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## **Testimony in Support of Assembly Bill 542**

*Assembly Committee on Judiciary and Public Safety*

November 30, 2023

Chairman Spiros and members of the committee, thank you for holding a public hearing on Assembly Bill (AB) 542. This bipartisan legislation incentivizes and provides funding for schools to use new technologies that take an extraordinary step forward in protecting our students.

We hear about school shootings across the nation far too often. Just last month, we had two incidents in Wisconsin: one in Watertown in Jefferson County and one in Germantown in Washington County. Back in 2016 in my own Assembly District, a teen gunman shot two students outside Antigo High School during prom, but was stopped by an officer who was fortunately patrolling the parking lot at the time. We need preemptive measures in our schools that will facilitate immediate response times from law enforcement and emergency personnel, in turn saving lives.

The intent of this bill is simple: to provide school districts with the resources needed to integrate these new technologies. As part of the grant program the bill creates, school districts and local law enforcement jointly apply to the Department of Justice to obtain a grant to install software or equipment in their schools to proactively detect weapons. The grants are available to all schools, public and private, and will be awarded in order of application, taking geographical variation into consideration.

The substitute amendment makes several changes to ensure the program is as efficient and fair as possible. It eliminates restrictive language to ensure that there is ample competition amongst the products schools can contract with under the grants. It also requires a 25% match from schools when applying for the grant, and caps the grants awarded at 10 per biennium. Lastly, the school applying for the grant must demonstrate that they have had a firearm-related incident occur in the last 10 years.

Again, I appreciate this opportunity to testify in support of AB 542. As technologies emerge that enhance our schools and protect our students, we should be giving our schools the resources to take advantage of them. With that, I look forward to seeing this proposal move forward, and I'm happy to answer any questions committee members may have.



# Van H. Wanggaard

Wisconsin State Senator

## TESTIMONY ON ASSEMBLY BILL 542

Thank you Mr. Chairman and committee members for today's hearing on Assembly Bill 542 providing \$4 million in school safety grants to purchase proactive threat equipment and software. There is a substitute amendment that has been introduced which I fully support.

This bill, and its substitute amendment, offers schools an opportunity to obtain the latest threat detection equipment and software to help identify, and hopefully prevent threats. The safety products we're envisioning for this grant rely on human and artificial intelligence to augment security cameras and other existing equipment to identify weapons and other threats when present in a school. These products can detect threats before the human eye and sometimes threats that the human eye can't see. You will hear from people in the industry in a few minutes who can best explain how these systems work.

As I stated, there is a substitute amendment to the bill which improves the bill. First, the substitute amendment gives priority for grants to schools districts which had a firearm-related incident in the last ten years. School districts must also apply jointly with the appropriate law enforcement agency in the district. To ensure that one district does not receive all the grant money, grants are capped at \$325,000 per district and require a 25% match from the school district.

We also want to be sure that we aren't just providing money to fly-by-night operators or bad actors. For that reason the bill requires that the software and/or equipment has been used successfully in other facilities. Over the last several weeks, we have heard from several vendors that the original language in the bill referencing the federal government's "Safety Act" was too tight, too specific, to the point where it excluded most products. That was not our intent, and the Safety Act language has been removed in the substitute amendment.

I would like to thank Representative Callahan for partnering with me on this bill, and for the committee's attention. I think this is a common sense bill to help improve school safety in Wisconsin and hope it has earned your support.

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DATE: November 30, 2023

TO: Chairman Spiros and Members of the Assembly Committee on Criminal Justice and Public Safety

FROM: ZeroEyes

SUBJECT: Support Assembly Bill 542, Grants to schools to acquire proactive firearm detection software

Thank you, Chairman Spiros and committee members, for the opportunity to provide testimony in support of Assembly Bill 542. We'd like to also thank the authors, Representative Callahan and Senator Wanggaard, as well as co-sponsors Representatives Donovan, Green, and Steffen. On behalf of the ZeroEyes team, we thank you for spearheading this issue.

