

AUSTIN'S BIG SECRET:

How Big Tech and Surveillance
Are Increasing Policing



INTRODUCTION

POLICING AND SURVEILLANCE IN SILICON HILLS

Austin is quickly suffering the same fate as Silicon Valley.

In the Bay Area, the predictable outcome of the tech influx has been corporate giveaways, privatization, and gentrification. Cities like San Francisco have lavished multi-million dollar tax breaks on tech firms like Twitter, Zendesk, and Zoosk. Public transportation in the area is increasingly bifurcated between rich and poor, as wealthier tech workers increasingly use private company shuttles when commuting to work while other workers crowd into existing trains and buses.

The housing crisis, of course, has most visibly ravished the region: San Francisco, Oakland, and San Jose are frequently in the top 10 most expensive cities in the country. Homelessness is more prevalent than in any region of the country. And rising rents have caused the displacement of tens of thousands of Black and Latinx residents from San Francisco to far-flung cities like Vallejo and Stockton.

The same is already happening in Austin.¹ Apple, Google, and – most recently – Tesla have received tens of millions in local and state incentives to move to the city – despite evidence that tax breaks do little to incentivize companies to move and simply reduce tax revenue. East Austin has lost thousands of Black and Latinx residents to rapid gentrification, and at least one study noted that Johnston Terrace, a neighborhood just east of where Tesla is moving in, is the fourth most rapidly gentrifying zip code in the country.

In East Austin, the tie between gentrification and policing is acute. The Riverside Togetherness Project, for instance, launched in April 2019, envisions a “crime reduction” program led by the police department that would “position the neighborhood for revitalization.”

The “revitalization” of the area – read: gentrification – is explicitly tied to policing of its existing residents, primarily Black and Latinx community members who were originally forced into the previously undesirable East Austin when the city’s 1929 Master Plan denied city services to people of color living West of I-35.²

What does revitalization actually mean in this context? How is it measured? How will more frequent police interactions with local residents lead to increased trust? One of those more frequent police interactions in the young program is APD Officer Christopher Taylor’s recent murder of Mike Ramos less than a minute south of the area covered by the Riverside Togetherness Project.³

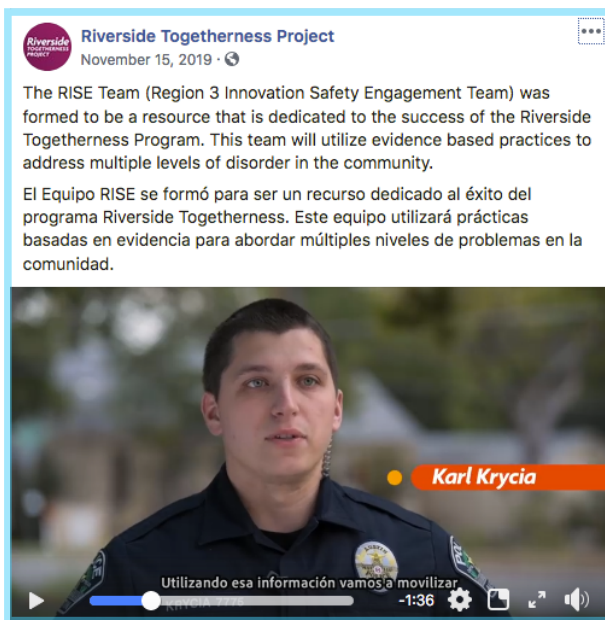


¹ Realtor.com, “America’s 10 Fastest-Gentrifying Neighborhoods,” 15 April 2019. <https://www.realtor.com/news/trends/the-10-fastest-gentrifying-neighborhoods-in-america/>
² Undoingracismaustin.org, “1929 Master Plan - Before and After,” <https://undoingracismaustin.org/racism-in-austin/1929-master-plan-before-and-after/>
³ The Texas Tribune, “Austin Police Release Footage Showing the Killing of Mike Ramos,” 27 July 2020. <https://www.texastribune.org/2020/07/27/mike-ramos-austin-video/>

INTRODUCTION

POLICING AND SURVEILLANCE IN SILICON HILLS

Both Christopher Taylor and Karl Krycia, officers that shot and killed Mauris deSilva, a man experiencing a mental health crisis, in July 2019, appear in public relations videos for the “RISE team,” the Riverside Togetherness Project’s police force, less than four months later.⁴ Despite the program’s rhetoric of increased trust between police and residents, Christopher Taylor’s interactions with residents at community events did not prevent him from shooting an unarmed man who was driving away from him.



