IN DEFENSE OF THE MOVEMENT: POLICING, CRIMINALIZATION, AND SURVEILLANCE OF PROTESTERS OF STATE VIOLENCE

TOOLKIT
The Communities Transforming Policing Fund, Center for Protest Law and Litigation, CS Fund, Piper Fund, and Funders for Justice are calling on our peer philanthropic organizations to partner with us in defense of the movement. The movement to end state violence is unique, but deeply connected to all movements for equality and justice. Every right fought for and won in the United States has come through mass protests and mobilization. Every right taken away and criminalized is enforced by police and often with the use of surveillance, legal targeting, and violence. To reinforce our Democracy and to be in alignment with movements for justice and equality, philanthropy must commit to the long-term legal, safety, and security support of protesters.

UNDERSTANDING THE PROBLEM

30,800

BLACK PEOPLE ARE 2.9X MORE LIKELY TO BE KILLED BY POLICE THAN WHITE PEOPLE.

According to a 2021 report, there have been an estimated 30,800 incidences of fatal police violence in the United States between 1980 and 2018. Since 2018, over one thousand people a year have been killed by the police, with Black people being 2.9 times more likely to be killed by police than white people. In 2020, the murder of George Floyd by Minneapolis Police Officer Derek Chauvin ignited the largest protest movement in the country. The early summer protests against police violence resulted in 13,600 arrests over a two week period (The Prosecution Project, 2020). This was despite the fact that 94% of demonstrations during the summer and fall of 2020 were peaceful (The Guardian, Jan 2021). In a review of 300 federal cases stemming from the 2020 protests, the Associated Press found that more than 70 individuals sentenced as of August 2021 were given an average of 27 months in prison, and at least 10 people received prison terms of five years or more (AP News, 2021). Protesters calls for justice are often met with physical violence and intimidation, online doxing, surveillance, and targeting by police, police associations, far right groups, and white supremacist groups. Perhaps one of the most pervasive forms of attacks against protesters of police violence is legal repression. Many protesters are charged with serious felony offenses that come with long legal battles that threaten their employment, housing, parental rights, and freedom for years.
WHY IT MATTERS

For centuries, movements against state-sanctioned violence and subsequent repression, particularly against Black and Brown people, have reshaped the rights, laws, and values of the United States. From slavery to Jim Crow Laws, the Civil Rights Movement, and now the movement for Black lives, these mass movements against violence and for equality have produced political and social progress. Unfortunately, backlash to these movements has resulted in laws that criminalize protests and sanction violence against protesters. Following the 2020 protests, state legislators introduced 91 anti-protest bills compared to 31 the year before (ICNL-US Protest Tracker). These laws are not only meant to have a chilling effect on protests, but they criminalize Black and Brown people who have already experienced disproportionate surveillance, targeting, and state violence. According to Customs and Border Protection, during the 2020 protests the Department of Homeland Security deployed helicopters, airplanes, and drones over 15 cities for at least 270 hours of surveillance (The New York Times, 2020). The criminalization, policing, and surveillance of Black and Brown activists calling for an end to police violence have individual, community, and larger democratic implications. There must be strong and definitive support from philanthropy to address the growing legal repression of protesters of police violence.

THE EXPERIENCES OF BLACK AND BROWN PROTESTERS OF POLICE VIOLENCE

Protesters are attacked criminally and physically.

→ Attempted Kidnapping Charges Against Aurora Protesters Questioned.

→ Fractured skulls, lost eyes: Police break their own rules when shooting protesters with ‘rubber bullets’

Protesters become targets of harassment, surveillance, and civil lawsuits from police and state agencies.

→ Police Watchdog Recommends Discipline for 39 NYPD Officers Over “Substantiated Misconduct” at BLM Protests

→ The secret police: Cops built a shadowy surveillance machine in Minnesota after George Floyd’s murder.

→ Detroit is suing Black Lives Matter Protesters for “Civil Conspiracy”
The Experiences of Black and Brown Protesters of Police Violence

Any participant in a protest can be subject to violence, criminalization, and incarceration.

- Amid Black Lives Matter protests, a crushing moment for journalists facing record attacks, arrests at the hands of law enforcement.
- Police Targeting 'Street Medics' at US Protests
- The tactics police are using to prevent bystander video.

