ORIGINAL ARTICLE

Racialized Surveillance: Activist Media and the Policing of Black Bodies

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This article places the neoliberalization of protest policing in conversation with the counter-surveillance tactic of video activism to understand how the surveillance of Black Lives Matter (BLM) reinforces what Simone Browne called "dark surveillance." As state violence against communities of color is increasingly captured on smartphone cameras and broadcast on social media, these images catalyze movements championing police reform and racial justice. Through a case study of Black Lives Matter 5280 (BLM5280), I argue that although counter-surveillance tactics such as "cop-watching" and video activism illuminate law enforcement misconduct and elevate the discourse of social movements, the preemptive suppression of dissent by privatized and militarized police agencies creates an asymmetry between state surveillance and counter-surveillance that limits the efficacy of video evidence.

Surveillance studies has received significant attention from scholars, activists, and privacy advocates over the last 10 years. This is due to several key events: The implementation of the PATRIOT Act in the United States following the 9/11 terrorist attacks; WikiLeaks's 2010 release of classified documents related to the Iraq War; and Edward Snowden's 2013 revelations to *The Guardian* and *Washington Post* newspapers detailing the National Security Agency's (NSA) global digital surveillance apparatus. When the tactics the U.S. government uses to indiscriminately collect data of private citizens became public following the Snowden reports, privacy advocates and national security experts demanded a federal investigation for two very different reasons. The former were concerned with the government's encroachment on citizen's civil liberties, while the latter demanded whistleblowers and journalists be held accountable for placing the interests of national security at risk. The interest in surveillance studies will continue to grow, this article argues, for two

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reasons: (a) Government agencies are increasingly relying on sophisticated technical software programs supplied and implemented by private, third-party firms to mine and collect online data, and (b) technologies such as smartphones, digital cameras, and social media in the hands of activists, journalists, and hackers have led to a rise in counter-surveillance.

I explore these concurrent trends by reviewing the online and offline activism of Black Lives Matter (BLM) and the ways in which law enforcement has targeted the movement and its supporters. These patterns reinforce what Browne (2015) terms "dark surveillance." In *Dark Matters*, Browne centered race in surveillance studies because, she argued, "an understanding of the ontological conditions of blackness is integral to developing a general theory of surveillance and, in particular, racializing surveillance" (p. 8). Browne drew parallels between the Panopticon and the slave ship *Brooks* and showed how blackness and black citizens' pursuit of freedom and justice has been monitored by the state for hundreds of years. BLM is not the first or only social movement organization (SMO) to rely on social and digital media to reach supporters, organize demonstrations, and capture and distribute video evidence of police misconduct; but through an ethnographic case study as a researcher and activist filmmaker with BLM5280 in Denver, Colorado, I argue that the mediascape and political economic context in which black activists organize render video activism only minimally effective for realizing systemic change.

Browne's historical account of the tactics used to surveil the black community are essential for an analysis of BLM because the ways in which the state surveils black activists today are not necessarily new, they have simply taken new forms. The increased reliance on media production by social movements—particularly the act of filming the police—to promote counter-hegemonic messages that challenge police authority, structural racism, and economic inequalities is a key element of BLM. Monahan (2006) defines counter-surveillance as "intentional, tactical uses, or disruptions of surveillance technologies to challenge institutional power asymmetries" (p. 515). This provides a framework for understanding video as an activist intervention, which exists in relation to the neoliberalization of law enforcement and protest policing. Monahan cautions that focusing too heavily on the technologies used to conduct counter-surveillance may "individualize both surveillance problems and methods of resistance, leaving the institutions, policies, and cultural assumptions that support public surveillance relatively insulated from attack" (p. 517).

To consider how black activists have historically been targeted by state surveillance, I examine how the neoliberalization of law enforcement criminalizes dissent and preemptively suppresses radical movements. Wood (2014) argued that neoliberal policies have exacerbated the privatization of law enforcement and furthered the *diffusion* of law enforcement tactics, primarily through communication technologies, amongst and between law enforcement agencies. This diffusion of law enforcement tactics promotes the sharing of perceived best practices for policing protests. Neoliberal law enforcement policies that rely on public–private

partnerships, corporatize public resources, and commercialize physical and digital spaces, create a context in which BLM and its supporters are surveiled disproportionately more than other movements. Counter-surveillance tactics such as "copwatching" and video activism reveal how videographers and activist filmmakers are targeted by law enforcement due to a perceived threat to state authority. The case of Ramsey Orta, the man who filmed the 17 July 2014 choking death of Eric Garner in Staten Island, New York, is offered to examine how law enforcement targets video activists who film and distribute incidents of police brutality to maintain its professional distinction and legitimacy.