And why, when the neighborhood is facing gentrification and displacement, is the city putting forth a police program instead of focusing on housing security and affordability?

None of these questions are answered by pilot projects like the Riverside Togetherness Project, funded by a grant from the Department of Justice and largely unaccountable to the local residents it purports to serve.

This is the reality of the Silicon Valley of the South. As tech companies move into the area, the city government increasingly caters to the industry’s well-paid workers, doing little to prevent displacement, instead focusing on the supposed lack of safety facing newcomers.

This brief looks at this relationship and examines the links between tech companies, city projects, and increases in policing and surveillance of Austin residents. We first analyze local policing initiatives like the Austin Regional Intelligence Center and note contracts held by local law enforcement agencies with tech companies.

We then note the collaboration between local police and Immigration and Customs Enforcement and how tech companies bolster this collaboration, leading to deportations and further erosion of Austin’s Black, Latinx, and immigrant residents.

Finally, we present demands: The defunding of the Austin Police Department by 50 percent and its disbandment over the next four years; mandatory reporting of data-sharing between local police, private companies, and federal agencies; defunding and closure of the Austin Regional Intelligence Center and public disclosure and review of any cooperation with DHS sub-agencies; and the banning of certain technologies, like automated license-plate readers, facial recognition, utility data sharing with police, and more.



⁴ Riverside Togetherness Project Facebook, “What is the RISE Team,” 15 November 2019, <https://www.facebook.com/watch/?v=2431615947103460>

AUSTIN POLICE DEPARTMENT SURVEILLANCE TECHNOLOGY

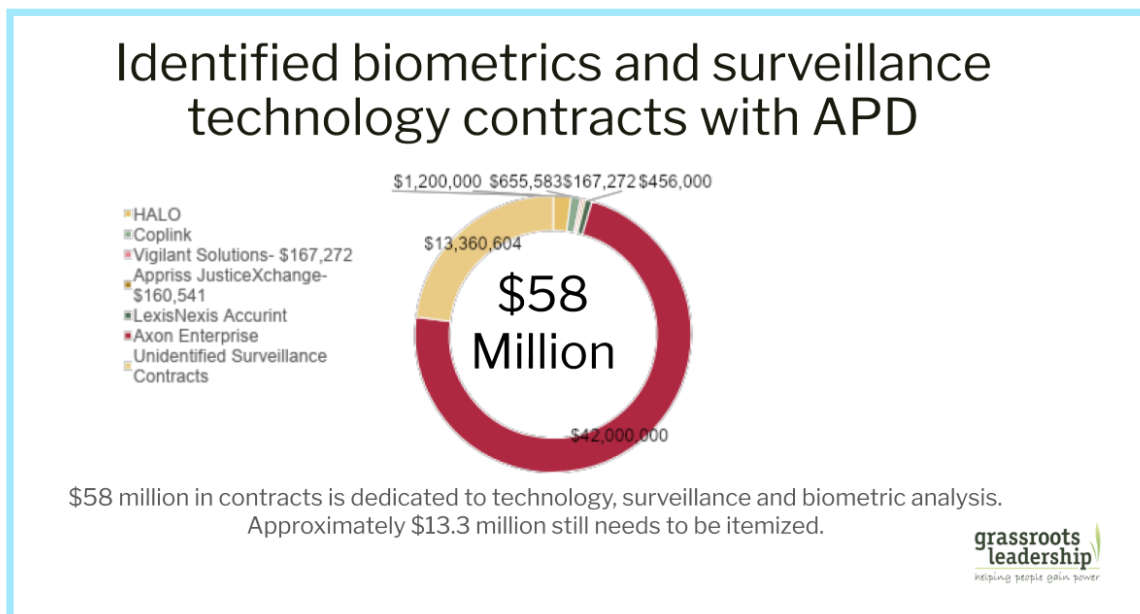
The Austin Police Department was apportioned \$441.7 million⁵ in fiscal year 2020, making up some 40% of the city's general fund budget.⁶ Over half of this money is directed to wages and benefits.