My name is Mia Link, and I am the Vice President of Strategy for ZeroEyes. It is nice to be back in Wisconsin and see so many familiar faces. ZeroEyes was founded in 2018 by military veterans with the mission of improving public safety by providing proactive firearm detection in schools, commercial buildings, and government infrastructure.

ZeroEyes was spurred into action following the events at Marjory Stoneman Douglas High School in Florida, when a former student brought a gun into the school, killing 17 and wounding an additional 17 people.

Specifically, our technology uses artificial intelligence software implemented on already existing security camera infrastructure to detect firearms and alert law enforcement within seconds. Again, these are existing cameras that are then integrated with AI technology.

Like national trends, Wisconsin has experienced an uptick in firearm-related incidents. Just over the last few months, we've seen cases of firearms being used on school property in Germantown and Watertown.

In the last five years, we have scaled the company significantly. Our software is deployed in K-12 districts in 30 states. Our service is also used and implemented within large enterprise organizations such as the Department of Defense, Meijer, Verizon, FedEx, DHL, Subaru, and Home Depot among many others.

We have grown from 50 to 200 employees in the past two years. Most of our employees are military veterans like us. Many of us have spent the bulk of our adult lives committed to ensuring the safety of those around us. From active combat to synthesizing intelligence, our team members are well-prepared for various scenarios.



Over the past year, we've had a great opportunity to forge relationships with many of you and demonstrate the effectiveness of the technology that we've developed. We firmly believe that AB 542 would be a great step in preventing or mitigating the damage done by school shootings by proactively detecting the threat and giving the first responders the critical situational awareness, they need to respond. In military parlance, the after-action report looks a lot different if we can respond to threats before they progress into life-threatening situations.

We are pleased that law enforcement groups, including the Wisconsin Chiefs of Police Association and the Fraternal Order of Police, have endorsed the legislation.

We look forward to the opportunity to compete for these funds should this legislation be passed and signed.

Thank you for the opportunity to provide testimony on this issue and we're happy to take any questions at this time.



November 30, 2023

To: Chairman Spiros and Members of the Assembly Committee on Criminal Justice and Public Safety

From: Wisconsin Chiefs of Police Association

Re: Support Assembly Bill 542, Grants to schools for proactive gun detection software

Chairman Spiros and committee members, thank you for your willingness to hold a hearing on this legislation.

As first responders to the scene when firearm-related incidents occur, we are always looking for tools to enhance our response. Timely identification of a firearm and notification of law enforcement is crucial to our response time, to both eliminate the threat and to more quickly help those who may be injured.

Wisconsin, like many states across the country, has experienced increasing cases of firearm-related incidents. Officers are often responding to these with the limited information available at the time. When officers are more informed when arriving on the scene, they are more effective in responding to the threat.

Early gun detection software is one of the tools that has been shown to decrease response times and ultimately save lives. Members of the Wisconsin Chiefs of Police Association have witnessed this technology and have seen firsthand the difference it can make and the impact it can have. As we train for these scenarios, it is reassuring to know that these tools exist to assist us in protecting our communities, our schools, and our children.

We appreciate the opportunity to provide input on this issue and the ability to be at the table when applications are developed and submitted. Coordination with local law enforcement will ensure that these technologies are deployed appropriately with maximum effectiveness.

The Wisconsin Chiefs of Police Association fully supports AB 542, and we encourage swift passage and enactment so that these tools can be promptly deployed.

Thanks again for the opportunity to testify in support of AB 542 and I am happy to take any questions at this time.



**GUARDIAN**  
SCHOOL SECURITY SYSTEMS

# Business Introduction



# Safeguarding America's Children Using Intelligent Threat Detection

# Guardian Leadership



**Dr. Timothy Childs**  
Chairman and CEO

- Founder of Guardian School Security Solutions and TMPI - a millimeter wave R&D and product development company
- 35+ years' experience solving challenges of national importance using advanced millimeter wave applications
- Honored by three U.S. Presidents for contributions to U.S. Department of Defense & NASA
- Bell Laboratories Fellow
- PhD in Physics & Electrical Engineering, Stanford University



**Alan Roth**  
CFO

- Former CEO of Analytical Lab Group - experts in infection prevention
- CFO of Sterilucent - startup medical device company developing sterilization solutions
- 35+ years' experience in a wide variety of General Management positions complimented by broad finance & accounting experience, including M&A
- Licensed CPA



# About Guardian School Security Systems

After 25 years of successfully developing advanced millimeter wave applications for the U.S. government, these patented advanced early threat detection and ultra-high-speed communication systems are now becoming commercially available through Guardian School Security Systems.



