

The prospect of stricter regulation has been a major overhang for the industry. Bipartisan legislation that President Joe Biden signed into law in early 2023 gave the FCC broader authority to regulate the cost of audio and video communication services that are offered to inmates. The FCC is proposing new caps on audio calls, such as 6 cents per minute for large jails, down from a roughly 16 cent cap currently. The new interim cap for video would be 11 cents per minute for a similar facility. The FCC will vote on the proposed rules on July 18.

The caps could become a financial hit for companies that specialize in providing these services as well as for the jails and prisons that in some cases earn a large share of the revenue in the form of commissions. Both ViaPath and Aventiv, which were saddled with debt as part of leveraged buyouts led by private equity firms, have already been dealing with higher borrowing costs following the increase in interest rates over the past two years. ViaPath, which was previously known as Global Tel*Link or GTL, is owned by American Securities, while Aventiv, which operates Securus Technologies, is owned by Platinum Equity. Representatives for ViaPath, American Securities and Platinum Equity did not immediately respond to requests for comment. Aventiv and Texas Capital Bank, which is leading the refinancing deal for ViaPath, declined to comment.

“The FCC is on the verge of taking historic action to finally implement my Martha Wright-Reed Just and Reasonable Communications Act so we can start lowering prison phone rates and end the predatory status quo that enabled prison telecom providers to gouge the families of incarcerated people,” Senator Tammy Duckworth said in a news release. Companies in the prison services industry have faced higher borrowing costs and narrowing options to refinance debt, in part because of increased regulatory risk, but also because several investors and major banks have been distancing themselves from the sector over environmental, social and governance concerns in recent years.

ViaPath has been nearing the end of a refinancing process to repay upcoming maturities. The company was last in discussions with investors to obtain a \$1.375 billion loan. [...] Aventiv has also been working for months to address a heavy debt load and reached a deal with lenders that calls for the company to sell itself sometime in the next year, Bloomberg reported in March. Those negotiations gave Aventiv an eight-month extension on more than \$1 billion of debt that was previously due in November. If the sale process doesn't go as planned, Aventiv may pivot to restructuring its debt through a bankruptcy filing or otherwise rework its obligations outside of court. ■



THE OPENING STATEMENT is an abolitionist newsletter driven by the voices and visions of Michigan prisoners, as well as those on the outside impacted by the prison system.

THE OPENING STATEMENT hopes to foster ongoing discussion against the violence of incarceration.

WE WOULD LOVE TO HEAR FROM YOU. If you would like to contribute to the ongoing discussion, please send us your thoughts to the address below. Because MDOC has been ramping up censorship for the last 4 years, we cannot promise to publish your contribution here, but we can discuss options for publishing your words on our website, or summarizing what we hear from you all in general terms in the next issue. If you would like to publish a critical essay, reflection on your own experiences, poetry, or artwork, let us know what audience you have in mind and we'll try to connect you with another publisher.

IF YOU WOULD LIKE TO SUBSCRIBE, please write to the address below requesting a subscription. All subscriptions for prisoners are free of charge. Current publication is quarterly.

HELP SPREAD THE WORD! Share this issue with your bunkie, your friends, and anyone else who might be interested in this discussion and has an eye on liberation. If they'd like to receive a copy themselves, please have them write us directly. We are not able to add someone to our subscription list without hearing from them directly.

IF YOU WOULD LIKE TO UNSUBSCRIBE, please let us know and we will remove your name immediately. We understand that people may choose to unsubscribe for any number of legitimate reasons and respect that choice, no questions asked!

CONTACT:

The Opening Statement
c/o MAPS
PO Box 8011
Ann Arbor, MI 48107

FAMILY AND FRIENDS can find us at www.michiganabolition.org

OPENING STATEMENT

OF THOSE WHO ARE SUPPOSED TO REMAIN SILENT

SUMMER 2024 / ISSUE 21

Abolitionist greetings and happy summer!

The theme of this issue of *The Opening Statement* is digital surveillance under capitalism. We all know that states are always spying on us; cops and guards monitor, arrest, and infiltrate us; prosecutors investigate and frame us; corporations steal our data to make money off us; and so on and so forth. We also know that surveillance in all its forms can be extremely profitable: data about our phone calls, emails, credit card purchases, etc., are bought and sold to the highest bidder. And as the global crisis of the present intensifies in all its forms—resurgent fascism; climate catastrophe; hyperpolicing, militarization, and global war; poverty of the many alongside extreme wealth of the few—we expect all forms of repression, including surveillance, to intensify as well. As a result, we think it's worth taking up this theme again and thinking about what we can do to try to keep ourselves safe.

Prisons may be the place where surveillance by the state and corporations is most apparent. From the ground up, prisons are designed to monitor and control prisoners; they are trying to keep you all from talking to each other and building relationships, while also cutting you off from your families and supporters on the outside. The three articles we include in this issue look at the relatively ubiquitous communication technologies like phones, tablets, and e-communications offered by companies like Securus (operated by a company called Aventiv) and GTL (which changed its name to ViaPath). According to a recent article in *The Appeal*, these two companies “dominate roughly 80 percent of the U.S. prison telecom industry, forming an effective duopoly that thrives on the captive markets found inside the nation's lockups.” They contract with 43 state prison systems and over 800 county jails. Their almost complete control of the market allows them to charge prisoners and families exorbitant rates for their services. Even if the products they sell are lifelines to the outside world, it's important to talk about the role they play in facilitating surveillance and in gouging their captive user base.

The first article, “Do Children Have a ‘Right to Hug’ Their Parents?” is an abbreviated version of a long essay that was printed in the

New Yorker in May. It discusses something we mentioned in the news roundup of the last issue of *TOS*: the lawsuits against Michigan's Genesee and St. Clair counties for their deals with Securus and GTL that provide “financial incentives” for jails to eliminate in-person visits in order to force prisoners to use these companies' digital products. Not only do the companies charge prisoners exorbitant fees to communicate with their families, they also use prisoners as “experimental subjects” for the development of new surveillance technologies. The article explores the emotional impact of these policies on family members, especially children, who have been cut off from their incarcerated parents. It also describes some of the “surveillance products” the companies market to prisons.

The second article, originally published in *The Intercept* in 2019, looks at the voice recognition technologies and voice-print databases developed by companies like Securus. These technologies help prison authorities monitor prisoners' private communications and map out communication networks to reveal who is talking to whom, both inside and outside of prison walls. One of the implications that the article points out is that this technology could be used to “coordinate crackdowns against prison organizing campaigns.” Moreover, because prisons are often used as laboratories for behavior modification and surveillance tools before they are rolled out for the free world, this “new” technology will almost certainly be used sooner or later on both sides of the walls.

