THE FIGHT AGAINST SURVEILLANCE: OUR NEIGHBORS, OUR SAFETY

TOOLKIT
As funders aiming to secure safety, self-determination, and freedom for all, the rising threat of surveillance cannot be ignored. The practice is more widespread than ever, and continues to harm communities at the margins, as well as those fighting for justice and liberation. On November 30, 2022, Borealis Philanthropy’s Spark Justice Fund held a teach-in for philanthropy to hear from frontline organizers and activists representing Eye on Surveillance, Mijente, and Surveillance Technology Oversight Project (S.T.O.P.) on various grassroots efforts to combat both mass surveillance and incarceration.

This toolkit provides an overview of learnings from this event and additional resources to help guide funders in their learning journey about the many intersections of surveillance with justice-oriented work.

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Emerging surveillance technologies have become increasingly popular among police departments in the United States over the last few years. Law enforcement has rapidly expanded the use of technologies, including facial recognition software, social media monitors, and other surveillance tools, without much transparency or oversight. With the onset of the COVID-19 pandemic and the racial justice uprisings in 2020—catalyzed by the police murders of George Floyd, Breonna Taylor, and, unfortunately, many other Black and brown community members—surveillance technologies are increasingly and disproportionately targeting and harming Black and brown communities, and organizers fighting for justice and liberation.

Spark Justice Fund is proud and humbled to bolster anti-surveillance organizing in our role as a philanthropic intermediary dedicated to ending mass incarceration and developing alternatives to jail while promoting true community safety. Without swift intervention from philanthropy, we can only expect more invasive surveillance in our lifetimes—and with it, the criminalization of a spectrum of communities, particularly Black, Indigenous, and People of Color; queer and trans folks; and migrants, as well as the exacerbation of our country’s incarceration epidemic.

Here are three things that you can do as a funder today:

1. **EDUCATE YOURSELF** about the depth and breadth of surveillance, and specifically about how it targets marginalized communities fighting for justice and liberation.

2. **DIRECTLY FUND** the grassroots organizations leading anti-surveillance and anti-incarceration work.

3. **PARTNER WITH THE SJF** to sustain and propel the efforts of these activists, agitators, and builders. (To learn more about philanthropic intermediaries and how you can utilize the mechanism of an intermediary to extend the impact of your giving, click here.)

To learn more about partnering with the SJF, contact Maya Berkowitz at mberkowitz@borealisphilanthropy.org and Sade Dumas at sdumas@borealisphilanthropy.org.
THE HISTORY OF SURVEILLANCE

The following is a condensed timeline on the history of surveillance. For a compressive timeline of surveillance technologies, please refer to Borealis Philanthropy’s *Divest From E-Carceration: Combating the Expansion of Surveillance Technology and the Carceral State* toolkit.

The practice of surveillance in the United States dates back to slavery in colonial America. Slavery ensured that black people were the object of surveillance and social control throughout the country. In the South, where slavery was central to the economy, poor and wealthy white men armed with whips and guns policed the surrounding plantations and supplemented the general surveillance sustained by overseers, slaveholding families, and local officials. Charged with the responsibilities of slave management, insurrection suppression, and the maintenance of white racial and social order, slave patrollers served as the premodern predecessors for law enforcement practices that have shaped American history. (SOURCE)

When the Civil War ended, many colonists, especially Southerners, felt threatened by the population of freed Black people, arguing that they would disrupt the social order. As a result, Black communities experienced increased surveillance and violence committed against them. (SOURCE)

During the Reconstruction Era, which came immediately after the Civil War, cruelty was the policing style, and protecting the economic interests of the wealthy proved very beneficial to these units. Police were used to provide a sense of security for white communities, keeping Black communities intimidated and segregated from the white population. (SOURCE)

Known as Jim Crow laws, several legislations were passed to keep Black and white communities segregated, and racist policies were implemented to target and imprison Black communities. (SOURCE)

The formation and growth of federal law enforcement and intelligence agencies such as the FBI, CIA, and NSA institutionalized surveillance were used to silence political dissent by targeting various organizations and individuals.

