law enforcement agencies, including federal agencies, is extremely important to overall public safety and homeland security, especially in a large, port city as Los Angeles. However, it is integral that the information shared be limited to that which is necessary to ensure the safety of our residents from criminal activity and/or terrorist threats. As such, requests for information from outside agencies relating to terrorism are carefully vetted through the mechanisms in place within the Counter-Terrorism and Special Operations Bureau.

Current California law is very clear when information is required to be shared with federal immigration authorities as it relates to criminal activity. SB 54 specifically outlines the circumstances under which information can be shared or notification can be made to federal immigration agencies. LAPD would strictly adhere to these conditions to ensure compliance of all applicable laws.

4. Will you allow LAPD to participate in joint task forces and operations with federal immigration authorities only if they will abstain from any (civil or criminal) immigration enforcement during the operation or relying on information obtained as a result of the operation?

Michel Moore:

Yes. I was instrumental in establishing this safeguard with respect to civil immigration enforcement, and I have zero tolerance for slippage. Regarding criminal violations, I do Not support criminal enforcement action relative to Unlawful Re-entry, ABSENT prior offenses involving serious criminal offenses (ie. homicide, sexual assaults, robbery) or existence of a criminal warrant.

Robert Arcos:

Yes. There are times when the LAPD must engage with our federal immigration authorities to take violent and hardened criminals off our streets. When this is the case, we will work with them to create a successful outcome but commit to our values that the LAPD does not participate in civil immigration enforcement.

Bill Scott:

Joint task force operations with the Department of Immigration and Customs Enforcement Homeland Security Investigations (HIS) on criminal matters are necessary and appropriate for public safety in the City of Los Angeles. However, when such task force operations do occur, care and caution must be exercised by Los Angeles Police Department personnel to ensure that LAPD personnel do not participate or facilitate collateral immigration enforcement on criminal or non-criminal matters and that the responsibility for any immigration enforcement rests with the federal agencies tasked with that responsibility. It is important to note that this would not prohibit LAPD officers to arrest an individual who has an outstanding arrest warrant for violating a federal criminal immigration offense. As Chief of Police I will direct that strict oversight takes place during the planning and operational phases of any

joint criminal task force operation with federal immigration authorities and ensure that those investigations do not involve immigration enforcement.

5. Will you prohibit LAPD inquiry into an individual's place of birth or immigration status unless required by law?

Michel Moore:

Yes. In the effort to reform the Department's Special Order 40 protocols, I was instrumental in eliminating the practice of making these inquiries when not required by law.

Robert Arcos:

Yes. This has been one of the most recent changes to our field contacts as a result of our working relationship with the coalition of advocates. A tremendous step in the right direction in building trust with our immigrant communities.

Bill Scott:

There are very limited reasons/situations under which an inquiry into an individual's place of birth or immigration status would be needed. Unless there is an imminent threat and the need to know a person's place of birth or immigration status is essential at that moment or circumstance to investigate a criminal offense, I would prohibit this type of inquiry.

6. Will you commit to codify the above protections for the immigrant community in a new special order to ensure they become long-term, enforceable policies that guide the department's practices well into the future?

Michel Moore:

I will fully support codification of any aspect of the above points not currently codified.

Robert Arcos:

Yes. I have been working with the Department, community, advocates and elected officials on this amendment and will continue to do so as Chief of Police. I am committed to a new special order.

Bill Scott:

Yes. Clear policies along with constant and consistent communication and training on those policies to all LAPD personnel on immigration issues are essential to ensure equity and protections for our immigrant community in regard to policing Los Angeles. With the passage of SB 54, all policies and procedures relating to immigration enforcement will be reviewed to ensure compliance under this new statute. As new legislation or emerging issues regarding our immigrant community arise, the LAPD must remain open and flexible to revise our policies as necessary to meet the needs of the communities we serve.

