



VIA EMAIL

May 15, 2024

Mayor Gloria G. Romo  
Calexico City Council  
608 Heber Avenue  
Calexico, CA 92231  
e: [gromo@calexico.ca.gov](mailto:gromo@calexico.ca.gov)

Re: Surveillance Tower Lease between Calexico and U.S. Customs and Border Protection (May 15, 2024 Agenda, Item 11)

To Mayor Romo and Esteemed Members of the Calexico City Council,

We, the undersigned organization and advocates, write today to express concern about the proposed agreement between Customs & Border Protection (CBP) and the city of Calexico for the renewal of a lease for a surveillance tower at Nosotros Park.<sup>1</sup> We urge you to remove this item from the consent agenda for discussion and to table it until further negotiations and engagement can be conducted to protect members of the community, especially children, from surveillance technology controlled by artificial intelligence (AI) and developed by military contractors.

The Remote Video Surveillance System (RVSS) tower at Nosotros Park was installed in the early 2000s when video technology was fairly limited and the feeds required

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<sup>1</sup> Calexico City Council May 15, 2024 Regular Meeting Agenda, Item 11. Online: [https://www.calexico.ca.gov/vertical/sites/%7B342ED706-1EBB-4FDE-BD1E-9543BAD44C09%7D/uploads/CC\\_Agenda\\_05-15-2024\\_Item\\_11.pdf](https://www.calexico.ca.gov/vertical/sites/%7B342ED706-1EBB-4FDE-BD1E-9543BAD44C09%7D/uploads/CC_Agenda_05-15-2024_Item_11.pdf)

real-time monitoring by human personnel. That is not how these cameras will operate under CBP's new AI strategy.<sup>2</sup> Instead, these towers will be controlled by algorithms that will autonomously detect, identify, track and classify objects of interest. This means that everything that falls under the gaze of the cameras will be scanned and categorized. To an extent, the AI will autonomously decide what to monitor and recommend when Border Patrol officers should be dispatched. While a human being may be able to tell the difference between children playing games or residents getting ready for work, AI is prone to mistakes and difficult to hold accountable.

In an era where the public has grave concerns on the impact of unchecked technology on youth and communities of color, we do not believe enough scrutiny and skepticism has been applied to this agreement and CBP's proposal. For example, the item contains very little in terms of describing what kinds of data will be collected, how long it will be stored, and what measures will be taken to mitigate the potential threats to privacy and human rights.

In addition, we are concerned that the agreement leaves little room for the Calexico City Council to take action should CBP's tower result in harm. In order for Calexico to cancel the project, the city must give CBP 365 days' notice. In California, a landlord can evict a tenant for a serious violation of a lease in three days, but Calexico would have to wait a full year. Meanwhile CBP only has to give the city 60 days' notice to break the lease.

While we understand that some members of the City Council may believe that this tower is crucial to securing the border, it is important to highlight that Border Patrol (then under the Immigration and Naturalization Service) made the same argument in 2000 and it failed to materialize. In fact, in 2005, the U.S. Department of Homeland Security Office of the Inspector General found that "remote surveillance technology yielded few apprehensions as a percentage of detection, resulted in needless investigations of legitimate activity, and consumed valuable staff time to perform video analysis or investigate sensor alerts."<sup>3</sup> Over the last 20 years, oversight body after oversight body has found these programs ineffective and wasteful.

We urge the Calexico City Council to pause the project until it can ask the following questions, receive responses, and renegotiate accordingly based on the responses:

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<sup>2</sup> U.S. Customs and Border Protection U.S. Border Patrol Program Management Office Directorate (PMD) Industry Day Brief on Technology Needs and Capabilities. January 25, 2024. Online: <https://www.documentcloud.org/documents/24487834-usbp-pmod-industry-day-012524-final>

<sup>3</sup> Department of Homeland Security, Office of the Inspector General. "A Review of Remote Surveillance Technology Along U.S. Land Borders." December 2005. Online: [https://www.documentcloud.org/documents/23314612-oig\\_06-15\\_dec05](https://www.documentcloud.org/documents/23314612-oig_06-15_dec05)

1. What data will this tower collect? Specifically, will it collect biometric data, such as faceprints of residents?
2. How long and where will the data be stored?
3. Who will have access to the data and how will they be held accountable for mistakes or misuse? What kind of audits will occur and who will be responsible for conducting them?
4. Can the tower be relocated closer to the border, alongside the dozens of other RVSS towers that are visible along the fence?
5. Can the AI and cameras be set to never point toward or collect data from Nosotros Park or the neighborhood at Linholm Ave. and Wozencraft St.?

We also recommend that Calexico adjust the least to make the following requirements of CBP:

1. Provide the City Council with a privacy and civil liberties briefing before installing any new technologies on the tower;
2. Provide regular updates on audits of the system for misuse and mistakes, as well as a regular report on the efficacy of the tower, so Councilmembers may make an informed decision when the next renewal comes due; and
3. The ability for Calexico to cancel the contract with a notice period of days or weeks, rather than a full year.

It is crucial that the Calexico City Council begin applying more scrutiny to CBP's surveillance tower proposals. In the coming years, CBP intends to upgrade 45 RVSS towers in the El Centro Sector, and add 66 more, a 150% increase in the region.<sup>4</sup> But for now, we urge you to think again about the Nosotros Park lease: the biggest investment in a public park should be in the community and childhood development, not military-grade surveillance technology.

Sincerely,

Daniela Flores, MPH  
Executive Organizer  
Imperial Valley Equity & Justice Coalition  
e: [dflores@ivequityjustice.org](mailto:dflores@ivequityjustice.org)

Dave Maass  
Director of Investigations  
Electronic Frontier Foundation  
e: [dm@eff.org](mailto:dm@eff.org)

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<sup>4</sup> Electronic Frontier Foundation. "CBP Is Expanding Its Surveillance Tower Program at the U.S.-Mexico Border—And We're Mapping It." March 20, 2023. Online: <https://www.eff.org/deeplinks/2023/03/cbp-expanding-its-surveillance-tower-program-us-mexico-border-and-were-mapping-it>

Calexico Needs Change  
e: [calexiconneedschange@gmail.com](mailto:calexiconneedschange@gmail.com)

Pedro Rios  
Director, US-Mexico Border Program  
American Friends Service Committee  
e: [prios@afsc.org](mailto:prios@afsc.org)

Lilian A. Serrano  
Director  
Southern Border Communities Coalition  
e: [lilian@alliancesd.org](mailto:lilian@alliancesd.org)

CC:  
Councilmember Javier Moreno  
e: [jmoreno@calexico.ca.gov](mailto:jmoreno@calexico.ca.gov)  
Councilmember Camilo Garcia  
e: [cgarcia@calexico.ca.gov](mailto:cgarcia@calexico.ca.gov)  
City Clerk Veronica L. Alvarado  
[cityclerk@calexico.ca.gov](mailto:cityclerk@calexico.ca.gov)