

PRIVATIZING THE SURVEILLANCE STATE

HOW POLICE FOUNDATIONS UNDERMINE RULE OF LAW

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EXECUTIVE SUMMARY

- Police foundations allow police departments to secretly fund controversial programs and equipment.
- Foundations invest in dangerous surveillance tools like predictive policing software, digital surveillance platforms, cellphone hacking devices, and robotic spy dogs.
- Foundations allow departments and officers to accept gifts from contractors in a way that would normally be illegal for city employees.
- Foundations violate good-government standards for city agencies and transparency standards for nonprofit organizations. Ideally, they should be abolished, but at a minimum, cities must end untraceable donations and corporate influence peddling.

I. INTRODUCTION

Nearly every major U.S. city has a police foundation: an unaccountable arm of law enforcement masquerading as a charity. Foundations funnel money from donors to police departments, bypassing democratic oversight by elected officials. Existing and prospective vendors can quietly fund unproven police tools, avoiding accountability requirements and scrutiny from city officials, undermining competitive bidding, and creating massive conflicts of interest.¹

In recent years, police departments have partnered with their foundations to secretly deploy untested technologies, evading budget oversight and even Community Control Over Police Surveillance (CCOPS) laws.² As a NYPD spokesperson put it, foundations “fund things the city can’t fund.”³ Predictive policing software, internet-enabled cameras, and even robotic dogs have all been put into place using the police foundations loophole, disenfranchising voters and their representatives.

II. THE HISTORY OF POLICE FOUNDATIONS

Above the Law

In 1971, the Association for a Better New York (ABNY) launched the country’s first police foundation to bail out the New York City Police Department.⁴ City Hall had cut the NYPD’s budget amidst a citywide financial crisis, closing precincts and taking officers off the streets.⁵ The city’s budget director encouraged the police commissioner to “take advantage of funding sources other than the city.”⁶ Making matters worse, the NYPD was suffering from a deserved reputational crisis.

¹ Ali Winston and Darwin Bond Graham, “Private Donors Supply Spy Gear to Cops,” *ProPublica*, October 13, 2014, <https://www.propublica.org/article/private-donors-supply-spy-gear-to-cops>.

² Stevie DeGroff and Albert Fox Cahn, “New CCOPS on the Beat: An Early Assessment of Community Control of Police Surveillance Laws,” February 10, 2021, <https://www.stopspying.org/ccops>.

³ Laura Nahmias, “Police Foundation Remains a Blind Spot in NYPD Contracting Process, Critics Say,” *Politico*, July 13, 2017, <https://www.politico.com/states/new-york/city-hall/story/2017/07/13/police-foundation-remains-a-blind-spot-in-nypd-contracting-process-critics-say-113361>.

⁴ Technically, the first major police foundation. Two other small cities had foundations before New York City. See Randy K. Lippert and Kevin Walby, *Police Funding, Dark Money, and the Greedy Institution* (New York: Routledge, 2022), <https://www.routledge.com/Police-Funding-Dark-Money-and-the-Greedy-Institution/Lippert-Walby/p/book/9780367766474>.

⁵ Joe Merton, “John Lindsay, the Association for a Better New York, and the Privatization of New York City, 1969-1973,” *Journal of Urban History* 45 (2018): 562.

⁶ Quoted in Merton, “Privatization of New York City,” 562.

Frank Serpico’s 1970 exposé and the ensuing Knapp Commission revealed corruption at every level of the department, from major payoffs to widespread “everyday graft.”⁷

Hoping to improve the city’s business climate, ABNY’s New York City Police Foundation (NYCPF) stepped in with private financing for NYPD programs. In its early years, NYCPF funded “the promotion of police-community relations,” including youth awards, public education campaigns, and ethics trainings.⁸ It also saved pricey programs like the mounted horse unit from the chopping block.⁹

But from its earliest days, private police funding avoided governmental controls and public accountability. The foundation set itself up as an independent body that could serve police wants without following city rules. It circumvented city control by avoiding governmental funding, seeking “as broad powers as possible.”¹⁰ Even though the NYCPF was effectively part of city government, it was classified as an “operating foundation”¹¹—like a library, museum, or zoo—to maximize its powers while minimizing oversight.¹² City agencies may be barred from rewarding tips, but those rules didn’t stop the NYCPF from founding Crime Stoppers, its paid tip line.¹³ Today, the foundation’s funding reaches far beyond the five boroughs, sending officers overseas as part of the NYPD’s “notoriously opaque” International Liaison program.¹⁴ The foundation hides not only how it spends money, but who its donors are. In one extreme case, the NYCPF even failed to publicize a \$1 million gift from the United Arab Emirates (likely intended for the International Liaison program).¹⁵

⁷ Corey Kilgannon, “Whistle-Blower? A Half-Century Ago in N.Y.C., It Was Serpico,” *New York Times*, October 4, 2019, <https://www.nytimes.com/2019/10/04/nyregion/frank-serpico-whistle-blower.html>. As one patrolman put it, he was taking money to look the other way “as routinely as a bus driver accepting a fare.” Quoted in Michael F. Armstrong, *They Wisbed They Were Honest: The Knapp Commission and New York City Police Corruption* (New York: Columbia University Press, 2012), vii.

⁸ Martin Alan Greenberg, *Renaissance Lawman: The Education and Deeds of Eliot H. Lumbard* (Rowman & Littlefield Publishers, 2020), 201.

⁹ Josmar Trujillo, “Do Cops Serve the Rich? Meet The NYPD’s Private Piggy Bank,” *Gothamist*, October 24, 2019, <https://gothamist.com/news/do-cops-serve-the-rich-meet-the-nypds-private-piggy-bank>.

¹⁰ Greenberg, *Renaissance Lawman*, 196.

¹¹ Greenberg, *Renaissance Lawman*, 200.

¹² Greenberg, *Renaissance Lawman*, 196.

¹³ Elizabeth Wolfe, “What is the NYPD Crime Stoppers Hotline?,” *CNN*, April 14, 2022, <https://www.cnn.com/2022/04/13/us/nypd-crime-stoppers-explainer/index.html>. See also Color of Change and LittleSis, “Police Foundations: A Corporate-Sponsored Threat to Democracy and Black Lives,” October 2021, <https://policefoundations.org/wp-content/uploads/2021/10/Color-Of-Change-Report-Police-Foundations-A-Corporate-Sponsored-Threat-to-Democracy-Black-Lives.pdf>

¹⁴ Murtaza Hussain and Eli Clifton, “UAE Gave \$1 Million to NYC Police Foundation; Money Aided ‘Investigations’,” *The Intercept*, April 13, 2015, <https://theintercept.com/2015/04/13/documents-suggest-uae-funding-nypd-intelligence-operations/>.

¹⁵ Hussain and Clifton, “UAE Gave \$1 Million.”

This organizational model is built on conflicts of interest. The NYPD uses its foundation to “wash” donations that can’t be gifted directly to the police. And the gifts appear to pay off. After JP Morgan donated \$4.6 million, the NYPD forced Occupy Wall Street out of Zuccotti Park.¹⁶ After Louis Vuitton made donations, the NYPD cracked down on counterfeit handbags.¹⁷ Coach, Major League Baseball and the Motion Picture Association of America are all donors to the NYCPF, whose contributions go straight to the NYPD’s trademark infringement unit for their undercover purchases of counterfeit CDs, DVDs, clothes and other goods.¹⁸ Rather than avoid such conflicts of interest, the NYCPF has relied on secrecy to hide conflicts from public view.

The Funding Gap Myth

Even as the NYCPF broke every rule for government accountability, it became the model for police foundations across the country. Today, there are more than 250 police foundations in the U.S. and Canada.¹⁹ Major cities like Boston (1993), New Orleans (1995), Los Angeles (1998), and Atlanta (2003) formed police foundations in the 1990s and early 2000s.²⁰ Smaller cities and towns followed suit, with the National Police Foundations Project guiding their first steps, helmed by a former NYCPF President.²¹ Many of these were founded between 2014-2016, countering the Ferguson protests and the rise of Black Lives Matter.²² Americans made historic demands to end police violence and secrecy: instead, they got police foundations.