During the 1950s and 1960s, the FBI tracked civil rights activists through its Racial Matters and *COINTELPRO* programs without clear guidelines to prevent the agency from collecting intimate details about home life and relationships unrelated to law enforcement. While the FBI ended the program in 1971, the extrajudicial targeting of Black communities by federal and local law enforcement and the monitoring of Black Lives Matter protests is the latest example of a troubling pattern of race-based surveillance.

Modern policing incorporates tactics honed during ongoing settler colonialism, genocide, and enslavement, and the purposes remain the same: speculatively criminalizing our identities, banishing us from our homes, and gathering “intelligence” to control our communities. (SOURCE)
Does surveillance combat crime?

Increased police presence via surveillance technologies does not address the root cause of crime. Surveillance technologies create multiple entry points into the criminal punishment system and facilitate the speed, scale, and secrecy with which governments profile, police, and punish. When used by police, such technologies have been shown to target Black, Latine, Arab, Muslim, South Asian, Middle Eastern, and migrant communities, disabled people, low- and no-income, unhoused or precariously housed people, and anyone receiving government benefits or using public service, and do little to meaningfully reduce harm or ensure public safety. Surveillance technologies come at the expense of genuine community and public safety investments.

What is the connection between surveillance and mass incarceration?

Since the late 1960s, local police and courts have been resourced by the government, private benefactors, foundations, and corporations to increase their use of data and surveillance technology to reform and improve their practices. Unfortunately, the result has been the creation and expansion of electronic monitoring, which has expanded mass incarceration. Most municipalities that use electronic monitoring charge the people being supervised. Given the lower incomes of most people entangled within the criminal punishment system, many struggle to keep up with these astronomical fees. In some instances, a person facing the choice of electronic monitoring or incarceration might choose incarceration because it’s cheaper. And even if a person agrees to electronic monitoring to remain in the community, they can still land behind bars because of it. People on electronic monitoring must follow numerous onerous, broad, and ambiguous rules. These restrictions cover many areas, including employment, curfew, and exclusion zones. They even extend to device charging and interactions with friends, family, and community members. The rules also can make it difficult for people to find and keep jobs. And if those on electronic monitoring slip up and fail to follow any one of the rules, they risk punishment, including reincarceration. (SOURCE)

What are the most common forms of surveillance?

The list below is the most common technologies used in the United States—against Black Lives Matters protesters, undocumented immigrants, and all of us—and how these technologies threaten our lives and our civil liberties. NOTE: This list is not comprehensive, and new technologies are being used daily.

AUTOMATED LICENSE PLATE RECOGNITION: Surveillance technology consisting of cameras that capture data about vehicles and their passengers, including the date, time, and location of the picture taken.

BIG DATA: The collection and aggregation of enormous amounts of information that can be processed and analyzed only by powerful computers. Large corporations are amassing personal information about individuals and constructing as detailed as possible profiles with sensitive information, including political opinions, religion, race, and medical conditions. (SOURCE)
**BIOMETRICS:** A biometric is a way to identify someone based on physical characteristics: fingerprints, DNA, retinas, voice, face, or even gait, among others. These simple measurements pose an extraordinary threat to privacy when collected, analyzed, and stored in readily searchable databases. ([Source](#))

**DOMESTIC DRONES:** Deployed without proper regulation, domestic drones equipped with facial recognition software, infrared technology, and speakers capable of monitoring personal conversations would cause unprecedented invasions of our privacy rights. Interconnected drones could enable mass tracking of vehicles and people in wide areas. Tiny drones could go completely unnoticed while peering into the window of a home or place of worship. ([Source](#))

**ELECTRONIC MONITORING DEVICES/E-CARCERATION:** Technology that deprives people of their liberty. There are four major types of devices: 1) GPS ankle devices which track and record a person’s movements in real-time; 2) Radiofrequency (RF) devices, which merely indicate whether a person is at home or not; 3) Cellphone-based apps that track location and other biometrics like heart and respiration rate; 4) Alcohol monitoring devices which record the alcohol content in a person’s perspiration. These are typically used in DUI cases.

