

DIVEST FROM E-CARCERATION

COMBATING THE EXPANSION OF SURVEILLANCE
TECHNOLOGY AND THE CARCERAL STATE

TOOLKIT



WHAT IS E-CARCERATION?

E-CARCERATION is defined as “the use of technology to deprive people of their liberty...[it] also includes a range of technologies that gather information about our daily lives that can curb our liberty. These technologies include: license plate readers, stingrays, facial recognition software, and metadatabases, which house information gathered from all these sources of surveillance.”

CITATION: [*Challenging E-Carceration*](#) hosted by Media Justice



WHO IS INVESTED IN E-CARCERATION?

According to the Electronic Frontier Foundation, surveillance technologies used by police and the broader criminal legal system are not only funded by local, state, and federal governments, but also by civil asset forfeiture, private benefactors, foundations, and corporations that benefit from the use of these technologies.

CITATION: [*Electronic Frontier Foundation: How Police Fund Surveillance Technology is Part of the Problem*](#)



Communities
Transforming
Policing
Fund





THE DEVELOPMENT OF E-CARCERATION: A TIMELINE OF SURVEILLANCE TECHNOLOGIES¹

1895

Wire-tapping of private citizens by the police started in **New York in 1895** when a former telephone worker joined the city police and suggested listening in on individuals suspected of committing criminal activities.

1928

Olmstead v. US: “[W]ithout judicial approval, federal agents installed wiretaps in the basement of Roy Olmstead’s...building, and in the streets near his home.” The Supreme Court found that neither the Fourth or Fifth Amendment protected Olmstead against the police wiretap. This case was later overturned by *U.S. v. Katz*.

CITATION: [Oyez, *Olmstead v. United States*](#)

1956

COINTELPRO, a counterintelligence program run by the FBI launched and continued through 1976. COINTELPRO was a collaborative effort between the FBI and local police to track, surveil, and destabilize groups.

CITATION: [Black Past, COINTELPRO \[COUNTERINTELLIGENCE PROGRAM\] \(1956-1976\)](#)

1963

OCTOBER: Attorney General Robert Kennedy authorized the FBI to wiretap Martin Luther King Jr.’s home and the Southern Christian Leadership Conference.

1967

In **U.S. v. Katz**, the U.S. Supreme Court found that the Fourth Amendment protects people from unreasonable searches and seizures “not only the seizure of tangible items, but extends as well to the recording of oral statements,” and requires the police to obtain a search warrant to conduct electronic surveillance.

1968

In 1968, Congress passed the **Omnibus Crime Control and Safe Streets Act** which created the Law Enforcement Assistance Administration and provided federal funding for local police departments. When President Johnson signed the Act he acknowledged the “elephant in the room” related to the surveillance of private citizens.

“I urge that the Congress outlaw “all wiretapping and electronic eavesdropping, public and private, wherever and whenever it occurs.” The only exceptions would be those instances where “the security of the Nation itself was at stake—and then only under the strictest safeguards.” — PRESIDENT LYNDON B. JOHNSON

CITATION: [The American Presidency Project, Statement By President Upon Signing the Omnibus Crime Control and Safe Streets Act of 1968](#)

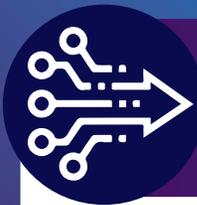
1969

DECEMBER 4: After being surveilled, Fred Hampton, Chairman of the Black Panther Party was **murdered by Chicago Police during a raid on his home.**

1976

License Plate Readers were invented in the UK. They began being used in the US among larger police agencies in the 2000s. According to the National Conference of State Legislatures, **16 states have laws** to address the use of Automatic License Plate Readers or the retention of data from them.

(1) Please note this timeline highlights just a few important dates in the history of surveillance by policing agencies. This topic is incredibly expansive and we encourage all readers of the timeline to review the resources and those of the organizations included in this document.



THE DEVELOPMENT OF E-CARCERATION: A TIMELINE OF SURVEILLANCE TECHNOLOGIES' (CONTINUED)

1984

The first electronic monitoring program in the United States started in [Palm Beach County, FL](#).

1994

[Violent Crime Control and Law Enforcement Act of 1994](#), created the single largest source of federal public safety funding today, the Edward Byrne Memorial Justice Assistance Grant, which is a large block grant that generally goes to police despite the fact that it can support a broader array of [public safety functions](#).

