“You Gotta Watch What You Say”: Surveillance of Communication with Incarcerated People

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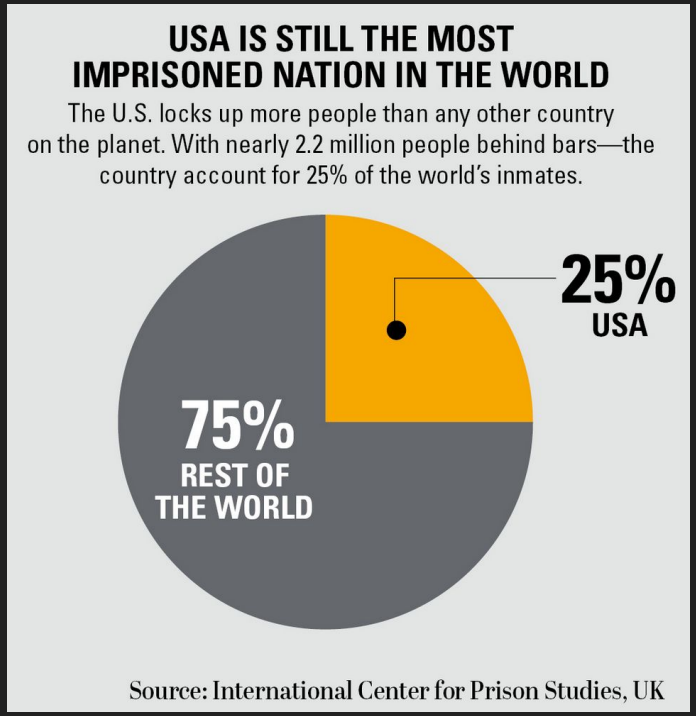
Incarcerated people’s communication is surveilled

- U.S. leads the world in incarceration
- Facilities use advanced surveillance tech
- Potentials harms of surveillance
- Families MUST undergo surveillance to communicate with incarcerated relatives



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Notable Surveillance Mechanisms

Interviewing Family Members of Incarcerated People (FMIP)

What privacy concerns and preferences do FMIP have when they use prison communication services?
How do they react to surveillance?

Interviewed **16 family members** of people incarcerated in Pennsylvania (December 2019)

Asked about their perceptions of data collection, retention, & use and surveillance/privacy

Findings

General communication practices

Awareness of surveillance

Attitudes about surveillance

Privacy-preserving strategies

Communication Practices

- People feel an obligation to stay in touch with incarcerated relatives
- This communication can be inconvenient and costly

"**Even though it's email, they call it a stamp. You still have to pay to send the email.** It's messed up because the person in the beginning didn't have any money ... did the crime, and the family that has to pay for the crime didn't have any money anyway." -- *P12*

High awareness of surveillance ...

… but assumptions, policies, practices may not align

- Brought up surveillance unprompted
- Believed some surveillance mechanisms were not possible
- Prison staff might not follow policies around surveillance (E.g., reading mail without approval)

"I don't even think they record them all. I think it's really a scare tactic 'cause that's a lot of audio, you know? That's a lot of transcripts. That's a lot of data right there, you know? Like, **where you storin' all that?**" -- *P5*

"You'll be told to do things by the book but also get them done, and those two things will be almost unreconcilable [sic] ... **you're not specifically told to cut those corners, but you're told, like, get it done**." -- former CO

People raised harms of surveillance

- Expressed concern that their words could be manipulated against them or their incarcerated relative
- Thought it was unfair
- Half of participants believed data was collected for prosecution
  - 7 mentioned safety reasons
- Mentioned the harms of “false positives”
  - E.g., drugs detected during in-person visit
- Discomfort being in a facility

“... there is a lot of communication [discussing] **the judicial system** between the person and then their family ... But **it’s just difficult to communicate with somebody when you know that their communications are being tracked and being monitored** and ... of course ... **can be used against them**.”-- *P12*

People described their privacy-preserving strategies

- Using the “most private communication method”
  - Thought physical mail was the most private, followed by in-person visitation
- Self-censorship of case details/names
- No strategy

> Re: location tracking: “[I would feel like I] was under heavy monitoring, and probably next in line to be arrested ... **I would probably be less likely to receive the phone call**, go to another form of communication, so I could then not have to give my location” -- *P12*

Recommendations from participants

“On the computer programming side ... none of that stuff is going to change ... The only thing that’s going to change is ... that you can **make it easier for the people on the outside to reach out** ... not only to the person but to the judicial system and find out what’s going on. But that’s not going to be something that people will push for and approve, because these are people that we are meant to punish and forget in a sense. But these people still have lives and people that they love and want to communicate with.” -- *P12*

Findings summary

- Participants believed that there were legal, practical, and technical barriers that limited surveillance
- Concerns about fairness
- Concerns about misrepresentation of their words
- Mentioned privacy-preserving strategies
  - Using the “most private” communication method, self-censorship
- Raised numerous other, non-surveillance/privacy related issues
  - E.g., cost, convenience, accessibility, prior trauma in prisons

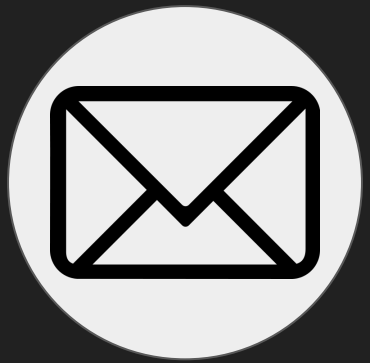
Discussion

Prison communication companies design products to work for facilities, not for the people that use their services.