APD currently has 98 authorized contracts with private companies for an authorized total of \$129.3 million, including several agreements with other government agencies. Of this total, over 44%, or some \$58 million, is dedicated to technology, surveillance and biometric analysis. It should be noted that these totals include multi-year contracts, meaning additional information is needed to break the numbers down into annual budget spending.

Furthermore, APD operates the Austin Regional Intelligence Center (ARIC), a DHS-recognized Fusion Center composed of more than 20 local law enforcement agencies in central Texas. ARIC serves as an information sharing hub between local, state and federal agencies, including DHS and its subagencies such as ICE. ARIC, along with fusion centers generally, has a troubling history of surveillance including:

- Surveillance of Occupy Wallstreet protesters and marchers⁷
- Surveillance of vegan animal rights activists⁸
- Using private citizens to conduct surveillance and collect data for ARIC⁹
- Surveillance of immigrants for ICE enforcement as discussed in Section III of this report.

Public officials and advocates should be deeply concerned by law enforcement initiatives that are funded by and closely coordinate with DHS such as fusion centers. DHS agents, including those belonging to agencies involved in ARIC, have come under increased scrutiny in recent weeks after their role in escalating violence during Black Lives Matter protests.¹⁰ In Portland, specialized policing agencies within ICE and Customs and Border Protection wore unmarked military-style uniforms and detained protestors in unmarked vehicles without identifying themselves.¹¹ DHS agents went so far as to prepare "intelligence reports" on reporters covering the protests in Portland.¹²



⁵ City of Austin, Raw Budget Data, www.austintexas.gov/financeonline/finance/budget/department.cfm.

⁶ City of Austin, "Austin City Council Approves Fiscal Year 2019-2020 Budget," 11 September 2018, www.austintexas.gov/news/austin-city-council-approves-fiscal-year-2019-2020-budget.

⁷ John Anderson, "ARIC and Privacy: Unconstitutional on Its Face," Austin Chronicle, Aug. 29, 2014, <https://www.austinchronicle.com/news/2014-08-29/aric-and-privacy/>.

⁸ Shawn Musgrave, "Why was the Austin counterterrorism unit monitoring vegan potluckers?," MuckRock, May 7, 2015, <https://www.muckrock.com/news/archives/2015/may/07/vegan-potluckers-anime-screenings-counterterrorism-unit/>

⁹ John Anderson, "APD's Secret Informants Eyeing Neighbors for 'Suspicious' Activity, Leaked Documents Reveal," Austin Chronicle, July 24, 2020, <https://www.austinchronicle.com/news/2020-07-24/apds-secret-informants-eyeing-neighbors-for-suspicious-activity-leaked-documents-reveal/>

¹⁰ NY Times, "Videos Show How Federal Officers Escalated Violence in Portland," July 24, 2020, https://www.nytimes.com/video/us/100000007243995/portland-protests-federal-government.html?smid=fb-share&fbclid=IwAR0XZGK-tSR1ZRp9JmoWn5j1NOMn7u6_7pDhtD9dKRUSj1180In2mvi5Ug

¹¹ NPR, Federal Officers Use Unmarked Vehicles To Grab People In Portland, DHS Confirms, July 17, 2020, <https://www.npr.org/2020/07/17/892277592/federal-officers-use-unmarked-vehicles-to-grab-protesters-in-portland>