¹⁶ Bob Hennelly, “New York City’s cycle of police corruption: Do reforms stick, and does it matter?,” *NYN Media*, July 17, 2016, <https://www.nynmedia.com/articles/politics/new-york-city/new-york-city%E2%80%99s-cycle-of-police-corruption-and-reform-do-reforms-stick%2C-and-does-it-matter.html>.

¹⁷ Trujillo, “Do Cops Serve the Rich?”

¹⁸ Kevin Walby, Randy K. Lippert, and Alex Luscombe, “The Police Foundation’s Rise: Implications of Public Policing’s Dark Money,” *British Journal of Criminology* (2017): 836; Color of Change and LittleSis, “Police Foundations: A Corporate-Sponsored Threat to Democracy and Black Lives.”

¹⁹ Saritha Ramakrishna, “Giving Back to Themselves: Police foundations exemplify the logic of racial capitalism,” *The Baffler*, June 22, 2020, <https://thebaffler.com/latest/giving-back-to-themselves-ramakrishna>; Sofia Jarrin, “Police Foundations: Militarizing Communities with Corporate Backing,” August 5, 2020, <https://nonprofitquarterly.org/police-foundations-militarizing-communities-with-corporate-backing/>.

²⁰ “About Us,” Boston Police Foundation, accessed on May 23, 2022, <https://bostonpolicefoundation.org/about-us/>; “Who We Are,” Los Angeles Police Foundation, accessed on May 23, 2022, <https://www.supportlapd.org/who-we-are/>; “The Atlanta Police Foundation,” Atlanta Police Foundation, accessed on May 23, 2022, <https://atlantapolicefoundation.org/historical-society/>; “New Orleans Police and Justice Foundation,” Charity Navigator, accessed on May 23, 2022, <https://www.charitynavigator.org/ein/721311151>.

²¹ Pamela Delaney, “National Police Foundations Project: Establishing Private Sector Partnerships,” *Community Policing Dispatch* 4, no. 6 (June 2011), <https://web.archive.org/web/20161004132957/http://cops.usdoj.gov/html/dispatch/06-2011/NationalPoliceFoundationsProject.asp>.

²² Ramakrishna, “Giving Back to Themselves.”

While police budgets have consistently grown over the last 50 years,²³ the National Police Foundations Project claims that foundations fill crucial gaps in police funding.²⁴ In reality, most cities allocate a whopping 25-40% of their annual budgets to policing.²⁵ The funds raised by NYCPF over 45 years—\$120 million—make up less than 3% of the NYPD’s budget for a *single* year.²⁶ Rather than closing funding gaps, foundations provide a revenue stream for controversial purchases and untested tech without oversight or accountability,²⁷ serving the needs of police departments and corporations rather than those of communities.²⁸

III. POLICE FOUNDATION SURVEILLANCE FUNDING

Police foundations purchase a very wide range of surveillance tools.

Surveillance Centers and Digital Surveillance Platforms

In many U.S. cities, police use surveillance hubs called “real-time crime centers” to collect and analyze data like camera footage, license plate reader data, and gunshot detection alerts.²⁹ Foundations in New York, Los Angeles, Atlanta, Boston, and Philadelphia all worked with their respective police departments to build their surveillance centers.³⁰ Foundations in St. Louis and Philadelphia each contributed \$250,000 toward the digital surveillance platforms used at surveillance centers.³¹ Microsoft partnered with the NYPD more than ten years ago to develop the “Domain

²³ Ramakrishna, “Giving Back to Themselves.” Sinduja Rangarajan, Hannah Levintova, and Laura Thompson, “The Blue Budget: What Cities Spend on Police,” *Mother Jones*, accessed on June 23, 2022, <https://www.motherjones.com/crime-justice/2020/08/the-blue-budget-what-major-cities-spend-on-police>; “City budgets belong to us. How do America’s 300 biggest cities spend our tax dollars?,” Action Center on Race and the Economy, accessed June 23, 2022, <https://costofpolice.org/>.

²⁴ Delaney, “National Police Foundations Project.”

²⁵ Ramakrishna, “Giving Back to Themselves”; Rangarajan, Levintova, and Thompson, “The Blue Budget”; “City budgets belong to us.”

²⁶ Hennelly, “New York’s Cycle of Police Corruption”; Rangarajan, Levintova, and Thompson, “The Blue Budget.”

²⁷ Color of Change and LittleSis, “Police Foundations: A Corporate-Sponsored Threat to Democracy and Black Lives.”

²⁸ Randy K. Lippert and Kevin Walby, *Police Funding, Dark Money, and the Greedy Institution* (Routledge, 2022), 80-83, <https://doi.org/10.4324/9781003167914>.

²⁹ E.S. Levine et al., “The New York City Police Department’s Domain Awareness System,” *Inform Journal on Applied Analytics* 47, no. 1 (2017): <https://pubsonline.informs.org/doi/10.1287/inte.2016.0860>.

³⁰ Pamela Delaney, Joan Brody, and William Andrews, “Investing in Community Safety: A Practical Guide to Forming and Sustaining Police Foundations,” Office of Community Oriented Policing Services, 2014, <https://cops.usdoj.gov/RIC/Publications/cops-p302-pub.pdf>; “New Technology,” Boston Police Foundation, <https://bostonpolicefoundation.org/new-technology/>.

³¹ Brian Robbins, “Police Department Surveillance System Gets Boost from Area Businesses,” *St. Louis Business Journal*, March 15, 2019, <https://www.bizjournals.com/stlouis/news/2019/03/15/police-department-surveillance-system-gets-boost.html>. See also “Supporting Priority Needs of the Philadelphia Police Department,” Philadelphia Police Foundation, 2019, https://phillypolicefoundation.org/wp-content/uploads/PPF-Support-2019_V7_Digital.pdf#page=12.

Awareness System,” a platform that integrates tens of thousands of surveillance cameras, automatic license plate readers (ALPRs), and other data points, powers the NYPD’s facial recognition database, and enables the constant surveillance of New Yorkers.³² The NYPD spends tens of millions of dollars on the DAS annually.³³ Worse yet, Microsoft partners with the NYPD to sell its product elsewhere, and pays New York City a 30% commission each time a new city buys it—like Washington, DC and, thanks to its police foundation, Atlanta.³⁴

Gunshot Detection Tools

Gunshot detection sensors are error-prone sensors that claim to automatically detect gunshots, but which frequently waste officers’ time with false alarms and put Black and Latinx communities at risk.³⁵ Foundations fund these failed systems in droves. Chicago’s police foundation helped purchase the city’s ShotSpotter system,³⁶ which failed miserably and appears to have contributed to the killing of 13-year-old Adam Toledo, whom an officer shot within minutes of a ShotSpotter alert.³⁷ Foundations in Cleveland (\$375,000),³⁸ St. Louis (\$300,000 annually),³⁹ and Boston (unspecified sum)⁴⁰ fund their cities’ ShotSpotter systems. In St. Louis, the city’s police foundation continues to fund the technology even though less than 1% of ShotSpotter alerts yielded enough evidence to file a report.⁴¹

³² Albert Fox Cahn and Will Luckman, “Microsoft needs to stop selling surveillance to the NYPD,” *Fast Company*, July 2, 2020, <https://www.fastcompany.com/90523877/microsoft-needs-to-stop-selling-surveillance-to-the-nypd>.

³³ Cahn and Luckman, “Microsoft Needs to Stop.”

³⁴ Cahn and Luckman, “Microsoft Needs to Stop.” See also Michael Kwet, “The Microsoft Police State: Mass Surveillance, Facial Recognition, and the Azure Cloud,” *The Intercept*, July 14, 2020, <https://theintercept.com/2020/07/14/microsoft-police-state-mass-surveillance-facial-recognition/>.

³⁵ Helen Webley-Brown et al., “ShotSpotter and the Misfires of Gun Detection Technology,” Surveillance Technology Oversight Project, July 14, 2022, <https://www.stopspying.org/shotspotter>.

³⁶ “News,” Chicago Police Foundation, accessed October 2, 2022, <https://chicagopolicefoundation.org/news/>.