**FACIAL RECOGNITION TECHNOLOGY:** Facial recognition systems are built on computer programs that analyze images of human faces to identify them. Unlike many other biometric systems, facial recognition can be used for general surveillance in combination with public video cameras, and it can be used in a passive way that doesn’t require the knowledge, consent, or participation of the subject. ([Source](#))

**FOG REVEAL:** Police have used “Fog Reveal” to search hundreds of billions of records from 250 million mobile devices and harnessed the data to create location analyses known among law enforcement as “patterns of life,” according to thousands of pages of records about the company. ([Source](#))

**LOCATION TRACKING:** Location Tracking technologies can record your every movement, revealing detailed information about how you choose to live your life. Without the right protections, the government can gain access to this information—and your private life—with disturbing ease. ([Source](#))

**POLICE BODY CAMERAS:** Body-worn cameras provide police with a compact tool to systematically and automatically record their field observations and encounters. They can be used for documentation purposes, including interactions with victims.

**RADIO FREQUENCY IDENTITY CHIPS:** Radio frequency identity (RFID) chips are tiny computer chips connected to miniature antennas that can be placed on or in physical objects. They are used in various applications where “contactless” authentication is desired, including toll booths, transit passes, passports, and contactless entry keys. There are two primary areas where RFIDs raise privacy issues: their use in retail and elsewhere in the commercial sector and their direct adoption by the government. In both cases, RFID tags make it possible for governments, stores, and hackers to identify people at a distance and without their knowledge. Anywhere an RFID reader is installed, a person can be identified—and the more readers installed, the more precise that tracking can be. ([Source](#))

**STINGRAY TRACKING DEVICES:** Stingrays, also known as “cell site simulators” or “IMSI catchers,” are invasive cell phone surveillance devices that mimic cell phone towers and send out signals to trick cell phones in the area into transmitting their locations and identifying information. When used to track a suspect’s cell phone, they also gather information about the phones of countless bystanders who happen to be nearby. ([Source](#))

**VIDEO SURVEILLANCE:** Video Surveillance is a centralized, government-run camera system that monitors and records a wide field of view and captures activity.
How are communities harmed by surveillance?

SJF grantees Sam Van Doran and Albert Fox Cahn of S.T.O.P., Lucy Blumberg and Marvin Arnold of Eye on Surveillance, and Jacinta González of Mijente, explored the impact of mass surveillance on marginalized communities at SJF’s November 30 teach-in event:

WATCH: Albert Fox Cahn of S.T.O.P.

“In moments when there is a perception of people not being safe, regardless of the reality, we see politicians quick to turn to these surveillance solution campaigns....we have to work day in and day out to hold elected officials accountable when it comes to these surveillance technologies because, in times of perceived safety, they recognize these as the scams and the boondoggles and the violations of civil rights that they are. But in the moments when perceived crime rises, those are the times when we see a lot of people who would otherwise support us, you know, eager to buy into the surveillance bottom line.”

WATCH: Lucy Blumberg of Eye on Surveillance

“Eye on Surveillance is a really broad coalition, so many folks are working on alternatives to safety—that means true safety for everybody, and that doesn’t rely on surveillance and policing. So our members are working on advocating for better schools, affordable housing, stronger labor protections, and the Universal Basic Income program in New Orleans. More assistance for people who use drugs and all these things that are evidence-based and proven to keep people safe in a way that leads to safety for everybody and not just a veneer of safety for a few.”

WATCH: Jacinta González of Mijente

“When you ask me, what do we need to do this work? Well, I would say one is the connection to the community. There are so many rabbit holes. We could be researching companies and technologies and surveillance for years and years and years, but having connections to communities that are facing surveillance and fighting back against those policing systems makes sure that the work that we’re researching—what we’re trying to come up with—is relevant to how people are feeling.”

