# CITY OF LOS ANGELES CALIFORNIA

#### Palms Neighborhood Council Racial and Social Justice Committee

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PALMS NEIGHBORHOOD COUNCIL

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### Special Joint Board and Racial & Social Justice Committee Meeting Agenda Saturday, November 21, 2020 –11:00 a.m. Zoom Meeting Online at <u>https://us02web.zoom.us/j/92883603065</u> or by telephone, Dial +1 669 900 6833 to join the meeting Then enter this Meeting ID: 928 8360 3065 and press # Press \*9 to raise hand for public comment

The Neighborhood Council system enables meaningful civic participation for all Angelenos and serves as a voice for improving government responsiveness to local communities and their needs. We are an advisory body to the City of Los Angeles, comprised of stakeholder volunteers who are devoted to the mission of improving our communities.

**VIRTUAL MEETING TELECONFERENCING NUMBER FOR PUBLIC PARTICIPATION** In conformity with the Governor's Executive Order N-29-20 (MARCH 17, 2020) and due to concerns over COVID-19, the Palms Neighborhood Council Racial & Social Justice Committee meeting will be conducted entirely electronically.

Every person wishing to address the Neighborhood Council must join the zoom meeting then press # to join the meeting. Instructions on how to sign up for public comment will be given to listeners at the start of the meeting

# I. CALL TO ORDER & ROLL CALL

- A. Call to Order
- B. Roll Call
- C. Introductions (5min)
- II. GENERAL PUBLIC COMMENT (10 minutes)

# III. COMMITTEE BUSINESS

- A. Discussion: review norms & framing for committee discussions
- B. Discussion: brainstorming virtual event ideas, committee member projects, and committee member roles
- C. Discussion: LA City Council will hear <u>20-1376</u> on November 24th. Preparation for public comment based on the CIS we submitted.
- D. Presentation: Josh Nadel will present on LAPD and Big Data [see supplementals]
- E. Announcements and Resources:
  - 1. PalmsNC Racial and Social Justice Education and Resource List
  - 2. Upcoming Events of Interest to the Committee

# a) L.A Metro Public Safety Advisory Committee accepting <u>applications/solicitud de membresía</u> through Nov 13. <u>Virtual Info</u> <u>Session Nov 5</u>

#### F. Adjournment

Time allocations for agenda items are approximate and may be shortened or lengthened at the discretion of the President. Public comment will be taken for each motion as well as for any item in the consent agenda prior to Board action. The public is requested to fill out a "Speaker Card" to address the Assembly on any item of the agenda prior to the Assembly taking action on an item. Comments from the public on Agenda items will be heard only when the respective item is being considered. Comments from the public on other matters not appearing on the Agenda that is within the Assembly's subject matter jurisdiction will be heard during the Public Comment period. Public comment is limited to 1 to 2 minutes per speaker, at the discretion or unless waived by the Assembly. In the interest of addressing all items on the agenda, time limits for individual comments and discussion may be set at the discretion of the President. All items on the consent agenda will be determined by a single Committee vote and without Committee discussion. Committee members may request that any item be removed from the consent agenda and considered individually at any time prior to that vote.

Per Board of Neighborhood Commissioners Policy #2014-01, agendas are posted for public review at: 1) Woodbine Park Kiosk, 3409 S. Vinton Ave.; 2) Palms Neighborhood Council website, <u>www.palmsnc.la</u>.

In compliance with Government Code section 54957.5, non-exempt writings that are distributed to a majority or all of the board in advance of a meeting may be viewed at Woodbine Park Kiosk, 3409 S. Vinton Ave, at our website: www.palmsla.org or at the scheduled meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact the Secretary at secretary@palmsnc.la

Palms NC Board and Committee members abide by a code of civility (<u>http://empowerla.org/code-of-conduct/</u>). Any person who interferes with the conduct of a Neighborhood Council meeting by willfully interrupting and/or disrupting the meeting is subject to removal. A peace officer may be requested to assist with the removal should any person fail to comply with an order of removal by the Neighborhood Council. Any person who resists removal by a peace officer is subject to arrest and prosecution pursuant to California Penal Code Section 403.