³⁷ Chris Mills Rodrigo, “Police Technology Under Scrutiny Following Chicago Shooting,” *The Hill*, April 21, 2021, <https://thehill.com/homenews/state-watch/549612-police-technology-under-scrutiny-following-chicago-shooting/>; Color of Change and LittleSis, “Police Foundations: A Corporate-Sponsored Threat to Democracy and Black Lives”; Joseph M. Ferguson and Deborah Witzburg, “The Chicago Police Department’s Use of ShotSpotter Technology,” City of Chicago Office of Inspector General, OIG File #21-0707, August 24, 2021, <https://igchicago.org/wp-content/uploads/2021/08/Chicago-Police-Departments-Use-of-ShotSpotter-Technology.pdf>. The study documented 244 arrests and 152 recovered guns for 50,176 ShotSpotter alerts.

³⁸ Robert Higgs, “Cleveland Accepts \$375K Grant to Deploy Gunshot Technology,” *GovTech*, August 22, 2019, <https://www.govtech.com/public-safety/Cleveland-Accepts-375K-Grant-to-Deploy-Gunshot-Technology.html>.

³⁹ Erin Heffernan, “St. Louis Technology Detects Lots of Gunfire, but Calls Often Lead to a Dead End,” *St. Louis Post-Dispatch*, May 31, 2021, https://www.stltoday.com/news/local/crime-and-courts/st-louis-technology-detects-lots-of-gunfire-but-calls-often-lead-to-a-dead-end/article_882b0aa5-653c-5657-8410-bd8af2997e21.html.

⁴⁰ “ShotSpotter,” The Official Website of the Boston Police Department, accessed October 7, 2022, <https://bpdnews.com/shot-spotter>.

⁴¹ Erin Heffernan, “St. Louis Technology Detects Lots of Gunfire.”

Social Media Surveillance

70% of U.S. police agencies regularly surveil social media⁴² using tools from companies like Geofeedia, Babel Street, and DigitalStakeout.⁴³ The tools are abused to target BIPOC activists, religious communities, and countless other police targets.⁴⁴ Police foundations from Los Angeles to Kansas City, MO and Greensboro, SC purchased Geofeedia software for their respective police departments.⁴⁵

Police Databases

Police use large, secretive databases to track large number of individuals outside of active criminal investigations. Primarily targeted at Black and Latinx youth, these systems are justified as a way to combat gangs, but they actually increase the risk of false arrest,⁴⁶ reputational ruin, and even deportation.⁴⁷ Police foundations fund such databases in Las Vegas⁴⁸ and Denver.⁴⁹

Cell-Site Simulators

Cell-site simulators (also known as “StingRays” or “ISMI catchers”) mimic cellphone towers, tricking all nearby phones to connect.⁵⁰ Across the country, lawsuits argue that the simulators set up digital

⁴² Marco Poggio, “LAPD Case Sheds Light On Agencies’ Social Media Monitoring,” *Law360*, January 9, 2022, <https://www.law360.com/articles/1450472/lapd-case-sheds-light-on-agencies-social-media-monitoring>.

⁴³ “Map: Social Media Monitoring by Police Departments, Cities, and Counties,” Brennan Center for Justice, July 10, 2019, <https://www.brennancenter.org/our-work/research-reports/map-social-media-monitoring-police-departments-cities-and-counties>.

⁴⁴ Sam Biddle, “Twitter Surveillance Startup Targets Communities of Color for Police,” *The Intercept*, October 21, 2020, <https://theintercept.com/2020/10/21/dataminr-twitter-surveillance-racial-profiling/>.

⁴⁵ “Completed Projects - Helping the Kansas City Police,” Police Foundation of Kansas City, Missouri, accessed October 2, 2022, <https://policefoundationkc.org/completed-projects/>; “Los Angeles Police Foundation Grants,” Brennan Center for Justice, 2014-2016, <https://www.brennancenter.org/sites/default/files/2021-09/E.%20LAPD%20Foundation%20Grants.pdf>.

⁴⁶ Alice Speri, “NYPD Gang Database Can Turn Unsuspecting New Yorkers into Instant Felons,” *The Intercept*, December 5, 2018, <https://theintercept.com/2018/12/05/nypd-gang-database/>.

⁴⁷ Rebecca A. Hufstader, “Immigration Reliance on Gang Databases: Unchecked Discretion and Undesirable Consequences,” *New York University Law Review* 90 (May 2015): 681.

⁴⁸ “Funded Units | Friends of LVMPD Foundation,” Las Vegas Metropolitan Police Department Foundation, <https://lvmpdfoundation.org/programs-we-fund/>; “Gangs Vice Bureau,” Las Vegas Metropolitan Police Department, <https://www.lvmpd.com/en-us/Pages/GangsViceBureau.aspx>.

⁴⁹ “Promoting Officer & Community Safety,” Denver Police Foundation, <https://denverpolicefoundation.org/services/officer-community-safety/>; Hassan Kanu, “D.C.’s Gang Database Highlights Unconstitutional Systems Nationwide,” *Reuters*, January 19, 2022, <https://www.reuters.com/legal/government/dcs-gang-database-highlights-unconstitutional-systems-nationwide-2022-01-19/>.

⁵⁰ “Stingray Tracking Devices: Who’s Got Them?,” American Civil Liberties Union, November 2018, <https://www.aclu.org/issues/privacy-technology/surveillance-technologies/stingray-tracking-devices-whos-got-them>; Moraff, “Will Private Money Take the Sting Out?,” Harvey Gee, “Stingray Cell-Site Simulator Surveillance and the Fourth Amendment in the Twenty-First Century: A Review of The Fourth Amendment in an Age of Surveillance, and Unwarranted,” *St. John’s Law Review* 93, no. 2 (2020), <https://scholarship.law.stjohns.edu/lawreview/vol93/iss2/3>.

dragnets that invade people’s privacy without cause; Supreme Court holdings suggest that warrantless use of simulators is unconstitutional.⁵¹ The LAPD’s foundation spent more than \$347,000 on a StingRay,⁵² later spending more on upgrades to allegedly monitor unhoused people on Skid Row.⁵³

Cell Phone Hacking Devices

GrayKey allows police to hack into encrypted devices, including late-model iPhones.⁵⁴ The San Diego Police Department purchased GrayKey with a police foundation donation.⁵⁵

So-called “predictive policing” tools

Predictive policing software is largely discredited for amplifying the impact of biased policing data to support further over-policing of BIPOC communities.⁵⁶ Produced by companies including IBM,⁵⁷ Microsoft⁵⁸, and Palantir,⁵⁹ predictive policing provides “a ‘scientific’ veneer for racism.”⁶⁰ The Los Angeles Police Foundation purchased Palantir software in 2008,⁶¹ with Palantir later returning the

⁵¹ U.S. v. Jones, 565 U.S. 400 (2012); Carpenter v. United States, 138 S. Ct. 2206 (2018).

⁵² Richard Winton, “Anaheim Police, Sacramento Sheriff Sued over Surveillance Device,” *The Baltimore Sun*, March 10, 2015, <https://www.baltimoresun.com/la-me-l-secret-phone-surveillance-device-20150310-story.html>.

⁵³ Winston and Bond Graham, “Private Donors Supply Spy Gear to Cops.” *See also* Color of Change and LittleSis, “Police Foundations: A Corporate-Sponsored Threat to Democracy and Black Lives.”

⁵⁴ Lorenzo Franceschi-Bicchierai, “This Is the ‘GrayKey 2.0,’ the Tool Cops Use to Hack Phones,” *Vice*, September 30, 2022, <https://www.vice.com/en/article/93an8a/this-is-the-graykey-20-the-tool-cops-use-to-hack-phones>.

⁵⁵ Joseph Cox, “A Police Charity Bought an iPhone Hacking Tool and Gave It to Cops,” *Vice*, September 28, 2020, <https://www.vice.com/en/article/qj4qyp/police-foundation-iphone-graykey-san-diego>.