¹² Washington Post, DHS compiled 'intelligence reports' on journalists who published leaked documents, July 30, 2020, https://www.washingtonpost.com/national-security/dhs-compiled-intelligence-reports-on-journalists-who-published-leaked-documents/2020/07/30/5be5ec9e-d25b-11ea-9038-af089b63ac21_story.html

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Some of the surveillance technologies contracted by APD include:

HALO

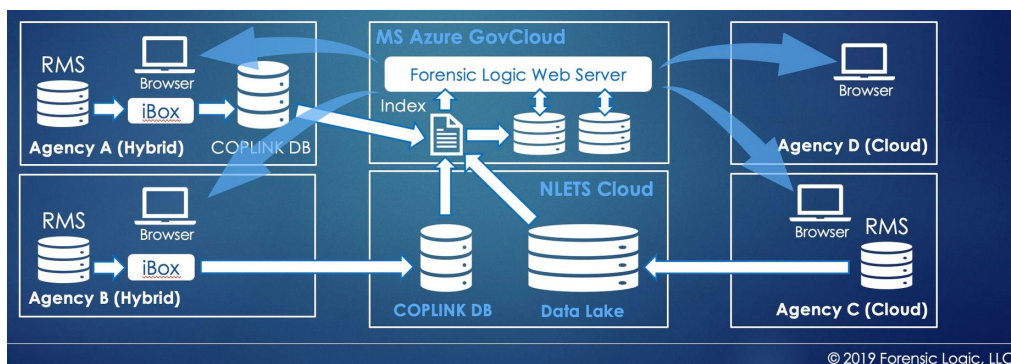
A Real Time Crime Center that monitors a network of “HALO” cameras. APD has a \$1.2 million contract with Hitachi through 2024 for maintenance and software, and provides a Hitachi Visualization Suite that works as a “data-mining engine to gather and predict where and when crime can occur. HVS ingests real-time video feed from open-source crime databases and online social media applications to add insights.”¹³ This sort of “predictive policing” has been shown to be ineffective and potentially discriminatory in cities such as Los Angeles, where LAPD recently cancelled two such programs run by companies Palantir and PredPol after audits found concerning data inconsistencies.¹⁴

AXON

APD has contracts totaling over \$42 million through 2022 with Axon Enterprise, formerly TASER International, the largest supplier of tasers and body cameras for police in the United States. The bulk of this money is for body cameras and related accessories, equipment and software. However, the subscription includes the use of Evidence.com,¹⁵ a cloud-based Axon platform hosted on Microsoft Azure that police use to build their cases with video, photos, documents and other data. **Body cameras are supposed to protect the public from police abuses, but APD can also use Axon software to build cases against the public.**

COPLINK

APD has a contract with California company Forensic Logic for its Coplink software, the most widely used data sharing and crime analytics platform in the United States, contracted by over 5,100 agencies.¹⁶ The software is used for information sharing between ARIC member agencies.¹⁷ APD has a contract with options through 2023 for a total of \$655,583.¹⁸ Forensic Logic’s Coplink data sharing platform is hosted by Microsoft Azure and the Nlets national law enforcement facility in Phoenix. **Coplink and Nlets allow for data sharing en masse between local and federal law enforcement, invading people’s privacy and granting for federal agents from the FBI and ICE access to personal information from local sources.**



VIGILANT SOLUTIONS

The City of Austin currently holds contracts worth \$167,272 through third party GTS Technology Solutions, Inc., an Austin company, for use of the license plate reader database developed by Vigilant Solutions, owned by Motorola Solutions (In 2016, the city entered into a \$900,000 contract for the software.).¹⁹ Vigilant cameras are mounted on patrol vehicles, portable trailers, and stationary roadside structures to automatically capture images of vehicle license plates. APD then stores the location data of the vehicles and names associated with the license plates in a database, which can be queried by license plate number or name. **The data is voluntarily shared with 817 other law enforcement agencies,²⁰ including ARIC and the National Vehicle Location Service, a pool of data shared with hundreds of agencies and accessible to ICE.²¹**

¹³ Hitachi Vantara, “Austin Police Deploy Hitachi Vantara Solution to Serve and Protect With Greater Visibility and Connected Intelligence,” www.hitachivantara.com/en-us/company/customer-stories/austin-police-department-case-study.html.