Literature review

A brief history of "dark surveillance"

Scholars cite the Federal Bureau of Investigation's (FBI) Counter Intelligence Program, or COINTELPRO, as a seminal case of surveillance against black Americans (Churchill & Vander Wall, 2002). These covert and often-illegal programs conducted by the FBI targeted activists working with the Civil Rights and the Black Power Movements of the 1960s. A FBI memorandum from COINTELPRO included the "Racial Intelligence Section," which described how government informants sought to gain intelligence information through the infiltration of the Black Panther Party. This section of the document described how the agency sought to "expose, disrupt, misdirect, discredit, or otherwise neutralize the activities of black nationalists" (Blackstone, 1975, p. 30). Because organizations such as the Black Panther Party were seen as a threat to the U.S. government and domestic security, leaders of the movement were targeted and often jailed. The deaths of Fred Hampton and Mark Clark, prominent organizers with the Panthers, remain "shrouded in mystery," with some claiming they were assassinated by the government (Chandler, 2014, para. 1).

As the Black Panther Party's critiques of state violence and global capitalism gained popularity and legitimacy with the American public, the FBI used several tactics against the organization. It disrupted planned speaking engagements and "leaked" information to friendly newspapers to discredit key organizers within the movement and to cause internal dissent amongst members (Jones, 1988). Scholars have examined the narrative frames the news media utilize to represent SMOs and found that activists and protesters are typically depicted as unlawful, disorganized actors operating outside of normal social order (Gamson and Wolfsfeld, 1993; McLeod, 1995; see also Koopmans, 2004). Wood explained how these depictions in the news media are not accidental; rather, they are carefully crafted by police organizations that utilize savvy public relations to develop relationships with the press and state and local government officials. By developing friendly relationships with the press, a conflict frame is applied to protesters and depicts them as threats to public safety, law-and-order, and police officer safety. The news media often portray BLM as agitators of riots and social unrest, with President Barack Obama even

reinforcing this frame during a 2016 speech in London, saying, "[BLM] can't just keep on yelling at [elected officials]" (Shear & Stack, 2016, para. 5).

Browne traced the historical suppression and de-legitimation of black activists by detailing her efforts to retrieve documents related to Franz Fanon under a Freedom of Information Act (FOIA) request. Contacting the FBI and Central Intelligence Agency (CIA), Browne discovered many documents related to Fanon remain classified to this day. Documents she did obtain described Fanon as "a philosophical disciple of Karl Marx and Jean Paul Sartre, [who] preached global revolt of the blacks against white colonial rule" (p. 2). Fanon's writings on the Black Power Movement and surveillance technologies, while brief, Browne argued, "form part of the long history of the collective intelligence on the many black radicals, artists, activists, and intellectuals who were targeted for surveillance by the FBI" (p. 2). Browne documented 18th century lantern laws in New York City that required black and indigenous enslaved people to carry lights at night if a white person did not accompany them. These technologies have evolved with the adoption of new hardware devices, intelligence-gathering software, and online platforms, and their evolution is exacerbated by a neoliberal sociopolitical context in which the policing of dissent is privatized and militarized. The monitoring technologies and software programs that state and local authorities deploy against BLM and other networked social movements are provided primarily by private technology and security firms, creating what Gary T. Marx (2005) called a "new surveillance" apparatus. In this context, surveilling citizens is less labor intensive and more anticipatory, so that protests are neutralized before they even take place.

The neoliberal police state

The history of infiltrating social movements and the evolution of a "new surveillance" state must be understood through the lens of neoliberal policies that have transformed policing in the United States and around the world. Wood (2014) examined protest policing in the United States and Canada from 1995 to 2004 and argued that protest policing is the "result of a neoliberal transformation of political, social and economic systems, and their effect on police organizations and decision making" (p. 3). In addition to examining public records and internal reports from social movements, Wood relied on her ethnographic research at the G20 summit in Toronto, Canada, and concluded, "protest policing is unlikely to become less repressive in the foreseeable future" (p. 23). Law enforcement agencies have modified their strategies for managing protests, Wood argued, through the diffusion of policing tactics that are viewed by law enforcement as the most effective for handling civil unrest. Diffusion of information may be slowed by the hierarchical nature of law enforcement agencies, but due to a perceived threat to their legitimacy and crisis of authority, partly brought about by video activism and mass demonstrations, law enforcement agencies strengthen their professional identity through the sharing of protest policing tactics.

The encroachment on activists' civil liberties—both online and in the streets—is justified as a necessary part of life in the interest of protecting national security. Especially in the United States since 9/11 and the subsequent adoption of the PATRIOT Act that enhanced the government's ability to surveil private citizens without their knowledge or consent, Wood argued that these events create a context in which law enforcement increasingly monitor the activities of movement actors and community organizers to "strategically incapacitate" protests before they begin (p. 26). Wood described "soft force" tactics police departments have adopted to handle protests, including fences that designate pre-approved areas for protesters to demonstrate (typically out of public view and away from the news media) and requiring permits for rallies. Although significant attention has been given to the militarization of local law enforcement through the use of armored vehicles, Special Weapons and Tactics (SWAT) raids, tactical body armor and shields, and physical confrontations with protesters (Mihal, 2015), Wood noted that law enforcement is increasingly opting for soft force tactics to manage protest and disperse crowds. The "Miami Model" of protest policing is often credited with popularizing soft force methods during the 2003 Free Trade Area of the Americas (FTAA) demonstrations in Miami, Florida. Law enforcement sought to avoid the physically aggressive tactics used during the 1999 anti-World Trade Organization (WTO) protests in Seattle, Washington, and instead created pre-approved protest areas (often called "non-free speech zones"), surveiled protesters' social media and online activities, and created joint task forces of multiple law enforcement agencies (Elmer & Opel, 2008). The online monitoring and surveillance of BLM and its supporters represent the digital extension of these "soft force" tactics.