Those who are charged face serious federal and felony charges that alter their lives forever.

- Biden is Expanding Trump’s War on “Domestic Violent Extremism” — and It’s Sweeping Up Black People

Brittany Martin’s Story

Excerpt from “A Black protester voiced anger at police in South Carolina. She got 4 years in prison” (NPR, 2022)

“Raising questions about free speech and equal justice, Brittany Martin, 34, was found guilty this spring of breaching the peace in a high and aggravated manner over comments she made to police. Her lawyers have been pushing for a lesser sentence amid increasing concerns about her health and that of her baby, due in November. Advocates with Black Voters Matter have been circulating a petition calling for her release. Civil rights attorney and former state lawmaker Bakari Sellers will tell the judge on Sept. 12 that the punishment is unjust. “She’s in jail because she talked in America,” said Sybil Dion Rosado, her trial attorney. “She’s a dark-skinned Black woman who is unapologetically Black and radical.”...But Martin also had someone else on her mind: In 2016, Sumter police fatally shot her brother-in-law 19 times when officers said he fired a gun after a chase in a stolen car. When she took to the streets, she carried grief over her family’s past....Martin said her body “can’t get comfortable with the baby” and as of July, she lost 12 pounds while incarcerated, despite the pregnancy. She was taken twice by ambulance to a hospital that month, once after experiencing contractions and again after entering preterm labor at 25 weeks, according to her sister Whitney Martin and Rosado. Martin’s prison report shows she went to eight outside medical appointments throughout July and August.... Martin said she’s been verbally harassed by guards and injured by inmates. Rosado reported seeing scratches on Martin’s face and a bloody right eye during a recent visit.

In October 2022, a South Carolina Judge upheld Brittany’s four year prison sentence.
CALL TO ACTION
STEPS FUNDERS CAN TAKE TO SUPPORT PROTESTERS OF POLICE VIOLENCE

ENGAGE IN POLITICAL EDUCATION AND STRATEGY SESSIONS WITH OTHER DONORS ABOUT HOW TO GIVE IN COLLABORATION OR ALIGNMENT AROUND SAFETY AND SECURITY OF PROTESTERS AND MOVEMENT ORGANIZATIONS.

→ You can learn more about this work and how to engage in further strategy through Funders for Justice and their Safety and Security Institute Report. Contact Lorraine Ramirez (lorraine@funders4justice.org) for more information and to learn how to get involved.

→ To learn more about how other foundations have not only integrated, but centered long-term safety and security within their grantmaking strategy read and review:

Astraea Lesbian Foundation’s Healing Justice and Holistic Security Frameworks and Technology and Criminalization

Hive Fund for Climate and Gender Justice’s Update on Funding Healing Justice and Holistic Security

Solidaire Network’s Janisha R. Gabriel Movement Protection Fund

FUND GROUPS DEDICATED TO THE LONG-TERM SAFETY, SECURITY, AND LEGAL SUPPORT OF PROTESTERS.

Please note this list of groups is exemplary, but not exhaustive.

→ Organizations providing direct legal defense or support of criminal defense attorneys when protesters are facing criminal charges:

Center for Protest Law and Litigation
National Lawyers Guild Chapters
Law for Black Lives
The People’s Law Center
Baltimore Action Legal Team

→ Organizations supporting the safety of protesters before and during direct actions:

The BlackOut Collective
Vision Change Win
The Ruckus Society
The BlackOut Collective
Michigan Liberation
Mass Liberation Arizona
Triad Abolition Project
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→ **Bail funds:**
  - National Bail Fund Network
  - National Bail Out Collective

→ **Rapid response funding** to support protesters in rural areas that may not have access to attorneys or groups in their area that can provide support:
  - Communities Transforming Policing Fund

→ **Organizations defending against and challenging harmful protest laws** that increase criminalization:
  - The Piper Fund’s pooled fund protecting the right to protest

LEARN MORE ABOUT HOW CRIMINALIZATION, SURVEILLANCE, AND POLICE VIOLENCE IMPACT EVERY ISSUE AND RIGHT

→ **Overview**
  - The Piper Fund’s Protect Dissent Network & Nonprofit Quarterly
    Protecting Protest: We Need All Hands on Deck Series
  - Barnard Center for Research on Women
    The Crisis of Criminalization: A Call for a Comprehensive Philanthropic Response
  - International Center for Not-For-Profit Law
    US Protest Law Tracker
  - International Center on Nonviolent Conflict
    Dollars and Dissent: Donor Support for Grassroots Organizing and Nonviolent Movements
  - Funders for Justice
    Divest/Invest: From Criminalization to Thriving Communities