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability of services, please make your request at least 3 business days (72 hours) prior to the meeting you wish to attend by contacting the Secretary at <u>secretary@palmsnc.la</u>

SI REQUIERE SERVICIOS DE TRADUCCION, FAVOR DE NOTIFICAR A LA OFICINA 3 DIAS DE TRABAJO (72 HORAS) ANTES DEL

EVENTO. SI NECESITA ASISTENCIA CON ESTA NOTIFICACION, POR FAVOR LLAME A NUESTRA OFICINA AL secretary@palmsnc.la

# LAPD & Big Data Report Outline

Intro:

#### Why does this report need to be written?

This report is about law enforcement using modern techniques to surveil local residents. It is the current iteration of a long and tortured relationship between Black and US law enforcement. Understanding the past will help explain why current problems manifestations of centuries long issues are actually.

The United States has a long mythologized history of law enforcement. Many criminal laws in the US originated around slaves and their return. Slaves were among the most valuable assets that a Slaveholder had. The slaves, quite obviously, wished to be free and would escape. Laws, like the Fugitive Slave act in 1850, were created with the express purpose of compelling all people to returning a slave to their "owner". This law and several others were part of the Compromise of 1850, a series of laws to deal with an expanding nation figuring out how to maintain the balance between slave and free states. These laws played a major role in delaying the Civil War until the 1860s. While the Civil War may have been delayed, these laws guaranteed that the Civil War would ultimately take place because the issue of slavery was no longer tolerated by the free states and was still firmly embraced by the slave states.

After the Civil War, the issue of who worked the fields on Southern Plantations was still an issue. While Black people had been emancipated, the Reconstruction efforts to repair the South were an outright failure. President Johnson allowed the South to rebuild itself for the most part and it was an economic nightmare. The terrible conditions meant that White landowners to convince Blacks to work as sharecroppers, essentially a second class citizen level of work where the sharecroppers were left financially destitute as a result of punitive laws. Those Southern States also imposed "Black Codes" laws, which restricted the freedom of movement. Vagrancy laws were strictly enforced, and many Blacks were arrested and sentenced to hard labor.

These laws enforced the sharecropping arrangement and limited Black economic market power. The legal system, by 1890, saw Blacks incarcerated at a 10X rate compared to Whites on a per capita basis Arrest data shows Black & Latinx individuals are 75% more likely to stopped than White individuals, 127% more likely to be frisked, 76% more likely to have a vehicle searched (also 24% less likely to have anything there) & 37% less likely to have a weapon

People of color were also ticketed for auto offenses at a 41% higher rate

#### **History of LAPD**

LAPD & Big Data: Issues that directly led to the Consent Decree

#### **Palantir History**

Palantir was founded in 2003, in the aftermath of 9/11. It was thought by many both in and out of government that the silozation of intelligence amongst the various law enforcement agencies across the country limited the ability of the government to anticipate threats. The federal government offered many grants to private industry

in an attempt to solve this problem. Many companies attempted to fill this void. Palantir managed to secure some of its initial funding from the CIA's "In-Q-Tel" division. They are among the longest lasting of these firms.

The name "Palantir" was derived from the "palantiri stones" from the Lord of The Rings saga. The "Palantiri stones" were said to be able to see anything anywhere at any time, also known as "complete omniscience". Their name is indicative of the work they wish to do: Know all of the world's information to combine it into the world's foremost threat prevention tool.

Over \$1.5 Billion in federal grants given to Palantir, including the CIA, Space Force & Navy. This is significant because Palantir has lost a ton of money. Over \$580 million was listed as a loss in 2018 & 2019 combined, as well as another \$165 million through Q3 of 2020. This despite the fact that the Palantir service itself is pricey, with municipalities often needing federal grants to pay for it. FEMA's UASI (Urban Areas Security Initiative) pays out a lot of money for Palantir services. Under Obama in 2009, the Bureau of Justice Assistance started the "smart policing initiative" to give grants.

The federal government is heavily invested in Palantir both in direct funding in the form of Federal Grants, but also receiving money that originated as Federal Grants to local municipalities from the state to county to city levels.