⁵⁶ Rashida Richardson, Jason M. Schultz, and Kate Crawford, “Dirty Data, Bad Predictions: How Civil Rights Violations Impact Police Data, Predictive Policing Systems, and Justice,” *New York University Law Review* 94 (2019): 15-55.

⁵⁷ “Predictive Crime Fighting,” IBM, accessed October 5, 2022, <https://www.ibm.com/ibm/history/ibm100/us/en/icons/crimefighting>.

⁵⁸ Parul Bhandari, “Predictive Policing : The Future of Law Enforcement,” Microsoft Industry Blogs, March 3, 2016, <https://cloudblogs.microsoft.com/industry-blog/government/2016/03/03/predictive-policing-the-future-of-law-enforcement/>.

⁵⁹ Mana Ahmed, “Aided by Palantir, the LAPD Uses Predictive Policing to Monitor Specific People and Neighborhoods,” *The Intercept*, May 11, 2018, <https://theintercept.com/2018/05/11/predictive-policing-surveillance-los-angeles/>; Ali Winston, “Palantir Has Secretly Been Using New Orleans to Test its Predictive Policing Technology,” *The Verge*, February 27, 2018, <https://www.theverge.com/2018/2/27/17054740/palantir-predictive-policing-tool-new-orleans-nopd>.

⁶⁰ Matthew Guariglia, “Technology Can’t Predict Crime, It Can Only Weaponize Proximity to Policing,” Electronic Frontier Foundation, September 3, 2020, <https://www.eff.org/deeplinks/2020/09/technology-cant-predict-crime-it-can-only-weaponize-proximity-policing>; Davide Castelvecchi, “Mathematicians Urge Colleagues to Boycott Police Work in Wake of Killings,” *Nature*, June 19, 2020, <https://www.nature.com/articles/d41586-020-01874-9>.

⁶¹ Mana Ahmed, “Aided by Palantir, the LAPD Uses Predictive Policing to Monitor Specific People and Neighborhoods,” *The Intercept*, May 11, 2018, <https://theintercept.com/2018/05/11/predictive-policing-surveillance-los-angeles/>; Winston and Bond Graham, “Private Donors Supply Spy Gear to Cops.”

favor, gifting \$10,000 to the foundation.⁶² Palantir piloted its predictive software in New Orleans via a philanthropic relationship with the city's mayor, avoiding the need for city council approval.⁶³

Robot Dogs

In New York City, the NYPD secretly leased a Boston Dynamics robot dog that the Internet dubbed “terrifying”⁶⁴ only to cancel its contract after a “fierce backlash.”⁶⁵ Months later, the Houston Police Department avoided accountability by adopting “Spot” through its police foundation.⁶⁶

Surveillance Cameras

Cameras form the backbone of police surveillance, and police foundations fund every kind, from wireless systems in Los Angeles (at \$20,000 per camera)⁶⁷ to looming “Skywatch” towers in Corpus Christi.⁶⁸ Since 2007, Atlanta's police foundation has funded \$300 million in video surveillance, gathering video feeds from over 10,000 public and private cameras.⁶⁹ This surveillance sprawl secured Atlanta the distinction of being one of the world's ten most surveilled cities,⁷⁰ with taxpayers later picking up the bill for upkeep and upgrades.⁷¹ Police foundations in San Diego, San Jose, Seattle, and Palm Beach all helped fund video surveillance cameras and equipment for their

⁶² Winston and Bond Graham, “Private Donors Supply Spy Gear to Cops.”

⁶³ Ali Winston, “Palantir Has Secretly Been Using New Orleans to Test its Predictive Policing Technology,” *The Verge*, February 27, 2018, <https://www.theverge.com/2018/2/27/17054740/palantir-predictive-policing-tool-new-orleans-nopd>.

⁶⁴ Nik DeCosta-Klipa, “The CEO of Boston Dynamics Says It ‘Really Bothers’ Him When People Call Their Robots ‘Terrifying,’” *Boston.com*, October 28, 2019, <https://www.boston.com/news/technology/2019/10/28/boston-dynamics-robots-terrifying/>.

⁶⁵ Mihir Zaveri, “N.Y.P.D. Robot Dog’s Run Is Cut Short After Fierce Backlash,” *The New York Times*, April 28, 2021, <https://www.nytimes.com/2021/04/28/nyregion/nypd-robot-dog-backlash.html>.

⁶⁶ “SPOT,” Houston Police Foundation, accessed October 1, 2022, <https://www.houstonpolicefoundation.org/funds/spot>.

⁶⁷ “Intradepartmental Correspondence,” Los Angeles Police Department, November 7, 2014, http://www.lapdpolicecom.lacity.org/111814/BPC_14-0400.pdf.

⁶⁸ “Valero Helps C.C. Police Foundation Get Another Skywatch Tower,” KZTV 10 Corpus Christi, August 7, 2018, <https://www.kztv10.com/news/local-news/2018/08/06/valero-helps-c-c-police-foundation-get-another-skywatch-tower/>. See also Color of Change and LittleSis, “Police Foundations: A Corporate-Sponsored Threat to Democracy and Black Lives.”

⁶⁹ Jennifer Brett, “‘Real-Time Crimefighting.’ Around 11,000 Cameras Watch Over Atlanta,” *The Atlanta Journal-Constitution*, November 1, 2019, <https://www.ajc.com/news/local/real-time-crimefighting-around-000-cameras-watch-over-atlanta/qlF76c7sgdwBvtla3luX8H/>.

⁷⁰ Phoebe Zhang, “8 of the 10 Cities with the Most Surveillance Cameras in the World Are in China, and the Other 2 Are in the UK and the US,” *South China Morning Post (Insider)*, August 19, 2019, <https://www.businessinsider.com/most-surveilled-cities-in-the-world-china-london-atlanta-2019-8>. See also Color of Change and LittleSis, “Police Foundations: A Corporate-Sponsored Threat to Democracy and Black Lives.”

⁷¹ Brett, “Real-Time Crimefighting.”

departments.⁷² And foundations aren't limited to purchasing city-owned cameras. In 2019, the Boca Raton, FL police foundation subsidized residents' purchases of Amazon Ring doorbell cameras, expanding civilian-police surveillance partnerships.⁷³ Similarly, the New Orleans Police and Justice Foundation funded a program to tap into businesses' and residents' private surveillance cameras.⁷⁴

Automated License Plate Readers

Automated license plate readers (ALPRs) use software to transform internet-enabled cameras into a logging device for every vehicle that passes by.⁷⁵ ALPRs have been abused to target religious communities,⁷⁶ undocumented individuals,⁷⁷ and BIPOC communities.⁷⁸ The Los Angeles Police Department approached its foundation to request \$500,000 worth of ALPRs, intentionally sidestepping any public hearings on the adoption of this tech.⁷⁹ The LAPD was subsequently sued over its use of ALPRs and refusal to turn over ALPR data.⁸⁰ Kansas City has spent over \$1.2 million dollars of foundation money on ALPRs since 2019,⁸¹ while Atlanta recently augmented its massive

⁷² "San Diego Police Given Surveillance Grant," Security Infowatch, September 11, 2006, <https://www.securityinfowatch.com/video-surveillance/press-release/10557166/the-san-diego-uniontribune-san-diego-police-given-surveillance-grant>; Jodie Wagner, "Extremely Effective": Palm Beach's Camera Surveillance System Helps to Deter, Solve Crimes," *Palm Beach Daily News*, September 27, 2022, <https://www.palmbeachdailynews.com/story/news/local/2022/09/27/palm-beach-police-camera-surveillance-system-helps-deter-crime/10424821002/>; "Forensic Video Acquisition Field Kit," Seattle Police Foundation, <http://www.seattlepolicefoundation.org/foundation-impact/police-service-enhancement-programs/forensic-video-acquisition-field-kit>; Carol Rosen, "San Jose Police Foundation Steps up to Provide Training and Equipment," *The Mercury News*, July 14, 2011, <https://www.mercurynews.com/2011/07/14/san-jose-police-foundation-steps-up-to-provide-training-and-equipment/>.

