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.

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.”

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. It also saved pricey programs like the mounted horse unit from the chopping block.

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.” Even though the NYCPF was effectively part of city government, it was classified as an “operating foundation” — like a library, museum, or zoo — to maximize its powers while minimizing oversight. City agencies may be barred from rewarding tips, but those rules didn’t stop the NYCPF from founding Crime Stoppers, its paid tip line. 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. 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).

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10 Greenberg, Renaissance Lawman, 196.

11 Greenberg, Renaissance Lawman, 200.

12 Greenberg, Renaissance Lawman, 196.


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 NYC Police Foundation, 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 NYC Police Foundation has relied on secrecy to hide conflicts from public view.

The Funding Gap Myth

Even as theNYC Police Foundationbroke 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 NYC Police Foundation 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.

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

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. Foundations in New York, Los Angeles, Atlanta, Boston, and Philadelphia all worked with their respective police departments to build their surveillance centers. Foundations in St. Louis and Philadelphia each contributed $250,000 toward the digital surveillance platforms used at surveillance centers. Microsoft partnered with the NYPD more than ten years ago to develop the “Domain

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


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


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

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


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

70% of U.S. police agencies regularly surveil social media\(^2\) using tools from companies like Geofeedia, Babel Street, and DigitalStakeout.\(^3\) The tools are abused to target BIPOC activists, religious communities, and countless other police targets.\(^4\) Police foundations from Los Angeles to Kansas City, MO and Greensboro, SC purchased Geofeedia software for their respective police departments.\(^5\)

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,\(^6\) reputational ruin, and even deportation.\(^7\) Police foundations fund such databases in Las Vegas\(^8\) and Denver.\(^9\)

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


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

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

**Robot Dogs**

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

**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) to looming “Skywatch” towers in Corpus Christi. Since 2007, Atlanta’s police foundation has funded $300 million in video surveillance, gathering video feeds from over 10,000 public and private cameras. This surveillance sprawl secured Atlanta the distinction of being one of the world’s ten most surveilled cities, with taxpayers later picking up the bill for upkeep and upgrades. Police foundations in San Diego, San Jose, Seattle, and Palm Beach all helped fund video surveillance cameras and equipment for their

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62 Winston and Bond Graham, “Private Donors Supply Spy Gear to Cops.”
71 Brett, “Real-Time Crimefighting.”
departments. 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. Similarly, the New Orleans Police and Justice Foundation funded a program to tap into businesses’ and residents’ private surveillance cameras.

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. ALPRs have been abused to target religious communities, undocumented individuals, and BIPOC communities. 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. The LAPD was subsequently sued over its use of ALPRs and refusal to turn over ALPR data. Kansas City has spent over $1.2 million dollars of foundation money on ALPRs since 2019, while Atlanta recently augmented its massive

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74 Lippert and Whaby, Police Funding, Dark Money.


77 Zubair, “Automated License Plate Readers.”

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


80 Moraff, “Will Private Money Take the Sting Out?”

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, WY\(^{88}\) 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.\(^{90}\)

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\(^{86}\) “Meeting the Need,” Police Foundation of Kansas City, March 12, 2021, [https://policefoundationkc.org/meeting-the-need/].

\(^{87}\) “Accomplishments,” Omaha Police Foundation, [https://omahapolicefoundation.org/accomplishments/].


Drones and Spy Planes

As of 2022, nearly 1,200 U.S. police departments fly drones, exposing millions to suspicionless spying. Foundations fund drones from Kansas City, MO to Chula Vista, CA to Philadelphia. 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. 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. The foundation used the couple’s funds to quietly launch an around-the-clock spy plane, secretly taking millions of photos for months.

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. Instead, police foundations opt to highlight uncontroversial purchases like youth programs and PPE equipment.

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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.”
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

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101 Nahmias, “Police Foundation Remains a Blind Spot.”
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/unc/ html/161.html?page=88 (last accessed October 26, 2022).
106 For donation, see 2019 NYC1F 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/vendornn/Motorola.
includes AT&T ($61.49 million in active citywide contracts); ShotSpotter (over $55 million in contracts); and Palantir (estimated $17.5 million in past NYPD contracts).

Without police foundations, many police officials would be barred from taking gifts from vendors as an actual or perceived conflict of interest. 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. 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.

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


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


public lists of board members (key fundraisers) from their websites.\textsuperscript{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.”\textsuperscript{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,\textsuperscript{120} to $50,000 in Atlanta,\textsuperscript{121} and St. Paul,\textsuperscript{122} $35,000 in Houston,\textsuperscript{123} and $15,000 to $30,000 in Las Vegas.\textsuperscript{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.\textsuperscript{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.”\textsuperscript{126} A New York Times analysis showed that 40% of these policing-for-fun participants write checks to the foundation.\textsuperscript{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,\textsuperscript{128}

\begin{enumerate}
\item “Events,” Houston Police Foundation, accessed September 16, 2022, \url{https://www.houstonpolicefoundation.org/events/thirteenth-annual-true-blue-gala/}.
\item “Sponsorship Package, Lunch with the Sheriff,” Las Vegas Metropolitan Police Department Foundation, accessed September 16, 2022, \url{https://3r5c212cw66a64am136fkg-wpmengin.netdna-ssl.com/wp-content/uploads/2022/07/LWTS_Sponsorship-Package.pdf}.
\item Schmidt, “Thanks with a Check.”
\item “Patrol Guide,” New York Police Department.
\end{enumerate}
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

131 Shaw, “Police Foundations Scrub Corporate Partners.”
133 See discussion of VieVu’s deal with the NYPD, Section IV.
136 “Competition in Contracting,” Data Lab.
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.

144 “Form 990, Los Angeles Police Foundation.”
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.
Today_date_20220928&cid=pt&source=&sourceid=&cid2=gen_login_refresh.
addition to complying with FOIL requests, police foundations should proactively disclose donors and financial performance, just like a city agency or public company would.\textsuperscript{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.\textsuperscript{153} Funding decisions made during a private lunch or board meeting—especially those concerning deadly policing technologies—must end.

\textbf{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.

