Social media surveillance tool used to arrest Baltimore protesters

Jennifer Oliphant

General Instructions

1. For each page, synthesize the reading and research by writing in complete sentences in essay format.
   a. Use the green instructions in the notes below each page to focus your research and writing.
   b. Write about each question, prompt, or process provided in those notes.
   c. Write a full page of text with lots of detail (about 250 words).
      i. Don’t generalize so much that your writing is devoid of detail.
      ii. Don’t repeat yourself.
   d. Cite each source by adding a hyperlink in the Title of the Article or law.
   e. Do not change the template:
      i. Text must be 14 point Lato left-justified type.
      ii. Refrain from adding extra margins or double spacing.
      iii. Do not bullet the paragraphs. Write in essay format only.
   f. Add additional pages if you need more room.

2. Add all sources to the Bibliography page.
   a. Include author, year, title, publisher, and URL.
   b. Number or bullet them using the list button.

When in doubt, write to the instructor for clarification using the Canvas Inbox.
Geofeedia is founded and based in Chicago according to What is Geofeedia? The tool police say could have warned them to Capital Gazette shooter.

On April 25 the Baltimore County Police Department and Geofeedia Partner to Protect the Public During Freddie Gray Riots.

Over 30 cities and states as well as the BART system have passed Community Control Over Police Surveillance (CCOPS) laws or are working on CCOPS legislation.

Facebook releases its Topic Feed API intended to allow developers track public posts on specific topics that are trending, Facebook, Twitter, and Instagram surveillance tool was used to arrest Baltimore protestors.

September 19 both Instagram and Facebook separated from Geofeedia by terminating its access to Instagram and Facebook APIs. (Brandom 2016)

October 11 Twitter joined Instagram and Facebook in terminating Geofeedia’s access to consumer data. (Cagle 2016)
On October 11, 2016 the ACLU release information that it had obtained records (via email and public records) that Facebook, Instagram, and Twitter Provided Data Access for a Surveillance Product Marketed to Target Activists of Color. Through partnerships with each of these companies, Phil Harris and by extension his company Geofeedia, was able to use their APIs to “create real-time maps of social media activity in protest areas.” (Brandom 2016) Geofeedia used their exclusive access to social media feeds to market to law enforcement agencies a surveillance tool that provided real-time access to “maps which were subsequently used to identify, and in some cases arrest, protesters shortly after their posts became public.” (Brandom 2016)

In the case of Facebook, the API Geofeedia was using to collect its data was designed specifically for media companies and brand purposes. Additionally, Facebook and Instagram do not actually have a public policy that would protecting user data from being used by developers for surveillance purposes.. This means in a sense that Geofeedia was not doing anything illegal by offering law enforcement access to the data, although it would be considered unethical by most. Twitter on the other hand does have a “longstanding rule” that makes it illegal to offer to law enforcement the data they were offering.
Although Facebook and Instagram do not have any specific policies restricting developers from using or selling user data for surveillance purposes, there are specific rules with both companies governing developer’s behavior with regards to user data. (Cagle 2016) Twitter as noted earlier has restrictions as well. Beyond the fact that the partnership between Geofeedia and these three social media companies violated developer code of conduct, end users of these platforms were unaware of how their data was being used. Additionally, the use of these surveillance tools by law enforcement was never discussed with the residents of the communities they were used in.

No specific laws were broken, however, because Geofeedia marketed their product to law enforcement many activists and activist organizations were fearful of being targeted. Police use of social media surveillance software is escalating, and activists are in the digital crosshairs, notes that “our records show that Geofeedia’s marketing materials, … refer to unions and activist groups as “overt threats,” and suggest the product can be used in ways that target activists of color.” (Ozer 2016)

Due to the ACLU's investigation of Geofeedia's surveillance app both Facebook and Instagram terminated their agreement on September 26, 2016. Once the story broke in the news Twitter terminated its contract with Geofeedia. State and local governments have joined with the ACLU in crafting Community Control Over Police Surveillance (CCOPS) laws. The premise behind these laws is to give the public control in deciding if and how surveillance technologies will be used in their communities.
The ACLU created this short video explaining different ways law enforcement can track the movements of private citizens. It also presents three reasons law enforcement should not be allowed to utilize surveillance without community consent. Additionally, this video encourages community members to get involved.

© 2018 ACLU
Phil Harris as CEO of Geofeedia, was the decision maker regarding the direction and policies the company would embrace. He was ultimately his decision on what contracts and partnerships would be forged. He also was the driving force behind the marketing of the company.

Contractarianism is the view that people will naturally create shared agreements because cooperation pays even if you have to give up some freedoms, according to *Contractarianism: Crash Course Philosophy #3*. With this in mind Harris's actions might actually be considered morally justified.

If we look at Harris's actions through the lens of Hobbes ethical theory of Contractarianism, we can see that Facebook, Instagram and Twitter had one contract with its users and a separate contract with Harris. Users sign their contract when they start an account with one of these companies. Admittedly, very few of them actually read the contract and even if they do there may be some implicit contracts associated with being part of the social media community. One of which is the assumption that nothing on the internet is private. Looking at the agreement between Harris and the three social media companies, admittedly some rules for developers were broken, however was Geofeedia actually considered a developer or were they simply using developer tools and access? If Geofeedia is not actually a developer, then technically no laws were broken. According to Harris, “... Geofeedia is committed to the principles of personal privacy, transparency and both the letter and spirit of the law when it comes to individual rights...our platform provides...a critical tool in helping to ensure public safety while protecting civil rights and liberties.” (Brandom 2016)

Crashcourse. *Online Advertising: Crash Course Media Literacy #7*. YouTube, YouTube, 10 Apr. 2018, www.youtube.com/watch?v=cmRcoJZRXEY.


