

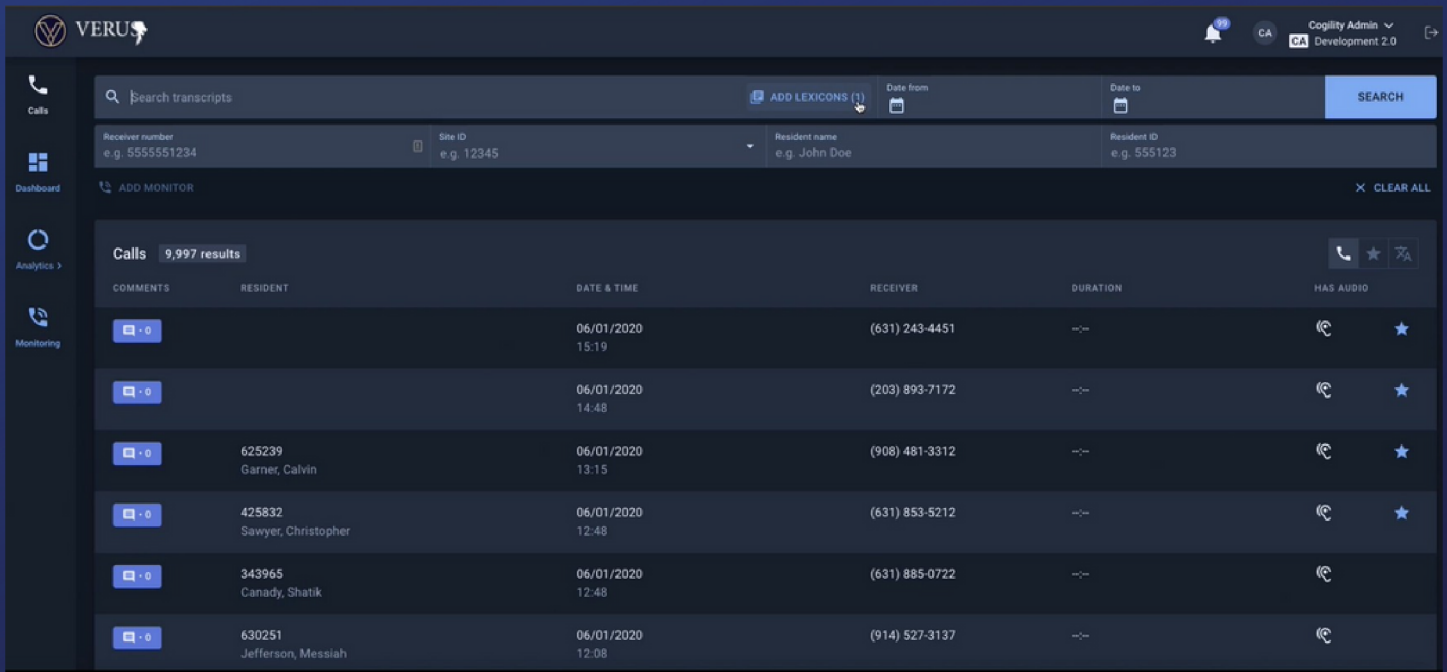
# Verus from LEO Technologies

## What Legal Practitioners and Communities Should Know

### What is Verus?

Verus is a jail phone surveillance service offered by LEO Technologies (LEO).<sup>1</sup> It is a monitoring technology that transcribes all phone calls that take place using the jail’s phone system and allows the law enforcement agency to scan through the conversation transcriptions with keyword-based searches. *Essentially, Verus functions as a “control+F” function for jailers to monitor all calls made between an incarcerated person and the outside.* Verus can be integrated into the jail’s already-existing phone service, which means the facility would have to have a separate contract with LEO Technologies in addition to its phone services contract (such as Securus or Global Tel-Link (GTL)). Verus has been used to scan 300 million minutes of calls at prisons and jails throughout the U.S.<sup>2</sup> As of 2022, it has operated in 11 states including facilities in Alabama, California, Georgia, Louisiana, New York’s Suffolk County, Texas and appears to be rapidly expanding.<sup>3</sup>

Screenshot of Verus platform.<sup>4</sup>



<sup>1</sup> LEO Technologies was founded by a group of former law enforcement officers that saw the “need to bring policing into modern times.” CEO Scott Kernan is the former Secretary of Corrections and Rehabilitation for California and is on the Board of Directors of the GEO Group (Chair, Operations and Oversight Committee). A primary founder of LEO Technologies, Elliott Broidy, was deputy finance chair of the Republican National Convention up until 2018. In October 2020, Broidy pled guilty to conspiracy to act as a foreign agent, and in January 2021, Trump pardoned him before leaving office.

<sup>2</sup> Avi Asher-Schapiro & David Sherfinski, *Crack Down on U.S. Prison Surveillance Tech*, REUTERS, (Feb. 10, 2022), <https://www.reuters.com/article/us-usa-tech-prison/u-s-prisons-mull-ai-to-analyze-inmate-phone-calls-idUSKBN2FA000>.