Regarding Over-Policing (with Immigration Consequences)

7. Will you seek a more modest budget for LAPD in line with a necessary restructuring to limit over-policing, and re-direct the City's limited resources to social programs?

Michel Moore:

Our impact on the City's budget is significant, as is the resulting impact on public safety. Further growth of the Department should be proposed in a manner that promotes public trust and confidence rather than some matrix of additional enforcement. Simply stated, and particularly with respect to immigration, additional enforcement resources are not appropriate. Rather the Department needs to ensure its support of other public resources which provide for the needs of our immigrant communities.

Robert Arcos:

One of my first priorities as Chief of Police will be a full assessment of the budget, to ensure that our budget reflects our shared needs and values. These values include a community policing model that puts more cops on the streets, focuses on reducing crime, and builds trust through transparency, puts an emphasis on social justice and continued reform. With that lens, I will review where we have opportunities to amend the budget, to include line items for our homeless outreach teams and mental evaluation and intervention teams, and work with our partners in the Mayor's office, social service agencies and others to ensure that our LAPD officers are a compassionate partner in our efforts to end homelessness in Los Angeles.

Bill Scott:

As the Chief of Police one of my fundamental responsibilities is to advocate for a reasonable and appropriate budget that will allow the LAPD to carry out its public safety mission and public safety priorities. With that said, I will seek a reasonable budget that is appropriate to the demands and public safety priorities of the City. My experience as a current Chief of Police in a major city includes working through the budgeting process and securing an appropriate budget for a major city police department. This experience has taught me that this process must be carried collaboratively with the Mayor, stakeholders, and along with other City Agencies including those responsible for social programs. This collaborative approach must happen in order to achieve the proper City wide budgetary balance to realize the Mayor's vision and priorities for the City as a whole. Although budgetary resources are finite, we all must resist looking at this process as a "zero sum game". With that said I am and will always be creative, innovative, and open to re-directing resources to programs that help the LAPD more efficiently and more collaboratively fulfill its public safety mission so long as it is not at the expense of public safety.

8. Will you commit to reform LAPD's direct citation policy to align with state law and narrowly interpret the exceptions? See California Penal Code § 853.6 (which requires that individuals arrested for misdemeanors be cited and released in most instances).

Michel Moore:

I would be interested in a further dialogue relative to which offenses and circumstances are most appropriately and equitably addressed via the mechanism set forth in Penal Code Section 853.6.

Robert Arcos:

Yes. I am committed to ensuring our direct citation policy is fair and reasonable. Our policies must reflect our community values. Moreover, I want to ensure that we maximize the use of our limited jail space and that space is reserved for violent offenders. Currently too many of these resources are exhausted on the addicted and mentally ill.

Bill Scott:

Yes. California Penal Code Section 853.6 states in part “In any case in which a person is arrested for an offense declared to be a misdemeanor, including a violation of any city or county ordinance, and does not demand to be taken before a magistrate, that person shall, instead of being taken before a magistrate, be released according to the procedures set forth by this chapter, although nothing prevents an officer from first booking an arrestee pursuant to subdivision (g).....”. Subdivision (g) states in part “ The officer may book the arrested person at the scene or at the arresting agency prior to release or indicate on the citation that the arrested person shall appear at the arrested agency to be booked or indicate on the citation that the arrested person shall appear at the arresting agency to be fingerprinted prior to the date the arrested person appears in court.....”.

Moreover, subdivision (i) states “Whenever any person is arrested by a peace officer for a misdemeanor, that person shall be released according to the procedures set forth by this chapter unless one of the following is a reason for non-release.....”. The reasons set forth for non-release in Penal Code Section 853.6 are clear and specific and as the Chief of Police, I will ensure that the LAPD’s policies are aligned with state law including the specific exceptions for non-release as prescribed in this penal code section.

9. Will you modify LAPD’s law enforcement practices to prioritize the policing of more serious offenses and strictly limit the policing of quality of life and other minor offenses?