ORGANIZATIONS WORKING TO COMBAT SURVEILLANCE

This list includes all current and prior SJF grantee partners that focus on combating surveillance.

Adhikaar
African Communities Together
Arab American Association of New York
Detention Watch Network
Digital Defense Fund
Eye on Surveillance
Immigrant Defense Project
Latino Justice
Lift Louisiana
Mijente
National Advocates for Pregnant Women
Stop LAPD Spying Coalition
Surveillance Technology Oversight Project (S.T.O.P.)
Unlocal
This list includes all Spark Justice Fund grantee partners focusing on ending mass incarceration. Please note that Borealis Philanthropy is connected to—and resources—several other grassroots organizations working on this issue through its eight other values-aligned funds, which you can learn more about [here](#).

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<td>Beyond the Bars</td>
<td>Mass Liberation Nevada (Black Liberation Organizing collective, FS: Tides)</td>
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<td>Black Liberation Organizing Collective Fund</td>
<td>Michigan Liberation Education Fund</td>
<td>The Center for HIV Law and Policy</td>
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<td>CURB</td>
<td>Mijente Support Committee</td>
<td>Tucson Second Chance Community Bail Fund</td>
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<td>Communities for Sheriff Accountability</td>
<td>Nashville Community Bail Fund</td>
<td>VOCAL-NY</td>
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<td>DecARcerate</td>
<td>New Sheriff In Town Fund</td>
<td>Voice of the Experienced (VOTE)</td>
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<td>Decarcerate Sacramento</td>
<td>Ohio Organizing Collaborative</td>
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<td>Emergent Justice</td>
<td>Out for Justice</td>
<td>Youth Art &amp; Self-Empowerment Project (YASP)</td>
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<td>Families for Justice as Healing</td>
<td>People’s Advocacy Institute</td>
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<td>F &amp; L Organizational Support Services (FLOSS)</td>
<td>Power Coalition for Equity and Justice</td>
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<td>Frontline Dads</td>
<td>Restore HER</td>
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<td>Southerners On New Ground (SONG)</td>
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This selection of resources will help you build your understanding of surveillance.  

**NOTE:** This list is not comprehensive, and new resources are being created daily.

**ACRE**  
*21st Century Policing: The Rise and Reach of Surveillance Technology*

**FAST COMPANY**  
*Abortion surveillance tech could create an American refugee crisis*

**DAILY BEAST**  
*Cops Might Already Have Your DNA, Without Your Consent*

**DIGITAL DEFENSE FUND**  
*Crash Course on Surveillance Videos*

**STOP LAPD SPYING COALITION**  
*Defund Surveillance Campaign*

**BOREALIS PHILANTHROPY, COMMUNITIES TRANSFORMING POLICING FUND**  
*Divest From E-Carceration: Combating the Expansion of Surveillance Technology and the Carceral State*

**MOVEMENT FOR BLACK LIVES**  
*End the Surveillance on Black Communities*

**COMMUNITY RESOURCE HUB, COVID19 POLICING PROJECT AND COMMUNITIES TRANSFORMING POLICING FUND**  
*Ensuring Federal Stimulus Funds Support Communities, Not Cops Report*