The third article looks at Securus/Aventiv and GTL/ViaPath from a financial angle. As a result of debts and the financial pressures of coming price caps, GTL/ViaPath is desperately trying to refinance its loans while Securus/Aventiv is trying to sell itself—if it can't find a buyer, it might have to declare bankruptcy. We see a few of takeaways from this article: 1) corporations continue to exploit the growing market of prisons; 2) outsourcing communications to corporations benefits jail/prison administrators while ultimately harming prisoners and their loved ones; 3) even companies as big and as powerful as these have serious economic vulnerabilities that activists could potentially target;

and 4) it's unclear how prisoners will maintain communication with their loved ones if these companies do collapse. We don't know how this will play out, but we'll be keeping our eyes on this.

On a related note, back in *TOS* Issue 9 in Spring 2019, we published an editorial explaining why MAPS doesn't use JPay (which is owned by Securus). If you missed it and would like to read it, write to us and we will send you a reprint. Sometimes folks write to us asking if we'll communicate with them on JPay instead of sending handwritten letters, and we totally understand the request—it can be easier, cheaper, and faster to send an electronic message. For us, though, the downsides outweigh the upsides. We see JPay as a way for companies to turn prisoners into profits and as a means for guards and administrators to more easily monitor prisoners' communications.

As always, we're interested in your thoughts about these articles. What is your experience using communication services? Do these prices seem fair? Has the cost increased in recent years, and if so how much? Do you find something useful or worthwhile about these technologies in spite of their problems? What is happening with in-person visits in the prison where you're being held? How did the COVID-19 pandemic impact communications and surveillance?

And now for the news roundup. First, an article by Paul Egan in the May 13 issue of the *Detroit Free Press* describes an "employee database" that MDOC was required to create to log "complaints related to sexual assault allegations made against [guards] by prisoners." The article focuses on one officer in particular, who worked at Richard A. Handlon C.F. from 2000 to his retirement in 2019, and whose record was especially terrible, with more than 60 complaints against him. In spite of this, the guard in question was never disciplined by MDOC or interviewed by police. The evidence discussed in the article comes from a lawsuit on behalf of six current or former prisoners at Handlon who say that this guard sexually assaulted them. Unfortunately, because the article focuses so much attention on a single guard, it implies that the problem is one of "bad apples" rather than a structural feature of the prison system, which encourages this kind of behavior and ensures impunity. Actually, the article indirectly acknowledges that the problem does go beyond this one guard, when it notes that his "more than 60 entries" were "more than twice as many as anyone else on the list"—which suggests that other MDOC guards, who go unmentioned in the article, have been accused of as many as 30 sexual assaults! This only confirms that the prison produces sexual violence, rather than protecting anyone from it.

For another article in the *Free Press*, published on April 18, reporter Violet Ikonomova conducted a "first-of-its-kind" investigation into shootings by Detroit police in recent years. She found that, between 2015-2021, Detroit cops shot 30 people nonfatally, and a third of their victims were never charged with or convicted of "the conduct officers said prompted them to open fire." In other words, the cops probably

shot people and then lied about it. As Julie Hurwitz, a civil rights attorney who represented one of the survivors, told Ikonomova, what the cops accuse the people they shoot of "is made up and is used as a justification for shooting them." The article also documents the fact that Detroit police have shot more than 125 people (fatally and nonfatally) since 2011, an average of around nine people per year, and none of the cops involved has been charged in any of these shootings. Is anybody surprised? We sure aren't.

On June 17, MDOC published a press release announcing changes to housing units at three prisons: Baraga, Chippewa, and Oaks. One of the changes is to reopen a Level II housing unit at Chippewa that has been closed (three more housing units there will remain closed); another is to transition a Level II housing unit at Oaks to Level IV; and finally, an 88-bed housing unit at Baraga will be closed. MDOC states that the closure at Baraga "reflects a continued decline in the state's administrative segregation population," but it seems like the main reason they are doing it is to address staffing shortages, since the closure will mean that "22.75 fewer officers" are required to operate the facility. Yet opening the unit at Chippewa will increase staffing needs by "10.5." Overall, they claim that "these changes will result in a net increase of 72 active beds in the MDOC." We thought this was important to highlight because MDOC administrators are always bragging about how the prison population is declining, but these changes seem to point in the opposite direction. If you're being held at one of these facilities, have you heard about these changes? What do you make of what's going on? How will they meet the call for increased staffing at Chippewa, which is already facing a staff shortage?

On July 3, the president of the union representing MDOC guards demanded that Governor Whitmer deploy the Michigan National Guard to "to provide immediate custody support to prisons." Paul Egan reported in the *Free Press* that Byron Osborn, president of the Michigan Corrections Organization cited understaffing, excess overtime, mass resignations, and the removal of hiring incentives as justification for this dangerous demand. Unsurprisingly, Egan's article does not quote a single prisoner about how they feel about understaffing across MDOC or about what bringing in the National Guard would mean for them and their loved ones.

On May 13, the *Newberry News* reported that charges were officially dismissed against two MDOC guards who were involved in the 2019 death of John Lancaster, who was imprisoned at Alger at the time. The two guards were moving Lancaster from an observation cell when he died from extreme dehydration. They join six others who had been charged in Lancaster's death, but whose charges were dismissed last year. Once again, from the perspective of the state, it's no accident, no crime, when the prison kills—because it's doing what it's meant to. We extend our deepest sympathies to the family and loved ones of John Lancaster. Though we know true justice can't come from the

Correction, asked the Department of Corrections' acting commissioner, Anthony J. Annucci, to add a provision that allows incarcerated people with legitimate concerns about voice surveillance to "not be denied phone privileges." Annucci did not immediately agree to the request, instead pointing out that people have the option to make unmonitored calls to their attorneys.

In a statement to *The Appeal* and *The Intercept*, Weprin said he is "concerned with the deployment and use of voice recognition software" in New York state prisons and will be working with his colleagues to further investigate the technology.

BUILDING THE DATABASES

The rapid, secretive growth of voice-print databases is "probably not a legal issue, not because it shouldn't be, but because it's something laws haven't entertained yet," noted Clare Garvie, a senior associate at Georgetown Law's Center on Privacy and Technology. "It's not surprising that we're seeing this around prisons, just because it can be collected easily," she continued, referring to biometric voice data. "We're building these databases from the ground up."

The scale of prisons' emerging voice biometric databases has not been comprehensively documented nationwide, but, at minimum, they already hold more than 200,000 incarcerated people's voice prints.

New York's Department of Corrections, which incarcerates just under 50,000 people, confirmed that approximately 92 percent of its population had been enrolled in the voice recognition system. State corrections authorities for Florida, Texas, and Arkansas, which hold about 260,000 prisoners combined, also confirmed that they are using Investigator Pro's voice recognition technology. Connecticut and Georgia's state corrections systems, which incarcerate roughly 13,000 and roughly 52,000 people, respectively, have also purchased Securus's voice-print technology.