1995

The federal government began using [stingray-style technology](#) which allows law enforcement to track cell phone devices.

1996

[ShotSpotter](#) was created and first installed in Redwood City, California. ShotSpotter is designed to detect and locate gunfire.

2001

Following the September 11th attacks, the Federal Government resourced the development of [Fusion Centers](#). They were designed to [“organize localized domestic intelligence gathering into an integrated system that can distribute data both horizontally across a network of fusion centers and vertically down to local law enforcement and up to the federal intelligence community.”](#) But officers in these fusion centers have also monitored activists against police violence. In 2020, the [Phoenix New Times found](#) that they were surveilling and monitoring community members speaking out against police violence.

2004

JUNE: U.S. Immigration and Custom Enforcement announce the development of the [Intensive Supervision Appearance Program \(ISAP\) which places immigrants under electronic monitoring as an “alternative to detention.”](#)

2012

In [U.S. v. Jones](#), the U.S. Supreme Court held that the police need a warrant in order to install a GPS tracking device on a car and use it for extended surveillance.

“The net result is that GPS monitoring — by making available at a relatively low cost such a substantial quantum of intimate information about any person whom the Government, in its unfettered discretion, chooses to track — may ‘alter the relationship between citizen and government in a way that is inimical to democratic society’.

— **JUSTICE SOTOMAYOR CONCURRENCE**

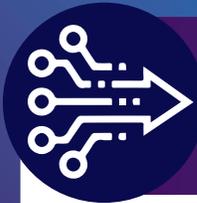
2013

In the early 2010s, a number of police agencies begin adopting body worn camera programs. There is no accurate estimate of the number of law enforcement agencies that have body worn cameras. In August 2013, a Police Executive Research Forum (PERF) study found that 25% of the Departments they surveyed had them.

CITATION: [Police Executive Research Forum, Implementing a Body-Worn Camera Program](#)

2015

SEPTEMBER: [U.S. Department of Justice awards over \\$23 million](#) in funding for body worn camera pilot programs for law enforcement agencies in 32 states.



THE DEVELOPMENT OF E-CARCERATION: A TIMELINE OF SURVEILLANCE TECHNOLOGIES' (CONTINUED)

2018

In [Carpenter v. U.S. the U.S.](#) Supreme Court held that police must get a warrant before they can obtain historical information from cell phone providers about the location of individuals' mobile phones (known as cell-site location information, or CSLI)

2020

MARCH: [Police agencies begin using drones](#) to enforce stay at home orders and other public health measures following the onset of COVID-19.

2021-22

The Department of Homeland Security announced its interest in expanding ICE's Intensive Supervision Appearance Program (ISAP) to supervise 400,000 people. ISAP currently monitors 164,391 individuals at any given time. [According to Just Futures Law, ISAP is the largest supervision program of any law enforcement agency in the U.S. and between 2006 and 2021, the ISAP budget increased from \\$28 million to \\$475 million.](#)



A SELECTION OF STATE AND LOCAL ADVOCACY EFFORTS TO PUSH BACK AGAINST E-CARCERATION

BOSTON, MASSACHUSETTS

In October 2021, the Boston City Council supported an [ordinance to give City Hall oversight of surveillance technology used by the government and established limits for when Boston Public Schools](#) can share student information with police. One of the reasons for this change was a ProPublica/ WBUR investigation that found that the Boston Police Department was buying surveillance technology using money seized through asset forfeiture. Since the money came from civil asset forfeiture, there was no transparency in how the police department used these "discretionary funds."

CHICAGO, ILLINOIS

A number of groups including [Lucy Parsons Labs, Action Center on Race and the Economy, and Defund CPD](#) are pushing for the cancellation of Chicago's Shotspotter contract. According to the [Lucy Parsons Lab](#), Chicago is one of the most heavily surveilled cities in the world. The City has "cameras, automatic license plate readers, cell site simulators, and many other surveillance devices." Video surveillance is the most common surveillance technology in Chicago with over 50,000 cameras in the city operated by the Office of Emergency Management.

DENVER, COLORADO

[Despite public opposition, Denver City Council approves new ShotSpotter Contract](#) for \$4.7 million.



A SELECTION OF STATE AND LOCAL ADVOCACY EFFORTS TO PUSH BACK AGAINST E-CARCERATION (CONTINUED)

DETROIT, MICHIGAN

In May 2021, the [Detroit City Council unanimously passed](#) an ordinance to give residents oversight of the city's surveillance systems.