⁷³ "Boca Raton Police Foundation and 'Ring' Invite Residents to Launch Event for Subsidy Program," Boca Raton Police Foundation, May 14, 2019, <https://bocaratonpolicefoundation.org/boca-raton-police-foundation-and-ring-invite-residents-to-launch-event-for-subsidy-program/>.

⁷⁴ Lippert and Walby, *Police Funding, Dark Money*.

⁷⁵ Ayyan Zubair, "Automated License Plate Readers & Law Enforcement," Surveillance Technology Oversight Project, July 5, 2019, <https://static1.squarespace.com/static/5c1bfc7ee175995a4ceb638/t/5d31cb7633ae9b0001daa968/1563544439118/ALPRs-STOP.pdf>.

⁷⁶ Angel Diaz and Rachel Levinson-Waldman, "Automatic License Plate Readers: Legal Status and Policy Recommendations for Law Enforcement Use," Brennan Center for Justice, September 10, 2020, <https://www.brennancenter.org/our-work/research-reports/automatic-license-plate-readers-legal-status-and-policy-recommendations>.

⁷⁷ Zubair, "Automated License Plate Readers."

⁷⁸ Diaz and Levinson-Waldman, "Automatic License Plate Readers."

⁷⁹ Christopher Moraff, "Will Private Money Take the Sting Out of Obama's Police Demilitarization?," *Next City*, May 16, 2015, <https://nextcity.org/urbanist-news/private-money-police-foundations-obama-police-demilitarization>.

⁸⁰ Moraff, "Will Private Money Take the Sting Out?"

⁸¹ "Completed Projects - Helping the Kansas City Police," Police Foundation of Kansas City, <https://policefoundationkc.org/completed-projects/>.

camera system with over \$1.5 million of foundation-funded ALPR cameras.⁸² ALPR gifts aren't limited to large cities, either: even Paducah, KY received ALPR grants from its foundation.⁸³

Police Body Cameras

Body-worn cameras (“body cams”) give police departments another powerful form of surveillance, allowing officers to memorialize every encounter they choose to record with the public. The cameras reinforce police narratives by letting officers control whether videos are publicized or hidden.⁸⁴ Body cams have been a particularly popular funding target for police foundations. Kansas City, MO,⁸⁵ Omaha, NE,⁸⁶ Charlotte, NC,⁸⁷ and Riverton, WY⁸⁸ have all purchased body cams for their officers, with some spending millions for the technology. The NYCPF funded a pilot of VieVu and Taser (now Axon) body cams.⁸⁹ The companies later secured \$6 million and \$55 million in NYPD contracts, respectively.⁹⁰

⁸² “Citywide Security Camera Program Approval of Multi-TAD Grant,” Invest Atlanta, 2021, [https://go.boarddocs.com/ga/investatlanta/Board.nsf/files/BZVJTK4EBC76/\\$file/ADA%20-%20APF%20Security%20Cameras%20in%20Seven%20TADs%20v.4.pdf](https://go.boarddocs.com/ga/investatlanta/Board.nsf/files/BZVJTK4EBC76/$file/ADA%20-%20APF%20Security%20Cameras%20in%20Seven%20TADs%20v.4.pdf); Tom Chandler, “Atlanta is getting more license plate readers,” *The Georgia Sun*, April 23, 2021, <https://thegeorgiasun.com/2021/04/23/atlanta-is-getting-more-license-plate-readers/>.

⁸³ Leah Shields and Justin Jones, “Local Police Department’s New Tool Reads License Plates Automatically,” WPSD Local 6, July 7, 2018, https://www.wpsdlocal6.com/news/kentucky-news/local-police-department-s-new-tool-reads-license-plates-automatically/article_20a0ef2f-b52d-5635-b0a2-05660216b62d.html. See also Color of Change and LittleSis, “Police Foundations: A Corporate-Sponsored Threat to Democracy and Black Lives.”

⁸⁴ Albert Fox Cahn, “How Bodycams Distort Real Life,” *New York Times*, August 8, 2019, <https://www.nytimes.com/2019/08/08/opinion/bodycams-privacy.html>.

⁸⁵ “Meeting the Need,” Police Foundation of Kansas City, March 12, 2021, <https://policefoundationkc.org/meeting-the-need/>.

⁸⁶ “Accomplishments,” Omaha Police Foundation, <https://omahapolicefoundation.org/accomplishments/>.

⁸⁷ “CMPD Chief Monroe Will Use Private Donations to Fund Body Cameras,” WBTV, May 8, 2014, <https://www.wbvtv.com/story/25458284/cmpd-chief-monroe-will-use-private-donations-to-fund-body-cameras>.

⁸⁸ Savannah Maher, “Riverton Police Officers To Wear Body Cameras After September Shooting,” Wyoming Public Media, December 13, 2019, <https://www.wyomingpublicmedia.org/politics/2019-12-13/riverton-police-officers-to-wear-body-cameras-after-september-shooting>

⁸⁹ Nahmias, “Police Foundation Remains a Blind Spot”; J. David Goodman, “New York Police Officers to Start Using Body Cameras in a Pilot Program,” *New York Times*, September 4, 2014, <https://www.nytimes.com/2014/09/05/nyregion/new-york-police-officers-to-begin-wearing-body-cameras-in-pilot-program.html>.

⁹⁰ CheckbookNYC, accessed August 17, 2022, https://www.checkbooknyc.com/smart_search/citywide?search_term=viewu!*domain=contracts; CheckbookNYC, accessed August 17, 2022, https://www.checkbooknyc.com/smart_search/citywide?search_term=axon!*domain=contracts!*agency_name=police%2Bdepartment.

Drones and Spy Planes

As of 2022, nearly 1,200 U.S. police departments fly drones, exposing millions to suspicionless spying.⁹¹ Foundations fund drones from Kansas City, MO⁹² to Chula Vista, CA⁹³ to Philadelphia.⁹⁴ After one billionaire couple heard about a spy plane on a podcast, they decided to fund a trial with any amenable department, eventually landing on Baltimore.⁹⁵ Though Baltimore had shuttered its police foundation after its founder was caught up a corruption scandal, the Baltimore Community Foundation continued to funnel private donations to police.⁹⁶ The foundation used the couple's funds to quietly launch an around-the-clock spy plane, secretly taking millions of photos for months.⁹⁷

Other Purchases

These known surveillance purchases appear to be the tip of a largely invisible iceberg. While almost 76% of police foundations fund police technology—including cameras, ALPRS, and software—only a relative handful of such purchases are publicly disclosed.⁹⁸ Instead, police foundations opt to highlight uncontroversial purchases like youth programs and PPE equipment.⁹⁹

⁹¹ Matthew Guariglia, “How Are Police Using Drones?” Electronic Frontier Foundation, January 6, 2022, <https://www.eff.org/deeplinks/2022/01/how-are-police-using-drones>.

⁹² “Completed Projects - Helping the Kansas City Police,” Police Foundation of Kansas City, <https://policefoundationkc.org/completed-projects/>.

⁹³ Jesse Marx, “Chula Vista Is Building a Real-Time Crime Center,” *Voice of San Diego*, September 2, 2021, <http://voiceofsandiego.org/2021/09/02/chula-vista-is-building-a-real-time-crime-center/>.

⁹⁴ “ALMOST \$1.5 MILLION FOR PPD NEEDS IN THE LAST 3 YEARS,” Philadelphia Police Foundation, November 30, 2019, <https://web.archive.org/web/20191130222636/https://phillypolicefoundation.org/>.

⁹⁵ Lippert and Walby, *Police Funding, Dark Money*.

⁹⁶ Lippert and Walby, *Police Funding, Dark Money*.”

⁹⁷ Lippert and Walby, *Police Funding, Dark Money*. See also, Color of Change and LittleSis, “Police Foundations: A Corporate-Sponsored Threat to Democracy and Black Lives.”