PRISON PHONE RATES SET FOR DRASTIC REDUCTION UNDER NEW FCC RULES

BY PAULA SELIGSON AND ELLEN SCHNEIDER, June 27, 2024 / Reprinted from *Bloomberg*

The Federal Communications Commission has proposed new rules to reduce phone and video call rates for incarcerated people, a move that could dramatically reshape the business of prison telecom providers such as ViaPath Technologies and Aventiv Technologies. The proposed rules call for a drastic reduction in the cost of audio calls, impose brand-new caps on video services and pro-

The databases of recorded calls from which prison authorities could search for outsiders' voice samples could also potentially include millions of recorded calls for state and countywide systems. According to the design requirements New York's Department of Corrections gave to Securus, for example, the company must be able to record every call, archive all call recordings for a year, and maintain any calls flagged for investigative purposes "indefinitely" through the life of the contract, which ends in 2021. (In the documents, Securus estimated that 7 percent of prison calls made per year would total 1.5 million calls, suggesting that the call database could retain over 20 million calls.)

Greco of the Legal Aid Society says he understands the value of such monitoring capabilities, pointing out that incarcerated people do sometimes have to deal with other prisoners taking their PINs or threatening their families for money. But the extension of this technology into the monitoring of people outside prisons, and the lack of transparency and regulation of these new databases concerns him. If voice prints were shared with police, for example, they could try to compare them with voices caught on a wiretap, he notes, despite scientists' skepticism about the reliability of voice print matches for criminal prosecutions. New York State's Department of Corrections declined to answer questions regarding whether it would share the data with other agencies.

Either way, Greco said, there's cause for concern. "Once the data exists, and it becomes an accepted part of what's happening, it's very hard to protect it or limit its use in the future," he said.

That has implications far beyond prisons, argues Garcia, the man incarcerated at Sing Sing. "First you use this on the people marginalized in society, criminalizing the families of those incarcerated," he said. "But, especially in Trump's America, the sky is the limit with this." ■

hibit providers from making commission payments to the jails and prisons in which they operate, according to a document posted on the agency's website on Thursday. The FCC action came as ViaPath was preparing to wrap up a crucial \$1.4 billion debt sale to refinance loans that start maturing in 2025 and as Aventiv is exploring options to sell itself, casting a shadow over both companies' plans.

using each others' personal identification numbers, or PINs. "The problem is inmates that are committing other criminal acts or contacting victims or witnesses and using other inmates' PIN to do that," he said in a phone call. "Voice [biometrics] will tell us who's making the calls."

Securus's voice recognition program can also identify the voices of people outside prisons, both former prisoners and those who have never been incarcerated but communicate with people inside.

New York and Texas state corrections officials confirmed that their agencies retain the voice prints of formerly incarcerated people, like Dukes, allowing them to identify them by name if currently incarcerated people call them in the future.

And New York and Pinal County, Arizona, confirmed that their voice recognition programs can identify the voices of outside callers.

New York's contract proposal with Securus states that outsiders' voice samples can be used to "search for all other calls" in their recorded call database to find where those voices occur. In an email, New York prison officials confirmed that this program will give investigators the ability to extract a voice print from an outside caller and use it to "identify that a call recipient has participated in multiple phone calls." They added that the program will not have names associated with outsiders' voice prints.

In a statement, Pinal County Sheriff's Office spokesperson Navideh Forghani also confirmed this outsider voice-tracking capability, noting that while their software does not identify non-incarcerated people by name, it can track "suspicious activities," such as "multiple inmates speaking to one person on the outside on a reoccurring basis."

With this technology, a press release for Investigator Pro notes, an investigator can now answer questions like, "What other inmates are talking to this particular called party?" and "Are any of my current inmates talking to this released inmate?"

Prisoners' rights advocates worry that outsider voice surveillance technology could also be used to coordinate crackdowns against prison organizing campaigns.

"Using this technology to trace the voices of outside callers and flag those who speak with more than one person in a system, staff can use calls with outside organizers to quickly identify the incarcerated activist they support," said Bianca Tylek, director of the Corrections Accountability Project, which works to curb the influence of commercial interests in the criminal justice system. Tylek noted that . . . corrections staff routinely retaliate against incarcerated activists by using tactics like solitary confinement, job termination, and facility reassignment.

THE PRESSURE TO PARTICIPATE

Advocates assert that corrections agencies have been building up large-scale voice-print databases with limited input from the public or from incarcerated people and their families. While some state corrections agencies have put out public notices to families about payment options for new phone systems, they seldom mention the voice-print databases, which are rarely discussed outside of industry conferences and internal talks with contractors.

"Every time there's a new contract, there's new surveillance, but they don't say anything," said Tylek. "I've never seen authorities post a public notice about new surveillance updates or tell families."

Keeping their plans opaque has allowed authorities to quietly pressure incarcerated people into giving up their biometric data — or to enroll them without their knowledge. According to Securus's 2019 Investigator Pro contract with Alachua County, Florida (which includes Gainesville), "Inmates will participate in a covert voice print enrollment process."

In Texas, state prisoners must enroll in the voice recognition program if they want to make calls. According to Jeremy Desel, a spokesperson for the Texas Department of Criminal Justice, Investigator Pro's voice enrollment process is "the lock and key" to the Texas state prison phone system. Likewise, in Pinal County, Arizona, phone access is severely limited for prisoners who decline to enroll in the voice recognition program. "If inmates choose not to participate, they can still utilize the phone system but only to make phone calls to their attorneys," said Forghani, the county sheriff's office spokesperson.

In some cases, prisoners participate without even knowing, said Martin Garcia, a 33-year-old who is incarcerated at Sing Sing in New York.

"A lot of guys don't know technology," he said. "They've been in there so long, they've never heard of Google." The voice enrollment procedure, he continued, is seen as "just another thing they follow to talk to their family."

Garcia was upset to hear that Securus's voice-tracking capabilities, as described in its approved contract with the New York State Department of Corrections and Community Supervision, could mine prison call databases to identify which other prisoners outside callers had contacted. "Are they criminals just because they're talking to someone incarcerated?" he said. "To me, you're criminalizing relationships. Some people may be hesitant to interact with me if they could be put in a database."

After being briefed by *The Appeal* and *The Intercept* about the program, New York State Assembly Member David Weprin publicly called on the state Department of Corrections to give incarcerated people more choice regarding the voice recognition program. At a Tuesday hearing, Weprin, chair of the Assembly's Committee on

same legal system that locks up our loved ones, we can't imagine how painful it must be to see an opportunity for accountability be dismissed this way.