→ **Disability Justice**
  - Boston Review
    Police Violence is a Disability Justice Issue
  - Center for American Progress
    Understanding the Policing of Black, Disabled Bodies

→ **Gender Justice**
  - International Journal for Crime, Justice and Social Democracy
    Gender-Based Violence, Law Reform, and the Criminalization of Survivors of Violence

→ **Economic Justice**
  - Human Rights Watch
    Criminalization of Poverty as a Driver of Poverty in the United States
LEARN MORE ABOUT HOW CRIMINALIZATION, SURVEILLANCE, AND POLICE VIOLENCE IMPACT EVERY ISSUE AND RIGHT

→ **Education Justice**
  NYU Metropolitan Center for Research on Equity and the Transformation of Schools
  Ending Student Criminalization and the School-to-Prison Pipeline

→ **Environmental Justice**
  Environmental Justice
  State Violence, Black Lives, and Environmental Justice

→ **Housing Justice**
  National Homelessness Law Center and National Coalition for the Homeless
  Housing Not Handcuffs Campaign
  Georgetown Law
  The Criminalization of Public Housing Residents

→ **LGBTQ Rights**
  The Prison Policy Initiative
  Visualizing the unequal treatment of LGBTQ people in the criminal justice system

→ **Public Health**
  American Public Health Association
  Addressing Law Enforcement Violence as a Public Health Issue Policy Statement

→ **Racial Justice**
  Movement 4 Black Lives
  Struggle for Power: The Ongoing Persecution of Black Movement by the U.S. Government

→ **Reproductive Justice**
  American Public Health Association
  Addressing Law Enforcement Violence as a Public Health Issue Policy Statement

→ **Public Health**
  Brennan Center for Justice
  Miscarriage of Justice: The Danger of Laws Criminalizing Pregnancy Outcomes

DON’T ALLOW COPAGANDA TO SHAPE YOUR FUNDING STRATEGY

It is important that those within philanthropy are skeptical of police accounts of protests and incidents involving police use of force overall. The media generally elevates the narrative of police departments, police unions, and police associations following events. Unfortunately, there are countless cases of police mischaracterizing events in order to criminalize individuals and justify force against them. These narratives are called copaganda. To learn more about an effort to deter the amplification of copaganda by the media read **Interrupting Criminalization’s “Don’t Be a Copagandist!: A Resource**
When the cameras stop rolling, reporters leave, and national outrage dies down, activists continue to face legal repression with ongoing safety and security needs. We must center, listen to, and uplift their stories throughout the course of their experience and the resolution of their cases. This requires resourcing groups in a way that recognizes this is long-term work that requires lots of different interventions to adapt to the new ways they are targeted by police and others who oppose their work.

**CENTER AND UPLIFT THE STORIES OF PROTESTERS OF POLICE VIOLENCE**

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for Media on Covering “Crime” and Violence.” Police narratives about crime and violence often become larger narratives about why police need more funding or why efforts to reform or abolish harmful practices are unrealistic or a problem. We encourage our philanthropic partners to shape their funding strategies based on the lived experiences of those most impacted by police violence and the harm caused by criminalization, surveillance, and incarceration.

**VIDEO RECAPS — IN DEFENSE OF THE MOVEMENT**

Choose from a panel of experts to learn more about this topic and how you can engage in supporting this work.

- **Jeree Thomas**, Communities Transforming Policing Fund
- **Lola N’yangou**, Mass Liberation Arizona
- **Brianna Gibson**, The BlackOUT Collective
- **Mara Verheyden-Hillard**, Center for Protest Law and Litigation
- **Nakia Wallace**, CTPF Program Associate & Rai LaNier, Michigan Liberation
- **Rai LaNier**, Michigan Liberation
- **Lorraine Ramirez**, Funders for Justice

To learn more about this topic and how you can engage in supporting this work, reach out to the Communities Transforming Policing Fund Team at ctpf@borealisphilanthropy.org.