Best-in-class technical staff recognized as thought leaders for solving challenges of national importance using advanced millimeter wave applications.



Strong connections with U.S. military contractors for creating breakthroughs in missile defense, early threat detection, and ultra-high speed communication systems for U.S. Armed Forces and NASA.



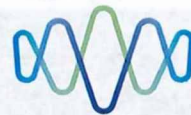
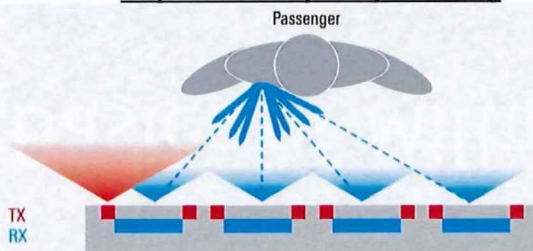
Redefining school safety standards and generating significant societal returns.

# Basics of Millimeter Wave Technology

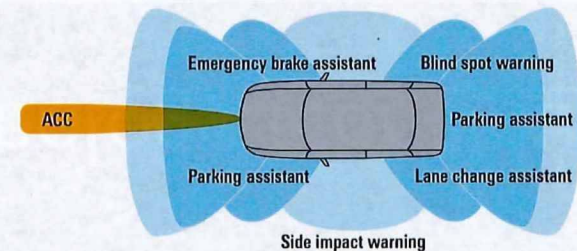
- Millimeter wave (MMW) is a special class of radar that uses short wavelength electromagnetic waves.
- Millimeter waves have long been used in radar applications by the U.S. Military and NASA for early threat detection in the battlefield and missile defense systems requiring detection, tracking, interception and destruction of attacking missiles.
- A MMW system transmits a signal and depending on an objects composition or makeup (i.e., solids, liquids, weapons, explosives, contraband, viruses, etc.), the object will absorb and then reflect electromagnetic (EM) radiation at different and unique wavelengths and frequencies back to the sending source. The receiving source uses the unique signal to create a detailed image of the identified threat which then gets instantaneously compared to a threat database to determine the exact type of threat.
- Every object scanned, has its own unique detectable signature / fingerprint depending on how it absorbs and reflects EM radiation.