Outside of Michigan, at Angola prison in Louisiana, prisoners have for decades been forced to do agricultural labor for little or no pay (the maximum wage is 2 cents an hour), even in extreme heat. On June 18, reports Nick Chrastil for *The Lens*, lawyers representing Angola prisoners "urged a federal judge to halt operations of the Farm Line any time the heat index rises above 88 degrees." This month, the heat, exacerbated by climate change, is expected to soar to unsafe levels, exposing prisoners to "serious risk of injury or death." "When prisoners are forced to work on the Farm Line, they are rarely given breaks or drinking water and lack necessary equipment, their lawyers said. Also, many incarcerated people have medical conditions that make them vulnerable to heat related illness—but they are not exempt from work on even the hottest days." According to the legal filing, "the officers who oversee the Farm Line used to ride horses, but no longer do. Prisoners contend that the practice was ended in order to protect the horses from the 'blistering' heat" (if this sounds like slavery to you, we agree). On July 2, a federal judge issued a temporary restraining order requiring prison officials to immediately institute a variety of protections from the heat for Farm Line workers. The broader class-action lawsuit to end forced labor altogether is scheduled for September.

We also wish to offer some updates from the global struggle against imperialism that is being taken up by colonized people across the world. In the last issue we wrote about Israel's ongoing genocide in Palestine, as well as the mass displacement, starvation, and war underway in Sudan and the Congo. The mass displacement and death in all of these places continue. In this issue, we turn to Kanaky, or so-called "New Caledonia," an archipelago of islands in the South Pacific between Australia and Fiji that has been under French colonial control since 1853. On May 13, 2024, protests broke out in the capital, Nouméa, after the French parliament passed electoral reforms allowing French residents who have lived in the territory for just 10 years or more to vote. These residents are, by and large, white and not Indigenous Melanesian or Polynesian people. This would tip the balance of local elections away from the 41 percent of Indigenous Kanak people living on the islands in favor of white residents, both those descended from earlier white settlers and this recent wave of European tourists-turned-residents. Though the French parliament claimed this move would "improve democracy," many Indigenous Kanak people see it as undermining their right to self-determination. Protests escalated into violent clashes in the capital city and throughout the territory between predominantly white settlers, settler-run police forces, and Indigenous Kanak youth, six of whom were killed. From 16,732 kilometers away, France closed the Nouméa airport and deployed 3,500 French cops and soldiers to the city to violently suppress the uprisings. According to a report published on the French-language blog *Sans Nom* and

translated into English by *Abolition Media*, many Indigenous Kanaky have been injured (although the French authorities are refusing to count them) and several "have lost an eye or have the bones of their faces shattered following police flash ball shots, others have gunshot wounds and are in a coma." Arrests and "disappearances" of Kanaky people have also begun to rise, with at least 726 people in police custody, 115 referrals to court, and 60 committal warrants since the protests began. Seven independence activists were not only arrested but also deported to mainland France for pre-trial detention. This has sparked protests in Paris as well, once again raising the colonial question in France.

But the protests are not just about voting rights—they're also about colonial capitalist mining. The *Sans Nom* report continues: "New Caledonia has a quarter of the world's nickel reserves, exploited in open-pit mines, to supply three pyrometallurgical processing plants. The first two produce ferronickel, a lower-quality mixture used in stainless steel, and the third produces battery-grade nickel (mainly intended for Tesla since 2021)." In the months leading up to the change in voting eligibility, France had been negotiating a "Nickel Pact" with the New Caledonian government in an effort to intensify the extraction of nickel for the French market. The politics of these negotiations are complicated: there are the interests of the French state, a fraction of Kanak elites loyal to France, and another elite fraction that favors independence and hopes to use extensive nickel mining to achieve it. But mining wealth has never trickled down to the Kanak poor and urban youth, who make up the majority of the rebels in the streets. Mining has also caused widespread environmental devastation, polluting rivers, increasing landslides, and exacerbating health problems. As a result, the rebels "are beginning to advocate an independence that would drive out the French state but also the mines." Much like the situation in the Congo, which we discussed in the last issue, here too valuable minerals—in this case, nickel for use in electric vehicle batteries—are at the heart of this conflict, and they also explain France's desire to maintain its colonial rule over Kanak territory. More generally, in keeping with the theme of this issue, it's important to remember that the tablets, video kiosks, and cell phones we use day in and day out are powered by these minerals. Our devices aren't only surveillance apparatuses—they're also soaked in blood.

On June 18, 2024, Kenyan President William Ruto proposed a controversial finance bill that would have introduced higher taxes on daily items and services including internet data, fuel, bank transfers, bread, and diapers. The bill would also allow the Kenyan state to collect citizens' personal data from bank accounts and digital money apps, undermining digital privacy laws (surveillance capitalism turned into state surveillance). Youth in the capital, Nairobi, began to organize mass demonstrations. Protesters are fed up not only with Ruto, but also the International Monetary Fund (IMF) which has been enforcing resource extraction and austerity across the African subcontinent since

the 1980s, under so-called “structural adjustment programs.” In this imperialist scheme worthy of the dirtiest loan shark, impoverished nations are given loans under repayment terms they can never meet. Then the IMF dictates how the economy must run and how people can live—or more likely die. In Kenya, corruption runs wild while the IMF demands that the people suffer to repay the loans. Kenyan officials pay themselves at the highest rate relative to cost of living of any nation in the world. The youth have had enough.

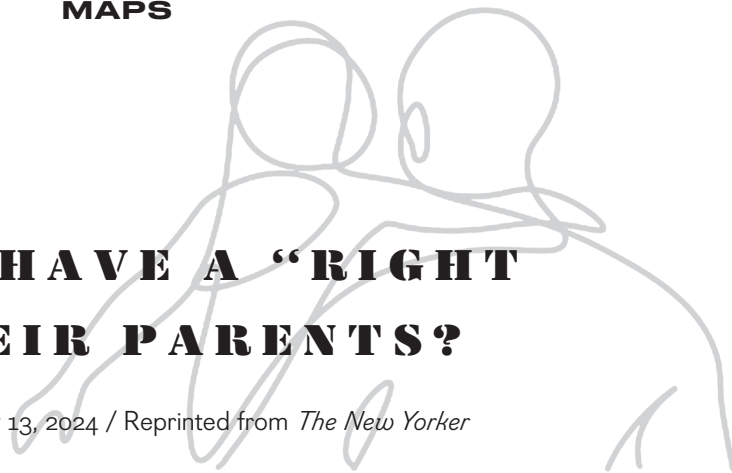
In response to their protests, Ruto deployed the police who killed 22 protestors in a week, while over 50 people have been arrested. A Member of Parliament, outspoken in support of the protesters, was abducted in broad daylight. According to *Al Jazeera*, over 300 people have been treated and discharged from hospitals with protest-related injuries. Some badass youth stole horses from the police, and others smoked tear gas like it was a vape (their lungs must be coated with diamonds). People stormed the Kenyan parliament and successfully drove police out of their neighborhoods chanting “we are peaceful!” Under popular pressure, Ruto announced on June 26 that he would not sign the bill, but youth continue to mobilize, demanding Ruto’s resignation in response to the murders of protestors. Protests spread from Nairobi to the cities of Mombasa, Eldoret, and Kisumu. Now, in domino fash-

ion, there are protests planned, or feared, in Uganda, Nigeria, Zimbabwe, and other African countries that have suffered decades of imperialist oppression via the IMF.