Surveillance studies

Foucault (1977) adopted Jeremy Bentham's Panopticon (1995) to theorize power and discipline in modern society. He argued that the Panopticon's central tower had the ability to look into separate rooms of the structure, which housed the sick, mad, and criminal. The Panopticon is widely cited in contemporary surveillance studies, and Caluya (2010) critiqued scholars who have attempted to update Foucault's framework through various "opticons." Attempts to rid surveillance studies of the Panopticon metaphor in favor of a digitally networked "synopticism" (see Haggerty & Ericson, 2000; Mathiesen, 1997) are misguided, Calyua wrote, because they "misrecognize the broader theory of power that Foucault explicated" (2010, p. 623). For BLM and networked SMOs utilizing digital media and social media platforms, Foucault's Panopticon remains relevant because it "induce[s] in the inmate a state of consciousness and permanent visibility that assures the automatic functioning of power" (Foucault, 1977, p. 201). BLM activists, especially those conducting counter-surveillance, are made visible to law enforcement through smartphone applications and social media sites that track users' physical locations and mine their personal data.

Green (1999) also revisited the Panopticon to analyze commercial and workplace surveillance and argued, "power is contested and agency [is] never completely closed down" (p. 26). He situated "dataveillance" in "a contested social setting, [that] comprehends imperfections and includes practices of resistance" (p. 27). Green concluded by suggesting that the prison gaze has been replaced by a myriad of "glances" in a digital and networked surveillance state. Positing that countless "glances" view movement activists in digital spaces, however, misrepresents how internet cookies, "fingerprint" software, and other tracking devices work. Together these technologies compile a more complete picture of online users (referred to as metadata), which is sold to third party advertisers or, if there is a perceived security threat, provided to government agencies. Rather than suggest each of these technologies—video captured via CCTV, smartphone applications, data mining software—operate independently and collect tiny bits of data from which little can be gleaned, I argue that a host of technologies, old and new, surveil SMOs and this surveillance disproportionately targets black activists.

Counter surveillance and cop-watching

The history of surveilling black activists in the United States and the neoliberalization of law enforcement is a useful framework for understanding the online surveillance of BLM, but a consideration for the political economy of networked communications is also needed to analyze the distribution of counter-surveillance and video activism. Bock (2016) examined how activist filmmakers subverted state surveillance by filming the police, and she relied on Foucault to argue that citizenship and police accountability have been altered "in the digital age" as activists sidestep traditional media institutions and news organizations to produce and distribute original multimedia content. Bock highlighted how videos captured via smartphones carry an "aesthetic of authenticity," which is "a powerful form of evidence in modern life, a virtual trump card in modernity's games of truth" (p. 5). Bock concluded that cop-watching is "a 21st century illustration of Foucault's argument" of power and looking because cop-watchers harness the "force" of images and "challenge police narratives [through] the camera's authority" (p. 15).

Although instances of police brutality captured on video in recent years have served as major catalysts for the BLM movement, fueled mass demonstrations demanding police reform, and reinforced a general distrust of local law enforcement, particularly within the African American community, the context in which these images circulate problematizes their efficacy in bringing about change. Camera-enabled smartphones and social media platforms have altered the relational dynamics between activists and police (Wilson & Serisier, 2010), and, as the strategies for policing protests and counter-surveillance tactics of activists have evolved, the relations between police and citizenry have become strained. Counter to Bock's contention that images are a powerful truth-telling device, Gillham and Noakes (2007) described how police officers are often assigned to film protesters, creating a "spiral of surveillance enmeshed within layers of neutralization" (p. 171). As

cop-watchers and video activists utilize online platforms and social media to distribute video content depicting police misconduct, the political economy of networked communications must be considered. Schaefer and Steinmetz (2014) argued that the "Internet, as a medium, influences the discourse" between audience and videographer (p. 505), and the *speed* of digital communications poses problems for cop-watchers and video activists because it "overwhelm[s] the user due to the sheer amount of content" (p. 508). The spectacle of online information and drive for circulation produces activist video that lacks context and, thus, is less meaningful. Social media platforms—once thought to have the potential to democratize politics and knowledge—are dominated by a few large institutions that commercialize users' attention and personal information. This recognition provides a critical lens through which to discuss the distribution of counter-surveillance and video activism.