#### **Palantir Platform Description**

Palantir is essentially a "relational database analysis tool". That means it functions as a series of databases that cross check results across many different sources and running various kinds of analysis on those cross checks. Palantir takes information from many disparate sources, like LAPD, LA Sheriff, Culver City PD, but also school systems, publicly located cameras, field interviews, random tips and basically anything law enforcement has access to.

One of the most used input sources for a Palantir account are ALPRs (Automated License Plate Readers). ALPRs are used to identify individual cars, which are then geotagged, so that the Palantir system knows whether a given driver is on a "normal" route for the driver or if a driver is an unusual place for that car. There are over 1 billion ALPR scans per year in the LA area, considering there are 10 million residents, that means an average of over 100 scans per person. ALPRs are described in greater detail in their own section shortly.

Palantir then tries to combine all these sources to match people, vehicles or weapons to other people, places or even times. It is an on-going surveillance tool according to many users of it as compared to a tool targeting specific crimes or events. Palantir can combine partial results, as well as full ones. While the license plate "A123ABC" would yield very specific results, a general search for license plates starting with "A123" would still yield usable results. Palantir combines Field Interviews (a major issue with Chronic Offender Bulletins or COBs that is detailed later in this document), DMV records, publicly accessible video cameras, 911 calls, tip line information and literally any other source of information presented to law enforcement.

By 2015, the CIA was "recalcitrant" to work with Palantir anymore according to their CEO Alex Karp. The same applied to the FBI & NSA. Federal government work had been key to the bottom line for Palantir. This may account for the losses experienced in 2018-2020. NSA operates in SIGINT (signal intelligence) and not HUMINT (human intelligence), so the fit was always going to be poor. Some of the reason those government agencies developed a worse relationship was that Palantir constantly refused to avoid addressing rumors that their technology led to Bin Laden's execution (It did not). That attitude of taking credit for other's work is generally frowned upon in most places of work.

Jamie Garcia & Hamid Khan, members of the Stop LAPD Spying Committee, say that Palantir targets black and brown residents of LA. Jacinta Gonzalez of the Latinx group "Mijente" agrees with their assessment. The

visualization aspects from the zonal mapping creates a reinforcing loop of officers reporting crime in a "high crime" area, which in turn solidifies that area as a "high crime" area, which completes the circle by making more officers stationed there. Their combined efforts have led to LAPD supposedly stopping crime mapping in 2020.

Sarah Brayne, a professor who was embedded in LAPD for years for her academic research, says it is easy to misinterpret the data coming out of the system, especially when the inputs lack context. She said that the huge push in LA County for big data policing stems the Federal "Consent Decree" in 2000 because of the corruption, abuse of suspects and theft of evidence in the 1990s. Mayor James Hahn and Police Commander Bratton brought the CompStat system in, which Bratton had been using in NYC. CompStat provides analytical tools to law enforcement to track and understand crime. It is broadly used across the country at this point but was considered state of the art in 2002.

Andrew Ferguson, author of "The Rise of Big Data Policing says that Palantir is more a surveillance tool than a policing tool. Also, that big data does not change the underlying racism in programming or data input. It is a false objectivity. The system requires constant inputs to be able to keep "predicting" crime. These constant inputs often take the form of law enforcement stopping people for questioning. This creates an atmosphere of fear from residents because anything they say can and will be used against them and their community.

In July 2020, the federal agency Health and Human Services switched their Covid reporting to a Palantir developed program named "HHS Protect" by a firm named TeleTracking. This replaced the CDC's "National Healthcare Safety Network", which moved public information to a private location. This controversial decision was reversed in August 2020. Another example of Palantir overreaching in their Federal government work was when Jeramie Scott, senior counsel at EPIC (Electronic Privacy Information Center), sued Palantir to get ICE info that Palantir had accumulated.

#### **PredPol History**

Jeff Brantingham of UCLA led a team of anthropologists to create a predictive crime model based of foraging and behavioral adaptations that they named "PredPol", short for predictive policing.. He asserted that "criminals are essentially foragers ... choosing what car to steal is like choosing which animal to hunt. The same decision making processes goes into both of these choices". This crime prediction model is meant to be more objective and use less racial profiling than its competitors. It did not always achieve this goal.