As always, please write with any information you wish to share about suspended programming, parole board delays, new policies, mail and book censorship, staff shortages, difficulty in accessing programs, commissary inflation, and anything else you think needs to be shared. We’ve heard that some guards are messing with people’s halal meals—is this something you or anyone you know have experienced as well? If so, we would be very interested to hear more about what’s going on. We would also like to invite anyone who is an illustrator or visual artist to send us artwork that we might include in future issues. Some future topics and themes for *TOS* that have come up recently in our conversations and correspondence are prison infrastructure, the prisoner benefit fund, climate change, and analysis and critiques of the “good time” bill. What topics do you want to see us cover? What information or news do you want to read? Finally, would you or someone you know be interested in a Spanish edition of *TOS*, or figuring out ways to include some articles in Spanish? Write to us and let us know.

In solidarity,

MAPS



DO CHILDREN HAVE A “RIGHT TO HUG” THEIR PARENTS?

BY **SARAH STILLMAN**, May 13, 2024 / Reprinted from *The New Yorker*

Le’Essa [last name redacted throughout], aged eighteen, works at a Subway sandwich shop near Flint, Michigan. Her younger sister, a fifteen-year-old aspiring zookeeper named Addy, helps run a “mini-farm” inside the family’s green clapboard house. When I first met the girls, early this year, Addy was caring for five dogs, four cats, two rabbits, and a lizard named Lily, who ate crickets and kale. Le’Essa and Addy were unlikely candidates to wage an ideological battle against two big private-equity firms, but they were in the midst of one because of a situation involving their father, Adam. For more than a year, while Adam was held in the county jail, awaiting trial, the girls had been prevented from seeing him in person.

“My dad is the kind of guy who can climb a tree even if it doesn’t have any branches,” Le’Essa told me. “He just wraps his legs around the trunk.” Le’Essa’s parents separated when she was young, and her dad has struggled with addiction. “He can be really silly and

childish, but in a good way,” she added. “Like when something goes wrong, he’ll make up a funny song about it.” Le’Essa, who, like many teen-agers, has experienced mental-health struggles, wished that she had Adam’s companionship. “I feel like my perception of other people is often completely wrong, and I get slapped in the face by that reality a lot,” she told me. “My dad is the only person who really gets it, and so if I could have deeper conversations with him that would be magical.”

Last fall, Le’Essa learned why the children of Flint had been blocked from seeing their parents at the Genesee County Jail. In 2012, a company called Securus Technologies struck a deal with the county, offering financial incentives to replace jail visits with video calls. Families would pay fees that could exceed a dollar a minute to see their loved ones on an often grainy video feed; the county would earn a cut of the profits. “A lot of people will swipe

THE SPREAD OF VOICE RECOGNITION TECHNOLOGY

Voice-print technology works by dissecting physical features that distinguish individuals’ voices, such as their pitch. With this data, the program’s algorithm generates a computer model of their vocal signatures, known as “voice prints,” which can be stored in a database for comparisons with utterances recorded in the future.

In recent years, voice recognition technology has come to be associated with consumer offerings, like Amazon’s Alexa and Apple’s Siri, but the technology was originally developed for military and intelligence applications. Over a decade ago, as *The Intercept* reported, U.S. intelligence agencies were using voice recognition programs to identify the voices of top Al Qaeda officials in their online audio postings.

Similarly, the algorithms and structure behind the prison telecommunications firm Securus Technologies’ particular voice software, known as Investigator Pro, were developed in part through a \$50 million grant from the Department of Defense. The software was licensed to JLG Technologies, a company that Securus acquired in 2014. According to Securus’s 2017 proposal for New York, the technology was developed because “DOD needed to identify terrorist calls out of the millions of calls made to and from the United States every day.”

But it wasn’t long before major prison technology firms, such as Securus and Global Tel Link, began marketing the technology to U.S. jurisdictions that were seeking to extract and store voice prints associated with incarcerated people in their systems. “IPRO [Investigator Pro] has a 10-year track record of providing pinpoint voice accuracy capability country-wide in 243 states, county, and local correctional agencies,” notes Securus in the Pinal County contract.

The enrollment of incarcerated people’s voice prints allows corrections authorities to biometrically identify all prisoners’ voices on prison calls, and find past prison calls in which the same voice prints are detected. Such systems can also automatically flag “suspicious” calls, enabling investigators to review discrepancies between the incarcerated person’s ID for the call and the voice print detected. Securus did not respond to a request for comment on how it defined “suspicious.” The company’s Investigator Pro also provides a voice probability score, rating the likelihood that an incarcerated person’s voice was heard on a call.

Michael Lynch, an intelligence coordinator for the Alachua County Jail in northern Florida, confirmed that his county recently agreed to purchase Securus’s voice recognition program. Lynch said that the voice prints produced by the program will be permanently archived at Securus’s facility in Texas. He said the jail hopes the technology will address the problem of incarcerated people

Dukes, who was released in October, says he was never told about what that procedure was meant to do. But contracting documents for New York’s new prison phone system, obtained by *The Appeal* in partnership with *The Intercept*, and follow-up interviews with prison authorities, indicate that Dukes was right to be suspicious: His audio sample was being “enrolled” into a new voice surveillance system.

In New York and other states across the country, authorities are acquiring technology to extract and digitize the voices of incarcerated people into unique biometric signatures, known as voice prints. Prison authorities have quietly enrolled hundreds of thousands of incarcerated people’s voice prints into large-scale biometric databases. Computer algorithms then draw on these databases to identify the voices taking part in a call and to search for other calls in which the voices of interest are detected. Some programs, like New York’s, even analyze the voices of call recipients outside prisons to track which outsiders speak to multiple prisoners regularly.