Monitoring Black Lives Matter

BLM is "not a moment, but a movement" and, according to its website, "is a call to action and a response to anti-black racism that permeates our society" (blacklives-matter.com, n.d.). Alicia Garza, Opal Tometi, and Patrisse Cullors founded the movement in 2012 after George Zimmerman was acquitted in the fatal shooting of 17-year-old Trayvon Martin in Sanford, Florida. #BlackLivesMatter grew "beyond a social media hashtag"[1] in 2014 after the fatal shooting of another unarmed black man, 18-year-old Michael Brown, in Ferguson, Missouri, into an international movement consisting of 38 chapters—37 within the United States and one in Toronto, Canada. By incorporating networked communications to collaborate with semi-autonomous local chapters, the movement operates with a somewhat horizontal structure. BLM avoids privileged membership based on social capital, education, gender, ability, or sexual identity, and the organization's use of social media to promote videos of police brutality against unarmed black citizens is notable for centering race in the surveillance of and counter-surveillance tactics used by black activists.

The 1991 beating of Rodney King in Los Angeles is a notable example of a citizen capturing on video police brutality against a black man (Allan & Thorsen, 2009). A lot has changed since then. According to a 2015 report by the Pew Research Center, two-thirds of Americans own a smartphone, with 67% of those using it to "share photos, videos, or commentary about events happening in their community" (Smith, 2015, para. 19). With the near-ubiquitous presence of camera-enabled smartphones, witnesses now regularly capture and post to social media incidents of police misconduct. Video evidence of police brutality and the social media platforms activists use to distribute these images and make visible racial injustices have made police reform central to BLM's mission. For example, shortly after the fatal shooting of Michael Brown in Ferguson, the hashtag #HandsUpDontShoot and images of Brown lying in the street for four hours spread quickly on Twitter,

"suggesting that social media can serve as an important tool for challenging these various forms of racial profiling" (Bonilla & Rosa, 2015, p. 8).

BLM utilizes social media to mobilize supporters, promote community meetings, and send messages of solidarity to other chapters, and the digital state surveillance directed at the movement to disrupt its organizing has been particularly aggressive. According to *The Intercept*, since the Ferguson demonstrations in 2014, the U.S. Department of Homeland Security (DHS) was "collect[ing] information, including location data, on Black Lives Matter activities from public social media accounts, including on Facebook, Twitter, and Vine, even for events expected to be peaceful" (Joseph, 2015, para. 2). A DHS spokesperson responded, saying the office provides "situational awareness" to ensure "critical terrorism and disaster-related information reaches government decision makers" (para. 8). Baher Azmy, legal director at the Center for Constitutional Rights, countered, arguing that "situational awareness" is "Orewellian speak for watching and intimidation" and is "an effective way to chill protest movements" (para. 9). In this instance, law enforcement utilized discourses of law-and-order and fear to justify surveillance as a necessary tool for protecting the interests of national security in the global "War on Terror."

Other reports have similarly documented the targeted surveillance of BLM and its supporters. Kaufman (2016) reported that police departments across the United States have been using new technologies and apps to monitor activists supporting or connected to the movement. After an open records request, the American Civil Liberties Union (ACLU) in Northern California discovered that the Fresno Police Department was using four social media applications—Geofeedia, LifeRaft, Media Sonar and Beware—to conduct online surveillance of BLM and its supporters. Police used the apps to monitor hashtags #BlackLivesMatter, #DontShoot and #ImUnarmed and claimed its tracking was designed to look for "violent crime and terrorism." In another report, public records showed the Denver Police Department spent $30,000 for 30 subscriptions of Geofeedia, allowing the department to geo-locate social media posts emanating from specific events such as public demonstrations and marches (Cameron, 2016), actions BLM5280 conducts in order to disseminate its messages and raise public consciousness about police abuse. The Baltimore Police Department and surrounding agencies also subscribed to Geofeedia and used it in concert with aerial surveillance planes and "stingray" cell phone tracking technology. Law enforcement officials there said they monitored keywords of "criminals" that are "*attempting* to commit criminal acts" (Knezevich, 2016, para. 5, emphasis added). According to *TechCrunch*, Geofeedia's location-based software is experiencing tremendous growth. Within the past year, the company reportedly raised $17 million in investor funding, added 200 new customers including *CNN*, the Mall of America, and the National Collegiate Athletic Association (NCAA), and increased revenue 250% year-over-year (Ha, 2016). In October 2016, social media companies Facebook, Instagram, and Twitter rescinded Geofeedia's access to their data after the ACLU in California notified the companies of Geofeedia's data mining efforts on the platforms and its subsequent selling of this data to law

enforcement agencies (Levin, 2016). A petition circulating on the website SumofUs.org criticized Facebook, Instagram, and Twitter for allowing this data collection to occur, and explained how social media has been critical to BLM's work raising awareness of police brutality. The petition read, in part: "This is more than just a violation of our privacy and freedom of speech; this is compliance with a system that tacitly condones institutional racism and surveillance of communities of color—we won't stand for that" (Rector & Knezevich, 2016, para. 27).