Brantingham argues that his modeling is completely objective and totally immune to profiling based on race, ethnicity, nationality, sexuality, gender, income level, and more. The model requires all of the assumptions of the foraging system to universally be true and consistent. It also assumes cultural factors are "noise" and all behavior can be operationalized. Many scholars take issue with Brantingham's foraging assumptions. Brantingham published a new crime theory in 2016 that posited that crime is placed randomly and independently relative to space. This is alarming because it seems to validate his other work in a reinforcing loop, which is not sound logic. That is troubling because this platform is used by many law enforcement agencies.

#### **PredPol Platform Description**

Since 9/11, LAPD and other PDs have been using Predictive Policing. "Intelligence Led Policing" has oriented police towards data gathering, data analysis and pre-emptive action against presumed criminal and terrorist activity". It has created the surveillance based environment that PDs currently promote through their use of these tools. Its focus is on geography and not race, so they can claim no racial prejudice. However, critics say geography inputs can often match racial inputs because the city has many areas where an individual racial group has the majority of residents in a given area.

PredPol guesses about future crime comes down to three inputs: crime type, crime location, & crime timestamp. These inputs then generate a series of 500' x 500' sq. ft. maps of LA, where the ones with high amount of inputs being labeled "hot spots". These "hot spots" then get increased police presence in an effort to lower the crime in that area.

The statistical model is based on two concepts:

- "a long term historical guess of what average underlying reported crime rate in a particular hotspot is"

- "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 occurring soon in the same area"

This model is designed off of an earthquake projection model for aftershocks – the creators allege that "crime is often generated by structures in the environment, like a high school, mall parking lot or bar". That creates bias because there are no series of qualifying elements or consistency for labelling these anchor points.

#### ALPR History and Platform Description

Automated License Plate Readers (ALPRs) have become incredibly common for use by law enforcement.

Bureau of Justice in 2013 found that 93% of cities with 1 million+ population used ALPRs One company, Vigilant Solutions, alone did 1 billion scans in a year by itself (there are dozens of companies in this field)

The Palantir ALPR manual has been made public. Some information learned was that searches cover the entire LA metropolitan region and the various law enforcement agencies share the information. Searches can be made on partial information, like a license plate starting with "8THD" on a brown car, or any variant like that. Routes are made from geotagging locations where an ALPR result comes from and comparing various ALPR results from the same drive over a series of days. Dates or areas can be varied for search purposes and it can be used in a variety of ways. Peter Bibring of the ACLU says it is a surveillance tool that is constantly collecting data on everyone to be better prepared to catch anyone by using existing information.

The intermediate and advanced manuals were released from a FOIA request. Conclusions found included the fact that the data used is both factual and anecdotal. Context is never added, which makes the relational aspects a bit suspect. The database inputs include: name, address, phone number, romantic status, job, neighbors, family & friends. Over 50% of sworn LAPD officers (5000+) have Palantir accounts and made over 60,000+ searches for 10,000+ cases in 2016.

The LA Sheriff Department knows that ALPR usage is problematic legally. John Gaw, a LASD Sergeant who works w Palantir) said "[we] are facing potential limitations on the use... of the ALPR database by the ACLU. We may be challenged to ... show we are making sure every user has a valid reason [to use the system]." Also, that the search categorization is broad and that this system protects the public, as though that is reason enough to use a system that is problematic. Repeated the ability to create timelines and "is this a normal route?" through frequency rate applied over time.

ALPR information is stored for different amounts of time. LA County stores the data for 5 years, while Colorado stores theirs for 3 years and Maine only for 21 days.

The TBird, aka ALPR 2.0, platform can send automatic alerts from real time ALPR data so that law enforcement can chase targets in real time.

ACLU says AI tech platforms are unreliable and still are based off of "hunches", albeit with a veneer of fake objectivity.

#### **Operation LASER**

#### History

"Operation LASER" ran from 2009-2019 and was ultimately shut down by the LAPD civilian oversight body. It involved dividing the city into different regions and "anchor points", defined as locations where people congregated and/or where crime could occur, like liquor stores, large parking lots, and heavily populated foot traffic areas.

LAPD & "Justice and Security Strategies" built the "Operation LASER" system for use with the PredPol and Palantir platforms. The goal was for "precision policing". PredPol uses time, weather, and location to predict crime. Critics say it was backwards looking.

