

SECURING IMPUNITY: SURVEILLANCE, MILITARIZATION and EXTENSIVE INFORMATION-GATHERING IN LA DURING THE FIRST WEEK OF NON-INDICTMENT PROTESTS



Summary

Anticipating protests in the wake of non-indictments of White police who took Black lives, LAPD declared a “tactical alert” for the better part of the week in between the Ferguson and New York verdicts. It was not clear exactly what Major Unusual Occurrence LA-area police were preparing for: much was made of protesters “terrorizing”¹ motorists by briefly halting traffic at various intersections or on freeways, but rush hour does that twice a day; protesters were armed with nothing more than chants, chalk, and a megaphone or two; and of course, police murdering with impunity is anything but an unusual occurrence in LA as elsewhere.² Regardless, we knew that LAPD would follow through with their threats. Below is a subset of the LA law enforcement’s escalation

tactics, with a focus on new cameras and spying equipment rolled out in the name of public safety, and the likely repurposing of legal language to justify casting a wider and thicker dragnet. This report concerns itself with the first week since the Darren Wilson verdict; but while the formal alerts have since subsided, many high-tech tactical vehicles have continued to be deployed into December; in yet another case of “mission creep,” escalation may have become the new normal.

Monday, November 24: Surveillance heavy; drone crashes near protesters

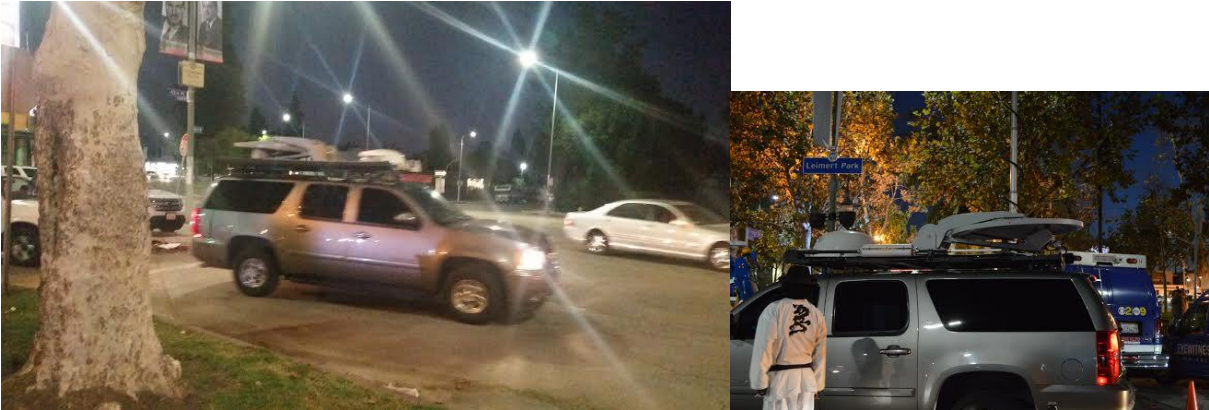
Marchers in both South and Downtown LA reported that police were fairly permissive (or too overwhelmed by crowds to crack down without considerable risk to themselves) from the time that the Darren Wilson verdict was announced up until the end of the night, when “less lethal” weapons were used to force a dispersal. Police did, however, point these “less lethal” weapons directly at protesters at close range earlier on, particularly in Downtown LA. When protesters attempted to block a highway in South LA police intervened and surrounded one contingent of people in what looked like a kettle, but then allowed them to proceed when they moved off of the highway. After protesters in Downtown LA blocked the 110 freeway, police forced them off the highway and arrested a few; but in the grand scale of downtown police brutality, their approach was *relatively* hands-off.