**Wired**  
*Facebook’s Messaging Encryption Was Built to Fail*

**DIGITAL DEFENSE FUND**  
*Mask On Zone: Anti Surveillance Protest Guide*

**S.T.O.P.**  
*Pregnancy Panopticon: Abortion Surveillance After Roe*

**ACRE**  
*Public Safety is Not for Profit: Taking on ShotSpotter and Surveillance Capitalism*

**ACLU OF LOUISIANA**  
*Six Questions to Ask Before Accepting a Surveillance Technology*

**ACLU OF LOUISIANA**  
*Stop Facial Recognition Petition*

**DETENTION WATCH NETWORK**  
*Stop Repeating History*

**EYE ON SURVEILLANCE**  
*Surveillance and Data Protections Ordinance*

**EYE ON SURVEILLANCE**  
*Surveillance is Trash*

**ELECTRONIC FRONTIER FOUNDATION**  
*Surveillance Self Defense*

**AP NEWS**  
*Tech Tool Offers “Mass Surveillance on a Budget”*

**THE ATLANTIC**  
*The Rise of ‘Luxury Surveillance’*

**STOP LAPD SPYING COALITION**  
*The Surveillance and Policing of Looted Land*

**NY DAILY NEWS**  
*Why is the NYPD hiding its surveillance of BLM?*

**ALBERT FOX CAHN’S TED TALK**  
*Watch: The shift we need to stop mass surveillance*

**BOREALIS PHILANTHROPY, SPARK JUSTICE FUND**  
*Working Against E-Carceration and Electronic Monitoring*

**English Recording Part 1 / Part 2**

**Spanish Recording Part 1 / Part 2**
GLOSSARY OF TERMS

The below terms were mentioned on our call, used in this toolkit, or are relevant to fighting against surveillance and mass incarceration. Our gratitude to the movement for coining and defining the terms shared here.

CRIME: An act or instance considered to be against the morals or laws of society. What is regarded as a crime changes across time and space, sometimes very quickly. Those changes often happen because political forces manipulate public fears instead of responding to the issue. Actions become crimes only after we culturally and legally define them as crimes. Everything that is criminalized isn’t harmful, and everything harmful isn’t criminalized. (SOURCE)

CRIMINALIZATION: The process through which actions become illegal and people become labeled “criminal.” Entire groups of people and communities are criminalized when targeted by police. (SOURCE)

COLONIZATION: Some form of invasion, dispossession, and subjugation of a people. The invasion need not be military; it can begin—or continue—as a geographical intrusion in the form of agricultural, urban, or industrial encroachments. (SOURCE)

COMMUNITY CONTROL: When a community—defined by geographical boundaries, culturally or otherwise—directs the institutions and businesses that affect their lives on how they will meet the community’s needs. In essence, when a local community has control of issues that directly affect their lives, land, and security. (SOURCE)

DEFUND THE POLICE: The movement to shift money away from police budgets towards life-affirming resources and practices that keep communities safe, like access to affordable and safe housing, access to healthy food, quality, and free education, living wage jobs, and transportation. This approach pushes back against the narrative that safety necessitates policing and punishment. (SOURCE)

E-CARCERATION: The use of technology to deprive people of their liberty. Electronic monitors combined with house arrest represent the most prominent and likely punitive form of E-Carceration. (SOURCE)

INCARCERATION: Refers to the state of being in prison or jail. Incarceration was invented to isolate those who have committed a crime; however, confinement is not an appropriate response to crimes or harm since it doesn’t result in rehabilitation or accountability and is a catch-all solution for specific problems with specific systemic roots. Incarceration also negatively impacts people on both sides of prison, jail, and detention center walls. Many people in confinement are denied access to adequate living conditions, medical and mental health care, meaningful education, and legal and religious materials. Upon returning to the community, people face multiple obstacles and a lack of access to community-based reentry services. (SOURCE)

IMPERIALISM: A doctrine, political strategy, practice, state policy, or advocacy that extends power by territorial acquisition or by extending political and economic control outward over other areas. Imperialism often involves using military and economic power and always aims for more expansion and collective or individual domination. (SOURCE)

MASS INCARCERATION: Refers to the reality that the United States criminalizes and incarcerates more of its people than any other country in the history of the world and inflicts enormous harm primarily on the most vulnerable among us: poor Black people. It’s also referred to as a network of policing, prosecution, incarceration, surveillance, debt, and social control rooted in, builds upon, and reproduces economic and racial inequality and oppression. (SOURCE) (NOTE: Some organizers are starting to move away from using the phrase “mass incarceration” because it suggests that there is a “right” amount of incarceration.)

SURVEILLANCE: The observation of people, places, and property. Carceral systems practice surveillance. (SOURCE)