Relying on a private–public partnership, the Fresno Police Department used software application Beware, which scans the name and address of an individual, finds all available public information online related to this individual (including social media data), and applies a threat level (e.g., green, yellow, red). Officials from Fresno P.D. admitted they did not understand the program's algorithms or how threat levels were determined—only Intrado, the company that supplied it, did. These surveillance mechanisms are not dissimilar to the tracking of Civil Rights and Black Panther Party activists in the 1960s; modern technologies deployed in a neoliberal context in which law enforcement agencies contract with private technology companies, however, make the tracking of radical black activists easier, more expansive, and extremely targeted.

In a final example of digital surveillance of BLM, the Urban League of Portland sent a letter to Oregon Attorney General, Ellen F. Rosenblum, explaining how an investigator within the Oregon Department of Justice (DOJ) used a search tool to racially profile Twitter users (Lerner, 2015). The Oregon DOJ investigator, according to the letter, used a trial version of the online search tool Digital Stakeout, which, according to its website, offers "revolutionary on-demand intelligence software for professionals who want to use data from social, deep, and dark webs to protect people, locations, and reputations" (digitalstakeout.com, n.d.). The investigator claimed to be searching content related to #BlackLivesMatter in order to monitor anti-police sentiment (Wilson, 2015). The Urban League's letter, co-signed by the ACLU Oregon, National Association for the Advancement of Colored People (NAACP) Eugene/Springfield and Portland Branches, and others, stated: "We are concerned that such unwarranted investigations are racially motivated, and create a chilling effect on social justice advocates, political activists and others who wish to engage in discourse about the issues of our time" (ACLU Oregon, 2015, para. 3). David Rogers, executive director of the ACLU Oregon, said the tracking not only has the potential to produce a chilling effect on protest activities but it is also "illegal for state law enforcement to collect information about people's religious, social, and political views" (Wilson, 2015, para. 9). Rosenblum subsequently sent a letter to the Urban League of Portland in November 2015 apologizing for the incident and promising a human resources investigation (Rosenblum, 2015).

These reports are not exhaustive of the tactics used against BLM and its supporters, but they reveal a pattern of by neoliberal policing policies and behaviors exacerbated by neoliberal law enforcement and digital surveillance tools. Monitoring the online activities of SMO activists and anyone using language associated with the

movements supports Wood's claim that law enforcement agencies are sharing best practices for preemptively policing and disrupting dissent when there is a perceived threat to their authority. Public agencies contracting with private technology firms further reveal the neoliberalization of U.S. law enforcement. Gathering metadata from online platforms and street demonstrators requires updated theorizing about how state surveillance apparatuses target and chill radical black thought and speech. Government surveillance of citizens' online activities, particularly with regard to peaceful assembly, instills fear in black activists and discourages white allies from joining a multi-racial coalition fighting for social justice.

Activist filmmaking with Black Lives Matter 5280

Within this context in which the digital surveillance of BLM and its allies has become pervasive, I have been supporting the Denver chapter of BLM— BLM5280—attending community meetings and direct actions, producing short documentary films, and interacting with the group's Facebook and Twitter accounts. Through an "Internet related ethnography" (Postill & Pink, 2012, p. 3) that "follows users across multiple online and off-line communities to better understand how digital and analog forms of engagement are mutually constitutive" (Bonilla & Silva, 2015, p. 11), I analyze BLM5280's social media activities, my allied filmmaking with the organization, and the digital technologies that complement these practices. Although the Denver chapter's organizing is not generalizable to all BLM chapters, I offer three events I participated in as a researcher-filmmaker to reveal how the targeted surveillance of black activists affects local organizing: a solidarity vigil on 24 November 2015; a protest march at the Martin Luther King, Jr. (MLK) Day "Marade" on 18 January 2016; and a community meeting on 29 April 2016. This case study reveals how social media and video activism are important components of BLM5280's organizing and problematizes media's efficacy in promoting change.

The 24 November 2015 vigil was organized in response to the fatal shooting of Jamar Clark, a 24-year-old black man, by two Minneapolis police officers. Following the incident, protesters sat outside of Minneapolis's 4th Precinct demanding the release of video evidence of the shooting. Eight days into the sit-in, five protesters were shot and injured near the precinct, allegedly by a group of white supremacists attempting to intimidate the protesters and BLM movement.

