



A VISION FOR BLACK LIVES: **POLICY DEMANDS FOR BLACK POWER, FREEDOM, & JUSTICE**

An End to the Mass Surveillance of Black Communities, and the End to the Use of Technologies that Criminalize and Target Our Communities (Including IMSI Catchers, Drones, Body Cameras, and Predictive Policing Software).

What is the problem?

The Edward Snowden leaks in 2013 revealed a vast surveillance apparatus constructed by the FBI and NSA that collects information on everyone in the U.S. These leaks popularized the idea that surveillance is happening, but has been largely framed as having a universal impact. The reality is that surveillance has always existed and continues to be concentrated within targeted communities of color namely Black, Arab, and Immigrant; and activists who challenge state and corporate power.

The difference today is the role that technology is playing in creating multiple points of entry for surveillance. The Internet increasingly facilitates the speed, reach, and secrecy of surveillance. We willingly turn our information over to social media sites and applications as a precondition of use. This data often captures our location information, contacts, messages, search histories and more. Companies mine this data for commercial purposes and in some cases turn this information over to law enforcement agencies.

Policing itself has also evolved to create additional ways to gather information on our communities. Street cameras, license plate readers, domestic drones, stingray cell phone interceptors and other technologies are deployed in public spaces without the knowledge or consent of local communities, and give the individual little choice but to be tracked. The data captured through these technologies – including location information, facial images, and cell phone data – are being centralized at digital fusion centers and held for indeterminate amounts of time.

- These practices violate the First and Fourth Amendment rights of Black people in the U.S. Without guiding policies, practices, principles or regulatory parameters, these surveillance technologies supersize the potential for discriminatory policing. They expand the police state, facilitate big profits for a growing surveillance industry, and they use the Internet, potentially the most democratic communications platform the world has ever known, to do it. At the same time the few technological tools available to protect an individual's information, like encryption, are being weakened through legislation.

What does this solution do?

- Transform the relationship between technology and the economy to prevent digital technologies from automating industries, making Black and other workers disposable, and transforming the system of finance capital into data capital without clear points of accountability or levers of decision-making.



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Federal Action:

- End non-disclosure agreements between federal and local law enforcement agencies and publicize the surveillance technologies that police have access to, along with their capabilities.
- Update the Electronic Communications Privacy Act (ECPA) to demand and win federal law that establishes digital due process:
- A civil rights act for the 21st century that includes electronic surveillance and internet rights reforms.
- Federal and state legislation should require the use of a warrant in the application of a technology that captures the data of an individual or sets of people and disclose what data is being captured.
- Federal and state legislation should establish rights over an individual's information, with mechanisms that allows an individual to know when their information has been tracked and limits the amount of time their data can be stored.
- Federal and state legislation should affirm the right to encryption, not weaken the technology.
- Reform the [Fourth Amendment](#) for the digital age and an era of big data:
- Federal and local agencies should prevent the use of predictive systems that erode the Fourth Amendment.
- Federal and state legislation should affirm and defend the constitutional right of civilians to record the activity of on-duty police officers.
- Federal agencies should disclose the number of National Security Letters that have been served to media and tech companies.
- Federal agencies providing grants for the purchase of surveillance technologies should attach conditions that protect the civil and human rights of vulnerable communities and specify how and when the technologies can be used.
- Federal agencies should stop providing grants for the purchase of surveillance technologies to local police departments without the approval of local communities.

State Action:

- [SB178- California Electronic Communications Policy Act](#) (model state policy)
- <https://www.aclunc.org/news/landmark-victory-digital-privacy-gov-brown-signs-california-electronic-communications-privacy>
- <http://arstechnica.com/tech-policy/2015/10/california-governor-signs-new-law-mandating-warrant-for-stingray-use/>
- Immediately cease all funding for state surveillance programs and divert those resources to invest in the health and well being of our communities.

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- Demand and win the right to record the police in the commission of their duties, in every state, and overturn rule in states that have explicitly revoked that right.
- Pass model state based electronic privacy acts that requires a warrant before police officers can use surveillance equipment to monitor individuals.
- Model policy for the use of body-worn cameras: <http://www.aele.org./AClubWCAct.pdf>

Local Action:

- Total prohibition on the acquisition of any new surveillance technology or development of surveillance program
- Immediate abolition of any and all current use of surveillance technology and programs
- Full disclosure on the use of surveillance technology and programs since their inception including informing individuals and organizations who have been targeted;
- Full reparations for individuals and organizations whose civil and constitutional rights have been violated;
- Adoption of the [Civil Right principles on Body Worn Cameras](#), and civil rights principles for the era of big data.
- Municipalities should pass policies that require a community input process prior to purchasing any technology or software that will be used for policing and “counter-terrorism” activities.
- Municipalities should mandate a fiscal impact assessment on the cost of purchase, maintenance and storage of any policing technology and software.

Model Legislation

- **Federal legislation**
 - <http://digitaldueprocess.org/index.cfm?objectid=37940370-2551-11DF-8E02000C296BA163>
- **State legislation**
 - [SB178- California Electronic Communications Policy Act](#)
 - Model policy for the use of body-worn cameras: <http://www.aele.org./AClubWCAct.pdf>
- **Local legislation**
 - [Surveillance Technology and Community Safety Ordinance](#) - doesn't quite hit all our points

Resources:

- [Body Camera Fact Sheet](#)- Body Cameras have not helped enforce accountability.
- Stop LAPD Spying coalitions - [The Architecture of Surveillance](#)
- [Electronic Monitoring is not the answer by James Kilgore](#)
- [Civil Right Principles on Body Worn Cameras](#)
- [Black America's State of Surveillance](#), Progressive Magazine



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- [Surveillance of Black Lives Matter Movement Recalls Cointelpro](#), Huffington Post
- [Federal Appeals Court Says Lawsuit Over NYPD Surveillance of Muslims Can Proceed](#), Washington Post
- [Inside the U.S. Border Industrial Complex: Spy Tech Meets Immigration Crackdown](#), The Guardian

Organizations Currently Working on Policy:

- The Center for Media Justice, home of the Media Action Grassroots Network, with an Color of Surveillance Team: Million Hoodies Movement for Justice, Ella Baker Center, Dignity and Power Now, Stop LAPD Spying.
- Stop LAPD Spying Coalition
- ACLU
- Data & Society
- Electronic Frontier Foundation
- Open Technology Institute
- Council on American-Islamic Relations
- Brennan Center
- Leadership Conference on Civil and Human Rights
- NAACP

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