The American Civil Liberties Union of Wisconsin Opposes Assembly Bill 542

AB-542 would require the Department of Justice to award grants to schools to acquire proactive firearm detection software. A number of companies have responded to recent horrific mass shootings by touting technology that can ostensibly detect people with guns. Two companies in particular have attracted a lot of press attention for their products: one that makes AI-enhanced metal detectors, and another that sells video analytics software that "watches" surveillance camera feeds and sounds an alarm when the machine vision thinks it sees a person holding a gun. While such technologies can have their place, we need to think carefully as a society about if, how, and where we want to deploy them.

The ACLU recently released a report, "Digital Dystopia: The Danger in Buying What the EdTech Surveillance Industry is Selling,"[1] that dives into the booming multi-billion-dollar education technology (EdTech) surveillance industry and the harmful impacts these invasive, and largely ineffective, products have on students. The report looks at the deceptive marketing claims made by popular EdTech surveillance companies and breaks down how they use educators' fears and unsubstantiated efficacy claims to falsely convince schools that their products are needed to keep students safe. The report also seeks to highlight the substantial harm surveillance causes to students and gives recommendations for school districts to make better informed decisions about using surveillance technologies.

Specifically, weapon detection surveillance technology claims to be able to analyze video from surveillance cameras to detect and warn schools about the presence of a weapon.[2] However, false hits, such as mistaking a broomstick,[3] three-ring binder, or a Google Chromebook laptop[4] for a gun or other type of weapon, could result in an armed police response to a school. Sending police into a school with weapons drawn, thinking they are facing an armed student or potential active shooter, could have devastating and even life-threatening impacts on innocent students and school staff.

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[1] "Digital Dystopia: The Danger in Buying What the EdTech Surveillance Industry is Selling," ACLU (October 2023), https://www.aclu.org/report/digital-dystopia-the-danger-in-buying-what-the-edtech-surveillance-industry-is-selling.

[2] Jay Stanley, "Are Gun Detectors the Answer to Mass Shootings?" ACLU (November 2, 2022), https://www.aclu.org/news/privacy-technology/ are-gun-detectors-the-answer-to-mass-shootings.

[3] Todd Feathers, Facial Recognition Company Lied to School District About its Racist Tech," Vice (December 1, 2020), https://www.vice.com/en/article/qjpkmx/ fac-recognition-company-lied-to-school-district-about-its-racist-tech.

[4] "Opinion: Body Scanner Problems at Charlotte-Mecklenburg Schools," Charlotte Observer (editorial) (August 25, 2022), https://www.govtech.com/education/k-12/ opinion-body-scanner-problems-at-charlotte-mecklenburg-schools.

Ultimately, we urge legislators to consider the following recommendations from the ACLU report when considering the use of student surveillance technology:

- When learning about the alleged benefits of using student surveillance technologies, state and local policymakers should not rely on unsubstantiated efficacy claims offered to them by EdTech Surveillance companies who have a financial interest in the sale of the technologies (including those that provided free technology but make money off its maintenance, data storage, or by selling related products or enhanced versions of their free product). Instead, insist on proof of efficacy from unbiased, fully independent sources that provide evidence, gathered in the education context, that has been peer-reviewed to ensure accuracy and reliability.

- State and local policymakers should make it a top priority to learn about the harmful impacts of surveillance technologies on students and other school community members, including their heightened adverse impact on already vulnerable groups. They should talk to students and other school community members about how surveillance makes them feel, and they should also be mindful that "feeling safer" is very different from actually being safer (the former is more reflective the effectiveness of the EdTech Surveillance industry's marketing and press coverage than established facts).

- Consider adoption of legislation requiring all schools to follow best practices for student surveillance technology decision-making to ensure any surveillance technology acquired has been shown to have a significant effect on improving the health, safety, and welfare of persons in school settings, with proof of such efficacy established through independent, peer-reviewed, evidence-based research. In determining whether the technology is in the best interest of the school community, schools should investigate and consider any unintended harms or other consequences that might accompany the use of such a technology, as well as the opportunity costs of electing to acquire and use such a technology. Further, there should be a process to ensure school community member engagement in local decision-making. The ACLU drafted the "Student Surveillance Technology Acquisition Standards Act" model bill (see Appendix 2 of the report cited above for the full text of the model bill).