#### **Platform Description**

LASER uses family, friends, neighbors, romantic status, race, height, weight, eye & hair color, scars, tattoos, nicknames, gang affiliation, car info and cellular info. The fact they used cellular data meant they may have run afoul of a SCOTUS ruling on requiring warrants for use with Historic Cell information and CSLI (cell site location information). A 2018 ruling in the Carpenter vs US case said historic CSLI requires a warrant. Critics of LASER believe that the inputs should require a warrant to collect. A 9<sup>th</sup> circuit court case, US vs Yang, also dealt with the same issue. A Massachusetts case, Commonwealth vs McCarty was yet another case helping establish a need for a warrant. The Electronic Frontier Foundation (EFF) has filed many amicus briefs that ALPR usage should be like CSLI.

It was thought that LASER was objective because it did not use race or gender as inputs. That proved a false logic because it was connected to the broader Palantir systems in LAPD, where those qualifiers were used. For most of LASER's time, there was no active civilian oversight. As a result, inconsistent criteria began to be used and some of the critic's worst fears came true.

People placed into LASER's lists were never notified that they were placed on these lists nor when/if they were removed.

**Operation LASER** 

Started in 2009

The basic premise is "to target with laser like precision repeat offenders"

It is essentially a giant relational database. It requires multiple kinds of surveillance inputs to give predictive data.

It took from 2009-2011 before enough data was collected before the program was live in the Newton division LASER is meant to be both a person based and place based predictive policing strategy responding to gun and gang violence

In order to implement the program, a LAPD division required the creation of a CID (Crime Intelligence Detail) comprised of 3 sworn officers & one crime analyst and is responsible for the program in a given division LASER used a different hot spot mapping system; it is based off a mapping system ArcGIS that analyzes locations of:

Reported crime

Arrest data

Calls for service that correlate to gun violence or a violent crime

(it should be noted here that LAPD officer calls account for half of 911 calls, which effectively corrupts all this data from massive internal bias)

LASER hot spots lasted for 9-12 months at a time

LASER's racist feedback loop

LASER zones have more crime BECAUSE cops are there because that causes more FIs, arrests, COB points & higher focus on the area because of these inputs

#### COBs

#### History Platform Description

"Chronic Offender Bulletins" were produced daily from 2011-2019 from LASER data. The "top 40" LASER zones each had to produce a daily top 12 list of the top "criminals" to find/stop before they commit a crime. The contents of the list is arrived at from a point system. The point system is arbitrary. This system has racial inequities as LA's population of black people is 9% while these lists show a 31% rate. 44% of the people on these lists never committed a violent or gun based crime and 10% never even had a police contact, which should have been technically impossible from the usage of a point system. No one on the list was alerted to their status of being on the list. These lists had no impact on stopping crime and many of the LASER zones showed no drop in crime despite all these lists for years.

There is a new version of all these systems but according to Sarah Brayne, it's just a rhetorical difference and is still basically the same thing.

Chronic Offender Bulletins – Modern day "Most Wanted" poster except for proactive measures

CID's were required to make a COB (Chronic Offender Bulletin)

Divisions needed to prepare 12 with 5-10 backups in case of "substitution"

INPUTS (never was solidly quantified):

Sworn officers - The input information generally came in the form of "Field Interviews" – reports filled out by bicycle, foot, & vehicle patrols, in addition to parole compliance units

Crime Analysts – They inputted custody, crime & arrest reports

The "workup" was done in Palantir because of its value in collecting disparate information together from the various inputs, including Palantir's massive database of ALPR information, criminal history & known gang affiliations.