Surveillance of communication contributes to incarceration.

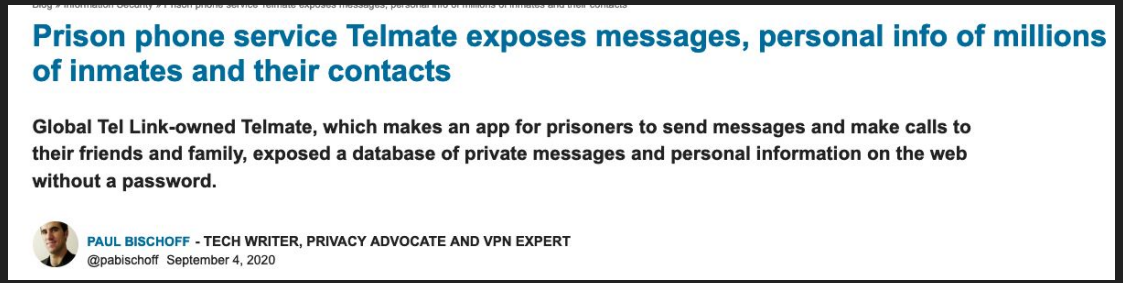
Recommendations for end-users

Use the most private communication method



Recommendations for policy makers

- Minimize data collection
  - Mass data collection makes systems vulnerable to massive hacks
- Increase access to data controls
  - Specifically for the purpose of data deletion (e.g., after someone leaves a facility)
- Require disclosure of surveillance practices
  - Information buried in FOIA'd contracts, privacy policies and news articles


Prison phone service Telmate exposes messages, personal info of millions of inmates and their contacts

Global Tel Link-owned Telmate, which makes an app for prisoners to send messages and make calls to their friends and family, exposed a database of private messages and personal information on the web without a password.

PAUL BISCHOFF - TECH WRITER, PRIVACY ADVOCATE AND VPN EXPERT
@pabischoff September 4, 2020

Focus on people's most likely goal:
staying in touch with loved ones

People can make more informed choices about which communication method best suits their needs -- including privacy -- if they at least know about all of the options

Identify the authors of the document to establish credibility. The makers of this document may also choose to share their contact information.

Contacting Someone at Allegheny County Jail (ACJ)

To get a digital version of this flyer, visit https://tinyurl.com/ACJ-flyer or use the QR code to the right.

Phone Calls (vendor: GTL/ConnectNetwork)
ACJ Info https://www.alleghenycounty.us/jail/inmate-phone-system.aspx
ConnectNetwork Privacy Policy:
https://web.connectnetwork.com/privacy-policy/

Mail
Send mail to: Name, DOC Number, Allegheny County Jail,
950 Second Avenue, Pittsburgh, PA 15219
ACJ Mail Policies:
https://www.alleghenycounty.us/jail/inmate-mail.aspx

Electronic Messaging (aka "email", vendor: GTL/GettingOut):
ACJ Info: https://www.alleghenycounty.us/jail/inmate-tablets.aspx
GettingOut Privacy Policy: https://www.gettingout.com/privacy-policy/

In-person Visitation (temporarily suspended for COVID-19):
ACJ Info:
https://www.alleghenycounty.us/jail/visitors/visitor-information.aspx

Video Visitation (GTL/GettingOut)
ACJ Info: https://www.alleghenycounty.us/jail/inmate-tablets.aspx
GettingOut Privacy Policy: https://www.gettingout.com/privacy-policy/

How private are your communications?

- All of the information from your communication can be accessed by prison staff, prosecutors, or police without a court order or warrant
- Software can automatically analyze and save communication data, or prison officials might read/listen to communication manually
- Some surveillance practices might surprise you. For example, your location is tracked if you talk to someone at ACJ on your cell phone (maybe even after the call ends)

Prisons and jails aren't always up-front about how they process data, but you can find out more at the links above

This document was created by Carnegie Mellon Researchers on Jan 7, 2021.

Each facility has different practices, so information sheets should be about a specific facility

Make it as easy as possible to access links by providing a digital version

Actual surveillance practices are too complex for one page, but give people a sense of privacy risks, typical surveillance practices, and enough information to find out more

Because facilities' practices change frequently, the date of publication should be included

Implications for privacy engineers

- Considering marginalized groups' threat models
  - End-users might (unbeknownst to you) consider government entities as their adversaries
    - E.g., smartphone probation/parole monitoring apps
- Technology you make could be (mis)used to further marginalization
  - Securus made an app that gave real time location access to any phone number to people who "uploaded proper legal documents"
  - People uploaded fake documents to bypass the warrant process
- Diversify your teams
  - "Race of interviewer" effect has been shown to have an impact when people are interviewed about police violence [24, 65, 82]
- Thank you for your time!

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Link to the paper