## Examples of Millimeter Wave System Applications

### Airport Security Body Scanning

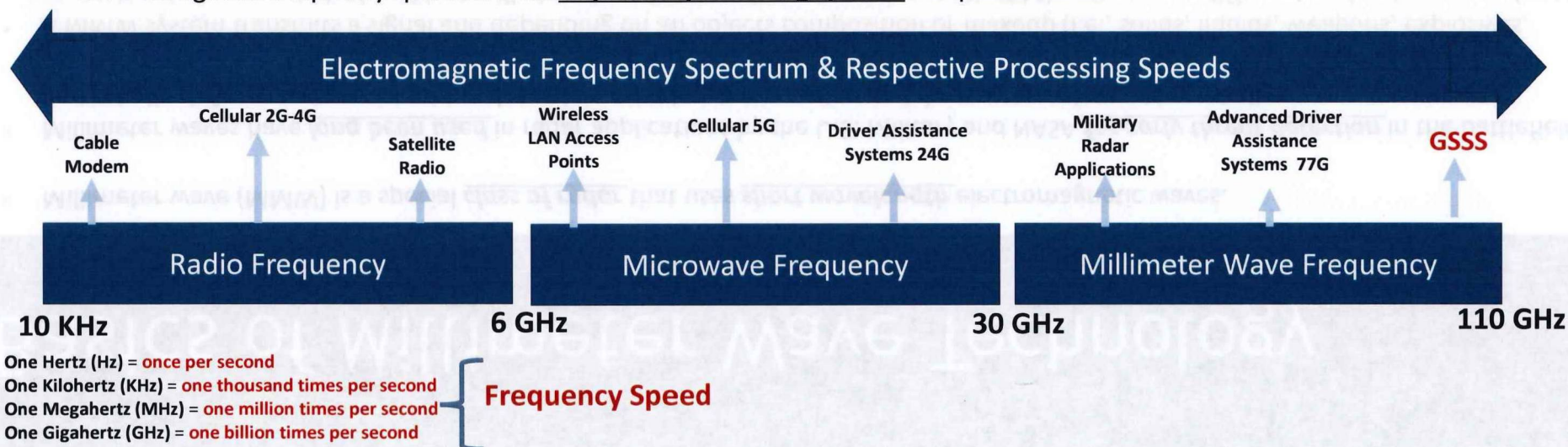


### Automated Vehicle Applications



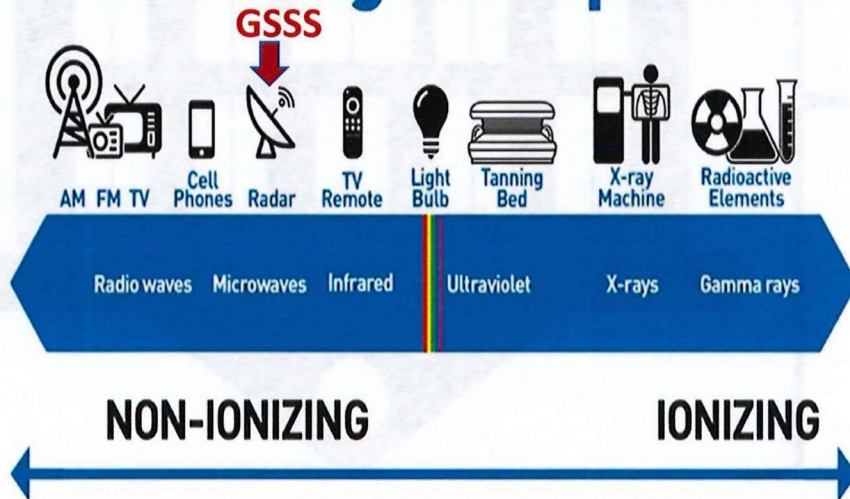
# Basics of Millimeter Wave Technology (continued)

- In addition to capturing a detailed image of the identified threat, a MMW system can determine the range of distance an object is away from a predetermined point and determine the velocity in which the threat is moving.
- Advantages of the **short wavelength** electromagnetic wave created by a MMW systems are:
  - the size of system components such as the antennas required to process MMW signals can be small; and,
  - the shorter the wavelength typically the higher the accuracy of the reflected signal.
- The electromagnetic frequency spectrum and **respective processing speeds** is depicted below.



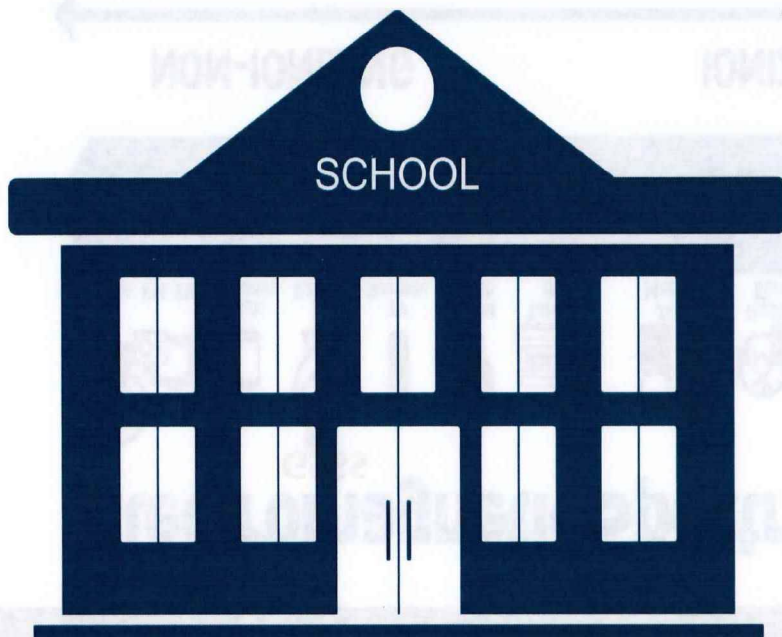
# Safety Considerations for Millimeter Wave Radar