GRAND RAPIDS, MICHIGAN

A local NAACP chapter worked with the city to revise its policies so that the community can file complaints on the misuse or overuse of technology and an investigative [audit would be conducted along with an annual report to show the impact of the tools on the community broken down by race, age, and gender](#).

LOS ANGELES, CALIFORNIA

[Defund Surveillance Campaign](#) collaboration between Stop LAPD Spying and Free Radicals. Justice LA is working on highlighting and addressing the 5,250% increase in pretrial electronic monitoring since 2015. [Pretrial Electronic Monitoring in Los Angeles County 2015 through 2021](#) report from UCLA School of Law Criminal Justice Program.

MINNEAPOLIS, MINNESOTA

Following a successful campaign to remove school resource officers from schools, the local school district began investing more into Gaggle, a student surveillance technology. [Activists like Marika Pfefferkorn, Executive Director of Midwest Center for School Transformation, have advocated against](#) the use of this surveillance technology.

NASHVILLE, TENNESSEE

Despite opposition and advocacy from the Community Oversight Board, Nashville Defender's Office, the NAACP, and Black Lives Matter Nashville, and at least ten other organizations, the Nashville Metro Council approved a [license plate reader pilot](#) in February 2022.

NEW YORK, NEW YORK

The NYPD has spent over [\\$277 million on surveillance systems since 2007 according to documents from the Legal Aid Society and the Surveillance Technology Oversight Project \(STOP\)](#). The contracts for these systems were hidden under "special expenses" programs, but that agreement was terminated in 2020 as a result of the [Public Oversight of Surveillance Technology Act](#) advocated by the [Privacy NY Campaign Coalition](#).



A SELECTION OF STATE AND LOCAL ADVOCACY EFFORTS TO PUSH BACK AGAINST E-CARCERATION (CONTINUED)

SAN JOSE, CALIFORNIA

Silicon Valley De-Bug developed the participatory defense network and continues to advocate for community-based support as a pretrial justice measure instead of surveillance. In a blog piece, Raj Jayadev at De-Bug shared why “decarceration doesn’t have to mean supervision expansion.”

VIRGINIA

In 2021, Virginia passed H. 2031, one of the most restrictive bans on the use of facial recognition technology by the police.

WASHINGTON, DC

The Community Oversight of Police Surveillance DC Coalition which includes 17 organizational partners is working to end the unchecked surveillance of local communities by passing legislation that “would require transparency, meaningful public input, and DC Council approval for all government uses of surveillance technology”

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E-CARCERATION IS THE USE OF TECHNOLOGIES TO GATHER INFORMATION ABOUT OUR DAILY LIVES THAT CAN CURB OUR LIBERTY.

LICENSE PLATE READERS
DRONES
BODY CAMS
FACIAL RECOGNITION SOFTWARE
PREDICTIVE POLICING
RING CAM PARTNERSHIPS

TECH THAT MIGHT START AS NON-CRIMINAL SURVEILLANCE, OR EVEN FOR PERSONAL USE OR FOR CONVENIENCE MAY LATER BE USED TO CRIMINALIZE FOLKS.

COMMUNITIES TRANSFORMING POLICING FUND AND SPARK JUSTICE FUND

"WE SAW A RELIANCE ON E-CARCERATION THAT SHIFTED INCARCERATION FROM JAILS TO THE COMMUNITIES."

INVESTMENT IN TECH TO POLICE, SURVEIL, AND CONTAIN BLACK+ BROWN COMMUNITIES HAS DEEP ROOTS IN THE U.S.

"E-CARCERATION IS A BIG POLICY ISSUE AS IT IS VERY PROXIMAL TO OUR FAMILIES."

"WE EXPLAINED... WHAT DEMANDS WE HAD. FIRST WAS THE COMPLETE TERMINATION OF POLICE IN OUR SCHOOLS."
 "IT IS IMPORTANT TO TRAIN STAFF ON WHAT POSITIVE SCHOOL SAFETY LOOKS LIKE AND WHO CAN FILL THOSE ROLES."

"BAD DATA IN... BAD DATA OUT. IT PERPETUATES BIASES."
 THIS COLLECTION OF DATA IS STARTING TO SHAPE WHO WE THINK OUR YOUNG PEOPLE ARE...