⁹⁸ Jessica L. Herbert, Alexandria Corona, Joan Brody, and Theron L. Bowman, “Positive Community-Police Engagement Report: Exploring the Role of Police Foundations in Supporting Community-Police Engagement,” Las Vegas Metropolitan Police Department Foundation, 2021, https://policefoundationreport.org/wp-content/uploads/2021/02/PCPE_Report_2-22-21.pdf

⁹⁹ “The NYPD and New York City Police Foundation Announce the Purchase of 150,000 units each of Masks, Gloves and Packets of Hand Sanitizer for the New York City Police Department,” New York Police Department, March 31, 2020, <https://www1.nyc.gov/site/nypd/news/pr0331/the-nypd-new-york-city-police-foundation-the-purchase-150-000-units-each-masks->

IV. CONFLICTS OF INTEREST

Police foundation donations aren't selfless charity. In fact, some lead to multimillion dollar contracts. After courts ordered that the NYPD test body cameras in 2013, the NYCPF rushed to fund a \$60,000 pilot of Taser (now Axon) and VieVu body cameras.¹⁰⁰ Both Taser and VieVu then gifted body cameras via the foundation, with Taser kicking in cash as well.¹⁰¹ Soon after, the NYPD forced a \$6.4 million contract for VieVu body cameras over objections from the Comptroller, the city's fiscal watchdog.¹⁰² The NYPD later switched to Taser body cameras, spending \$54 million more.¹⁰³

Many other tech companies that donate to the NYCPF also earn back their donations and millions more in contracts with the NYPD and NYC's citywide technology office.¹⁰⁴ IBM, for example, has \$78 million in total active NYPD contracts.¹⁰⁵ Motorola Solutions, which supplies law enforcement with automated license plate readers and facial-recognition equipped cameras, has \$256 million in active NYPD contracts.¹⁰⁶ Verizon, which supplies "surveillance-as-a-service" and other surveillance tools to police,¹⁰⁷ holds \$1.85 billion in active citywide contracts.¹⁰⁸ The list goes on and on, and

¹⁰⁰ Nahmias, "Police Foundation Remains a Blind Spot"; Goodman, "New York Police Officers to Start Using Body Cameras."

¹⁰¹ Nahmias, "Police Foundation Remains a Blind Spot."

¹⁰² Murray Weiss and James Fanelli, "NYPD to Buy Body Cameras From Controversial Maker, Defying Comptroller," DNAINFO New York, February 8, 2017, <https://www.dnainfo.com/new-york/20170208/civic-center/nypd-body-cameras-comptroller-office-viewu-contract>. See also Laura Nahmias, "Winning Bid for NYPD Body Camera Contract Comes Under Lobbying Attack," *Politico*, October 6, 2016, <https://www.politico.com/states/new-york/city-hall/story/2016/10/the-lobbying-war-behind-the-nypds-body-camera-contract-106117>; CheckbookNYC, accessed August 17, 2022, https://www.checkbooknyc.com/smart_search/citywide?search_term=viewu!*domain=contracts.

¹⁰³ CheckbookNYC, accessed August 17, 2022, https://www.checkbooknyc.com/smart_search/citywide?search_term=axon!*domain=contracts!*agency_name=police%2Bdepartment.

¹⁰⁴ Citywide contracts are contracts with the New York City Department of Information Technology and Telecommunications (DoITT). In January 2022, DoITT was absorbed into the new Office of Technology and Innovation. For a list of NYCPF donors, see, for example, the 2019 NYC Police Foundation Gala Journal, available online at <http://journal.nycpolicefoundation.org/inc/html/161.html?page=88> (last accessed October 26, 2022).

¹⁰⁵ For donation, see 2019 NYCPF Gala Journal. For contracts, see Checkbook NYC, accessed December 1, 2022, https://www.checkbooknyc.com/spending_landing/yeartype/B/year/123/agency/51/vendor/7706.

¹⁰⁶ For donation, see 2019 NYCPF Gala Journal. For contracts, see Checkbook NYC, accessed September 30, 2022, <https://www.checkbooknyc.com/contract/all/transactions/contstatus/A/contcat/all/doctype/MMA1~MA1~CTA1~CT1~DO1~RCT1/vendornm/Motorola>.

¹⁰⁷ "Verizon Intelligent Video And Smart Surveillance," Verizon, accessed October 1, 2022, <https://www.verizon.com/business/resources/articles/verizon-intelligent-video-and-smart-surveillance/>.

¹⁰⁸ For donation, see 2019 NYCPF Gala Journal. For contracts, see CheckbookNYC, accessed September 30, 2022, https://www.checkbooknyc.com/smart_search/citywide?search_term=Verizon!*domain=contracts!*agency_name=department%2Bof%2Binformation%2Btechnology%2Band%2Btelecommunications!*contract_status=active.

includes AT&T (\$61.49 million in active citywide contracts);¹⁰⁹ ShotSpotter (over \$55 million in contracts);¹¹⁰ and Palantir (estimated \$17.5 million in past NYPD contracts).¹¹¹

Without police foundations, many police officials would be barred from taking gifts from vendors as an actual or perceived conflict of interest.¹¹² Individual officers are typically barred from accepting gifts: the NYPD Patrol Guide, for example, forbids officers from accepting almost all gifts from vendors apart from commemorative plaques, pens, and comparable items.¹¹³ On the occasion that police departments do directly receive gifts, they are supposed to take extensive steps to document the lack of a *quid pro quo* arrangement.¹¹⁴

Police foundations sidestep these restrictions as non-governmental charities—cutting “all the red tape,” in the words of one foundation president.¹¹⁵ Not only are charities exempt from police conflict of interest rules, they are not required to report the names of their donors,¹¹⁶ and many police foundations have responded with silence or outright hostility when asked.¹¹⁷ Beginning in summer 2020, amidst renewed calls for police accountability, many police foundations removed

¹⁰⁹ For donation, see 2019 NYCPF Gala Journal. For contracts, see CheckbookNYC, accessed September 30, 2022, <https://www.checkbooknyc.com/contract/spending/transactions/contnum/CT185820161410248/status/A/contstatus/A/cagency/123/yeartype/B/year/120/syear/120/doctype/CT1~CTA1~MA1/contcat/expense/smnid/366/newwindow>.

¹¹⁰ For donation, see “NYC Police Foundation Gala Co-Chairs 2017-2019,” LitteSis, accessed October 20, 2022, <https://littlesis.org/lists/2807-nyc-police-foundation-gala-co-chairs-2017-2019/members>. For contracts, see CheckbookNYC, accessed September 30, 2022, https://www.checkbooknyc.com/smart_search/citywide?search_term=shotspotter!*domain=contracts.

¹¹¹ For NYCPF donation, see Nahmias, “Police Foundation Remains a Blind Spot.” Emily Hockett, “Palantir Contract Dispute Exposes NYPD’s Lack of Transparency,” Brennan Center for Justice, July 20, 2017, <https://www.brennancenter.org/our-work/analysis-opinion/palantir-contract-dispute-exposes-nypds-lack-transparency>.

¹¹² Daniel Fridman and Alex Luscombe, “Gift-Giving, Disreputable Exchange, and the Management of Donations in a Police Department,” *Social Forces* 96, no. 2 (December 1, 2017): 507–28, <https://doi.org/10.1093/sf/sox063>.

¹¹³ “Patrol Guide,” New York City Police Department, accessed August 17, 2022, http://www.nyc.gov/html/nypd/downloads/pdf/public_information/public-pguide1.pdf#page=120.

¹¹⁴ Daniel Fridman and Alex Luscombe, “Gift-Giving, Disreputable Exchange.”

¹¹⁵ Kandyce Fernandez and Joannie Tremblay-Boire, “Raising Money for Government and Connecting Community: The Isomorphic Rise of Nonprofit Police Foundations Across the U.S.,” *Public Performance & Management Review* 44, no. 6 (2021): 1428; Ali Winston and Darwin Bond Graham, “Private Donors Supply Spy Gear to Cops,” *ProPublica*, October 13, 2014, <https://www.propublica.org/article/private-donors-supply-spy-gear-to-cops>.