## Electromagnetic Spectrum



- Generally, when people hear the word **radiation**, they're thinking of ionizing radiation, like X-rays and Gamma-rays.
- A little ionizing radiation can be used to produce x-ray images for diagnosis.
- A lot of ionizing radiation can be used with Gamma-rays to kill cancer cells in radiation therapy. Gamma-ray radiation carries more than a billion times more energy than non-ionizing radiation.
- Unlike X-rays, **Millimeter Waves are non-ionizing**, and universally considered non-carcinogenic.
- Photon energy strength is used to measure the power of different types of applications in the electromagnetic spectrum, and the photon energy needed to remove an electron from its atom is  $\sim 12\text{eV}$ .
- The highest photon energy of a mm-wave photon is  $1.2\text{meV}$ , meaning that mm-wave photon energy is 10,000 times less than what is need to be ionizing.

# School Security Applications Currently Deployed



Applications Primarily Inside Schools

## \$6 Billion is Spent Annually on School Security

- Bullet Proof Classroom Doors w/Built-in Cameras
- Guns that Fire Balls Packed w/Pepper Spray
- Classroom Door Barricades
- Door Locking Mechanism
- Metal Detectors
- Entry Way Bullet Proof Glass
- Smart Cameras
- Digital School Floor Plans w/Tracking
- Gunshot Detection Sensors
- ID Cards Equipped w/Panic Buttons
- Panic Button in Classrooms
- School Resource Officers (SROs)

School Shooting Incidents: Related Deaths and Injuries Continue to Rise at **Unprecedented Rates.**

# GUARDIAN School Security Systems

Redefining School **Safety** Standards



A COMPREHENSIVE SOLUTION DESIGNED TO



**GUARDIAN** Keeps Threats **OUTSIDE**  
& Synchronizes with Existing School Security Applications

Our system is designed to meet the needs of School Security Plans

# Guardian System Solutions - Capability Overview



## 01 DETECT

Radar detects type of threat and speed of approach @ 1 million scans per second.

## 02 IDENTIFY

Camera identifies and locks in on threat and Perpetrator

## 03 ALERT

Notification sent to school authorities and first responders

## 04 SECURE

Electronically locks doors



Proprietary software using artificial intelligence operates the system without human intervention at instantaneous speeds.

# The Guardian System Can Recognize Contraband & Vape Liquid

**COMING SOON:** *Fentanyl, Cannabis, Narcotics, Cocaine, Vape Pens & Vape Liquid: Anticipated Release – QTR 3 of 2024*

Guardians' millimeter wave-based threat detection entry radar & camera device has been trained to recognize the chemical compositions of contraband, alcohol, and vape liquids.



- **Fentanyl** has recently become the leading cause of death for American adults; surpassing car accidents and COVID.
- **Fentanyl** has become abundantly available and the drug of choice for drug dealers because it is easy and inexpensive to manufacture and its easy to transport because of its high potency.
- The rate of overdose deaths involving synthetic opioids has increased at an annual rate of 580% over the last five years.
- Between 2010 and 2021 the number of adolescent deaths from **fentanyl** rose from (38) to (894) deaths *per year*.
- Eliminating **fentanyl** from schools would significantly help reduce the adolescent drug overdose deaths.
- **Fentanyl** is one hundred more times powerful than morphine, easily overpowering the user and leads to overdose.





