

ACLU FACTSHEET: Federal Funding of Local Surveillance

The ACLU works in the courts, legislatures and communities to protect and expand the right to privacy that the Constitution and U.S. laws guarantee to everyone in this country. The increased use of surveillance technologies by state and local police presents significant threats to this right.



Federal funding, particularly the Homeland Security Grant Program, has played a key role in local police agencies' ability to purchase dangerous surveillance systems, all with little to no oversight or community control.

This factsheet outlines the connection between federal funding sources and local police surveillance, including descriptions of the relevant grant programs. Additionally, it offers actions you can take to oppose this funding to combat local surveillance.

BACKGROUND: Homeland Security Grant Program

In 2002, the federal government established the Department of Homeland Security (DHS) and created the Homeland Security Grant Program (HSGP) to provide increased funding to state and local police for homeland security efforts.[1]

These grants, now administered by the Federal Emergency Management Agency (FEMA), have been given to localities in all 50 states and six of the nation's territories.[2]

Surveillance Systems Purchased with HSGP Funds

- Drones/Un-personed Aerial Systems and Other Surveillance Robots
- Face Recognition Technology
- Social Media Monitoring Platforms
- Consumer Data Mining and Big Data Analytics Platforms
(i.e. Vigilant, Palantir, Lexis Nexis and Geofeedia)
- Video Surveillance Systems
- Automated License Plate Readers (ALPR)



A Cause for Concern

Police use of surveillance technologies is an invasion and intrusion into the personal privacy and daily lives of us all.

Police agencies' ability to purchase surveillance systems may be increased by their HSGP participation. These funds have enabled local police to militarize and extend their surveillance capabilities.

There has been extensive mission creep in the use of HSGP funds and it is used in ways that end up harming people, rather than protecting them.

The fear and distrust of police have intensified due to increased levels of surveillance, especially for local activists and in areas often targeted by the federal government, including Black, Muslim and immigrant communities.

In some areas, police agencies have been sued for using HSGP funds to illegally interrogate Latine people about their immigration status and search homes for people who are undocumented.[3] Others have used surveillance systems to spy on people exercising their First Amendment right to protest.[4]

HSGP GRANTS & HOW THEY ARE USED

HSGP is made up of three grant programs:[5]

1. State Homeland Security Program (SHSP)

SHSP provides funding for state, local and tribal police response systems for natural and manufactured incidents.[6] This funding is often used to increase police surveillance capabilities.

2. Urban Areas Security Initiative (UASI)

The UASI program receives the largest share of HSGP annual funds. For fiscal years 2021-2024, the UASI was funded anywhere from \$415-\$615 million annually. It funds works in and resources cities designated as high-threat areas.[7]

Local committees made up of police and fire agencies oversee how UASI funds are spent. They often keep the public in the dark about how millions of federal dollars are spent on problematic militarization and surveillance equipment. For example, as of Dec. 2020, the San Diego Urban Area Working Group had spent more than \$200 million on armored vehicles, face recognition technology, license plate readers, drones, riot gear and other equipment without informing or involving the public.[8]

3. Operation Stonegarden (OPSG)

OPSG funding allows state, local and tribal police agencies to collaborate with federal immigration agencies, including U.S. Customs and Border Protection and Border Patrol.[9] Among other things, OPSG funds overtime pay, additional personnel, equipment and travel costs for state and local police deployment.[10]

Despite California state law prohibiting collaboration between state and local law enforcement and federal immigration authorities for the purposes of immigration enforcement, collaboration between these agencies continues through OPSG funding. Types of collaboration include deputization/training of local police, deploying federal immigration authorities for support in the field and information sharing with DHS.[11]

25%

of SHSP and UASI funds **MUST** be spent on LETPA* despite any evidence that these programs meaningfully improve public safety.