¹¹⁶ Molly Redden, “Police Foundations And Their Corporate Donors Give Cops Secret Slush Funds,” Huff Post, June 25, 2020, https://www.huffpost.com/entry/police-foundations-corporate-donors-secret-funds_n_5ef4d6bec5b643f5b230e0d0; “Public Disclosure and Availability of Exempt Organizations Returns and Applications: Contributors’ Identities Not Subject to Disclosure,” IRS, accessed May 20, 2022, <https://www.irs.gov/charities-non-profits/public-disclosure-and-availability-of-exempt-organizations-returns-and-applications-contributors-identities-not-subject-to-disclosure>. “Financial Transparency,” National Council of Nonprofits, accessed May 23, 2022, <https://www.councilofnonprofits.org/tools-resources/financial-transparency#:~:text=Leaders%20of%20charitable%20nonprofits%20know,a%20nonprofit%20with%20each%20contribution.https://www.irs.gov/charities-non-profits/public-disclosure-and-availability-of-exempt-organizations-returns-and-applications-contributors-identities-not-subject-to-disclosure>

¹¹⁷ Kevin Walby, Randy K. Lippert, and Alex Luscombe, “The Police Foundation’s Rise: Implications of Public Policing’s Dark Money,” *British Journal of Criminology* (2017): 835.

public lists of board members (key fundraisers) from their websites.¹¹⁸ Foundations even leave this information off of their public tax filings: New York and LA's police foundations redact donor names and contribution amounts from their IRS forms as "Restricted."¹¹⁹

Meanwhile, foundations leverage their charitable status to offer secretive access to police leadership... for a price. At their big-ticket galas, surveillance vendors and other foundation donors pay for access to top brass, ranging from \$100,000 in New York,¹²⁰ to \$50,000 in Atlanta¹²¹ and St. Paul,¹²² \$35,000 in Houston,¹²³ and \$15,000 to \$30,000 in Las Vegas.¹²⁴ Private access to leadership is often sold at a premium, as in St. Louis, where a group "Breakfast with the Chief" costs \$2,500 but "private lunch" costs ten times as much.¹²⁵ Donors to the NYCPF's "Commanding Officer for an Evening" events can spend quality time with high-ranking NYPD officers, "visit[ing] precinct station houses and observ[ing] the workings of the counterterrorism division."¹²⁶ A New York Times analysis showed that 40% of these policing-for-fun participants write checks to the foundation.¹²⁷

Again and again, facetime with police decisionmakers can be bought with a donation to the foundation. And decisionmakers stand to benefit personally from cultivating these contacts. Though patrol guides forbid officers from helping companies where they have a potential interest,¹²⁸ some

¹¹⁸ Color of Change and LittleSis, "Police Foundations: A Corporate-Sponsored Threat to Democracy and Black Lives," October 2021, <https://policefoundations.org/wp-content/uploads/2021/10/Color-Of-Change-Report-Police-Foundations-A-Corporate-Sponsored-Threat-to-Democracy-Black-Lives.pdf>. See also Donald Shaw, "Police Foundations Scrub Corporate Partners and Board Members From Their Websites," *Sludge*, June 30, 2020, <https://readsludge.com/2020/06/30/police-foundations-scrub-corporate-partners-and-board-members-from-their-websites/>.

¹¹⁹ "Form 990, Los Angeles Police Foundation," Internal Revenue Service, 2020, <https://pdf.guidestar.org/PDF/Images/2020/954/700/2020-954700442-202133149349307503-9.pdf>; "Form 990, New York City Police Foundation," Internal Revenue Service, 2020, <https://pdf.guidestar.org/PDF/Images/2020/132/711/2020-132711338-202111329349305181-9.pdf>.

¹²⁰ "2022 Gala Benefits," New York City Police Foundation, accessed May 10, 2022, <https://www.nycpolicefoundation.org/gala/benefits/>.

¹²¹ "2022 Signature Event Sponsorship," Atlanta Police Foundation, accessed September 16, 2022, <https://atlantapolicefoundation.org/wp-content/uploads/2022/04/2022-APF-A-Night-in-Blue-Sponsorship.pdf>.

¹²² "2022 Blue Nite Gala," St. Paul Police Foundation, accessed August 17, 2022, <https://www.stpaulpolicefoundation.com/gala>.

¹²³ "Events," Houston Police Foundation, accessed September 16, 2022, <https://www.houstonpolicefoundation.org/events/thirteenth-annual-true-blue-gala>.

¹²⁴ "Sponsorship Package, Lunch with the Sheriff," Las Vegas Metropolitan Police Department Foundation, accessed September 16, 2022, https://3v5cz12c5w662u64am136lbg-wpengine.netdna-ssl.com/wp-content/uploads/2022/07/LWTS_Sponsorship-Package.pdf.

¹²⁵ "Breakfast with the Chief," St. Louis Police Foundation, accessed August 17, 2022, <https://www.stlouispolicefoundation.org/events/2022-breakfast-with-the-chief/>. See also Color of Change and LittleSis, "Police Foundations: A Corporate-Sponsored Threat to Democracy and Black Lives," October 2021, <https://policefoundations.org/wp-content/uploads/2021/10/Color-Of-Change-Report-Police-Foundations-A-Corporate-Sponsored-Threat-to-Democracy-Black-Lives.pdf>.

¹²⁶ Michael S. Schmidt, "After a Peek at the Police Dept., a Thanks with a Check," *New York Times*, April 26, 2010, <https://www.nytimes.com/2010/04/27/nyregion/27foundation.html>.

¹²⁷ Schmidt, "Thanks with a Check."

¹²⁸ "Patrol Guide," New York Police Department.

top brass land lucrative positions at donor companies after they leave the force: former NYPD Police Commissioner William Bratton, for example, is a Board Director at ShotSpotter, a NYCPF donor and NYPD vendor.¹²⁹

V. EVADING ACCOUNTABILITY

After Minneapolis police officers' murder of George Floyd in May 2020, calls for police accountability¹³⁰ and divestment from police foundations grew.¹³¹ Police spending is often opaque¹³² and unaccountable,¹³³ but foundations make matters far worse. In contrast to private foundations, police department budgeting must generally meet some minimal standards for public disclosure, public hearings, and approval by elected officials.¹³⁴ Police budgets can hide many expenses, but departments typically must publicize and use competitive bidding for large contracts¹³⁵ to help prevent the most egregious procurement abuses.¹³⁶

Increasingly, municipalities also subject their agencies to Community Control Over Police Surveillance (CCOPS) laws,¹³⁷ which mandate public notice of surveillance purchases and, in some cases, prior approval from civilian officials for any new technologies.¹³⁸ Some cities, such as Cambridge, MA, apply CCOPS restrictions to in-kind donations as well.¹³⁹

¹²⁹ "Press Release: William J. Bratton Joins ShotSpotter's Board of Directors," ShotSpotter, November 15, 2017, <https://www.shotspotter.com/press-releases/william-j-bratton-joins-shotspotters-board-of-directors/>.

¹³⁰ Andy Mannix and Liz Navratil, "A year after George Floyd's death, seeking a new direction for policing," PBS, May 22, 2021, <https://www.pbs.org/wgbh/frontline/article/a-year-after-george-floyds-death-seeking-a-new-direction-for-policing/>.

¹³¹ Shaw, "Police Foundations Scrub Corporate Partners."

¹³² Sidney Fussell, "The NYPD Had a Secret Fund for Surveillance Tools," *Wired*, August 10, 2021, <https://www.wired.com/story/nypd-secret-fund-surveillance-tools>.

¹³³ See discussion of VieVu's deal with the NYPD, Section IV.

¹³⁴ See, for example, "Understanding New York City's Budget: A Guide," New York City Independent Budget Office, July 2021, <https://www.ibo.nyc.ny.us/iboreports/understandingthebudget.pdf>.

¹³⁵ Richard O. Duvall, Terry L. Elling and Timothy J. Taylor, "Public Procurement in the United States: Overview," Thomson Reuters Practical Law, March 2, 2013, <https://content.next.westlaw.com/practical-law/document/I2ef1290d1ed511e38578f7ccc38dcbee/Public-procurement-in-the-United-States-overview?transitionType=Default&contextData=%28sc.Default%29&firstPage=true&viewType=FullText>.