<sup>3</sup> *Leo Technologies and Verus: Supporting Our Nation’s Correctional Facilities During the COVID-19 Pandemic*, LEO Technologies, (last visited June 14, 2022), <https://leotechnologies.com/leo-technologies-and-verus-supporting-our-nations-correctional-facilities-during-the-covid-19-pandemic/>; *Georgia Department of Corrections Chooses LEO Technologies to Combat Criminal Activity*, LEO Technologies, (Apr. 7, 2021), <https://leotechnologies.com/georgia-doc-chooses-leo-technologies-to-combat-criminal-activity/>; *Lafayette Parish Sheriff’s Office Geared to Further Promote Safety with DOJ Grant*, LEO Technologies, (Feb. 24, 2020), <https://leotechnologies.com/lafayette-parish-sheriffs-office-geared-to-further-promote-safety-with-doj-grant/>; *DIR-CPO-4912*, Texas Department of Information Resources, <https://dir.texas.gov/contracts/dir-cpo-4912>; *Governor Abbott Announces Operation Lone Star Grant Program to Enhance Border Security Operations*, Gov Texas, <https://gov.texas.gov/news/post/governor-abbott-announces-operation-lone-star-grant-program-to-enhance-border-security-operations>

## How does Verus work?

The facility will ask the phone service provider to share call data with LEO Technologies. LEO will then transcribe the conversation using Amazon's transcription technology, which enables Verus to function. Amazon will send the conversation transcription back to LEO, which will scan each conversation for the keyword preset by the facility's staff.

According to LEO, this entire process takes place in "near real-time." Once the jailers set a keyword, any time one of those keywords is said in any phone conversation (regardless if it is the incarcerated person or the person on the other end of the phone who said it), Verus will flag that phone conversation. Jailers can set any term that they choose as a keyword. Verus has the capability of searching both English and Spanish conversations and can create reports. LEO claims that Verus "mitigates human bias" because the technology focuses on the actual words transcribed from the call and not the speaker's identity. It says that there is no way to search by "federally protected classes which include race, age, gender, ethnicity, religion, or sexuality." This being said, language, race and national origin discrimination are often intertwined. Moreover, LEO Technologies does not explain whether and how it limits law enforcement agencies from creating biased search terms and at least one video demo listed religion as a search term option.<sup>5</sup>

## Why is Verus Troubling?

The myth that this technology "saves lives" and helps "prevent inmate deaths"<sup>6</sup> helps companies like LEO Technologies, Amazon and Securus generate profits, while providing a justification for jailers to increase conditions of surveillance, censorship, isolation, predatory pricing, and punishment inside jails. Jailers and corporations justify this surveillance on the basis of targeting people who are already stigmatized and dehumanized due to their incarceration. Additionally, LEO repeats claims that more surveillance and punishment of incarcerated individuals can make them safer and more healthy while disregarding the systemic and root causes of prison violence, self-harm, and health risks such as horrific prison conditions or lack of medical or mental health care. Furthermore, LEO surveillance product carries a number of civil rights and civil liberties implications for incarcerated people and their loved ones including:

---

<sup>4</sup> Leo Technologies, "Add Lexicons," Aug. 10, 2021, (last visited June 14, 2022), <https://vimeo.com/585634648>.

<sup>5</sup> *Id.*

<sup>6</sup> Avi Asher-Schapiro & David Sherfinski, *Crack Down on U.S. Prison Surveillance Tech*, REUTERS, (Feb. 10, 2022), <https://www.reuters.com/article/us-usa-tech-prison/u-s-prisons-mull-ai-to-analyze-inmate-phone-calls-idUSKBN2FA000>.

<sup>7</sup> Avi Asher-Schapiro & David Sherfinski, *Insight-AI Surveillance Takes U.S. Prisons By Storm*, Thomson Reuters Foundation, (Nov. 16, 2021), <https://news.trust.org/item/20211122213228-wxs9>.



## 1. Increased Criminalization through Expanded Jail Surveillance

LEO Technologies claims that Verus' purpose is to "disrupt criminal operations within correctional facilities." However, it appears that law enforcement officers have deployed this technology beyond this intended purpose. Reportedly, jailers have used LEO to scan call data far outside the bounds of the "intended" subject matter, for example, tracking the Spanish words for lawyer or friend group and identifying communications to fight lawsuits or track people who speak about abusive conditions. Verus also sends intelligence summaries to two dozen law enforcement agencies.<sup>7</sup>

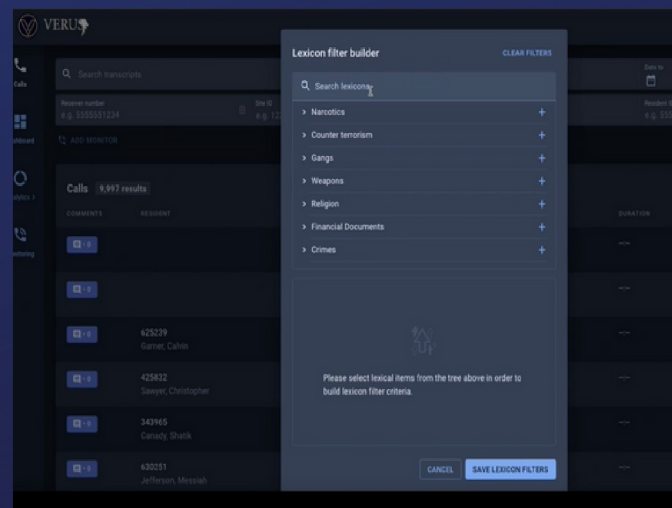
Further, there is no transparency or independent third party that monitors the use of the LEO surveillance tool and collected data by law enforcement. And incarcerated people often face substantive and practical barriers to challenge the harms caused by either Verus' intended purpose or any unintended purposes. It is not clear what data is being collected, how it is being used, the number of calls Verus has flagged, or the content of keyword searches.