LETPA supports SURVEILLANCE ACTIVITIES and INFO SHARING

*Law Enforcement Terrorism Prevention Activities



LOCAL GOVERNMENTS' REJECTION OF HSGP FUNDS

Since 2017, local governments have rejected millions of federal grant dollars to protest cruel immigration policies, many of which rely on surveillance. We have already seen how surveillance can be used to fuel deportations.[12]

For example, Rockland, ME, and Jefferson County, NY, cited a lack of flexibility on fund allotment, a lack of oversight and the grants' growing unpopularity among constituents as the basis for their decision.[13]

The most public rebuke of federal grant programs occurred in Pima County, AZ. The board of supervisors rejected OPSG funding after federal officials denied a modification request for humanitarian aid for migrants.[14]

HOW YOU CAN FIGHT FEDERAL FUNDING OF LOCAL SURVEILLANCE

The public has a right to know the funding sources for local surveillance and to control decisions related to proposed surveillance equipment purchases. Take these actions to determine if your area has received HSGP funds, how the funds were used and to urge your elected officials to revoke these harmful programs and refuse these funds.

Learn how federal HSGP grants fund surveillance in your community:

- **Contact your state administrative agency (SAA).**
Contact your SAA to learn about surveillance systems local agencies have purchased using HSGP funds.[15] The SAA is the California Governor's Office of Emergency Services (Cal OES).
- **Submit a public records request.**
Submit a public records request to your SAA for documents related to SHSP, UASI and OPSG funds.
- **Advocate for public access to working group meetings.**
Some areas have UASI working groups that oversee the disbursement of federal surveillance funding. Meetings conducted by these working groups may be subject to state and local laws governing public access to meetings (e.g., the Brown Act).

Advocate against funding for surveillance:

- **Urge your elected officials to reject HSGP surveillance funding.**
Monitor your city and/or county governments' meeting agendas for opportunities to give public comment during scheduled debates and votes on HSGP funds. Share how these grants harm communities and call for the rejection of all federal HSGP funding that would expand surveillance systems.
- **Find local surveillance programs.**
Visit Fighting Local Surveillance: A Toolkit for resources, including dozens of sample documents, letters and other materials you can use to uncover local surveillance programs, see how they are funded and push for policy and legal change [16].

[1] Reese, Shawn. Department of Homeland Security Preparedness Grants: A Summary and Issues, Congressional Research Service, retrieved from <https://fas.org/sgp/crs/homesecc/R44669.pdf> (Oct. 28, 2016).

[2] Reese, supra note 1.

[3] Nathan, Debbie. Program Meant to Fight Terrorism and Narcotrafficking is Being Used to Target the Undocumented Community, The Appeal, <https://theappeal.org/program-meant-to-fight-terrorism-and-narcotrafficking-is-being-used-to-target-the-undocumented-community/> (Oct. 22, 2018).

[4] Id.

[5] FEMA, Homeland Security Grant Program, <https://www.fema.gov/grants/preparedness/homeland-security> (July 9, 2021).

[6] Id.

[7] Id.

[8] Castañares, Arturo. Local Law Enforcement Agencies Have Spent Over \$200 Million on Tactical Equipment In Violation of Public Disclosure Laws, La Prensa San Diego, <http://laprensa-sandiego.org/sdhomelandfunds/> (Dec. 16, 2020).

[9] FEMA, supra note 5.

[10] Id.

[11] See California Values Act, Cal. Gov't Code § 7284.6(a) (2018).

[12] Talla, Vasudha. "Documents Reveal Ice Using Driver Location Data from Local Police for Deportations," American Civil Liberties Union, www.aclu.org/news/immigrants-rights/documents-reveal-ice-using-driver-location-data (Mar. 13, 2019).

[13] Moscufo, Kiki. "Dirty Money": Key Border Communities Are Rejecting \$2.5 Million in Federal Money Over Trump's Wall and Extreme Immigration Policies, Business Insider, <https://www.businessinsider.com/border-communities-reject-25-million-over-trumps-extreme-policies-2020-10> (Oct. 28, 2020).

[14] Id.

[15] "State Administrative Agency (SAA) Contacts | FEMA.gov." www.fema.gov/grants/preparedness/about/state-administrative-agency-contacts (Oct. 28, 2020).

[16] "Fighting Local Surveillance: A Toolkit." ACLU of Northern California, www.aclunc.org/publications/fighting-local-surveillance-toolkit (May 14, 2020).