Individuals were then assigned points:

5 if the individual is in a gang

5 if the individual is on parole or probation

5 for each incident "involving a gun" over the last two years

5 for each violent crime arrest over the last two years

1 for each "quality" police contact over the last two years based off of FIs, arrests and other reports

Scores would be produced and the top 12 became bulletin board material

Top individuals became primary daily targets of patrols and special units

COBs were entered into a "Chronic Violent Offender Database" for tracking and monitoring

ALPRs, closed circuit television and cell phone catchers (Stingray devices) also heavily aided in surveillance 6 suggestions were given as how to handle COBs

- Letter to offenders letting them know LAPD "are aware of them and they do not want them to engage in criminal activity"
- Door knocks by special units, like gang or narcotics. Goal is to tell whoever answers that LAPD are aware of them
- At weekly crime control meetings, provide updates about Chronic Offenders
- Attend roll call meeting and inform patrol officers and encourage them to look for COBs and stop them for FI or arrest, if there is a warrant
- Conduct warrant checks, serve warrants, conduct Armed Prohibited Possessor (APP) checks

Action Points are locations "possibly responsible for the crime". It could be residence, business or meeting place Each CID needed to name top 5 Anchor Points and what the strategy would be to mitigate it In 2014, LAPD requested funding to allow all patrol officers to access Palantir & CID from PDAs & Tablets GPS provided real time crime maps for LAPD patrol units to interact with LASER experienced steady growth in division usage until n early all used it when the program was terminated in 2019

#### Fieldwork:

Compare Crime Maps year over year Examine old COBs for racial breakdown??? Email campaign about requests for information What do NC leaders know? – Survey #1 What do Stakeholders know? – Survey #2 What does City Hall know? – Survey #3

#### **Results & Conclusions:**

How does this affect LA residents? – Contact potential town hall speakers for their conclusions What can we do next? – Tribune LAPD committee conclusions

#### Survey & Source Info:

Survey results #1-3 Document Source List **Stop LAPD Spying Committee survey results** Stop LAPD Spying Coalition has taken extensive surveys on LA residents' experiences with LAPD. Their results include the fact that 2% of respondents said they get stopped by LAPD 11-20 times per week.

Survey of 300 people by Stop LAPD Spying Committee Q1: How familiar are you with predictive policing? 12% Not at all familiar 25% Not very familiar 44% Somewhat familiar 19% Very familiar

Q2: Do you believe the LAPD can predict where crime will occur or who can commit a crime? 82% No 18% Yes

Q3: Do you think police are present and stop people based on where they live? 8% No 92% Yes

Q4: How often are you stopped by police in your neighborhood a week? 76% 0 21% 1-10 1% 11-20 0% 21-30 1% 30+

Q5: Do you feel you or your community are profiled, abused, targeted, or stalked by police? 29% No 71% Yes

Q6: What is your general view of the LAPD? 61% Cannot be trusted at all

36% Can be trusted sometimes3% Very trustworthy

Q7: How many times have you seen someone stopped by police in your neighborhood in a week? 16% 0 62% 1-10 12% 11-20 4% 21-30 6% 30+ DEMOGRAPHICS Race of participants 31% Latinx 24% Black/African Americans 22% White 11% Multiracial 6% Asian 4% Native/Indigenous 1% Middle Eastern 1% Other Gender 45% Male 48% Female 4% Other 2% Gender non-conforming 1% Transgender Age 17% Under 21 26% 21-29 20% 30-39 11% 40-49 10% 50-59 16% 60+ Sexual Orientation 77% Heterosexual 8% Gay/Lesbian/Queer 8% Bisexual 4% Other 3% Pan-sexual

Religious Affiliation 44% Christian 19% Atheist 16% Other 13% Agnostic 3% Buddhist 2% Muslim 1% Jewish Contact List for Human Sources

# LAPD & Big Data sources

https://www.vox.com/recode/2020/7/16/21323458/palantir-ipo-hhs-protect-peter-thiel-cia-intelligence

https://www.latimes.com/local/lanow/la-me-laser-lapd-crime-data-program-20190412-story.html

https://theintercept.com/2018/05/11/predictive-policing-surveillance-los-angeles/

https://www.wired.com/story/drive-los-angeles-police-track-every-move/

https://www.buzzfeednews.com/article/williamalden/palantirs-relationship-with-americas-spies

https://www.buzzfeednews.com/article/carolinehaskins1/training-documents-palantir-lapd

https://www.latimes.com/opinion/story/2020-07-27/lapd-big-data-policing-palantir

https://www.eff.org/deeplinks/2020/05/courts-issue-rulings-two-cases-challenging-law-enforcement-sea rches-license-plate

https://stoplapdspying.org/about-slsc/

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https://guides.lib.jjay.cuny.edu/c.php?g=288398&p=4496620