Michel Moore:

I will ensure that Department personnel are committed to maintaining the trust of our communities by ensuring the proper exercise of discretion relative to low-level quality of life and other minor offenses. Unlawful street vending and other minor offenses must be viewed within the greater context of community expectations.

Robert Arcos:

The LAPD must reshape its paradigm as it relates to current enforcement efforts of quality of life offenses. Last year, we arrested more than 6,000 homeless people for offenses like trespassing, drug infractions and for failing to appear in court. This is not an effective use of police resources. As the Chief of Police, I will emphasize alternative approaches like intervention, guidance and uncompromising follow-up.

Taking advantage of the new resources being directed at reducing homelessness across the city (resources that include monetary, staff and organizational investments from a variety of government, non-profit and philanthropic organizations), we can now shift from enforcing minor infractions that inefficiently soak up valuable police time, energy and expense, to providing the needed outreach and intervention to help guide our most vulnerable population to permanent supportive housing and safe parking solutions.

Bill Scott:

As a current Chief of Police of a major city, I am always searching for new and innovative strategies to prevent and reduce crime on the whole while at the same time finding ways to minimize mass incarceration. Quality of life and other minor offenses directly speak to the safety, perception of safety, fear of crime, and quality of life in our Los Angeles and they can not be ignored. However, as a current Chief of Police I am committed to equitable and judicious enforcement of minor offenses when enforcement is necessary and appropriate.

This issue speaks directly to reducing incarceration while addressing crime. Although many of the strategies around reducing incarceration speak directly to sentencing reform, bail reform, and changes in the law to reduce jail time for non-violent offenders, there are strategies that the LAPD can employ to help in this area. One such strategy is Law Enforcement Assisted Diversion (LEAD). LEAD is a pre-booking diversion program that will refer repeat and low-level drug offenders at high risk of recidivism, at the earliest contact with law enforcement to community-based health and social services as an alternative to jail and prosecution. As the Commanding Officer of South Bureau, I worked closely with the LA City Attorney's Office to secure a planning grant to pilot the LEAD program in Southwest Area. The lessons learned from the LEAD pilot was the impetus for a \$6 million grant awarded to the LA City Attorney's Office to fund the LA DOOR (Diversion Outreach and Opportunity for Recovery) grant. This grant will fund a comprehensive health-focused drug intervention program emphasizing field-based services, pre-booking diversion, community engagement, and financial leveraging in South Los Angeles "hotspot" locations with a high density of misdemeanor drug arrests and homeless encampments. Additionally, during my tenure as the Chief of Police of the SFPD, I was an instrumental part of the City and County of San Francisco securing a \$5.9 million dollar grant to fund SF LEAD in San Francisco. The SF LEAD program is also a pre-booking diversion program designed to address recidivism and narcotics offenders with services as opposed to incarceration.

Regarding Detention

10. Will you support an expansion of on recognizance release to limit unnecessary jail time and improper incentives to plea?

Michel Moore:

Yes. I am very concerned by any perception that the Department is not releasing arrestees on their own recognizance in accordance with State law. Additionally, I do NOT support the continued incarceration of an individual as some means of incentive/coercion.

Robert Arcos:

Senate Bill 10 - Bail Reform Act is currently being lobbied and comprehensively reviewed by law enforcement. I am open to hearing more about the benefits of an expansion of own recognizance releases. I have heard very clearly that money bail is not an effective way to ensure public safety, and frankly there is some value with that perspective.

Bill Scott:

This is a reasonable request. However, I would insist that it be done in collaboration and consultation with the District and City Attorneys as well as the Public Defender. The criminal justice system does not function properly unless all parts of the system are in sync. Decisions that impact the criminal justice system as a whole should not and can not be made in a silo if we are to have an equitable, effective, and just criminal justice system.