Corrections officials representing the states of Texas, Florida, and Arkansas, along with Arizona’s Yavapai and Pinal counties; Alachua County, Florida; and Travis County, Texas, also confirmed that they are actively using voice recognition technology today. And a review of contracting documents identified other jurisdictions that have acquired similar voice-print capture capabilities: Connecticut and Georgia state corrections officials have signed contracts for the technology (Connecticut did not respond to repeated interview requests; Georgia declined to answer questions on the matter).

Authorities and prison technology companies say this mass biometric surveillance supports prison security and fraud prevention efforts. But civil liberties advocates argue that the biometric buildup has been neither transparent nor consensual. Some jurisdictions, for example, limit incarcerated people’s phone access if they refuse to enroll in the voice recognition system, while others enroll incarcerated people without their knowledge. Once the data exists, they note, it could potentially be used by other agencies, without any say from the public.

It’s particularly alarming, they add, that the technology’s use in prisons can ensnare people beyond their walls. “Why am I giving up my rights because I’m receiving a call from somebody who has been convicted of a crime?” asks Jerome Greco, a digital forensics attorney at New York’s Legal Aid Society. Greco argues that the mining of outside parties’ voice prints should require a warrant. “If you have a family member convicted of a crime, yet you haven’t been, why are you now having your information being used for government investigations?”

In Knoxville, Tennessee, families who in 2018 formed a group called Face to Face Knox discovered that, after their county contracted with Securus and eliminated in-person visits, assault rates at the jail went up. “We had so much momentum,” Julie Gautreau, one of the organizers, told me. “Then the pandemic hit, and we got completely stonewalled.”

Gautreau still stewes over a detail that the group uncovered. A senior officer at the Knox County Detention Facility had reportedly claimed that replacing in-person visits with video visitation would be “great for families,” and that incarcerated people could even “see their pets.” Gautreau learned that a month after the officer left his job at the jail he took a position with a company that had installed Knox County’s video kiosks.

On a sunny day in early March, the Civil Rights Corps investigator Susan Li flew back to Flint, for the ninth and final time before the lawsuits’ filing. She pulled up outside the green clapboard house, where Karla had baked a chicken. Addy showed Li the glass enclosure where she kept her lizard, not far from her posters of Billie Eilish and Harry Styles. She also showed off her dad’s boxing trophies; years ago, Adam had been a three-time Golden Gloves recipient. “I hope this lawsuit does what it intends to do,” Addy said. “My dad has a good heart, and I want to be closer to him, but all this stuff has kind of gotten in the way.”

Li could relate. Her own dad, she’d told Addy and Le’Essa, had been incarcerated when she was just thirteen. Growing up in New Jersey, Li hid the fact that he was in prison from even her closest

friends until she turned eighteen. Around the time of Li’s nineteenth birthday, in April of 2020, her dad contracted COVID-19 in prison; he died soon afterward. She had to watch his funeral on a video screen. Li started advocating for the rights of incarcerated people and their families. “This was how I could honor him and keep my love alive,” she told me. In 2021, she testified before a New York State Senate committee, asking, “Is my father not human and was his life not precious?” Now, in Flint, Li hoped that she could offer the girls some reassurance: coming forward with their stories could be its own form of healing.

When she wasn’t working late hours at Subway, Le’Essa had been studying the history of American inequality, from slavery to post-colonial conflict, on TikTok. [...] But she’d started to notice a disheartening pattern: for most of history, she said, “even when people noticed and called out things that were really bad, the people in power just switched things up a bit, and got their way.”

Le’Essa hoped that the lawsuits could break the pattern. “I really care about younger people, and how the ‘weaker links’ get treated,” she said. Adam had recently been transferred to state prison, where the family is allowed to visit. Still, Le’Essa felt anxious that she and her sister might be ignored, or even punished, for their part in the Right to Hug campaign. “What if the sheriff just finds a script to try to shut us up, and makes us feel like we can’t do anything?” she asked. Le’Essa saw the task ahead as hard but not impossible—a bit like climbing a tree without branches. ■

PRISONS ACROSS THE U.S. ARE QUIETLY BUILDING DATABASES OF INCARCERATED PEOPLE’S VOICE PRINTS

BY **GEORGE JOSEPH** AND **DEBBIE NATHAN**, January 30, 2019 / Reprinted from *The Intercept*

Roughly six months ago at New York’s Sing Sing prison, John Dukes says he was brought out with cellmates to meet a corrections counselor. He recalls her giving him a paper with some phrases and offering him a strange choice: He could go up to the phone and utter the phrases that an automated voice would ask him to read, or he could choose not to and lose his phone access altogether.

Dukes did not know why he was being asked to make this decision, but he felt troubled as he heard other men ahead of him speaking into the phone and repeating certain phrases from the sheets the counselors had given them.

“I was contemplating, ‘Should I do it? I don’t want my voice to

be on this machine,’” he recalls. “But I still had to contact my family, even though I only had a few months left.”

So when it was his turn, he walked up to the phone, picked up the receiver, and followed a series of automated instructions. “It said, ‘Say this phrase, blah, blah, blah,’ and if you didn’t say it clearly, they would say, ‘Say this phrase again,’ like ‘cat’ or ‘I’m a citizen of the United States of America.’” Dukes said he repeated such phrases for a minute or two. The voice then told him the process was complete.

“Here’s another part of myself that I had to give away again in this prison system,” he remembers thinking as he walked back to the cell.

that Mastercard and visit their grandkids,” a county official told the press at the time.

A few years later, the county went after an even steeper commission. In the sheriff’s office, a captain named Jason Gould helped negotiate a deal with a Securus competitor called Global Tel*Link (or GTL, now known as ViaPath), which included a fixed commission of a hundred and eighty thousand dollars a year, plus a sixty-thousand-dollar annual “technology grant,” and twenty per cent of the revenue from video calls. The jail chose not to restore families’ access to in-person visits. To celebrate the deal, an undersheriff joked to Gould, by e-mail, “You are not Captain Gold for nothing!”

County sheriffs across the country were making similar deals with Securus and GTL, which resulted in millions of dollars in commissions. Many of those counties replaced in-person visits with the companies’ video calls. I first encountered such an arrangement in 2019, when I joined a family friend on a visit to the Skagit County Jail, in Washington State, where her son had recently awaited trial. Instead of holding her son’s hand or sharing a meal with him, she’d deposited funds at a Securus kiosk, using a screen that read, across the top, “Send money here.” (The jail, like most others, also offers the option of conducting video calls at home, from a personal device. Some jails provide a small number of free video visits, although families described those as hard to schedule.) At the Yale Investigative Reporting Lab, I worked with my colleague Eliza Fawcett to identify more than a hundred jails in thirty-six states which have replaced in-person visits with video calls. The Prison Policy Initiative calculates that hundreds more jails have done the same.