## 2. Automated Criminalization Exacerbates Existing Bias

Verus is contributing to the continued criminalization of communities, particularly Black, indigenous and communities of color. The contents of a monitored jail phone call have been used in prosecutions. This raises many concerns regarding the reach and consequences this technology could have on incarcerated individuals. The CEO of LEO's assertion that, "[b]ecause we listen to all communications, we do not target a race, gender or protected group" is specious because law enforcement — LEO's primary customer — may disproportionately target Black, Latinx and immigrant communities for arrest and incarceration.<sup>8</sup> For example, the Sentencing Project estimates that Black men are six times more likely to be behind bars than White men in American jails and prisons.<sup>9</sup>

Moreover, voice surveillance technology often produces inaccurate and misleading interpretations of calls, particularly when targeting Black callers.<sup>10</sup> Regardless of whether the data is "accurate", the key concern is that jailers can use call data to justify retaliation or further punishment against incarcerated communities, including in the context of civil rights or misconduct complaints.

Screenshot of Leo Technologies Lexicon filter builder.<sup>11</sup>



<sup>8</sup> Avi Asher-Schapiro & David Sherfinski, U.S. prisons mull AI to analyze inmate phone calls, Thomson Reuters Foundation, (Aug. 9, 2021), <https://www.reuters.com/article/us-usa-tech-prison-idUSKBN2FA000>.

<sup>9</sup> Criminal Justice Facts, The Sentencing Project, (last visited June 14, 2022), <https://www.sentencingproject.org/criminal-justice-facts/>.

<sup>10</sup> Edmund L. Andrews, Stanford Researchers Find that Automated Speech Recognition Is More Likely to Misinterpret Black Speakers, Stanford Edu, (Mar. 23, 2020), <https://news.stanford.edu/2020/03/23/automated-speech-recognition-less-accurate-blacks/>

<sup>11</sup> Supra at 4.

Lastly, law enforcement's use of Verus to track "patterns of behavior"<sup>12</sup> and identify gang members is particularly troubling. Similar scenarios, such as DHS use of social media data<sup>13</sup> or police use of gang databases, has shown how law enforcement's mass surveillance of communications, in the name of identifying and investigating crime, automates racist criminalization.

### 3. Violating Attorney Client Confidentiality

LEO claims that Verus cannot monitor or access privileged communications. LEO also claims that because incarcerated people do not use the phone system to contact their attorneys and have to give the prison their attorney's phone number, those calls are not monitored anyway. However, each facility can vary in its legal call system, so what LEO claims may not be the case for all facilities. Further, there is nothing to confirm that LEO is not monitoring attorney calls, especially if an incarcerated person happens to call their attorney using the regular phone system.

### What Is the Impact on Immigrant Detention?

As we already know, facilities that detain immigrants actively monitor calls. The use of Verus would make ICE and its subcontractor's surveillance of detained immigrants far more rapid and expansive. While ICE does not currently have a direct contract with LEO Technologies, nothing prevents ICE from obtaining such a contract in the future. Moreover, immigrants who are detained under an ICE Intergovernmental Service Agreement (IGSA) with a county or city jail may be impacted if the local facility has a Verus contract.

### What Can You Do? Practical Action Steps:

- Share information with the legal community and clients: remind your clients that anything they say on the phone can be monitored and recorded. For clients in facilities that already use LEO technologies, understand that certain terms, including innocuous ones, may get them flagged.
- Ask your local jail officials or oversight body if the jail has a contract with LEO Technologies, what search terms they use, and the parameters for how they plan to use the information collected. File a public records request if necessary!
- Ask ICE if they have a contract with LEO Technologies, what search terms they set, and how they plan to use the information collected.
- Monitor ICE contracts, facilities with IGSA's, and BOP contracts.

*Published August 2022*

*Writers: Hannah Lucal, Julie Mao, Sawyeh Esmaili | Editors: Julie Mao, Debborah Bain*

<sup>12</sup> Avi Asher-Schapiro & David Sherfinski, *Insight-AI Surveillance Takes U.S. Prisons By Storm*, Trust, (Nov. 16, 2021), <https://www.reuters.com/article/us-usa-tech-prison-idUSKBN2FA000>.

<sup>13</sup> Faiza Patel, Rachel Levinson-Waldman & Raya Koreh, *Social Media Monitoring*, Brennan Center for Justice, (Mar. 22, 2019), <https://www.brennancenter.org/our-work/research-reports/social-media-monitoring>.