I interviewed BLM5280 organizers and allies at the solidarity rally in Denver and captured participants speaking through a bullhorn expressing their frustrations with the events in Minneapolis (Canella, 2015). The two-minute film I produced in collaboration with BLM5280 opened with Roshan Bliss, former organizer with BLM5280, saying, "This is terrorism. It is an act that's aimed at a civilian population to make them fearful for their safety." Bliss used the state's language of national security and terrorism to reveal how the silencing of black activists occurs not simply online but through on-the-ground intimidation and violence. During Bliss's

comments, protest participants were shown in the short film holding signs and candles near the Colorado State Capitol building. In his interview for the film, Bliss connected the shooting outside the Minneapolis precinct to police's refusal to release video of the shooting:

> Those protesters in Minneapolis have simply been demanding the release of a video tape, and if they hadn't forced those protesters to sit out front of their police station for so long while demanding the simple release of this tape, this never would have even had an opportunity to even happen.

BLM5280 announced the vigil a few hours prior to the demonstration on its Facebook page, which has just over 13,000 followers, showing how social media has the potential to quickly mobilize members and supporters to actions. The rally drew about 60 organizers and community allies, and a critique of police violence was central to the event. In addition to demanding video evidence of the shooting, Bliss shouted a systemic critique of police reform to the crowd, with many joining the chorus: "The whole damn system is guilty as hell. Indict! Convict! Send those killer cops to jail!" Organizers encouraged participants to gather in a circle as black attendees spoke to the crowd. Many expressed sadness and anger with the fatal shooting of another unarmed black man by police and the intimidation of protesters by alleged white supremacists. In the short film, somber comments from attendees at the vigil were juxtaposed with fiery comments, including a BLM5280 organizer chanting, "We can't be silent while our friends are gunned down!" Video from demonstrations in Minneapolis were crowd-sourced via Twitter and Facebook and included, with permission, in the film. Sharing information and video via social media allowed BLM5280 to speak across geographic boundaries, stand in solidarity with Minneapolis, and elevate the movement's discourse about police reform. Within two hours of the event, our film was edited and posted to YouTube and Twitter using the hashtags #JamarClark and #4thPrecinctShutdown. Hashtags were used to encourage viewers to gather more information and background about the events in Minneapolis and engage in the conversation.

As a white ally, I am less fearful of being targeted by online surveillance for my social media activities and use my privileges and technical know-how as a filmmaker to promote BLM's messages of police reform. Although the county attorney eventually released video footage of the shooting (HennepinAttorney, 2016), Minneapolis Police Chief Janeé Harteau chose not to discipline the two officers involved in the shooting following an internal investigation (McLaughlin & Sanchez, 2016). Although our short film successfully leveraged social media to raise consciousness about the fatal shooting of Jamar Clark and connected BLM5280 with BLM Minneapolis, the refusal to prosecute the officers involved reveals the limitations of seeking justice through video evidence and activist filmmaking.

Prior to the MLK Day protest on 18 January 2016, BLM5280 hosted a planning meeting for a small group of organizers and allies. As an allied filmmaker who had produced several videos with BLM5280, I was invited to attend the meeting.

Organizers discussed the positioning of black and white allies at various locations during the demonstration and offered advice about what to do if confronted by police. Before the meeting began, participants were asked to place their smartphones in a box outside the room. Black activists are aware of digital surveillance tactics used against them and, in this instance, took additional precautions to modify their behaviors to avoid being surveiled. Organizers decided that BLM5280 core members would stand in the center of a protest circle, surrounded by white allies and leaders of Denver's faith community. This tactic recognized how white activists are not targeted by law enforcement in the same ways as black activists and, thus, allies provided a physical "shield" for BLM5280 activists to voice their demands to the crowd and elected officials.

During the MLK Day protest and throughout our three-and-a-half minute short documentary film about the event, BLM5280 organizers highlighted the case of Michael Marshall, a black man who was mentally ill and who was killed in 2015 while being restrained by law enforcement during a psychotic episode in the downtown Denver jail (Sylte, 2017). Amy E. Emery-Brown, former co-lead of BLM5280, shouted the movement's demands to Denver Mayor Michael Hancock at the rally, which included calls for affordable housing, police reform, and the release of tapes related to Marshall's murder (Figure 1). Emery-Brown's comments were edited to footage of people marching through the streets, holding banners that read "Black Resistance Matters" and "Justice for Michael Marshall," and singing "Which Side Are You On?" to the beat of a marching band (Canella, 2016). After marching from City Park, where politicians and public officials spoke at the foot of Denver's MLK statue, BLM5280 took over the city's official parade route, led a demonstration down Colfax Avenue, and arrived at Civic Center Park, near the State Capitol building, where the city planned additional festivities (Figure 2). Expressing their displeasure with the mayor's administration, protesters repeatedly chanted, "If you refuse to lead, we refuse to follow!" When the protest reached Civic Center Park, Emery-Brown stood at the podium backed by BLM5280 organizers and said, "We did not ask permission. We did not get permits. We were not invited." This statement, as well as the mantra #ReclaimMLK which was used throughout the protest to challenge the sanitized collective memory of King (see Singh, 2004) and highlight his advocacy of radical democracy, reveal how the movement eschewed neoliberal protest guidelines and practiced unrestrained dissent.