“The families aren’t the ones who made these choices, but we’re the ones who pay,” Karla [last name redacted], Le’Essa and Addy’s mother, told me. “If you’re a parent, and your significant other goes to jail, it’s already extremely hard to raise your kids on your own, and to watch the toll it takes on your children.” The financial stress could be severe. Karla said that, after the girls’ grandmother died, she overdrew her bank account “so the kids could see their dad.” [...]

Last fall, Addy and Le’Essa learned that families in Michigan were planning to confront the county sheriffs in Genesee and nearby St. Clair, in addition to GTL and Securus. Two national nonprofits, Civil Rights Corps and Public Justice, were working with the families to lay the groundwork for a pair of innovative lawsuits, asserting that, under the Michigan constitution’s due-process clause, people have a legal right to see their loved ones in local jails. Incarcerated people have tried to assert such a right in the past, but they have often been rebuffed in the courts. “What’s novel about our legal argument is that it’s brought by people who aren’t incarcerated—mostly by kids, but also by parents,” Cody Cutting, a lead attorney on the case, told me. The families hoped that, if they won, their lawsuits could serve as a model for the rest of the country.

Part of the broader strategy was to attract the attention of Tom Gores, the owner of the Detroit Pistons and the founder and C.E.O. of Platinum Equity, which acquired Securus in 2017. Gores grew up in Flint, not far from where the girls live. After the water crisis hit, he raised more than ten million dollars to help the community. He has also invested in its schools, parks, and local groups. [...] Today, he owns a thirty-thousand-square-foot Los Angeles estate with a theatre complex, an indoor waterfall, and a beauty salon.

Le’Essa said that if she had a chance to speak with Gores and others in the industry she’d tell them, “Children need to see our parents. Some kids’ whole entire lives are changed if they can’t, and now they’re on a whole different trajectory.”

The modern prison-communication industry emerged four decades ago, after the federal government broke up AT&T’s Bell System. New phone companies competed for customers by slashing prices. But inside prisons and jails a different model developed: telecom companies persuaded local officials to sign exclusive service contracts in exchange for hefty commissions. The costs of these commissions were passed along to incarcerated “customers” and their families, who lacked consumer choice. Price gouging was the inevitable result. By the nineties, prison phone-call prices in some jurisdictions had soared to twenty dollars for fifteen minutes.

In the early two-thousands, private equity entered the picture. Dozens of smaller companies were consolidated into two national juggernauts: GTL, which is backed by the private-equity firm American Securities, and Securus. “The American prison-communications market was appealing to private equity, in part because prisons and jails are recession-proof,” Elizabeth Daniel Vasquez, the director of the Science and Surveillance Project at Brooklyn Defender Services, told me. Various players within the industry experimented with monetizing nearly every aspect of incarcerated people’s daily lives, charging five cents a minute to read books on tablets, selling digital “stamps” required to send messages to people on the outside, and imposing steep fees on family members who sent funds for the commissary. Companies also began offering digital surveillance services that had soared in popularity after 9/11, including facial-recognition software for video calls and voice-identification technology. [*Editors’ note: see the Intercept article on pages 8–11 for more information about these technologies.*]

“For decades, families and advocates have been working to push back on this industry,” Bianca Tylek, who runs the nonprofit Worth Rises, told me. “Finally, in the past handful of years, we’ve seen incredible wins.” In 2020, through a pandemic provision, the federal government made phone calls from its prisons free. So far, five states have followed suit. Last year, President Biden signed a major bill allowing the Federal Communications Commission to cap what the agency’s leadership has called “predatory” pricing in some prison and jail communications. [*Editors’ note: see the Bloomberg*

article on pages 11–12 for a discussion of the financial implications of this policy.] But county jails across the country had long since filled their visitation rooms with digital kiosks run by Securus and GTL. [...]

Many of the jails where Eliza Fawcett and I examined contracts are refusing to restore regular in-person visits or are actively replacing them with commercial video calls. When I asked Platinum Equity whether Gores would consider offering video visitation only to jails and prisons that retain in-person visits, the company declined to comment. [...] In St. Clair County, the financial incentives were stark. Public records I reviewed showed that, after the jail eliminated in-person visits, call commissions almost tripled, from \$154,131 in 2017 to \$404,752 the following year. In February of 2018, a jail administrator wrote a cheerful e-mail to colleagues: “Well that is a nice increase in revenues!”

The county’s accounting manager replied, “Heck yes it is!” adding, “Keeps getting bigger every month too.” (Sheriff Mat King, of St. Clair County, declined to comment on the litigation. But King and the county filed a brief that noted, “There is nothing illegal or unethical about a County seeking other sources of revenue to lessen the burden on taxpayers.”)

In Flint, Karla told me, “Once a week, you’d get a free video visit, but only at very restricted times, and if that didn’t fit your schedule it was ‘Fuck you, you won’t see your family.’” A couple of times, Karla said, she had to choose between keeping the heat or gas on in the house and paying the GTL bill. She found that the quality of the calls was so poor that half the time Le’Essa and Addy couldn’t hear their dad; on some occasions, the jail failed to even get him to a kiosk for the call. [...]

Le’Essa told me that she’d been learning on TikTok about attachment styles, and was thinking about the trauma that can result from severing core-caretaker bonds. “I actually remember how, the first time my dad got locked up, when I was about three years old, we were allowed to go see him in person at the jail,” she said. “That’s how I found out, ‘Oh, this is what my dad looks like, and this is what he smells like, and this is what he feels like.’”

Back then, Le’Essa remembers, her sister was “just a bald little baby with a big old head,” and Adam got to hold her for an hour at a time. Now, at fifteen, Addy told me, “Not seeing my dad is causing real harm.”

Last Valentine’s Day, I travelled through a snowstorm to Flint. I’d come to join a team of young investigators from Civil Rights Corps and Public Justice [including Susan Li], as they met with prospective plaintiffs in living rooms, community centers, and coffee shops. A couple of private law firms are involved with the litigation effort, too, which they call the Right to Hug campaign. [...]

They took me with them to the snow-encrusted home of a large family, the [last name redacted]. The breadwinner, Troy, had been

locked up in the Genesee County Jail for more than a year, awaiting trial. (According to Swanson, more than ninety-eight per cent of the jail’s current population is unsentenced; many inmates await trial in the facility for years.) Troy and his wife, Onisha, had been together for two decades—they’d met at a high-school sleepover, where he’d asked, “Can I take a picture with you?” Since Troy’s arrest, Onisha had been raising their nine kids alone.

Onisha had told us to come by the house around 4 P.M. But when we arrived the kids let us in; Onisha wasn’t home yet. [...] When Onisha finally arrived, she explained why she was late: GTL’s online money-deposit system was broken, so she’d had to drive to a kiosk at the Genesee County Jail to put money on Troy’s account.