Hands-off, but eyes-on. From the afternoon onwards, in both the Leimert Park area and Downtown, what appeared to be surveillance SUVs and vans circled around and trailed crowds. Below are pictures of the two types of vehicles seen on the 24th, topped with identical or nearly identical equipment. While on Monday the 24th the low light and the police intimidation experienced by photographers made it difficult to get close-ups of the license plates to determine unequivocally that they were government vehicles, the van had visible flashing lights on the upper

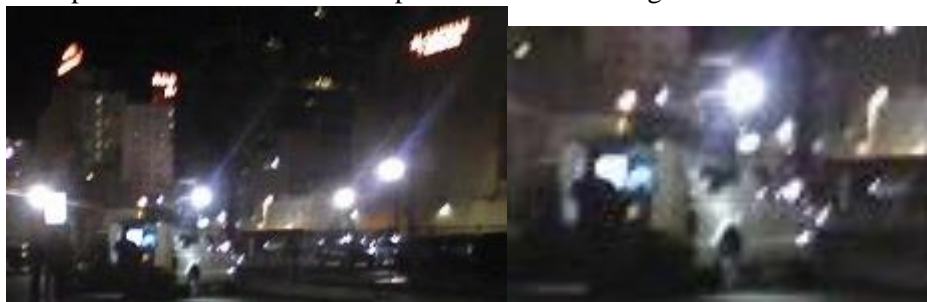
¹ This specific formulation is used in many articles about November 28, a day on which, in point of fact, no highways were halted: <http://www.latimes.com/local/lanow/la-me-ln-standoff-in-downtown-as-lapd-20141128-story.html> ; <http://www.myfoxla.com/story/27493450/protests-held-for-fourth-night-in-los-angeles> ; <http://www.nbclosangeles.com/news/local/LAPD-Anticipates-More-Downtown-LA-Protests-284181981.html>.

² The number of police killings in LA County since 2000 has topped 600—it was 589 this fall: http://www.huffingtonpost.com/2014/09/16/nearly-600-people-have-be_n_5831042.html?utm_hp_ref=tw . There have been exactly zero indictments. In fact it took the LAPD until December 29 to take the first faltering step toward publicly acknowledging that Ezell Ford was murdered, even though he was killed only two days after Michael Brown: only then did they release the autopsy: <http://theantimedia.org/lapd-delays-ezell-ford-autopsy-results-due-possible-threats-officers> .

edge of its rear exterior, and the equipment atop both vehicles is identical to the surveillance equipment seen on confirmed government vehicles on later days (see Monday December 1, below).



Inside these vehicles were a variety of screens that made it clear that information was being gathered and assessed. A photo from a roped-off side street next to a protest in December³ gives a view of some of those screens.



Many reported that their cell phones' batteries depleted extremely rapidly during the marches that these vehicles followed, and there are more sporadic reports of other types of malfunctions with GPS, etc. Protesters in other cities reported similar problems with cellphone function when they marched in proximity to other unidentified vehicles. We will use every channel available to us to find out the nature and purpose of these vehicles and the equipment they carry, and to determine what sort of information is being gathered and assessed, and where it is

³ The photo is from December 13, in Hollywood, toward the end of an event documented here: <http://www.latimes.com/local/lanow/la-me-ln-police-violence-march-los-angeles-20141213-story.html> (clearly not a "tactical alert" situation, and yet there it was). Right after demonstrators discovered the vehicle on a roped-off sidestreet near their gathering, it drove off, demonstrating furtive behavior that we have come to associate with less-than-legal monitoring tactics.

being sent. In particular, we think it important to know whether so-called “stingray” devices,⁴ which capture smartphone communications, were aboard these vehicles and whether they were transmitting related information to the data-gathering and privacy-violating hubs known as Fusion Centers.⁵ Just recently, activists recorded Chicago police and a Chicago-area Fusion Center discuss monitoring protesters’ cell phone communications over open police-scanner channels, so this is a very real concern.⁶

Equally troubling on Monday night was the presence of a drone, which crashed near a small contingent of demonstrators on a street not far from the 110 freeway, nearly injuring at least one of them. The drone from November 24th is pictured below, to the left. A similar model of drone (a quadcopter with white lights) was seen and filmed hovering over the sky at a related Hollywood protest on December 6; the photos on the right are from that day.



The drone(s) look(s) not unlike the DJI Phantom quadcopters that many private individuals use—though some similar models are being developed for law enforcement; see Aegis Tactical quadcopters, for instance.⁷ What troubles us (other than the crash itself, which clearly posed a public safety hazard and reminds us of the basic risks presented by all UAVs) is that surrounding riot police formed a line and started advancing rapidly toward demonstrators when they attempted to further examine the drone that had nearly fallen on their heads; in other words, police were acting as if they were protecting their own property or the property of an allied third party. We

⁴ For more on stingrays, see here: <https://www.eff.org/deeplinks/2012/10/stingrays-biggest-unknown-technological-threat-cell-phone-privacy> or here: <https://www.aclu.org/node/37337>.