Emery-Brown raised public consciousness about the death of Marshall during her speech by directly addressing Denver Mayor Michael Hancock. "Mayor Hancock, will you honor Dr. King beyond your poetic words this morning?" she began. "Will you honor Dr. King by immediately releasing the tapes showing the Denver Sheriff's deputies brutally murdering Michael Marshall?!" The crowd cheered and shouted in unison, "Release the tapes! Release the tapes!" Again calling out Mayor Hancock, Emery-Brown demanded the city invest in rehabilitation programs and community resources, critiquing the city's increased spending on law enforcement. "You gave 24 million of our tax dollars to the Denver Sherriff's

Figure 1 Amy E. Emery-Brown shouting BLM5280's demands at Marade, January 18, 2016; Photo by Author.

Figure 2 BLM5280 leads the Marade down Colfax Avenue in downtown Denver to #ReclaimMLK on January 18, 2016; Photo by Author.

department. 24 million dollars!" she shouted. "The police department does not need to be further militarized! Our communities are already in terror. De-militarize the police!" The assembly joined with BLM5280 organizers shouting, "Resources, not retribution!" (Figure 3) The $24 million figure Emery-Brown cited refers to the mayor's decision to spend $24 million of the city's $1.8 billion budget in 2016 on hiring sheriff's deputies, updating law enforcement computer systems, and

Figure 3 A protester raises his fist and phone during the MLK Day protest, January 18, 2016; Photo by Author.

improving training for inmate care and use of force; all potentially useful expenditures for improving police officers' on-the-job conduct, but which fail to address the root problems of police–community relations (Murray, 2015).

Although the protest and associated documentary film, distributed primarily via social media, raised public awareness about Michael Marshall's death, pressured public officials to release security footage of the event, and elevated a critique of militarized law enforcement, justice was not realized for the Marshall family. In November 2017, the Marshall family reached a $4.65 million settlement with the city of Denver, which, in addition to the payment, included improving mental health services in the jail and developing protocols for handling inmates with mental illness (Sylte, 2017). Since 2004, the city of Denver has paid over $30 million to settle police and jail claims (Murray, 2017), which follows a disturbing national trend of law enforcement agencies settling cases of police brutality. According to a report in *The Wall Street Journal* (Elinson & Frosch, 2015), the 10 largest U.S. cities paid out nearly $250 million to settle police misconduct cases in 2014, up 48% from 2010. These statistics reveal how demands for dash-cams and body-cams and the publicizing of video evidence collected by these devices do little to change the structural issues underlying neoliberal law enforcement.

Following the two rallies discussed above, BLM5280 addressed the racialized surveillance of protest at its public community meeting on 29 April 2016. Organizers explained the planning of direct actions, the broad range of allies needed to conduct rallies and demonstrations, and the legal and civil rights of protest participants. Although these conversations have been happening in organizing circles since the 1960s (e.g., Olson & Shivers, 1970), and scholars worry that this type of training may professionalize protest (Button, John, & Brearley, 2002), BLM5280 provided important

practical advice and training for organizers seeking to safely plan and implement actions. As U.S. law enforcement agencies deploy militarized responses to the policing of protest and leverage digital technologies to monitor protest participants before, during, and after actions occur, it is crucial that SMOs educate members and allies about the surveillance tactics conducted by police, the counter-surveillance tactics available to video activists, and the risks inherent in both.

The case of Ramsey Orta

On 17 July 2014, Eric Garner was arrested for selling loose cigarettes in Staten Island, New York. During the arrest, a police officer placed Garner in a chokehold that killed him. Ramsey Orta, a bystander and friend of Garner, captured the incident on video, and Garner's repeated cry of "I Can't Breathe. I Can't Breathe." was quickly adopted by BLM and other activist groups demanding police accountability and reform. Orta's counter-surveillance tactic of filming the police and what happened after the Garner incident is crucial for understanding racialized surveillance. Orta, a self-described cop-watcher, explained why he films police in a video produced by WeCopWatch (2015):

> I started videotaping for my safety at first, but then I've witnessed the same officers that killed my friend [Eric Garner] beating up on somebody else, so it was just my instinct to record it (…) It's just a start, pulling out your camera. For the most part it's dealing with the consequences and the actions that's gonna happen after whatever you just videotaped.

The events following the filming and distribution of the Garner video should concern video activists, particularly radical black activists counter-surveilling police. Orta has been arrested three times—once on a weapons charge, once for the sale and possession of drugs, and once for selling MDMA to an undercover police officer (Sanburn, 2015). After a plea deal to gun and drug charges, Orta was sentenced to a four-year prison sentence (Mathias, 2016). This police "harassment," Orta's word, has led Orta to regret releasing the Garner video; while he says he would likely still release the footage, he says he would do so anonymously. Orta's case recognizes how video activists engaging in counter-surveillance are targeted by law enforcement, which chills the future speech of video activists. The pressure on Orta from law enforcement reveals the risks associated with documenting police misconduct, the criminalization of cop-watching, and the lengths government agencies will go to silence those performing video activism.