¹⁴ Los Angeles Police Commission, “Review of selected Los Angeles Police Department data-driven policing strategies,” March 12, 2019.

¹⁵ City of Austin, Contract No. MA 8700 NC190000029, www.austintexas.gov/edims/document.cfm?id=328631.

¹⁶ Forensic Logic, “Forensic Logic Announces Acquisition of COPLINK Platform from IBM,” 3 October 2017, <https://forensiclogic.com/news/forensic-logic-announces-acquisition-of-coplink-platform-from-ibm>.

¹⁷ Austin City Council, August 23, 2018 meeting, www.austintexas.gov/edims/document.cfm?id=303660.

¹⁸ City of Austin, Contract No. NS180000056, www.austintexas.gov/edims/document.cfm?id=305629.

¹⁹ Mary Tuma, “ICE Strikes Deal With Surveillance Firm,” Austin Chronicle, 2 March 2018, www.austinchronicle.com/news/2018-03-02/ice-strikes-deal-with-surveillance-firm.

²⁰ Electronic Frontier Foundation, “Data Driven: What We Learned,” www.eff.org/pages/what-we-learned.

²¹ ACLU, www.aclu.org/sites/default/files/field_document/26485_-26562_2013.06.28_LPR_Project_1.pdf.

AUSTIN POLICE DEPARTMENT SURVEILLANCE TECHNOLOGY

APPRISS JUSTICECHANGE

APD has a \$160,541 contract for a subscription to Appriss JusticeXchange, proprietary software that provides up-to-date booking and incarceration data from thousands of government agencies. **Appriss software is also used by ICE agents to track down targeted individuals even when no detainer exists for them.** The ARIC Fusion Center also uses the software alongside other commercial data databases like TransUnion and Carfax.

LEXISNEXIS ACCURINT

ARIC and APD also have access to LexisNexis' Accurint, a comprehensive database with information such as personal phone records, addresses, and "public records that would ordinarily take days to collect."²² The City of Austin has a \$456,000 contract for Accurint, and APD makes frequent contractual payments to LexisNexis. **APD gets this personal data from commercial sources that individuals do not normally grant their consent to share with law enforcement, at least not with any reasonable degree of transparency.**

DATAMINR

ARIC has access to Dataminr,²³ which provides real-time alerts from social media and public data sources. **Dataminr helped law enforcement monitor Black Lives Matter protests across the country in 2020, relaying Tweets and other social media information to police.**²⁴ Dataminr has received funding from both Twitter and the CIA's venture capital arm, In-Q-Tel.²⁵



The fact that APD can access commercial and private information on any person it chooses through for-profit databases purchased with public funds that form part of the police budget constitutes an unethical and unnecessary surveillance overreach. The fact that surveillance cameras, whether on police uniforms or in public spaces, are integrated into a "predictive policing" network to complement such data collection is concerning, as it opens the door for potentially racist targeting of certain communities based on existing arrest data. The information sharing that APD allows between local, state and federal law enforcement only amplifies such concerns. Nowhere is this more evident than in APD's information sharing with ICE.

²² LexisNexis, Accurint for Law Enforcement, <https://risk.lexisnexis.com/products/accurint-for-law-enforcement>.

²³ ARIC, archived webpage, <https://aric.texas.org>.

²⁴ Sam Biddle, "Police Surveilled George Floyd Protests With Help From Twitter-Affiliated Startup Dataminr," The Intercept, 9 July 2020, <https://theintercept.com/2020/07/09/twitter-dataminr-police-spy-surveillance-black-lives-matter-protests>.

²⁵ Eamon Javer, "Why Twitter Chose to do Battle with the CIA," CNBC, 13 May 2016, www.cnbc.com/2016/05/13/why-twitter-chose-to-do-battle-with-the-cia.html.