Regarding Community Engagement

11. Will you commit to establish a consistent structure to engage community leaders on key issues of concern?

Michel Moore:

Yes. I am establishing the Chief Forums, and commit to personally attending and participating in these critical opportunities to hear from various stakeholders

Robert Arcos:

Yes. In my nearly thirty years with the Los Angeles Police Department, I have always engaged in relationship building with the community, throughout the city, as I served every Bureau in Los Angeles. My heart and soul are in community policing, which has included starting youth mentorship programs. I have established a number of initiatives to improve the relationships with the community, such as Through Our Eyes, LAFC Youth Soccer Program, and the Boyle Heights Collaborative. Each of these experiences has provided me with a unique perspective by which to develop organizational structural changes to further reform and improve the relationship between the LAPD and the public.

I will continue to engage with community groups, and work with my team to set up a structure that allows for consistent feedback and engagement with a diverse set of voices from across Los Angeles. I believe together we can build better communities.

Bill Scott:

Yes, and it starts with me as the Chief of Police modeling the way. As Chief of a major City I have an established track record of engaging community leaders and also remaining accessible to all segments of the communities we serve. I understand fully that in order to engage in a more effective policing model, the LAPD must first gain the trust of the community, and this trust can only be built by working together with community leaders. We not only have to give a voice to those we serve, but we have to listen and hear what is being asked of us and that spirit and practice of engagement has to resonate throughout the entire police department.

Community engagement is a foundation, not just a practice, to building strong partnerships with each of the individual communities. It is through these collaborations that effective strategies are discussed, drafted, and implemented specifically addressing the needs of individual neighborhoods. From addressing quality-of-life issues through harm reduction strategies to breaking the cycle of violence and incarceration of young adults through active participation in youth activities, community leaders are keenly aware of where priorities should be and are extremely valuable partners in achieving our public safety mission.

Additional Questions

12. What will be your three top priorities as Chief, if selected?

Michel Moore:

- Building Public Trust, particularly in communities of color;
- Reducing Officer Involved Shootings while ensuring officer safety; and
- Deeping diversity within the organization, particularly within the senior staff (captains and above).

Robert Arcos:

As Chief of Police, my priorities will be:

- Build trust and reduce crime
- Training - De-escalation and Implicit Bias
- Citywide Restorative Justice youth program model

Bill Scott:

1. Building trust and legitimacy with the diverse communities we serve.
2. A Department committed to the principles of de-escalation and reducing force.
3. A Department focused on being effective, efficient, and collaborative at preventing, reducing, and responding to crime and traffic safety issues with an emphasis on violent crime including shootings and firearms related homicides.

13. What recommended reforms will you have for the Department?

Michel Moore:

- Fully implement the release of video of officer-involved-shootings and other critical events;
- Continue the development of de-escalation tactics and expectations in order to lessen use of force, particularly deadly force;
- Expand juvenile pre-arrest diversion;
- More effectively engage with communities comprised of persons experiencing homelessness in order to build and strengthen their personal involvement in providing for the safety of their surroundings;
- Expanding the participation of volunteers in each of the Department's Area stations to improve service and relationships; and,
- Ensure the development of much-needed mentoring initiatives to cultivate and position a generation of senior leadership which is representative of the communities the LAPD serves.

Robert Arcos:

As Chief of Police, I will focus on progressive, systematic reform, building trust and legitimacy, expansion of our community-policing model, and efficient use of resources and new technologies.

Reforms that I would implement include:

- Create an Office of Accountability and Transparency
- Build on department-wide training on implicit bias
- Embrace new technologies to improve performance and efficiency

Bill Scott:

The Department must remain committed to the many reforms put in place during the last two decades as a result of the federal consent decree.

The Department must support and be open and engaged in the national ongoing discussion regarding bail reform as it will directly impact our policing strategies and force the issue of finding innovative strategies to prevent and reduce crime that are not totally dependent on enforcement and incarceration.

The Department must continue to work toward overhauling the discipline systems to ensure accountability while at the same time fairness and consistency for its employees.