# Questions



AMERICAN CIVIL LIBERTIES UNION

Wisconsin

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aclu-wi.org

November 30, 2023

Chair Spiros, Vice-Chair Schutt, and Honorable Members of the Assembly Committee on Criminal Justice and Public Safety:

The American Civil Liberties Union of Wisconsin appreciates the opportunity to provide written testimony regarding Assembly Bill 634, Assembly Bill 433, and Assembly Bill 542.

#### ACLU-WI Supports AB-634

The devastating effects of the American addiction crisis needs no explanation, with countless Wisconsinites being directly impacted. By expanding the Good Samaritan law, 2017 Wisconsin Act 33 was a critical measure for encouraging individuals to call for immediate medical attention in the case of an overdose. In addition to providing aiders and aided persons with immunity or diversion opportunities for limited possession offenses, aiders and aided persons would not face revocation of probation, parole, or extended supervision so long as they completed a treatment program. These protections were sunset in 2020 but their reimplementation is essential for saving lives.

The number one reason people cite for not calling 911 in the event of an overdose is fear of arrest. And it is a strong reason: less than 50% of overdoses result in a call for help.<sup>1</sup> Overdose deaths are often preventable, but like a heart attack, the chance of survival greatly depends on how quickly one receives medical assistance.

According to a fifty-state survey compiled by the Network for Public Health Law, 48 states and the District of Columbia have enacted at least one overdose Good Samaritan law as of May 2023, including 27 states with laws providing protection from probation or parole violations.<sup>2</sup> A 2021 report from the Government Accountability Office that reviewed 17 studies on the effectiveness of Good Samaritan laws found “a pattern of lower rates of opioid-related overdose deaths among states that have enacted [these] laws, both compared to death rates prior to a law’s enactment and death rates in states without such laws.”<sup>3</sup>

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<sup>1</sup> Koester, S., Mueller, S. R., Raville, L., Langegger, S., & Binswanger, I. A., “Why are some people who have received overdose education and naloxone reticent to call Emergency Medical Services in the event of overdose?” *International Journal of Drug Policy*, 48 (October 2017), available at <https://www.ncbi.nlm.nih.gov/pubmed/28734745c>.

<sup>2</sup> “Harm Reduction Legal Project: 50-State Survey,” The Network for Public Health Law (July 2023), <https://www.networkforphl.org/wp-content/uploads/2023/07/Legal-Interventions-to-Reduce-Overdose-Mortality-Overdose-Good-Samaritan-Laws-2.pdf>.

<sup>3</sup> “Drug Misuse: Most States Have Good Samaritan Laws and Research Indicates They May Have Positive Effects,” U.S. Government Accountability Office (March 2021), <https://www.gao.gov/products/gao-21-248>.

### **ACLU-WI Opposes AB-433**

We all want to live in safe and healthy communities, and legislation impacting the criminal legal system should be focused on the most effective approaches to achieving that goal. AB-433 would take us in the wrong direction.

In addition to the data collection requirements contained in AB-433, this bill would make draconian changes to state law relating to the cash bail system that ignore both the realities behind Wisconsin's bail jumping prosecutions and the legal, economic, and human impact of cash bail. Under the bill, if a defendant has a previous conviction for bail jumping, they may only be released by executing a secured bond or paying at least \$5,000 cash bail. This minimum bail amount would apply regardless of the nature of the pendant charge, the age of the previous bail jumping conviction, or whether the previous bail jumping conviction was a misdemeanor or a felony. If a defendant is accused of a "violent crime" and has a previous conviction for a violent crime, they may only be released by executing a secured bond or paying at least \$10,000 cash bail.

### **The Realities of Bail Jumping Charges in Wisconsin**

Over the past few decades, criminal bail jumping charges have skyrocketed in Wisconsin—often "top[ping] the list of the state's most common charges."<sup>4</sup> It is important to note that conduct resulting in a criminal bail jumping charge does not need to be a crime itself. Missing an appointment with a caseworker, breaking a curfew, not updating an address, missing a drug test, or relapsing could all result in a bail jumping charge if they relate to a non-monetary bail condition. Sometimes Wisconsinites are charged and convicted of multiple counts of bail jumping even if they were not convicted of the original charge.