¹³⁶ "Competition in Contracting," Data Lab,

¹³⁷ "Community Control Over Police Surveillance," American Civil Liberties Union, accessed August 17, 2022, <https://www.aclu.org/issues/privacy-technology/surveillance-technologies/community-control-over-police-surveillance?redirect=feature/community-control-over-police-surveillance>.

¹³⁸ Int. 0487-2018, New York City Council, accessed October 7, 2022, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3343878&GUID=996ABB2A-9F4C-4A32-B081-D6F24AB954A0>.

¹³⁹ Chapter 2.128, Surveillance Technology Ordinance, City of Cambridge, Massachusetts Code of Ordinances, https://library.municode.com/ma/cambridge/codes/code_of_ordinances?nodeId=TIT2ADPE_CH2.128SUTEOR.

Compared to police departments, police foundation “budgeting” is even more lax. One board member described how an unnamed foundation decided to fund programs:

There’s 16 or 18 of us sitting around the boardroom table, just like any [...] business presentation where you’re trying to sell [...] your idea. [...] one presentation after the other [...] the guys are asking for a lot of money.... By the time the afternoon’s over, we’ve allocated 500,000 dollars, boom, done.¹⁴⁰

In another instance, a police foundation donated \$300,000 for a single police purchase after a board member lunched with the police chief and asked, “What do you need that you don’t have?”¹⁴¹ Foundations sometimes decide what police need first, and then go to deep-pocketed donors to get it, as the Los Angeles Police Foundation (LAPF) did when it solicited Target for \$200,000 to buy Palantir software.¹⁴² Foundations are typically made up of business leaders, not public safety experts, yet they wield immense decision-making power with zero oversight.

While charitable organizations typically make their finances transparent both to comply with ethical best practices and to secure public support, police foundations leverage charities’ lax reporting requirements to mask their spending choices.¹⁴³ Consider the LAPF’s 2020 Form 990, which discloses a single grant of over \$7.25 million to “assist the LAPD with resources not available through the city budget in areas of equipment and technology upgrades, specialized training, community outreach and youth programs.”¹⁴⁴ On its 2019 filing, the Seattle Police Foundation reported three-quarters of a million dollars in grants to the Seattle police to “support officers and department.”¹⁴⁵ Atlanta’s 2020 filing mentions a single grant totaling over \$6 million to “[s]upport APD/Public safety in Atl.”¹⁴⁶ Tax filings like these mean that the public simply can’t see what foundations are giving or getting.

¹⁴⁰ Walby, Lippert, and Luscombe, “The Police Foundation’s Rise,” 139.

¹⁴¹ Walby, Lippert, and Luscombe, “The Police Foundation’s Rise,” 137.

¹⁴² Winston and Bond Graham, “Private Donors Supply Spy Gear to Cops.” *See also* Color of Change and LittleSis, “Police Foundations: A Corporate-Sponsored Threat to Democracy and Black Lives,” October 2021, <https://policefoundations.org/wp-content/uploads/2021/10/Color-Of-Change-Report-Police-Foundations-A-Corporate-Sponsored-Threat-to-Democracy-Black-Lives.pdf>.

¹⁴³ “Ethical Fundraising,” National Council of Nonprofits, accessed August 19, 2022, <https://www.councilofnonprofits.org/tools-resources/ethical-fundraising>.

¹⁴⁴ “Form 990, Los Angeles Police Foundation.”

¹⁴⁵ “Form 990, Seattle Police Foundation,” Internal Revenue Service, 2019, <https://pdf.guidestar.org/PDF/Images/2019/912/171/2019-912171529-202043149349304069-9.pdf>.

¹⁴⁶ “Form 990, Atlanta Police Foundation,” Internal Revenue Service, 2020, <https://pdf.guidestar.org/PDF/Images/2020/113/655/2020-113655936-202123159349302922-9.pdf>.

VI. RECOMMENDATIONS

Police foundations should not be allowed to fund governmental surveillance programs while evading public accountability. Allowing private patrons to subsidize pet policing projects will inevitably create conflicts of interest that distort departments' priorities and erode good governance practices and the rule of law. While there may be a role for truly philanthropic activity from such foundations—such as aiding families of fallen officers and providing scholarships—donations toward such programs must be subjected to the same transparency and conflicts of interest policies that would apply if they were gifted directly to a department.

Police departments generally vet and document all direct donations, rejecting inappropriate gifts and memorializing donor expectations.¹⁴⁷ Such practices are even more critical with police foundations. Cities should subject foundation gifts to city conflicts of interest policies, barring “untraceable money.”¹⁴⁸ Foundations should log donors' identities, known conflicts of interest, and the purpose of gifts or the nature of in-kind donations. The public should be able to see foundations' business history, revenue sources, risk factors, and endowment investments.¹⁴⁹ New York City took a small step in this direction in summer 2022, when it introduced a bill requiring the NYPD to identify donors who give one million dollars or more and to name the programs they fund.¹⁵⁰ But there's no reason why foundations shouldn't be held *fully* to the same standards that city employees must follow.

Localities should also apply state Freedom of Information Laws (FOIL) to foundations just as they do to police departments.¹⁵¹ Gifts should never be less visible to the public because they are laundered through foundations rather than given directly to departments. Because foundations are misclassified as charities, they can currently exploit ambiguities in nonprofit law and evade FOIL. In

¹⁴⁷ See section IV of this report.

¹⁴⁸ Randy K. Lippert and Kevin Walby, *Police Funding, Dark Money, and the Greedy Institution* (New York: Routledge, 2022), <https://www.routledge.com/Police-Funding-Dark-Money-and-the-Greedy-Institution/Lippert-Walby/p/book/9780367766474>.

¹⁴⁹ Clara Miller, “If Foundations Want to Encourage Transparency, They Should Look in the Mirror,” *The Chronicle of Philanthropy*, September 28, 2022, https://www.philanthropy.com/article/if-foundations-want-to-encourage-transparency-they-should-look-in-the-mirror?utm_source=Iterable&utm_medium=email&utm_campaign=campaign_5187710_nl_Philanthropy-Today_date_20220928&cid=pt&source=&sourceid=&cid2=gen_login_refresh.

¹⁵⁰ Int. 0638-2022, New York City Council, accessed October 7, 2022, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5755069&GUID=B2A8438C-77D2-4AE1-9DB4-66AC11D37874&Options=ID|Text|&Search=>.

¹⁵¹ “Police Foundations: A Corporate-Sponsored Threat to Democracy and Black Lives” (Color of Change, October 2021), <https://policefoundations.org/wp-content/uploads/2021/10/Color-Of-Change-Report-Police-Foundations-A-Corporate-Sponsored-Threat-to-Democracy-Black-Lives.pdf>.

addition to complying with FOIL requests, police foundations should proactively disclose donors and financial performance, just like a city agency or public company would.¹⁵²

Of course, retrospective reporting only can identify waste, fraud, and abuse after the damage is done. Cities should require prior approval for foundation gifts, just as they do with direct gifts to departments. Cities should block foundation funding and in-kind donations for activities that require civilian approval when funded directly. Specifically, cities with CCOPS ordinances should apply such laws to all foundation purchases of surveillance technology. Lastly, legislators must include foundations as part of their routine oversight of a police department’s activities, including budget hearings and investigations.¹⁵³ Funding decisions made during a private lunch or board meeting—especially those concerning deadly policing technologies—must end.

VII. CONCLUSION

There’s no place for police foundations in a just city. For too long, they have funneled unaccountable dollars and deadly surveillance technologies to police departments under the cover of their supposedly charitable missions. If police foundations continue to serve corporate and police interests, rather than the public good, they should be dissolved. At a minimum, these black boxes of corporate cash must be held to the same good-government and transparency standards as city agencies.

¹⁵² “Form 10-K,” U.S. Securities and Exchange Commission, <https://www.investor.gov/introduction-investing/investing-basics/glossary/form-10-k>.

¹⁵³ Also recommended in “Police Foundations: A Corporate-Sponsored Threat to Democracy and Black Lives” (Color of Change, October 2021), <https://policefoundations.org/wp-content/uploads/2021/10/Color-Of-Change-Report-Police-Foundations-A-Corporate-Sponsored-Threat-to-Democracy-Black-Lives.pdf>.



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