APD SURVEILLANCE LEADS TO ICE RAIDS AND DEPORTATIONS

The Austin Police Department, particularly its Austin Regional Intelligence Center (ARIC), has built a large surveillance network to track the personal data and location of Austin residents. This surveillance data is now being used by ICE to locate immigrants in order to conduct raids and deportations.

As discussed above, APD has acquired access to many local agency and private commercial databases. This includes access to:

- Utility data from Austin Energy and Austin Water
- School incident reports from the Austin Independent School District
- Vehicle registration data and driver's license information
- Various commercial databases that track the social media, cellular phone, location data, and retail data of Austin's residents.

Such data contains incredibly sensitive information, such as a person's date of birth, biometric information, and home address. This is precisely the data that ICE needs to locate immigrants for raids and deportations.

The Austin Police Department engages in large-scale sharing of its surveillance data with ICE—not only due to Texas law SB 4, but also APD's and therefore the City of Austin's voluntary collaboration with ICE that goes above and beyond the requirements of SB 4. At times, APD officers will even use its surveillance tools to generate new data solely to help ICE locate an individual.

Some troubling highlights include:

- APD has shared at least 141 utility reports of Austin residents from Austin Energy or Water with ICE since 2019. At least four APD ARIC intelligence officers have full user access to the city's utility database. The Freedom City quarterly reports have documented many instances where APD has queried utility reports to share that information with ICE.²⁶ Such information could contain home address and financial information of residents.
- APD has shared at least 83 vehicle registration reports and 39 license plate reader reports with ICE since 2019. Such information would provide home address and time and location history for vehicles.
- APD has shared the phone subscriber information of five individuals with ICE since 2019.²⁷
- ARIC has shared at least one school incident report from the Austin Independent School District with ICE since 2019.²⁸
- ARIC has complied with at least 927 requests for Austin resident information from ICE since 2017.

In sum, APD's large surveillance network, including its ARIC Fusion Center, are at the heart of the Austin Police Department's collaboration with ICE.²⁹ The same police surveillance tools used to criminalize communities of color are being used to arrest and deport communities for ICE. Such APD collusion with ICE harms communities through terrorizing ICE raids, fractures families, and further undermines already fraught relationships between communities of color and APD.

²⁶ Council Resolution Reporting Requirements 20180614-73 & 74 <http://www.austintexas.gov/page/council-resolution-reporting-requirements-20180614-73-74>; see also Office of the Chief, Austin Police Department, Memorandum: Quarterly Report regarding Immigration Enforcement - City Council Resolution 20180614-0741 (May 1, 2019) <http://www.austintexas.gov/edims/pi/document.cfm?id=318802>; Data also received from APD through an open records request.

²⁷ Id.

²⁸ Data received from APD through an open records request.

²⁹ For more information, see Freedom Cities Report Reveals APD Failure to Comply with Policies <https://grassrootsleadership.org/releases/2019/08/freedom-cities-report-reveals-apd-failure-comply-policies>

POLICY RECOMMENDATIONS FOR THE CITY OF AUSTIN

Grassroots Leadership has demanded that the City reduce the budget of the Austin Police Department by 50% this year and disband APD in four years. Cuts to APD's budget should include and can be significantly carried out by reducing the police department's surveillance budget and vast surveillance network. Specifically this means:

- Stop funding the Austin Police Department's surveillance budget and direct APD not to renew its surveillance contracts.
- Defund and shut down the Austin Regional Intelligence Center (ARIC) and end any other data collection and surveillance program that shares data with federal agencies involved in the violent crack-down in Portland and cities across the country.
- Dismantle the Riverside Togetherness Project and other "revitalization" projects which rely on increased policing and data collection and reinvest this money into non-market based low income housing, the RISE fund, Austin Public Health, Equity Office, and other programs that actually support residents in these communities.
- Require full reporting of APD's surveillance tools (including government and commercial data tools) in compliance with the Freedom City Ordinance. Our reporting last year showed that APD was failing to comply with requirements of the Freedom City Resolutions. This included failure to fully notify the public and council about the various local agency and commercial databases used by APD and shared with ICE.