Onisha knew the power of in-person visitation. Her own dad has been locked up since she was young. “It makes a huge difference to see him in person,” she told me. [...] As a kid, Onisha said, she’d spent visiting-room hours making ramen, hugging, and playing a card game called I Declare War. Because of those visits, she said, she’s remained close to her father: “My dad taught every single one of my kids how to tie their shoes.” [...]

Sanyla told us that she looks forward to one day having her dad’s meals again. “He’ll put lamb chops on the grill!” she said, smiling. Troy had recently won a Crock-Pot in a cooking class at the jail; he was also taking a parenting class run by a group called Motherly Intercession. Those who attended the class could have a single hour-long parent-child visit.

The [family’s] seven-year-old said, “I wish I could do that in-person visit thirty times in a row.” The twelve-year-old said, “I thought it was going to be long and fun. But it was only fun, and not long enough.”

I met Troy at the jail in Flint last October, along with about a dozen other dads in the Motherly Intercession program. [...] “You give us all these mental-health classes here, but then you take away our ability to see our kids!” he said. “Our families are a part of our mental health—we are worried about our babies!” He told the group, “My youngest daughter was only a year old when I got locked up. She’s two years old now, and she’s really only used to seeing me on a video screen.”

An older man offered up a theory about the jail’s decision to end in-person visits. “The system is designed to take us from our families, so that we take a plea deal just to get back to them,” he said. The whole group nodded. “We all know that when you’re in the penitentiary at least you can see your family.” He was referring to the fact that the state’s prisons still facilitated regular in-person visits. “Here, they’re trying to break us,” the man insisted.

On the women’s side of the jail, the desperation is even more extreme. The women report that at times they are placed on lockdown for twenty-three hours a day. Two mothers told me that, during the free hour, dozens of women compete for a limited number of

kiosks, on which they hope to see their children’s faces. One mother, whom I’ll call Jane, recalled that physical and verbal altercations were constant. “Everyone wants to call their kids,” she said. [...]

Some of the women had been separated from their infants or toddlers. Brya, a plaintiff in the Genesee County lawsuit, told me that she’d been breast-feeding her one-year-old when she was jailed: “My daughter barely ate for over two weeks, so I kept begging the jail, ‘Can’t I at least feed my daughter?’” [...] She recalled that, for a long time, she couldn’t get access to a working video kiosk. “I was terrified that my baby would forget my face,” Byra said. When she was finally released, after more than two years of pretrial detention, she felt that the toll on her kids was irreversible. “It broke our bond, and it caused deep damage and a loss of trust,” she said. If she had been able to see them in person, she said, she could have “touched them, and kissed them, and reassured them, eye to eye.”

America’s correctional institutions have sometimes doubled as laboratories where incarcerated people serve as low-wage or non-consensual test subjects. “Novel technologies are often first deployed on the most marginalized communities, in ways that later get expanded to the broader public,” Albert Fox Cahn, the founder of the Surveillance Technology Oversight Project, told me. “We’re just willing to treat people as guinea pigs when they’re behind bars.” Today, county jails are deploying mass data-gathering and new surveillance technologies offered by Securus and GTL, the Right to Hug lawsuits allege. But instead of incarcerated people being paid for their role as experimental subjects, they and their families are being made to pay.

GTL, for instance, offers a suite of products to help correctional facilities identify criminal behavior, including one called Call IQ. The company claims that this tool can be used to generate transcripts of calls and detect keywords, including “street terminology.” The company says that it can also “capture and present users with a ‘word cloud’ showing new phrases being used within their population,” which can reveal “hidden activities.” In addition, GTL claims that it can perform a version of affect analysis on all participants in surveilled jail calls, “so an investigator can look for calls that start or end at a threshold of emotion (e.g., a happy tone versus a stressed tone).”

Securus, meanwhile, sells a surveillance product called *THREADS*, which subjects calls to keyword analysis, collects data on anyone who communicates with an incarcerated person, and shares intelligence with a range of investigative agencies. At one point, the company boasted on its Web site that the *THREADS* database included the names and addresses of more than six hundred thousand people. (That information has since been removed.) In October of 2022, Securus received a patent for a novel “behavior evaluation system” that could attempt to “monitor” and “analyze” the speech of people talking to incarcerated individuals, using a special ranking tool. If the company deemed a “non-resident’s” be-

havior to be “good,” it could provide the person with rewards, including free calls. (“The system has not been developed and is not being used,” the company told me.)

“These companies are trying to detect people who are talking about potential crimes, using voice-to-text and pattern matching, but this is total pseudoscience,” Cahn said. “People can be wrongly flagged for totally normal conversations.”

A half-dozen legal experts also expressed concern about potential privacy and civil-rights violations. In 2020, an investigation by the Maine Monitor revealed that jails with Securus contracts had recorded eight hundred and thirty-seven confidential conversations between incarcerated people and their attorneys. In Kansas, Securus settled a lawsuit after more than five hundred people allegedly had calls with attorneys recorded. [...] And, last June, a deputy marshal in Del Rio, Texas, pleaded guilty to illegally using a Securus service to locate people with whom he had personal relationships. Securus discontinued that service—which reportedly allowed agencies to track almost any cell phone in the country within seconds, without a warrant—after multiple incidents of abuse.

Lucas Marquez, a civil-rights advocate with Brooklyn Defender Services, recently testified that these new digital surveillance tools, which sometimes retain data indefinitely, have the effect of punishing communities of color for not being able to pay bail. “If a person could afford bail and was not held in our city jails, law enforcement could only eavesdrop on that person’s communications with a specifically issued warrant,” Marquez told a New York City Council committee last year. On April 15th, Brooklyn Defender Services and several other groups, including the Bronx Defenders, filed suit against the New York City Department of Correction, alleging that it operates, with Securus, “a mass surveillance project primarily targeting Black, brown, and low-income New Yorkers.” [...]

Troy’s children were alert to the fact that video calls with their dad were surveilled; their mom reminded them of it often. “I don’t like that the police record our calls,” Troy’s eleven-year-old son told me. Law enforcement and surveillance pervade their dreams, their group chats with friends, even their tantrums. Recently, after one of Troy’s video calls with his two-year-old daughter dropped out, the girl said, “The police hung up on my daddy!”

Le’Essa and Addy were also preoccupied with surveillance. “When I share really personal things about my own mental health to my dad, I don’t want random people listening,” Le’Essa told me. The possibility that she was being surveilled made her feel like she couldn’t speak truthfully. She also knew that asking her dad too many questions could jeopardize his case: recordings of calls are routinely accessed by prosecutors and used against defendants in court. Karla, the girls’ mom, told me that, because of these fears, Le’Essa and Addy’s calls to their dad were like “a medicine and a poison at the same time.” [...]