⁵ <https://www.eff.org/deeplinks/2014/04/why-fusion-centers-matter-faq>

⁶ For a general overview of evidence for stingray use during non-indictment protests in Chicago, see here: <http://www.csmonitor.com/World/Passcode/2014/1222/Evidence-of-stingray-phone-surveillance-by-police-mounts-in-Chicago> ; audio of PD/Fusion center discussion is here: <https://clyp.it/sv23cozu> ; transcript: <http://pastebin.com/7QYVTDLV> ; CPIC, one of the parties to the conversation, is the Fusion Center: <http://www.govtech.com/public-safety/Chicago-Fusion-Center-Gives-Police-New.html> .

⁷ On the Aegis quadcopter see here: <http://www.suasnews.com/2013/11/25873/aegis-tactical-launches-uav-for-police-fire-depts/>. Multiple US law enforcement agencies have DJI Phantoms, e.g. Corpus Christi Police: <http://www.caller.com/news/local-news/corpus-christi-police-use-drone-to-investigate-scenes-train-officers-82962367> .

therefore call for investigations into whether LA-county authorities are leasing, borrowing, or otherwise using small unmanned aerial vehicles in “tactical alert” situations—vehicles other than the two drones the LAPD has publicly admitted they own.⁸ A push for full disclosure of this information is long overdue in light of the sleights of hand and pen that police departments in California have deployed to avoid to various forms of oversight: for instance, by using the curious logic that small unmanned aerial vehicles are *not* drones; by issuing flat-out denials that they possess unmanned aerial vehicles, denials that have since been proven lies; or simply by illegally refusing to answer FOIA requests demanding they disclose this information.⁹

Tuesday, November 25: Wednesday, November 26: Police change tactics, arresting hundreds

Having built up the expectation of limited and late interventions on Monday, LAPD proceeded to use those expectations as a trap to lure people into kettles and mass arrests.

The mass arrests, which jailed nearly 400 people between Tuesday and Wednesday, are by now familiar national news; concerns about the legality of issuing a “rolling” dispersal order at one place and then arresting people at another place have by now been raised by the NLG, the Stop LAPD Spying Coalition, and others;¹⁰ but one additional concern that we would like to bring up is the possible use of kettling and arrests for information-gathering purposes.

That police acquire an enormous amount of data on arrestees is obvious, and of course for mass arrests the amount of data is multiplied by a factor of 100; but we also noticed that the same Surveillance Utility Vehicles observed from Monday night onwards were parked inside some of the kettles, seemingly gathering data on the protesters as they waited to be taken away. The screen capture below is from a video of protesters kettled on a sidewalk on Wednesday night; the vehicle can be seen on the left-hand side.



Friday, November 28: Surveillance, including by an identified DHS/military/Border Patrol vehicle; kettling as a tool for excessive information-gathering

On Friday afternoon, after an assembly that was surveilled by police and private security, a march began at Grand Park, proceeding northwest on 1st street and then Beverly Blvd; police forced its termination at Beverly and

⁸On LAPD’s drones, see here: <http://www.vice.com/read/the-lapd-thinks-its-at-war-and-now-it-has-drones-822> .

⁹ On the “UAVs aren’t drones” tactic: <http://arstechnica.com/tech-policy/2014/08/san-jose-police-say-faa-cant-regulate-its-drone-use-faa-disagrees/>; on false denials (same PD): <http://motherboard.vice.com/read/despise-repeated-denials-san-jose-police-definitely-have-a-drone> ; on refusals to answer FOIAs (different PD): <https://www.muckrock.com/news/archives/2012/nov/15/san-diego-county-sheriff-refuses-release-drone-doc/>.

¹⁰ Articles on the mass arrests include the following: <http://www.dailynews.com/general-news/20141128/lapd-arrest-tactics-at-ferguson-protests-draw-criticism> ; <http://www.nbclosangeles.com/news/local/Demonstrators-Gather-to-Decry-LAPD-Handling-of-Protests-284173251.html> .