"THESE DECISIONS ARE LITERALLY CREATING A DATA ENTRAPMENT OR CRADLE-TO-PRISON ALGORITHM THAT IS GOING TO FOLLOW [YOUNG PEOPLE] THROUGHOUT THEIR LIVES."

"[E-CARCERATION] DESENSITIZES YOU TO GETTING YOUR RIGHTS TAKEN AWAY AND EVENTUALLY YOUR FREEDOM."
 "ITS LIKE A GATEWAY..."

"EVEN THOUGH I WAS PUTTING IN MY BEST EFFORT, THEY COULD REMAND ME FOR ANYTHING WHENEVER THEY WANTED."

MUNA MUSSE, YOUTH ACTIVIST + STUDENT UNIVERSITY OF MINNESOTA

CHARISSE DOMINGO, SILICON VALLEY DE-BUG

MARIKA PFEFFERKORN, MIDWEST CENTER FOR SCHOOL TRANSFORMATION

XAVIER ESPANA, SILICON VALLEY DE-BUG

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VIDEO RECAPS



WATCH: Silicon Valley De-Bug Activist, Xavier España, Shares the Impacts of E-carceration



WATCH: Marika Pfefferkorn Shares Challenges of Pushing Back Against Expanding Carceral Surveillance



WATCH: Charisse Domingo Highlights Silicon Valley De-Bug's Community Release Project



WATCH: Youth Organizer Shares the Challenges of Advocating for Police Free Schools



RESOURCES

This is a selection of resources, please note that this list is not comprehensive and new resources are being created every day.

Maps

- [Ban Facial Recognition](#)
- [Media Justice — Electronic Monitoring Hotspot Map](#)
- [Electronic Frontier Foundation — Atlas of Surveillance](#)

Webinars

- [ACRE — Public Safety is Not for Profit: Taking on ShotSpotter and Surveillance Capitalism](#)
- [Media Justice — Welcome to E-Carceration 101 and Understanding E-Carceration](#)
- [ACRE — 21st Century Policing: The Rise and Reach of Surveillance Technology](#)
- [Spark Justice Fund — Working Against E-Carceration and Electronic Monitoring English Recording Part 1 / Part 2 Spanish Recording Part 1 / Part 2 Transcript](#)

Websites

- [Media Justice — Challenging E-Carceration](#)
- [Movement for Black Lives — End the surveillance on Black Communities.](#)
- [MacArthur Justice Center — End Police Surveillance](#)
- [Electronic Frontier Foundation — Privacy Topics](#)
- [Black Past — COINTELPRO \(1956-1976\)](#)
- [National Institute for Justice — Research on Body Worn Cameras](#)

Reports

- [Media Justice — No More Shackles: Ten Arguments Against Pretrial Electronic Monitoring](#)
- [COVID19 Policing Project — Surveillance, Tech Companies, and the COVID-19 Policing](#)
- [Community Resource Hub, COVID19 Policing Project and Communities Transforming Policing Fund — Ensuring Federal Stimulus Funds Support Communities, Not Cops Report](#)
- [Community Resource Hub & COVID 19 Policing Project — Unmasked: Impacts of Pandemic Policing](#)



RESOURCES

This is a selection of resources, please note that this list is not comprehensive and new resources are being created every day.

Reports (CONTINUED)

- **UCLA School of Law Criminal Justice Program** — [Pretrial Electronic Monitoring in Los Angeles County 2015 through 2021](#)
- **Stop the Cradle to Prison Algorithm Coalition** — [Police Brief: Data Sharing Joint Powers Agreement Response](#)
- **Twin Cities Innovation Alliance** — [No Data About Us Without Us](#) and [Student Data Journey](#)
Questions parents should ask about data privacy, surveillance, algorithms, and predictive analytics
- **Just Futures Law** — [Targeted But Not Silenced: A Report on Government Surveillance and Retaliation Against Immigration Organizers in the United States](#)
- **Mijente** — [Who's Behind ICE? The Tech and Data Companies Fueling Deportation](#)
- **Stop LAPD Spying** — [Automating Banishment: The Surveillance and Policing of Looted Land](#)
- **Action Center on Race and the Economy and the Community Resource Hub** — [The RISE and Reach of Surveillance Technology](#)
- **City of Chicago Office of the Inspector General** — [The Chicago Police Department's Use of ShotSpotter Technology](#)
- **Community Justice Exchange** — [From Data Criminalization to Prison Abolition](#)



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