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Chicago Must End the Use of ShotSpotter to Protect Human Rights

ShotSpotter Claims it Accurately Records Gunshot Audio; Study Proves Otherwise

ShotSpotter is a sound detection system that listens for gunshots, identifies their location, and then, after internal verification by artificial intelligence and experts, notifies the police so they can respond.¹ The technology itself records all audio and filters it to only gunshots; **however, all audio that is captured is stored.**²

ShotSpotter does not work in urban settings. Skyscrapers and noises that mimic gunfire affect accuracy.³ ShotSpotter has interpreted cars backfiring and dogs barking as gunshots.⁴ According to a study by the MacArthur Justice Center at Northwestern Law, of all ShotSpotter deployments by CPD, “89% turned up no gun-related crime and 86% led to no report of any crime at all.”⁵ This surveillance led to more than 40,000 dead-end deployments.⁶ When officers are deployed based on ShotSpotter, **“it creates a powder keg situation for residents who just happen to be in the vicinity of a false alert.”**⁷ This is a threat to privacy; the technology’s inability to differentiate between gunshots and day-to-day noises leads to over policing of areas with ShotSpotter technology.

The Chicago Police Department Uses ShotSpotter to Surveil Black and Brown Neighborhoods

The Chicago Police Department (CPD) uses ShotSpotter as a form of surveillance.⁸ The City has one of the largest contracts for ShotSpotter, having signed a three-year contract worth \$23 million in August 2018 and renewed it in August 2021.⁹ The sensors are now deployed over 117 square miles of the City, spanning 12 police districts.¹⁰

ShotSpotter has led to over policing in “high-crime” neighborhoods.¹¹ Although there is no definition for “high-crime” neighborhoods, the City has placed ShotSpotter only in neighborhoods with primarily Black and Brown residents.¹² ShotSpotter devices were first installed in Englewood, with a demographic that was 94.6% Black as of 2019.¹³ Chicago later expanded ShotSpotter deployment into 12 of the city’s 22 districts, **all in neighborhoods that are primarily Black and Brown.**¹⁴ ShotSpotter claims their technology detects ninety percent of gunfire in service areas; as a result police activity has skyrocketed in these areas since installation.¹⁵ With ShotSpotter classifying dogs barking as gunshots, CPD can now consider anyone occupying public space as a suspect for a non-existent crime.

The Use of ShotSpotter to Surveil Black and Brown Neighborhoods is a violation of basic human rights

The use of ShotSpotter by law enforcement to surveil and suppress Black and Brown individuals and communities is a violation of the human rights to nondiscrimination and privacy protected by international human rights law.¹⁶ All persons have the right to be free from discrimination based on race, color, sex, national origin, language, religion, political or other opinion.¹⁷ Racial discrimination

includes the “distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing” the exercise of human rights.¹⁸

Additionally, when law enforcement agencies hinder a person’s privacy rights by interfering with their private information, they violate their human right to privacy.¹⁹ A 2018 study of an acoustic gunshot detection system found that although gunshot incidents increased by 259% after implementation, “there was not a significant increase in the number of confirmed shootings.”²⁰ The technology led to police frequently being dispatched to Black and Brown neighborhoods and given the authority to stop anyone within the vicinity of a ShotSpotter alert.²¹ All kinds of audio, that is not any kind of a public safety threat, is recorded and stored.²² All people living in neighborhoods with ShotSpotter installed are at risk of CPD over policing under the guise of investigating a ShotSpotter alert.²³ CPD using this technology to surveille citizens is a brazen violation of the ICCPR, and the City of Chicago must end the ShotSpotter contract to protect human rights.²⁴

The #StopShotSpotter Campaign Demands the City to Stop the Use of ShotSpotter

The #StopShotSpotter campaign emerged in July of 2021 to protest Chicago’s renewal of the \$10 million per year contract with ShotSpotter.²⁵ The campaign highlights that ShotSpotter is ineffective, expensive, and racist. The audio surveillance technology is used by the Chicago Police Department to further police and surveille mostly Black and Latinx communities.²⁶ “It fails to perform its stated purpose of reducing gun violence, and instead has cost Chicago \$33 million, over 20,000 dead-end CPD deployments a year, and heightened and even fatal police presence in Chicago’s Black & Latinx neighborhoods.”²⁷ The campaign’s powerful slogan is, “Why invest in ShotSpotter, when you can invest in us?”²⁸

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¹ Interview with Joey Cavise & Richard Gutierrez. (February 22, 2021) (notes on file, *University of Illinois at Chicago’s Law School’s International Human Rights Clinic*) [Cavise & Gutierrez interview].