Alvarado. Coalition members and other participants in the march report that from the beginning many police were advancing alongside marchers. In addition to the unwelcome but expected motorcycle escorts, a number of officers went on foot filming marchers' faces up-close with handheld cameras. Many participants feared that this was the beginning of an effort to target specific individuals for arrest or investigation, particularly since a person who was listening to police scanners overheard references to apprehending "troublemakers."

By now, people were familiar with the sight of police outnumbering protesters, crowding the sidewalks, and blocking side-streets at intersections, as they slowly prepare to box marches in at an opportune moment; but the presence of the vehicle pictured below among the caravan of police cars behind the march was a new and troubling ingredient.



The truck, which eventually parked right beside onlookers *outside* of the kettle at Beverly and Alvarado, had no license plate, a trait which many associate with military vehicles. This of course made identification of the agency to which it belonged even more difficult; however, the camera equipment is almost certainly the Orwellian-sounding "Freedom-on-the-move" surveillance system associated with both the Department of Homeland Security and Border Patrol.¹¹ This camera system functions as both a surveillance and recording tool, and is equipped with infrared and high-definition zoom cameras. Additionally, the system is equipped with a laser range finder to ensure "the acquisition of precise range and grid coordinates on targets." We have to ask ourselves: what was such a vehicle doing following a march, and what was it doing monitoring onlookers?

That day the kettle did not result in mass arrests, but what ensued was from many perspectives equally troubling. For one thing, fairly early on in the kettling process, a number of people remarked that they overheard police announcing they would arrest five protesters (suggesting that the filming process from before was indeed part of an effort to target specific individuals).

Even more worrying were the more consistent reports of police using the trap of the kettle and the threat of arrest as a tool to extract personal information from and obtain video footage of protesters. Kyle Todd, a lawyer with the NLG who was present in the kettle, provided the following account of these tactics.

Three officers came into the crowd, and one by one snatched us out, with our hands held behind our backs. I was probably the fifth to be taken out. Once out, I was handed over to Officer Tokoro...Tokoro took me aside while another officer searched my backpack. As the other officer took my bag, I said I do not consent to the search but he searched it anyway...That officer gave Tokoro my wallet, which was in my backpack. Tokoro grabbed my ID out of it, and asked if it listed my current address. She then asked for my

¹¹ Photos and descriptions of "Freedom on the move" can be found here: <http://www.homelandsecurity-technology.com/projects/freedom-on-the-move-mobile-video-surveillance/>.

telephone number. She asked where I worked. She asked what company I worked for. I refused to answer her questions. I asked Tokoro if I was going to be arrested, and she said no.

*Soon, I was lined up behind about three others, all of us one after the other being read out dispersal order -- basically saying it was an unlawful assembly, and to prevent arrest, we should walk south on Alvarado, away from Beverly. **During the reading of the dispersal, there was an officer videotaping my face during the whole thing. He was taping every individual, face-on, as they were read the order.***

After being read the order, I was given back to Tokoro. After a short wait, an officer came up to Tokoro and said "Todd's free to go." She then walked me to the corner of Beverly/Alvarado, and let me go.

I was not ever put in handcuffs, but I know others, including a legal observer, were.

The asking of probing questions about protesters' residences and workplaces, questions which were wholly unrelated to whatever justification police produced for the protesters' detainment, is deeply troubling, as is the filming of each individual's face up-close. Perhaps police were attempting to insulate themselves from the charge that they were arresting uninvolved people on "rolling" dispersal orders, i.e. the charge that was levied against them by the NLG just earlier that afternoon in a press conference. But whatever the intent, it is extremely important that the public know who has this footage and to what end the footage was or will be used; we think it clear that it should be deleted if it has not been already. We say this particularly because we received reports from multiple individuals—some who left the march before the kettle, others who were released after having been kettled—that LAPD patrol cars seemed to be following them as they navigated their way home through downtown, and that helicopters seemed to be training their spotlights on small contingents of dispersed (former) protesters.