As data from a legal and quantitative analysis published in 2018 suggests, "an underlying purpose for filing bail jumping charges may be to create leverage against defendants to induce them to plead to their original charge rather than to punish them for violating their bond conditions."<sup>5</sup> The Wisconsin Justice Initiative and the Mastantuono Coffee & Thomas law firm published data on the staggering prevalence of bail jumping charges issued by several counties in 2021.<sup>6</sup> The table on the following page summarizes some of this data:

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<sup>4</sup> Natalie Yahr, *Walk the line: How bail jumping became Wisconsin's 'most-charged crime,'* Cap Times (Feb. 26, 2020), [https://captimes.com/news/local/neighborhoods/walk-the-line-how-bail-jumping-became-wisconsins-most-charged-crime/article\\_8349851a-f8cd-5fc3-a659-7fc5c1885e25.html](https://captimes.com/news/local/neighborhoods/walk-the-line-how-bail-jumping-became-wisconsins-most-charged-crime/article_8349851a-f8cd-5fc3-a659-7fc5c1885e25.html).

<sup>5</sup> Amy Johnson, *The Use of Wisconsin's Bail Jumping Statute: A Legal and Quantitative Analysis*, 2018 WIS. L. REV. 619 (2018), <https://repository.law.wisc.edu/s/uwlaw/media/40009>.

<sup>6</sup> Wisconsin Justice Initiative Blog (2022), <https://www.wjiinc.org/blog/category/bail-jumping-project>.

County	Percent of Misdemeanor Cases that Include Bail-Jumping Charges	Percent of Felony Cases that Include Bail-Jumping Charges
Adams	18%	36%
Ashland	21%	42%
Barron	26%	33%
Bayfield	10%	30%
Brown	23%	44%
Buffalo	6%	11%
Burnett	9%	33%
Calumet	20%	46%
Chippewa	33%	59%
Clark	17%	37%
Columbia	28%	40%
Crawford	31%	34%
Dane	11%	35%
Dodge	20%	39%
Door	21%	46%
Douglas	8%	21%
Dunn	30%	46%

### A Two-Tiered System of “Justice”

Wisconsin’s reliance on cash bail has perpetuated a two-tiered system of justice: one for the wealthy and one for everyone else. Imposing the mandatory bail requirements in AB-433 would exacerbate the inequities in the current pre-trial detention system and result in extraordinary costs to counties to support a ballooning jail population. Spending even a few days in jail can have devastating, long-lasting consequences for presumptively innocent individuals and their families. The inability to pay cash bail hurts the very things that help someone charged with an offense succeed: employment, stable housing, and strong family and community connections. On top of the risk of job loss, eviction, and the impact on child custody and parental rights, people incarcerated pre-trial can find themselves under a mountain of system-imposed debt.

Wisconsin statutes give counties discretion to charge incarcerated people a fee for their incarceration. According to a report from the Institute for Research on Poverty (IRP), 16 of 22 counties that responded to the IRP survey charged incarcerated people a booking fee or daily rate for room and board.<sup>7</sup> In 2019, Wisconsin Watch found that at least 23 Wisconsin counties assess “pay-to-stay” fees.<sup>8</sup> Further, Wisconsin jails and telecommunications companies extract more money from incarcerated people and their families, with rates for phone calls as high as \$14.77 for a 15-minute call in some counties.<sup>9</sup>

In addition to the cascading economic and social consequences, detention poses a systemic disadvantage to people unable to afford the price of freedom pretrial. Compared to similarly situated non-detained peers, people detained pretrial are more likely to plead guilty,<sup>10</sup> more likely to be convicted,<sup>11</sup> and more likely to have longer sentences<sup>12</sup> if incarcerated.