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ Patrick Elwood, *Study: ShotSpotter technology led to over 40k dead-end CPD deployments in 21 months*, WGNtv (May 3, 2021) <https://wgntv.com/news/chicago-news/study-shotspotter-technology-led-to-over-40k-dead-end-cpd-deployments-in-21-months/>.

⁶ *Id.*

⁷ *Id.*

⁸ Benjamin Goodman, *ShotSpotter- The New Tool to Degrade What is Left of the Fourth Amendment* 54 UIC L. Rev. 797 (2021) [*ShotSpotter – The New Tool*].

⁹ Press Release, SHOTSPOTTER, Chicago Signs \$23 Million Multi-year Agreement With ShotSpotter to Extend Gunshot Detection Coverage into the Next Decade (Sep. 5, 2018).

<https://www.shotspotter.com/press-releases/chicago-signs-23-million-multi-year-agreement-with-shotspotter-to-extend-gunshot-detection-coverage-into-next-decade/>

¹⁰ Goodman, *supra* note 8.

¹¹ *Id.*

¹² *Id.*

¹³ *Englewood: Community Data Snapshot*, June 2020, CHICAGO METRO. AGENCY FOR PLANNING, 1, 3 (June 2020), www.cmap.illinois.gov/documents/10180/126764/Englewood.pdf[perma.cc/QQM5-ANJG].

¹⁴ *Reduce Gun Crime with Proven Gunshot Detection Technology*, SHOTSPOTTER INC., www.shotspotter.com/law-enforcement/gunshot-detection/[perma.cc/QK5E-7W6N]

¹⁵ Gabriel Sandoval & Rachel Holliday Smith, *'ShotSpotter' Tested As Shootings And Fireworks Soar, While Civil Rights Questions Linger*, THE CITY (July 5, 2020), www.thecity.nyc/2020/7/5/21312671/shotspotter-nyc-shootings-fireworks-nypd-civil-rights [perma.cc/NY7W-LB8Z].

¹⁶ International Covenant on Civil and Political Rights (ICCPR), Art. 26, Dec. 16, 1966, 999 U.N.T.S. 171 [ICCPR].

¹⁷ ICCPR, Art. 26; “The [International Covenant on Civil and Political Rights] is a key international human rights treaty, providing a range of protections for civil and political rights. The ICCPR, together with the Universal Declaration of Human Rights and the International Covenant on Economic Social and Cultural Rights, are considered the International Bill of Human Rights. The ICCPR obligates countries that have ratified the treaty to protect and preserve basic human rights, such as: the right to life and human dignity; equality before the law; freedom of speech, assembly, and association; religious freedom and privacy; freedom from torture, ill-treatment, and arbitrary detention; gender equality; the right to a fair trial; right family life and family unity; and minority rights.” ACLU, FAQ: *The Covenant on Civil and Political Rights* (ICCPR), (April 2019), <https://www.aclu.org/other/faq-covenant-civil-political-rights-iccpr>.

¹⁸ International Covenant on the Elimination of All Forms of Racial Discrimination, Art. 1., Jan. 4, 1965, 660 U.N.T.S. 195.

¹⁹ ICCPR, Art. 26

²⁰ Jerry H. Ratcliffe et al., *A Partially Randomized Field Experiment On The Effect Of An Acoustic Gunshot Detection System On Police Incident Reports*, 15 J. EXPERIMENTAL CRIM. 67, 68 (2018).

²¹ Goodman, *supra* note 8.

²² Cavise & Gutierrez interview, *supra* note 1.

²³ Goodman, *supra* note 8.

²⁴ ICCPR, Art. 26

²⁵ The StopShotSpotter Campaign, *Stop ShotSpotter*, <https://www.soapboxpo.com/stop-shotspotter.html>, (October 27, 2021)

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*