Because many people were taking photos during the march and engaging in what might be miscategorized as "pre-operational planning" at the assembly, we are concerned that the language of Suspicious Activity Reporting may have been deployed as an excuse to build dossiers on people exercising their first-amendment rights.¹² After all, analysis of Suspicious Activity Reports is one of the primary objectives of Fusion Centers,¹³ and we have already had occasion to note that Fusion Centers are demonstrably involved in surveillance of these protests. In addition to the open-source communications between a Chicago Fusion center and Chicago police (see under "Monday" above), we now know that at least one Boston-area Fusion Center has been surveilling Black Lives Matter activists' social media posts.¹⁴

Monday, December 1: Small march; nonetheless, surveillance by an emergency vehicle

On December 1, there was a relatively small gathering at LAPD Newton Station to decry the slaying of Ezell Ford and Omar Abrego by officers assigned to the Newton division. A subset of people from that already rather modest-sized gathering decided to march to Broadway and 65th Street, where Ezell Ford was shot and where a mural has been painted in his honor. This crowd consisted of no more than two dozen people; nonetheless, the following government vehicle (CA-exempt license plates) parked across the street as people made speeches in front of the mural.

¹² The LAPD's use of this language is documented here: <http://hamidkhan.mayfirst.org/wp-content/uploads/2013/03/SO-1-Revised-Aug-2012.pdf#page=5> . On the consequences of this language, see here: <http://stoplapdspying.org/wp-content/uploads/2013/04/PEOPLES-AUDIT-UPDATED-APRIL-2-2013-A.pdf#page=7> ; on the types of activity that California police have monitored under Suspicious Activity Reporting, see here: https://www.aclunc.org/sites/default/files/asset_upload_file470_12586.pdf .

¹³ For a brief description of the relationship between Suspicious Activity Reporting, Fusion Centers, and post-9/11 overreach in the name of counterterrorism, see here: <http://stoplapdspying.org/wp-content/uploads/2013/04/PEOPLES-AUDIT-UPDATED-APRIL-2-2013-A.pdf#page=5>.

¹⁴ On Boston's Fusion Center monitoring BLM activists: <https://www.privacysos.org/node/1603>.



The top of this black Chevy Tahoe (CA-exempt government license plates) was outfitted with a Roadstar RS-1500,¹⁵ which picks up FM, UHF and VHF signals—signals that could be used for LASD and LA Regional Tactical Communications, for example. More troublingly, the top also sported a dish with an “AVL Technologies Tracstar” (sic) label. It is our understanding that Automatic Vehicle Locator technology is used by a variety of municipal authorities to better visualize where contingents of vehicles are in real-time; but Trac(k)star dishes (“Tracstar” appears to be a brand name for this type of technology) specifically appear to be popular with CalEMA among other emergency agencies, due in part to their ability to establish “data linkage among field personnel” when emergencies compromise other systems of communication—with the data being thusly linked including live video.¹⁶ Particularly given the large camera on the front of the vehicle that was pointed toward demonstrators, we cannot help but wonder what data was being transmitted to which authorities, and to what ends—and of course, our concerns about communications with Fusion Centers on prior days obtain for this day as well.

In fact, subsequent observations of this vehicle deepened those concerns. On the evening of December 29th, the day Ezell Ford’s autopsy was finally released, the same vehicle (identified by license plate number as well as make and model) was again seen parked at Broadway and 65th. This time, demonstrators were able to photograph some of the illuminated screens inside the vehicle. On those screens, as well as on the vehicle’s exterior, was the logo for Antares^x Future Concepts software.¹⁷



¹⁵On the equipment and the signals it picks up, see here: <http://www.winegard.com/mobile/roadstar.php> ; on the agencies that might use these signals within the LA area, see here: <http://www.radioreference.com/apps/db/?ctid=201#cid-101> .

¹⁶ The document quoted is here: <http://www.cmu.edu/silicon-valley/dmi/news-events/news/2010/cmu-site-calema.html> ; for a more recent CalEMA call for satellite communications systems involving Tracstar, see here: http://www.bidsync.com/DPXViewer/60951_QAs.pdf?ac=auction&auc=1915678&rndid=1359338&docid=5196123 or a summary here: <https://www.techwire.net/cal-ema-seeks-vendor-to-replace-statewide-satellite-communications-system/> . The details of the latter call mention video streaming as a possible use of these communication systems. Tracstar’s description of the agencies that own this equipment is here: <http://www.networkinv.com/shop/fly-away-vsats/tracstar-mobile-vsats/> .

¹⁷On which, see here: <http://www.futurec.net/faq.html> .