On 22 January 2015, following one of his client's court appearances, Orta's attorney Alton H. Maddox, Jr. said:

> The man who filmed the crime is now being persecuted for filming it by members of the New York Police Department (…) We [must] understand and send a message to this power structure, this wicked power structure, that this

man has done nothing wrong for reporting and recording a crime. (Eliscu, 2015)

Targeting Orta after he filmed Garner's death sends a chilling warning to video activists who monitor police activity. Although Orta maintains a First Amendment right to record, the surveilling of his public and private life and online and offline activities discredited his reputation and, in turn, his video evidence. Garner's murder, depicted through video evidence, also reveals a salient critique about neoliberal law enforcement. The violent enforcement of selling loose cigarettes reflects "broken windows" policing, an approach popularized during the 1990s, and which fosters a culture of mistrust between law enforcement and the community and traps poor and mostly black and brown people in the criminal justice system's cycle of court fees.

Conclusion

The current sociopolitical context has seen a vigorous crack down on public dissent and acts of civil disobedience. Understanding the legal and civil rights afforded by local and federal laws is an important first step for protesters challenging, through video activism and publicity, structural racism and socio-economic inequalities. Equally crucial is to recognize how racialized political rhetoric undergirds reactionary state policies for managing networked protest and digital activism. For example, in August 2017, the Trump administration announced the rolling back of an Obama administration policy from 2015, following the uprisings in Ferguson, Missouri, that limited the transfer of military equipment such as armored vehicles and grenade launchers to local law enforcement agencies (Jarrett, 2017). A few months later, in October 2017, leaked documents from the FBI counter-terrorism division revealed the agency labeled black activists "Black Identity Extremists (BIE)" who pose a significant threat to law enforcement safety (Levin, 2017). Policy revisions and racist discourses that criminalize black dissent compound the historical challenges black activists have faced in their opposition to state violence and their demands for a radical reorganization of social and political life.

Analyzing the political language that criminalizes black citizens and critiquing the neoliberal law enforcement strategies that aggressively surveil black activists reveal how strained relations between law enforcement and communities of color do not stem from and will not be solved by video activism; rather, they are structural political-economic problems that require long-term organizing for change. The current social and political context demands activists make injustices and inequalities visible, but the intricate layers of surveillance that permeate online and offline communications foster a culture of fear and intimidation, particularly within the black community, which makes activists hesitant to speak out. Penney (2016) provided the first empirical evidence to support the claim that surveillance has a "chilling effect" on speech and dissent. Following the 2013 NSA revelations by

Edward Snowden, Penney noted a statistically significant decrease in traffic to Wikipedia pages containing terms such as "terrorism" and "infrastructure security," and concluded that citizens avoided associating themselves with language that may appear threatening to national security. Glenn Greenwald (2016), the investigative journalist who reported on and broke the Snowden story, reacted to Penney's findings this way: "There is a reason governments, corporations, and multiple other entities of authority crave surveillance. It's precisely because the possibility of being monitored radically changes individual and collective behavior. Specifically, that possibility breeds fear and fosters collective conformity" (para. 11).

As instances of police brutality against black Americans are increasingly made visible through video evidence and distributed via social media, the relations between the state and activists who threaten police legitimacy through counter-surveillance will grow strained. Although organizations such as WITNESS provide valuable training for video activists and have successfully entered video evidence in court cases seeking justice for human rights abuses, research does not support the notion that more video will improve police–community relations. A study by the Lab @ DC, a research group within Washington, DC's city administration, found that officer body-cams worn in the District had no statistically significant effect on police behavior or citizen complaints (Greenfieldboyce, 2017). As government agencies continue to rely on private security and tech firms, which are technologically more sophisticated than activists' counter-surveillance tactics, law enforcement will remain one step ahead of video activists in the contemporary surveillance arms race. Social movement actors and video activists should recognize, however, that the communication strategies of counter-surveillance—distributed via networked communications and digital media platforms—have the potential to amplify demands for radical change, foster solidarity among grassroots groups, and connect local organizers to national and transnational movements for justice. Video may be one part of a movement's communicative strategy to shift public opinion and mobilize allies, but video evidence, whether captured by activists or police, must be understood within its historical and political economic contexts. The history of surveilling radical black activists in the United States and the continual neoliberalization of law enforcement agencies should concern media practitioners, filmmakers, and all organizers fighting for justice.

Note

1 #BlackLivesMatter, when used as a hashtag, refers to the organization's social media-related activities, such as calls to action, announcements, and showing solidarity with other chapters by posting photos, videos, and news articles supporting their campaigns. "Black Lives Matter," on the other hand, refers to the movement as a whole and its offline organizing efforts and campaigns. Making this distinction is somewhat difficult, as social media are connected intimately to the movement's outreach and messaging strategies.

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