According to a 2013 study of cases in Kentucky, people held pretrial are four times more likely to receive a jail sentence and three times more likely to receive a prison sentence, even when controlling for other factors such as charge type, demographics, and criminal history.<sup>13</sup> Not to mention, Wisconsin is in the midst of a constitutional crisis, where defendants in poverty—disproportionately people from Black and brown communities—are routinely forced to sit in jail while awaiting the appointment of counsel in violation of the Sixth Amendment.

Studies have also found that pretrial detention can be the strongest single factor influencing a convicted defendant’s likelihood of being sentenced to jail or prison.<sup>14</sup> As Chief Justice Rehnquist wrote for the majority in *United States v. Salerno*, “In our society, liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.” 481 U.S. 739, 755 (1987). While the U.S. Supreme Court has held that, “the presumption of innocence in favor of the accused is the undoubted law, axiomatic and elementary,” the reality of cash bail in our current system means that Wisconsinites charged with a crime are not innocent until proven guilty but instead innocent until proven poor.

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<sup>7</sup> Will Maher, *Poverty Fact Sheet: Pay-to-Stay Jail Fees in Wisconsin*, Institute for Research on Poverty (2017-2018), <https://www.irp.wisc.edu/wp/wp-content/uploads/2018/10/Factsheet15-Pay-to-Stay-Jail-Fees-in-WI.pdf>.

<sup>8</sup> Izabela Zaluska, *Pay-to-stay, other fees, can put jail inmates hundreds or thousands in debt*, Wisconsin Watch (Sept. 15, 2019), <https://wisconsinwatch.org/2019/09/pay-to-stay/>.

<sup>9</sup> Wanda Bertram, *New data: Wisconsin jails and telecom giants profiting from high phone rates that keep families apart*, Prison Policy Initiative (Sept. 10, 2021), <https://www.prisonpolicy.org/blog/2021/09/10/wisconsin-phones/>.

<sup>10</sup> Paul Heaton, Sandra Mayson, and Megan Stevenson, *The Downstream Consequences of Misdemeanor Pretrial Detention*, 69 STAN. L. REV. 711 (2017), [https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=3409&context=faculty\\_scholarship](https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=3409&context=faculty_scholarship).

<sup>11</sup> Megan Stevenson, *Distortion of Justice: How the Inability to Pay Bail Affects Case Outcomes*, 34 J. Law, Economics, & Organization, 511 (2018), [http://home.ubalt.edu/id86mp66/PTJC/SymposiumReadings/Distortion-of-Justice\\_Stevenson.pdf](http://home.ubalt.edu/id86mp66/PTJC/SymposiumReadings/Distortion-of-Justice_Stevenson.pdf).

<sup>12</sup> Meghan Sacks and Alissa Ackerman, *Bail and Sentencing: Does Pretrial Detention Lead to Harsher Punishment?*, 25 CRIM. JUST. POL’Y REV. 59 (2014), <https://journals.sagepub.com/doi/abs/10.1177/0887403412461501>.

<sup>13</sup> Christopher Lowenkamp, Marie VanNostrand, and Alexander Holsinger, *Investigating the Impact of Pretrial Detention on Sentencing Outcomes*, Laura and John Arnold Foundation (2013), <https://perma.cc/CKF5-RCMN>.

<sup>14</sup> *Id.*

### ACLU-WI Opposes AB-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,”<sup>15</sup> 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.<sup>16</sup> However, false hits, such as mistaking a broomstick,<sup>17</sup> three-ring binder, or a Google Chromebook laptop<sup>18</sup> 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.

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

- When considering the acquisition and use of student surveillance technologies, school policymakers, influencers, and other community members should not let fear drive their decision-making. While that may be understandably difficult, better decisions are made through the dispassionate examination of established facts.

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<sup>15</sup> “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>.

<sup>16</sup> 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>.

<sup>17</sup> Todd Feathers, “Facial Recognition Company Lied to School District About its Racist Tech,” Vice (December 1, 2020), <https://www.vice.com/en/article/gjpkmx/fac-recognition-company-lied-to-school-district-about-its-racist-tech>.

<sup>18</sup> “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>.

- When learning about the alleged benefits of using student surveillance technologies, school policymakers, influencers, and other community members 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.
- 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).