The use of Antares^X Future Concepts software all but guarantees that these are vehicles associated with the Los Angeles Regional Common Operating Picture Program.¹⁸ The goal of the Los Angeles Regional Common Operating Picture Program (LARCOPP)—also called Common Operating Picture, or COP—is to "gather, analyze and share public safety information with regional partners during critical incidents,"¹⁹ with those regional partners being first and foremost Fusion Centers. Indeed, LA-area municipalities selected Antares^X Future Concepts software because that software puts information in a format that is compatible with the JRIC, i.e. the LA-area Fusion Center.²⁰ Portions of grant money used to expand (LAR)COP(P) programs have in the past been allocated to fund the purchase of Suspicious Activity Reporting software.²¹ The ubiquity of LARCOPP surveillance vehicles during protests and their connectivity with regional spying centers mean that the false positives of Suspicious Activity Reporting might have real time consequences, potentially justifying an immediate escalation of tactics against protesters whom an analyst determines might have a "potential nexus to terrorism." As the ACLU and others have recently noted, one need simply be a photographer or an organizer to be a victim of a SAR-generated false positive.²²

Conclusion

The technology and practices introduced above will almost certainly be part of policing at LA protests for as long as acts of resistance continue to multiply and take shape into an increasingly viable movement—and would likely continue to be deployed even in the absence of a rising tide. Demanding full disclosure of the nature of new cameras and vehicles and the entities to which they relay information will be a battle in and of itself; but all the CPRA and FOIA requests in the world will neither win that narrow battle nor tip the balance in the larger struggles it is intended to serve. Our broader vision is the dismantling of government-sanctioned spying and intelligence gathering, in all its multiple forms. We reject all forms of police oppression, the criminalization of communities, and any policy that make us all suspects or targets in the eyes and crosshairs of the State. We are for a diversity of tactics²³ and approaches toward those and other allied ends, and invite you to help us plan out next steps.

¹⁸ For the association of this software with LARCOPP vehicles, see the following grant- and contract- associated documents: http://clkrep.lacity.org/onlinedocs/2010/10-0455-S5_RPT_CAO_03-07-11.pdf ; <http://www.smgov.net/departments/council/agendas/2011/20110927/s2011092703-B.htm> ; http://longbeach.granicus.com/DocumentViewer.php?file=longbeach_ce39a8d5cd4dd11a3b95513b83ee20b1.pdf ; http://burbank.granicus.com/MetaViewer.php?view_id=2&clip_id=6178&meta_id=216030 .

¹⁹ For the quote, see here: santamonicapd.org/WorkArea/DownloadAsset.aspx?id=23225 . This source glosses the "C" in the acronym with "Communications"; most sources (like this one: <http://www.officer.com/article/10249653/creating-a-common-operating-picture>) gloss that "C" as "Common", in the process of making an explicit connection between LARCOPP and a Common Operating Picture (COP). The glossing of the "O" also varies slightly, with some sources expanding it to "Operating" and some to "Operational". Finally, the "P" in both acronyms can be glossed as "Procedure." Despite these fluctuations, sources consistently connect LARCOPP and COP. LASD also refers to LAR Common Operational Picture Program and a Common Operating Picture as if they are interchangeable: <http://www.lasdhq.org/sites/YIR/2007/visuals/2627.pdf> .

²⁰ As described in a Port of Long Beach contract award: http://longbeach.granicus.com/DocumentViewer.php?file=longbeach_ce39a8d5cd4dd11a3b95513b83ee20b1.pdf .

²¹ See here: http://clkrep.lacity.org/onlinedocs/2009/09-1275_rpt_mayor_8-5-11.pdf for instance.

²² For the types of people Fusion Center SAR servers have identified as a threat, see here, once again: https://www.aclunc.org/sites/default/files/asset_upload_file470_12586.pdf . DHS has also actively solicited SARs on anti-gentrification organizers, on the grounds that anyone who opposes gentrification might become an arsonist: <https://info.publicintelligence.net/DHS-AnarchistGentrificationArson.pdf> .

²³ At the very least, business should not continue as usual while lives are ended with impunity—a message that some coalition members recently communicated to Austin Blue of the Blue family, who co-founded General Atomics and were instrumental in developing predator drones: <https://www.youtube.com/watch?v=WJ21EJ5gVFM&feature=share> .